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WELSH STATUTORY INSTRUMENTS

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**2017 No. 202**

**The Private Dentistry (Wales) Regulations 2017**

**PART 3**

**Conduct of Private Dental Practice**

**CHAPTER 4**

**Notices to be Given to the Registration Authority**

**Notification of events**

**25.**—(1) The registered person must give notice to the appropriate office of the registration authority, as soon as it is practicable to do so, of—

- (a) the death of, or any serious injury to, a patient—
  - (i) during treatment provided in or for the purposes of the private dental practice;
  - (ii) as a consequence of treatment provided in the private dental practice; or
  - (iii) otherwise on the premises of the private dental practice;
- (b) the outbreak of any infectious disease which in the opinion of any dentist or dental care professional working in the practice is sufficiently serious to be so notified; or
- (c) any allegation of misconduct resulting in actual or potential harm to a patient by the registered person or any person employed in or for the purposes of the private dental practice.

(2) In the case of the death of a patient, the registered person must also notify the registration authority of the date, time, cause (where known) and circumstances of the patient's death.

(3) The registered person must keep a secure written record of all events listed in sub-paragraphs (a) to (c) of paragraph (1).

**Notice of temporary absence of registered person**

**26.**—(1) Where—

- (a) a registered provider who manages the private dental practice; or
- (b) a registered manager,

proposes to be absent from the private dental practice for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the registration authority.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the registration authority and the notice must specify with respect to the absence—

- (a) its length or expected length;
- (b) the reason for it;

- (c) the arrangements which have been made for running the private dental practice;
- (d) the name, address and qualifications of the person who will be responsible for the private dental practice during that absence; and
- (e) the arrangements that have been or are proposed to be made for appointing another person to manage the private dental practice during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of the emergency's occurrence, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) a registered provider who manages the private dental practice; or
- (b) a registered manager,

has been absent from the private dental practice for a continuous period of 90 days or more, and the appropriate office of the registration authority has not been given notice of the absence, the registered person must give notice in writing to that office, as soon as it is practicable to do so, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must notify the appropriate office of the registration authority of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of that person's return to work.

### **Notice of changes**

**27.—**(1) The registered person must give notice in writing to the appropriate office of the registration authority, as soon as it is practicable to do so, if any of the following events take place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the private dental practice;
- (b) a person ceases to carry on or manage the private dental practice;
- (c) where the registered person is an individual, that individual changes their name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (f) the responsible individual changes their name;
- (g) there is any change in the identity of the responsible individual;
- (h) where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors;
- (i) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (j) the premises used to carry on the private dental practice are significantly altered or extended, or additional premises are acquired which are intended to be used for the purposes of the practice.

### **Notification of offences**

**28.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, the person convicted must immediately give notice in writing to the appropriate office of the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which the person was convicted; and
- (c) the penalty imposed on the person in respect of the offence.

### **Appointment of liquidators etc.**

**29.**—(1) Any person to whom paragraph (2) applies must—

- (a) give notice in writing to the appropriate office of the registration authority of the person's appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the private dental practice in any case where the duty under regulation 10(1) is not being met; and
- (c) before the end of the period of 28 days beginning on the date of the person's appointment, notify the appropriate office of the registration authority of the person's intentions regarding the future operation of the private dental practice to which the appointment relates.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of an organisation which is a registered provider of a private dental practice;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of a private dental practice;
- (c) the trustee in bankruptcy of a registered provider of a private dental practice.

### **Death of a registered person**

**30.**—(1) If more than one person is registered in respect of a private dental practice, and a registered person dies, any surviving registered person must give notice of the death in writing to the appropriate office of the registration authority, as soon as it is practicable to do so.

(2) If only one person is registered in respect of a private dental practice, and the person dies, the person's personal representatives must—

- (a) give notice of the death in writing to the appropriate office of the registration authority, as soon as it is practicable to do so; and
- (b) give notice to that authority of their intentions regarding the future running of the private dental practice, within 28 days of the death.

(3) The personal representatives of the deceased registered provider may carry on the private dental practice without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined by the registration authority in accordance with paragraph (4).

(4) The registration authority may extend the period specified in paragraph (3)(a) by such further period, not exceeding six months, as the registration authority may determine, and must notify any such determination to the personal representatives in writing.

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(5) The personal representatives must appoint a manager to take full-time day to day charge of the private dental practice during any period in which, in accordance with paragraph (3), they carry on the private dental practice without being registered in respect of it.

(6) The provisions of regulation 11 apply to a manager appointed in accordance with paragraph (5).

(7) Where the registration authority receives an application for registration as provider in respect of the private dental practice referred to in paragraph (1), the six months referred to in paragraph (4) may be extended by a period not exceeding six months as the registration authority may determine.