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WELSH STATUTORY INSTRUMENTS

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**2002 No. 2802**

The National Health Service (General Medical Services Supplementary List) (Wales) (Amendment), the National Health Service (General Medical Services) (Amendment) (Wales) (No. 3), the National Health Service (General Dental Services) (Amendment) (Wales) (No. 3) and the National Health Service (General Ophthalmic Services) (Amendment) (Wales) (No. 2) Regulations 2002

**Amendment of the GDS Regulations**

7.—(1) In Regulation 2(1) (interpretation), delete paragraph (b) of the definition of “suspended” and substitute the following—

“(b) suspended by the Tribunal.”.

(2) In regulation 5, for paragraph (3ZA)

“(3ZA) The Health Authority must, before determining an application, check so far as practicable—

(a) the information provided by the dentist in accordance with paragraphs 5B, 11A and 14 of Schedule 2, and

(b) with the National Health Service Counter Fraud Service whether the dentist has any record of a fraud case.”;

(3) In regulation 5(4), for “the date of receipt of the application” substitute “the date of the Health Authority receiving all the information mentioned in paragraph (2)”;

(4) In regulation 5 after paragraph (4) add—

“(5) Where a Health Authority proposes to include a dentist on a list subject to conditions imposed under regulation 5ZD, the name of the dentist may be included on the list during the period for bringing an appeal to the FHSAA pursuant to that regulation, or if an appeal is brought, until such time as that appeal is decided, provided the dentist agrees to be bound by the condition imposed until the time for appeal has expired or the dentist’s appeal is decided.”.

(5) In Regulation 5ZA(1), delete sub-paragraph (c) and substitute the following—

“(c) that having contacted referees, they are not satisfied with the references given in accordance with paragraph 11A of Schedule 2;”;

(6) In Regulation 5ZB, delete paragraph (2) and substitute the following—

“(2) A Health Authority may only defer consideration under paragraph (1) above until the outcome of the relevant events mentioned in sub-paragraphs (a) (b) (d) (e) or (f) is known or whilst the dentist is suspended under sub-paragraph (c).”.

(7) In Regulation 8B(4), delete sub-paragraphs (a), (b) and (c) and substitute the following—

- “(a) the nature of any fraud case;
  - (b) the length of time since any incident of fraud occurred, and since any investigation into that incident of fraud was concluded;
  - (c) whether there are other fraud cases or other criminal offences to be considered;”.
- (8) Delete regulation 8D(1) and substitute the following—
- “**8D.**—(1) Where a Health Authority—
- (a) refuse to include a dentist under Regulation 5ZA;
  - (b) remove a dentist under section 49F of the Act;
  - (c) continually remove a dentist under section 49G of the Act; or
  - (d) suspend a dentist under section 49I or 49J of the Act,
- they shall notify the persons or bodies listed in paragraph (2), and shall additionally notify those specified in paragraph (3) if so requested by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4).”.
- (9) Delete regulation 8H(4) and renumber regulation 8H(5) as regulation 8H(4).
- (10) In regulation 10, paragraph (2A)(c) shall be amended by deleting the words “who has been suspended under section 49I(1)(a) of the Act,” the second time they appear.
- (11) In Schedule 1, delete paragraph 31H(1) (a) and substitute the following—
- “**31H.**—(1) a dentist shall by 31st October 2002 supply in writing information to the Health Authority as to whether the dentist—
- (a) has any criminal convictions in the United Kingdom;”.