
STATUTORY INSTRUMENTS

2005 No. 3435

The General Dental Services and Personal Dental Services Transitional Provisions Order 2005

PART 3

PERSONAL DENTAL SERVICES

CHAPTER 2

Agreements: Required Terms

Number of units of dental activity

22.—(1) The number of units of dental activity to be provided by the contractor under a personal dental services agreement entered into under Chapter 1 shall be determined in accordance with—

- (a) paragraphs (5) to (7) in the case of entitlement to a personal dental services agreement under article 14; or
- (b) paragraphs (2) to (8) in the case of entitlement to a personal dental services agreement under article 15.

(2) The Primary Care Trust shall, by—

- (a) analysing the data it holds in respect of the care and treatment provided under section 35 arrangements during the year 1st October 2004 to 30th September 2005 by the person or persons with whom the agreement is to be entered into;
- (b) categorising that care and treatment in accordance with Schedules 1 to 4 of the NHS Charges Regulations, and the principles set out in regulation 4(2) to (5) of those Regulations; and
- (c) reference to the conversion criteria to units of dental activity specified in Part 1 of Schedule 2 to the GDS Contracts Regulations,

calculate how many units of dental activity is the equivalent to the care and treatment provided by that person or persons during the year 1st October 2004 to 30th September 2005.

(3) For the purposes of analysing the data in cases where a patient was accepted for care and treatment under a capitation arrangement, the Primary Care Trust shall make an assumption that two clinical examinations have taken place during the year 1st October 2004 to 30th September 2005.

(4) The Primary Care Trust shall reduce the number of units of dental activity calculated in accordance with paragraphs (2) and (3) by 5 per cent in order to determine how many units of dental activity the contractor will provide in each financial year.

(5) Where—

- (a) data does not exist for the period specified in paragraph (2)(a); or
- (b) data does exist, but it is appropriate to adjust the data,

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the contractor and the Primary Care Trust shall agree the number of units of dental activity to be provided.

(6) Where the contractor and the Primary Care Trust cannot agree the number of units of dental activity as provided for in paragraph (5), the personal dental services agreement shall state this to be the case, and shall specify a number of units of dental activity which is determined by the Primary Care Trust.

(7) In determining the number of units of dental activity to be specified under paragraph (6), the Primary Care Trust shall have regard to any data it holds regarding the amount of care and treatment provided under section 35 arrangements or, as the case may be, the pilot scheme agreement, by the person or persons with whom the personal dental services agreement is to be entered into in the period since 1st October 2004.

(8) Nothing in paragraphs (2) to (4) shall prevent the contracting parties agreeing that the contractor shall provide a number of units of dental activity that is higher or lower than the number calculated in accordance with those paragraphs.