

SCHEDULE 1

TERMS OF SERVICE FOR DENTISTS

PART II

continuing care arrangement, capitation arrangement and treatment on referral

A continuing care arrangement

4.—(1) A dentist who accepts a person for care and treatment under a continuing care arrangement shall—

- (a) at the time at which he accepts the patient, provide him with the information about care and treatment under general dental services which is set out in Schedule 3 and with a form of acceptance supplied by the Health Board, or form to like effect, which shall specify—
 - (i) the name of the patient;
 - (ii) the name of the dentist;
 - (iii) particulars of the places where the patient will receive care and treatment; and
 - (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
- (b) at the time of the first examination of the patient, provide the patient with a plan for treatment on a form supplied by the Health Board, or a form to like effect, which shall specify—
 - (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient;
 - (ii) the approximate period following which a further examination is recommended by the dentist;
 - (iii) his estimate of the NHS charge, if any, in respect of that care and treatment; and
 - (iv) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;
- (c) where at any time during the currency of a continuing care arrangement—
 - (i) the circumstance specified in sub-paragraph (2) apply; or
 - (ii) in the opinion of the dentist, the care and treatment included in the plan for treatment provided under head (b) or this head of this sub-paragraph needs to be varied,provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (b) of this sub-paragraph;
- (d) complete the care and treatment (if any)—
 - (i) which is referred to in head (b)(i) of this sub-paragraph; and
 - (ii) where sub-paragraphs (2)(a) to (c) do not apply, any care and treatment which is in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health;
- (e) provide the patient with emergency cover in accordance with paragraph 6; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) repair or replace in accordance with paragraph 7 any restoration which requires repair or replacement.
- (2) The circumstances in which the obligation mentioned in sub-paragraph (1)(c)(i) applies are where—
 - (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - (c) the care and treatment which is to be provided includes any of the items of treatment mentioned in sub-paragraph (3).
- (3) The items of treatment referred to in sub-paragraph (2)(c) are—
 - (a) non-surgical treatment of chronic periodontal diseases which is likely to involve 3 or more visits;
 - (b) provision of 3 or more permanent fillings;
 - (c) endodontic treatment;
 - (d) provision of a veneer, inlay, pinlay, crown or bridge;
 - (e) all surgical treatment other than the extractions of teeth;
 - (f) the extraction of—
 - (i) more than 2 teeth; or
 - (ii) any tooth which, in the opinion of the dentist, is likely to present special difficulty;
 - (g) provision of general anaesthesia or sedation in connection with any item of treatment;
 - (h) provision of prosthetic appliances; and
 - (i) orthodontic care and treatment.
- (4) Where a dentist accepts the transfer of a continuing care arrangement he shall provide the patient with the information specified in sub-paragraphs (1)(a)(ii) to (iv) and assume the obligations set out in sub-paragraphs (1)(c) to (f).
- (5) Where the dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for completion of that care and treatment.
- (6) Where a dentist accepts a person who is in prison for care and treatment under a continuing care arrangement, he shall at the time at which he accepts the patient examine him.

A capitation arrangement

- 5.—(1) A dentist who accepts a person for care and treatment under a capitation arrangement shall—
- (a) at the time at which he accepts the patient, examine him and chart the patient's decayed, missing or filled teeth on the form supplied by the Health Board, or a form to like effect;
 - (b) at the time of his first examination of the patient, provide the patient with the information about care and treatment under general dental services which is set out in Schedule 3 and with a form of acceptance supplied by the Health Board, or a form to like effect which shall specify—
 - (i) the name of the patient;
 - (ii) the name of the dentist;
 - (iii) particulars of the places where the patient will receive care and treatment; and

- (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
 - (c) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied by the Health Board, or a form to like effect, which shall specify—
 - (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient;
 - (ii) the approximate period following which a further examination is recommended by the dentist; and
 - (iii) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;
 - (d) where at any time during the currency of a capitation arrangement—
 - (i) the circumstances specified in sub-paragraph (2) apply; or
 - (ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (c) or this head of this sub-paragraph needs to be varied;provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (c) of this sub-paragraph;
 - (e) complete the care and treatment (if any)—
 - (i) which is referred to in head (c)(i) of this sub-paragraph; and
 - (ii) where sub-paragraphs (2)(a) to (c) do not apply, any care and treatment which is, in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health; and
 - (f) provide the patient with emergency cover in accordance with paragraph 6.
- (2) The circumstances referred to in sub-paragraph (1)(d)(i) are that—
- (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - (c) the care and treatment which is to be provided includes any care and treatment for which the dentist is remunerated otherwise than in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration.
- (3) Where a dentist accepts the transfer of a capitation arrangement he shall provide the patient with the information specified in sub-paragraph (1)(b)(ii) to (iv) and assume the obligations set out in sub-paragraph (1)(d) to (f).
- (4) Where the dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for completion of that care and treatment.

Emergency cover

6.—(1) Subject to regulation 18 in providing emergency cover under a continuing care arrangement or a capitation arrangement, a dentist shall make reasonable arrangements to secure that a patient requiring prompt care and treatment will receive such care and treatment as soon as appropriate either from himself or from another dentist.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) For the purposes of sub-paragraph (1) a patient requires prompt care and treatment where, in the opinion of a dentist—

- (a) the patient’s oral health is likely to deteriorate significantly without such care and treatment; or
- (b) the patient is in severe pain by reason of his oral condition,

but the provision of emergency cover does not include any obligation to repair or replace dentures.

(3) The obligation to provide emergency cover begins on the date on which the patient and the dentist enter into the continuing care arrangement or the capitation arrangement and ceases when that arrangement lapses or is terminated.

Repair or replacement of restorations

7.—(1) Subject to sub-paragraph (3), in repairing or replacing a restoration in the course of a continuing care arrangement, a dentist shall repair or replace at no charge to the patient any restoration specified in sub-paragraph (2) which he or another dentist, acting on his behalf or from whom the continuing care arrangement was transferred, has provided under general dental services—

- (a) under that continuing care arrangement; or
- (b) under a capitation arrangement with or transferred to the dentist, where on termination of that arrangement the patient has immediately entered into the continuing care arrangement.

(2) The restorations referred to in sub-paragraph (1) are any filling, root filling, inlay, pinlay or crown which, within 12 months of the date on which it was provided, has to be repaired or replaced to secure oral health.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (1) where—

- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment; or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature,

on the tooth in respect of which the restoration was provided;

- (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with paragraph 4(1)(b) or (c) or 5(1)(c) or (d) and on the patient record that;
 - (i) the restoration was intended to be temporary in nature; or
 - (ii) in his opinion, a different form of restoration was more appropriate to secure oral health but, notwithstanding that advice, the patient insisted on the restoration which was provided;
- (c) in the opinion of the dentist the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
- (d) the repair or replacement is required as a result of trauma.

(4) The obligation to repair or replace any restoration under sub-paragraph (1) begins on the date on which the patient and the dentist enter into the continuing care arrangement and ceases when that arrangement lapses or is terminated.

Duration and extension of a continuing care arrangement

8.—(1) Unless extended under sub-paragraph (3), a continuing care arrangement shall lapse after a period of 2 years beginning on—

- (a) the date on which the patient is first accepted by the dentist under the continuing care arrangement; or
- (b) where the arrangement is extended in accordance with sub-paragraph (3), the date on which it is so extended, or is last so extended.

(2) A continuing care arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a continuing care arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the continuing care arrangement is to be provided privately;
 - (iii) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 16.

(3) A continuing care arrangement may be extended, with the agreement of the patient and the dentist, at any time when the dentist is providing care and treatment during the currency of the continuing care arrangement.

(4) Where a continuing care arrangement is extended, the dentist shall assume the obligations set out in paragraph 4(1)(c) to (f).

Duration and extension of a capitation arrangement

9.—(1) Unless extended under sub-paragraph (3), a capitation arrangement shall lapse at the end of 31st December in the year following that in which—

- (a) the patient is first accepted by the dentist under the capitation arrangement; or
- (b) the arrangement is extended in accordance with sub-paragraph (3), or is last so extended.

(2) A capitation arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a capitation arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the capitation arrangement is to be provided privately;
 - (iii) the patient attains the age of 18; or
 - (iv) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 16.

(3) A capitation arrangement may be extended, with the agreement of the patient and the dentist, at any time during the currency of the capitation arrangement before the patient attains the age of 18, but the arrangement may not be extended more than once in the same calendar year.

(4) Where a capitation arrangement is extended, the dentist—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) shall at the time examine the patient and assume the obligations set out in paragraph 5(1) (d) to (f); and
- (b) shall—
 - (i) provide details of the care and treatment provided to the patient under the capitation arrangement; and
 - (ii) chart the patient's decayed, missing or filled teeth,on a form supplied by the Health Board, or a form to like effect, and send it to the Board.

Lapse of a continuing care arrangement or a capitation arrangement

10. Where a dentist does not agree to the extension of a continuing care arrangement or a capitation arrangement (under paragraph 8 or 9), he shall—

- (a) give notice to the patient not later than 3 months, or such shorter period as may be reasonable in the circumstances, before the date on which the arrangement is due to lapse; and
- (b) use his best endeavours to complete satisfactorily before that date any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

Termination of a continuing care arrangement or a capitation arrangement

11.—(1) Subject to sub-paragraph (4), a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.

(2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

(3) Where a dentist gives notice under sub-paragraph (1), he shall notify the Health Board accordingly and give details to the Health Board of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(4) Where a dentist wishes a continuing care arrangement or a capitation arrangement to be terminated on less than 3 month's notice, he shall apply in writing to the Health Board—

- (a) asking that it terminate the arrangement;
- (b) setting out the reasons why he wishes the arrangement to be terminated; and
- (c) giving details of any care and treatment which the dentist has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(5) Where a dentist applies to the Health Board under sub-paragraph (4), the Health Board may, after considering any representations made by the patient, terminate the arrangement on such date and on such terms as to completion of any outstanding care and treatment mentioned in sub-paragraph (4)(c) as it thinks fit, save that, where an arrangement is terminated because the patient has refused to pay the NHS charge, the dentist shall not be obliged to complete that care and treatment.

(6) A Health Board which terminates an arrangement under sub-paragraph (5) shall so inform the patient, the dentist and the Board in writing.

Referral to another dentist or to a hospital or other service

12.—(1) Where a patient requires particular care and treatment under a continuing care arrangement or a capitation arrangement and the dentist with whom the patient has made the arrangement does not have the necessary facilities, experience or expertise to provide that care and treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that care and treatment by another dentist under general dental services or by a hospital or other service provided under Part III of the Act.

(2) In referring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that care and treatment, the dentist shall—

- (a) give details of—
 - (i) the oral condition of the patient and the reason for the referral; and
 - (ii) if relevant to the referral, details of the care and treatment he has provided or intends to provide in order to secure and maintain the patient's oral health,to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;
- (b) include with those details a statement of the amount paid to him by the patient under the National Health Service (Dental Charges) (Scotland) Regulations 1989(1) in respect of any care and treatment already provided in the course of the care and treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of care and treatment that the patient has been referred for the required care and treatment.

Treatment on referral

13.—(1) Subject to sub-paragraph (5), a dentist who accepts a patient referred to him by another dentist who is providing dental services to that patient (whether or not pursuant to the Act) otherwise than under Part III of this Schedule for particular care and treatment shall—

- (a) at the time at which he accepts the patient, provide him with a form of acceptance supplied by the Health Board, or a form to like effect, which shall specify—
 - (i) the name of the patient;
 - (ii) the name of the dentist;
 - (iii) particulars of the places where the patient will receive care and treatment; and
 - (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
- (b) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied by the Health Board, or a form to like effect, which shall specify—
 - (i) details of the care and treatment which, in the opinion of the dentist, at the date of that examination, is necessary for him to provide having regard to the reason for the referral;
 - (ii) his estimate of the NHS charge, if any, in respect of that care and treatment;
 - (iii) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;

(1) S.I. 1989/363 amended by S.I. 1990/1722, 1991/569, 1992/458, 1993/523, 1994/636 and 1995/703.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) where, in the opinion of the dentist, the care and treatment included in the plan for treatment provided under head (b) of this sub-paragraph needs to be varied, provide the patient with a revised plan for treatment in accordance (except as to the time of its provision) with head (b) of this sub-paragraph;
- (d) complete the care and treatment, which is referred to in head (b)(i) of this sub-paragraph;
- (e) until such time as the treatment on referral has been completed, provide the patient with emergency cover in accordance with paragraph 6(1) and (2), but only to the extent that the patient requires prompt care and treatment in relation to the particular care and treatment for which he has been referred; and
- (f) repair or replace in accordance with sub-paragraph (2) any restoration which requires repair or replacement.

(2) Subject to sub-paragraphs (3) and (4), in repairing or replacing a restoration in the course of treatment on referral, a dentist shall repair or replace at no charge to the patient any of the following restorations, namely, filling, root filling, inlay, pinlay or crown which has to be repaired or replaced and which was provided by him in the course of the treatment on referral.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (2) where—

- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment; or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature,
on the tooth in respect of which the restoration was provided;
- (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with sub-paragraph (1)(b) or (c) and on the patient record that—
 - (i) the restoration was intended to be temporary in nature; or
 - (ii) in his opinion, a different form of restoration was more appropriate but, notwithstanding that advice, the patient insisted on the restoration which was provided;
- (c) in the opinion of the dentist, the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
- (d) the repair or replacement is required as a result of trauma.

(4) The obligation to repair or replace any restoration under sub-paragraph (2) shall cease 12 months after the date on which the restoration was provided or when the treatment on referral has been completed, whichever is the sooner.

(5) Sub-paragraph (1) shall not apply where the dentist refers a patient for examination and advice only.

Inability of dentist to complete care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral

14. If, owing to any cause beyond his control, the dentist is unable to complete any care and treatment which has been commenced under a continuing care arrangement or a capitation arrangement or treatment on referral, he shall forthwith notify the Board in writing of the extent of the care and treatment or treatment on referral provided and of the reason for his inability to complete the remainder.

Care and treatment summaries

15. Where a patient who has been receiving care and treatment under a continuing care arrangement or a capitation arrangement requests the dentist to provide him with a summary of the care and treatment he has received from the dentist under that arrangement because he intends to enter into such an arrangement with another dentist, the dentist shall provide such a summary as he considers appropriate (including details of any care and treatment which could not be easily observed on a visual examination), to the patient on a form supplied by the Health Board, or a form to like effect, within 28 days of the request.

Mixing of general dental services and private care and treatment

16.—(1) Subject to sub-paragraph (3), a dentist may, with the consent of the patient, provide privately any part of the care and treatment—

- (a) necessary under a continuing care arrangement or a capitation arrangement to secure and maintain the oral health of a patient; or
- (b) to be provided as part of treatment on referral.

(2) A dentist shall not, with a view to obtaining the agreement of a patient to undergo care and treatment privately—

- (a) advise a patient that the care and treatment which is necessary in his case—
 - (i) under the continuing care agreement or capitation arrangement to secure and maintain oral health; or
 - (ii) having regard to the reason given for referral, is not available from that dentist under general dental services; or
- (b) seek to mislead the patient about the quality of care and treatment available under general dental services.

(3) Sub-paragraph (1) shall not apply—

- (a) where the treatment necessary to secure oral health relates to a single tooth, in which case the treatment shall be provided wholly under general dental services or wholly privately; and
- (b) in respect of orthodontic care and treatment in which case—
 - (i) the assessment, diagnosis and planning of treatment in connection with the orthodontic care and treatment shall be provided wholly under general dental services or wholly privately; and
 - (ii) the orthodontic treatment shall be provided wholly under general dental services or wholly privately.