

OFFERYNNAU STATUDOL CYMRU

2001 Rhif 2133 (Cy. 148)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) (Diwygio) (Cymru) 2001

Wedi'u gwneud - - *5 Mehefin 2001*
Yn dod i rym - - *12 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 15(1), 35(1), 36(1) a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. –

(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) (Diwygio) (Cymru) 2001 a deuant i rym ar 12 Gorffennaf 2001.

(2) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992

2. Caiff Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992 (“y prif Rheoliadau”)(2) eu diwygio yn unol â'r darpariaethau canlynol yn y Rheoliadau hyn.

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- (1) [1977 p.49](#); gweler adran 128(1), fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 ([p.19](#)) (“Deddf 1990”), adran 26(2)(g) ac (i) ar gyfer y diffiniadau o “prescribed” a “regulations”. Diwygiwyd adran 15(1) gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 ([p.48](#)) (“Deddf 1984”), adran 5(2); gan Ddeddf 1990, adran 12(1) a chan Ddeddf Awdurdodau Iechyd 1995 ([p.17](#)) (“Deddf 1995”), adran 2(1) ac Atodlen 1, paragraff 6(e). Amnewidiwyd adran 35(1) gan [O.S. 1985/39](#), erthygl 7(9), ac fe'i diwygiwyd gan Ddeddf 1995, Atodlen 1, paragraff 24. Rhifwyd adran 36(1) felly gan Ddeddf 1984, Atodlen 3, paragraff 5(1) ac fe'i diwygiwyd gan [O.S. 1981/432](#), erthygl 3(3) (a); gan [O.S. 1985/39](#), erthygl 7(10); gan adran 25 o Ddeddf Iechyd a Meddyginiaethau 1988 ([p.49](#)) ac Atodlen 2, paragraff 4 iddi; gan Ddeddf 1990, adran 24(2) a chan Ddeddf 1995, adran 2(1) ac Atodlen 1, paragraff 25(a). Mewnosodwyd adran 36(3) gan Ddeddf 1990, adran 24(3). Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2); a chan Ddeddf Iechyd 1999 ([p.8](#)) (“Deddf 1999”), Atodlen 4, paragraff 37(6). Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 15(1), 35(1), 36(1) a (3) a 126(4) o Ddeddf 1977 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, [O.S. 1999/672](#), erthygl 2 ac Atodlen 1, fel y'u diwygiwyd gan adran 66(5) o Ddeddf 1999.
- (2) [O.S.1992/661](#); yr offerynnau diwygio perthnasol yw [O.S.1993/2209](#) a [3172](#), [1995/3092](#), [1998/1648](#) a [2000/3118](#).

Diwygio rheoliad 2 o'r prif Reoliadau

3. Yn rheoliad 2(1) o'r prif Reoliadau (dehongli), mewnosodwch y diffiniadau canlynol yn y manau priodol yn nhrefn yr wyddor—

““dental list” shall be construed in accordance with regulation 4(1);

“general anaesthesia list” shall be construed in accordance with regulation 5D;”.

Diwygio rheoliad 4 o'r prif Reoliadau

4. Yn rheoliad 4 o'r prif Reoliadau (rhestr ddeintyddol)—

(a) dilëwch “and” ar ddiwedd paragraff 2(b)(ii); a

(b) ar ddiwedd paragraff 2(b)(iii) dilëwch “.” ac ychwanegwch
“; and

(iv) whether the dentist’s name is on the general anaesthesia list.”.

Diwygio rheoliad 5 o'r prif Reoliadau

5. Yn rheoliad 5 o'r prif Reoliadau (gwneud cais am gael eich cynnwys yn y rhestr ddeintyddol)—

(a) yn lle “FHSA” ym mhob man lle gwelir y byrfodd hwnnw rhwch y geiriau “Health Authority”;

(b) ar ôl paragraff (2) mewnosodwch—

“(2A) Where a Health Authority, following its inspection of the proposed practice premises, determines in accordance with paragraph (2) that a dentist’s name should be included in the dental list because it has determined that the practice premises are proper and sufficient for the provision of general dental services, it shall –

(a) forthwith give notice in writing of its determination to the dentist; and

(b) add the dentist’s name to its dental list.

(2B) Where the Health Authority, following its inspection of the proposed premises, determines in accordance with paragraph (2) that a dentist’s name should not be included in the dental list because the practice premises are not proper and sufficient for the provision of general dental services, it shall –

(a) forthwith give notice in writing of its determination to the dentist; and

(b) include with the notice a statement of its reasons for the determination and a statement that the dentist may, within 28 days following the day he received notice of the determination, appeal in writing to the National Assembly for Wales against it.

(2C) Where a dentist appeals in accordance with paragraph (2B), the National Assembly for Wales shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of the dentist’s notice of appeal, or such longer period as may be mutually agreed.

(2D) The inspection shall be carried out by a person nominated by the National Assembly for Wales in the presence of the dentist and a representative of the Health Authority.

(2E) The National Assembly for Wales shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of general dental services.

(2F) Where the National Assembly for Wales determines, in accordance with paragraphs (2C) to (2E), that the proposed practice premises are proper and sufficient for

the provision of general dental services, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination and the Health Authority shall, on receiving such notification, include the dentist's name in the dental list forthwith.

(2G) Where the National Assembly for Wales determines, in accordance with paragraphs (2C) to (2E), that the proposed practice premises are not proper and sufficient for the provision of general dental services, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination.”.

Rhestr anaesthesia gyffredinol

6. Ar ôl rheoliad 5C mewnosodwch—

“General anaesthesia list

5D.—(1) The Health Authority shall draw up and maintain a list (in these Regulations referred to as the “general anaesthesia list”) of the names of those dentists who provide any treatment to patients under general anaesthesia and a dentist's name may only be included in a Health Authority's general anaesthesia list if his name is included in that Health Authority's dental list.

(2) The general anaesthesia list shall, in addition to containing the name of a dentist, contain the addresses of all the practice premises at which the said dentist provides treatment to patients under general anaesthesia.

(3) A dentist whose name is included in a Health Authority's general anaesthesia list may only provide treatment under general anaesthesia at premises which are specified against his name in the list.

(4) Any dentist whose name is, on 12th July 2001, on a Health Authority's dental list shall have his name included in that Health Authority's general anaesthesia list if he notifies the Health Authority in writing within 14 days of that date of his wish for his name to be included in that list.

(5) Where paragraph (4) does not apply, a dentist may apply to a Health Authority for the inclusion of his name in the general anaesthesia list by writing to the Health Authority specifying the premises at which he intends to perform treatment on patients under general anaesthesia.

(6) Where a dentist makes an application in accordance with paragraph (5) the Health Authority shall inspect the dentist's practice premises to determine whether the practice premises are proper and sufficient for the provision of treatment under general anaesthesia and, unless the dentist otherwise agrees, the Health Authority shall determine the application within 14 days of such inspection.

(7) Where the Health Authority determines in accordance with paragraph (6) that the practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall—

- (a) forthwith give notice in writing of its determination to the dentist; and
- (b) add the dentist's name to its general anaesthesia list.

(8) Where the Health Authority determines in accordance with paragraph (6) that a dentist's name should not be included in its general anaesthesia list because the practice premises are not proper and sufficient for the provision of treatment under general anaesthesia, it shall—

- (a) give notice in writing of its determination to the dentist; and
- (b) include with the notice a statement of its reasons for the determination and a statement that the dentist may, within 28 days following the day he received notice of the determination, appeal in writing to the National Assembly for Wales against it.

(9) Where the dentist appeals in accordance with paragraph (8), the National Assembly for Wales shall make arrangements with the dentist to carry out an inspection of the practice premises within 28 days following its receipt of the dentist's notice of appeal, or such longer period as may be mutually agreed.

(10) The inspection shall be carried out by a person nominated by the National Assembly for Wales in the presence of the dentist and a representative of the Health Authority.

(11) The National Assembly for Wales shall, following the inspection, determine whether the practice premises are proper and sufficient for the provision of treatment under general anaesthesia.

(12) Where the National Assembly for Wales determines, in accordance with paragraphs (9) to (11), that the practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination and the Health Authority shall, on receiving such notification, add the dentist's name to its general anaesthesia list forthwith.

(13) Where the National Assembly for Wales determines, in accordance with paragraphs (9) to (11), that the practice premises are not proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination.

(14) A dentist may apply for his name to be removed from the general anaesthesia list by notifying the Health Authority of his wish in writing.

(15) A dentist's name shall be removed from the general anaesthesia list forthwith if his name is removed for any reason from the Health Authority's dental list.

Removal from or amendment of the general anaesthesia list

5E.—(1) Where, following an inspection under paragraph 33A(6) of Schedule 1, the Health Authority determines that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the dentist and shall include with the notice a statement of the reasons for its determination and a statement that the dentist may, within 28 days following the day he received notice of such determination, appeal to the National Assembly for Wales against it.

(2) In a case falling within paragraph (1) the Health Authority shall ascertain by making enquiries of the National Assembly for Wales, whether the dentist has appealed in accordance with paragraph (1) and, where he has not done so, shall, subject to paragraph (8), remove his name from the general anaesthesia list forthwith.

(3) Where a dentist appeals in accordance with paragraph (1), the National Assembly for Wales shall make arrangements with the dentist to carry out an inspection of the practice premises within 28 days following receipt of the dentist's notice of appeal, or such longer period as may be mutually agreed.

(4) The inspection shall be carried out by a person nominated by the National Assembly for Wales in the presence of the dentist and a representative of the Health Authority.

(5) The National Assembly for Wales shall, following an inspection, determine whether the practice premises continue to be proper and sufficient for the provision of treatment under general anaesthesia.

(6) Where the National Assembly for Wales determines, in accordance with paragraphs (3) to (5), that the practice premises continue to be proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination.

(7) Where the National Assembly for Wales determines, in accordance with paragraphs (3) to (5) that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its decision and the Health Authority shall, on receiving such notification, but subject to paragraph (8), remove the dentist's name from its general anaesthesia list forthwith.

(8) Where a case falls within paragraphs (2) or (7) but the dentist provides treatment to patients under general anaesthesia at more than one set of practice premises, the address of the practice premises in question shall be erased from the general anaesthesia list but the dentist's name shall continue to be included in the list unless all of the practice premises at which he provides such treatment are no longer proper and sufficient for the provision of treatment under general anaesthesia.”.

Diwygio Atodlen 1 i'r prif Reoliadau

7. –

(1) Mae Atodlen 1 i'r prif Reoliadau (amodau gwaith deintyddion) yn cael ei diwygio fel a ganlyn.

(2) Ym mharagraff 16 (cymysgu gwasanaethau deintyddol a gofal a thriniaeth breifat)–

(a) ar ddiwedd is-baragraff (3)(a) dilëwch “and”; a

(b) ar ôl is-baragraff (3)(b) dilewch “.” ac ychwanegwch –

“or;

(c) where the treatment involves the administration of general anaesthesia, in which case the treatment shall be provided wholly under general dental services or wholly privately.”.

(3) Ym mharagraff 21 (anaesthesia gyffredinol a thawelyddu)–

(a) yn is-baragraff (1) yn lle “Where a dentist”, rhowch “Subject to his name being included in the Health Authority's general anaesthesia list, where a dentist”;

(b) yn is-baragraff (1)(a) yn lle “a doctor or other dentist experienced in the administration of general anaesthesia” rhowch “an appropriately qualified doctor”; ac

(c) ar ôl is-baragraff (3) ychwanegwch–

“(4) In this paragraph “an appropriately qualified doctor” means a doctor who is–

(a) on the specialist register of the General Medical Council as an anaesthetist; or

(b) working under supervision as part of a Royal College of Anaesthetists' approved training programme; or

(c) an anaesthetist, other than a consultant anaesthetist employed by a health service hospital, under the supervision of a named consultant anaesthetist employed by the anaesthetic department of the same health service hospital.”.

(4) Ym mharagraff 27A (llenwi ffurflenni hawlio)–

- (a) ar ddiwedd is-baragraff (1)(b), dilëwch “,” ac ychwanegwch—
“; or
(c) entitlement to a free clinical examination and any report on that examination under regulation 3(2)(f) of the National Health Service (Dental Charges) Regulations 1989,”⁽³⁾
- (5) Ar ôl paragraff 33 (adeiladau etc) mewnosodwch—

“Premises: general anaesthesia

33A.—(1) A dentist whose name has been included in the general anaesthesia list shall notify the Health Authority of any change of address of his practice premises, and inform the Health Authority whether he wishes to perform treatment under general anaesthesia at his new practice premises.

(2) Where the dentist informs the Health Authority that he does not wish to perform treatment under general anaesthesia at his new practice premises, the Health Authority shall remove the dentist’s name from its general anaesthesia list forthwith.

(3) Where the dentist informs the Health Authority that he wishes to perform treatment under general anaesthesia at his new practice premises, he shall apply to the Health Authority in writing to continue to be included in its general anaesthesia list.

(4) The provisions of paragraphs (6) to (13) of regulation 5D shall be applied to an application under paragraph (3) as if it were an application for inclusion in the general anaesthesia list.

(5) The dentist shall not provide treatment under general anaesthesia at his new practice premises unless his application or, in the case of an appeal, his appeal is determined in his favour.

(6) A dentist whose name is included in the general anaesthesia list shall, at any time during the hours which his practice premises are usually open for the provision of general dental services, admit a dental officer or a person authorised by the Health Authority for the purpose of inspecting any of his practices premises at which treatment under general anaesthesia is or may be provided, whether or not notice has been given.”.

(6) Ym mharagraff 40 (anestheteg gyffredinol), yn lle “a doctor or another dentist”, rhowch “an appropriately qualified doctor”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan Adran 66(1) o Ddeddf Llywodraeth Cymru 1998⁽⁴⁾ 5 Mehefin 2001

D. Elis Thomas
Llywydd Cynulliad Cenedlaethol Cymru

⁽³⁾ O.S.1989/394, fel y'i diwygiwyd gan O.S. 1991/581, 1992/369, 1993/419, 1994/530, 1995/444, 1996/389, 1997/558, 1998/490 a 2221, 1999/544, 2000/977 (Cy.47) a 2001/1359 (Cy.87)

⁽⁴⁾ 1998 p.38

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio ymhellach ar Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992 (O.S. 1992/661) ("y prif Reoliadau") sy'n rheoli ar ba delerau y mae gwasanaethau deintyddol cyffredinol yn cael eu darparu o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977.

Maer rheoliad 6 yn darparu ar gyfer sefydlu rhestr o'r deintyddion hynny sy'n rhoi triniaeth i gleifion o dan anesthesia gyffredinol fel rhan o wasanaethau deintyddol cyffredinol. Mae hyn yn cynnwys hawl i apelio at Gynulliad Cenedlaethol Cymru os gwrthodir cynnwys deintydd mewn rhestr anesthesia gyffredinol am fod Awdurdod Iechyd wedi penderfynu nad yw ei adeiladau'n briodol ac yn ddigonol ar gyfer darparu triniaeth ddeintyddol o dan anesthesia gyffredinol.

Mae rheoliad 5 yn cyflwyno hawl debyg i ddeintydd y gwrthodwyd cynnwys ei enw mewn rhestr ddeintyddol am fod Awdurdod Iechyd wedi penderfynu nad yw ei adeiladau'n briodol ac yn ddigonol ar gyfer darparu gwasanaethau deintyddol cyffredinol apelio at Gynulliad Cenedlaethol Cymru.

Mae rheoliad 7 yn diwygio Atodlen 1 i'r prif Reoliadau sy'n nodi amodau gwaith deintyddion sy'n cael eu cyflogi yn y Gwasanaeth Iechyd Gwladol. Mae'r diwygiad yn darparu na all triniaeth gael ei darparu o dan anesthesia gyffredinol oni bai bod y deintydd ar restr anesthesia gyffredinol yr Awdurdod Iechyd, na all anesthesia gyffredinol fod yn rhan o driniaeth sy'n cymysgu gwasanaethau deintyddol cyffredinol a deintyddiaeth breifat, a bod rhaid i ddeintyddion ar y rhestr anesthesia gyffredinol ganiat 225 u i'w hadeiladau gael eu harchwilio. Mae hefyd yn gosod categorïau newydd o'r rhai y caniateir iddynt roi anesthesia gyffredinol at ddibenion gwasanaethau deintyddol cyffredinol yn lle'r hen gategorïau.

Mae rheoliad 7 hefyd yn diwygio'r amodau gwaith yn Atodlen 1 fel ei bod yn ofynnol i ddeintydd ofyn am gael gweld tystiolaeth i ategu hawliad bod gan glaf hawl i gael archwiliad deintyddol am ddim neu unrhyw adroddiad ar archwiliad o'r fath.