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STATUTORY RULES OF NORTHERN IRELAND

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**1993 No. 326**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**General Dental Services Regulations (Northern Ireland) 1993**

*Made* - - - - *22nd July 1993*  
*Coming into operation* *1st September 1993*

The Department of Health and Social Services, in exercise of the powers set out in Schedule 1 and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the Dental and Pharmaceutical professions as required by Articles 61(4) and 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(1), hereby makes the following regulations:

**PART I**  
**GENERAL**

**Citation and commencement**

1. These regulations may be cited as the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 and shall come into operation on 1st September 1993.

**Interpretation**

2. In these regulations—

“the Agency” means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

“assistant” means any dentist employed either whole-time or part-time under a contract of service by another dentist for the purpose of providing general dental services on behalf of that other dentist;

“associateship agreement” means an agreement between dentists practising as principals—

(a) to which there are two parties, not being partners of each other, and

(b) whereby one party is liable to provide, for financial consideration, the use of some or all premises and of some or all facilities for the provision of general dental services by the other party;

“Board” means a Health and Social Services Board;

“capitation arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 5 of Schedule 2;

“care and treatment” means—

(a) all proper and necessary care which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment and preventive care, and

(b) treatment;

“charge” means the charge, authorised under the Dental Charges Regulations to the patient within the meaning of those regulations;

“Committee” means the Dental Committee constituted under regulation 30;

“continuing care arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 2;

“the Dental Charges Regulations” means the Health and Personal Social Services Dental Charges Regulations (Northern Ireland) 1989(2);

“dental payment claim form” means a form provided by the Agency on which a dentist may claim payment for treatment provided;

“dental officer” means a dentist in the employment of the Agency;

“dental surgery” means any part of the practice premises where care and treatment is provided;

“dentist” means a registered dental practitioner;

“the Dentists Act” means the Dentists Act 1984(3);

“deputy” means a dentist acting on behalf of another dentist, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

“doctor” means a registered medical practitioner;

“Drug Tariff” means the statement prepared by the Department under regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(4);

“an emergency” means the circumstances set out in paragraph 6(2) of Schedule 2 in which a patient requires prompt care and treatment;

“emergency dental services” means treatment which is provided pursuant to arrangements made under regulation 14;

“estimate” means a form supplied by the Agency, completed by the dentist and submitted to the Agency in accordance with paragraph 26 of Schedule 2 for the purpose of obtaining prior approval under that paragraph;

“health premises” means any facility made available by a Board for the provision of general dental services;

“listed drugs” means such drugs and medicines as are included in a list for the time being approved by the Department for the purposes of Article 63 of the Order(5);

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(2) S.R. 1989 No. 111

(3) 1984 c. 24

(4) S.R. & O. (N.I.) 1973 No. 421 as amended by S.R. 1987 No. 247, S.R. 1988 No. 395, S.R. 1991 No. 97 and S.R. 1992 No. 200

(5) Article 63 was amended by Article 5 of S.I. 1986/2023 (N.I. 20) and Article 31(1) of S.I. 1991/194 (N.I. 1)

“Local Dental Committee”, “Local Medical Committee” and “Local Pharmaceutical Committee” mean the committees of those names which are recognised by a Board in relation to its area under Article 55 of the Order<sup>(6)</sup>;

“medical card” means a card issued to a person by the Agency in a form approved by the Department for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services;

“mobile surgery” means any vehicle in which care and treatment is provided;

“occasional treatment” means such treatment as is mentioned in paragraph 17 of Schedule 2;

“oral health” means such a standard of health of the teeth, their supporting structures and other tissues of the mouth, and of dental efficiency, as in the case of any patient is reasonable having regard to the need to safeguard his general health;

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“patient” means a person for whom a dentist agrees to provide general dental services;

“patient record” means a form supplied by the Agency for the purpose of maintaining a record of treatment;

“practice premises” means in relation to any dentist, any premises at which he provides general dental services, or any mobile surgery of his;

“practice record form” means a form supplied by the Agency and completed in accordance with paragraph 27 of Schedule 2 for the purpose of obtaining general dental services in circumstances where the dentist intends to use a computer to send an estimate to the Agency;

“prescription form” means a form provided by the Agency and issued by a dentist to enable a person to obtain pharmaceutical services;

“prior approval treatment” means any item of treatment referred to in Part I of Schedule 5 or any care and treatment specified in paragraph 1 or 2 in Part II of that Schedule;

“private”, in the context of care and treatment, means otherwise than under general dental services or Part VI of the Order and “privately” shall be construed accordingly;

“referral dental officer” means a dental officer in the employment of the Department;

“salaried dentist” means a dentist employed by a Board who undertakes to provide general dental services at health premises; “Scale of Fees” means the Scale of Fees set out in Determination I of the Statement of Dental Remuneration;

“the Services Committee Regulations” means the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973<sup>(7)</sup>;

“Statement of Dental Remuneration” means the Statement published by the Department pursuant to the provisions of regulation 19;

“supply”, in relation to an appliance, includes replacement;

“terms of service” means the terms of service contained, or referred to, in Schedule 2;

“trauma” means damage to teeth, gingival tissues or alveoli caused by a force arising outside the mouth, resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;

“treatment” means all proper and necessary dental treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventive treatment, periodontal treatment, conservative treatment, surgical treatment, the

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(6) Article 55 was amended by Article 5 of S.I. 1991/194 (N.I. 1)

(7) S.R. 1973 No. 416

supply and repair of dental appliances, orthodontic treatment and the taking of radiographs and the provision of general anaesthesia and sedation in connection with such treatment and the supply of listed drugs and the issue of prescriptions in accordance with paragraphs 22 and 23 of Schedule 2; and

“treatment on referral” means any care and treatment provided by a dentist under paragraph 13 of Schedule 2.

## PART II

### GENERAL ARRANGEMENTS FOR PROVISION OF GENERAL DENTAL SERVICES

#### Terms of service

3. The arrangements with dentists for the provision of general dental services which it is the duty of a Board under Article 61 of the Order<sup>(8)</sup> to make, and under Article 17(1)(a) of the Order to administer, shall incorporate—

- (a) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 2;
- (b) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), as a salaried dentist, the terms of service contained in Parts I, II, III, IV and VI of Schedule 2;
- (c) in the case of the provision of emergency dental services by a dentist undertaking to provide emergency dental services, the terms of service contained in Parts I and III, paragraphs 19, 20, 21, 22, 23 and 25 of Part IV and paragraphs 39, 40, 41 and 42 of Part VI, of Schedule 2.

#### Dental list

4.—(1) The Agency shall, from information obtained from Boards, prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of regulation 5, have undertaken to provide general dental services and who are not disqualified for inclusion by virtue of the provisions of—

- (a) Article 61(2A) or Article 65 of, and Schedule 11<sup>(9)</sup> to the Order; or
  - (b) Article 4 of the Health and Medicines (Northern Ireland) Order 1988<sup>(10)</sup>; or
  - (c) regulation 7 (restrictions on the right to be included in the dental list).
- (2) The dental list shall, in addition to containing the name of a dentist,—
- (a) contain—
    - (i) the addresses of all his practice premises and, where he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him,
    - (ii) particulars of the days and hours when he is or will usually be in attendance at the practice premises for the provision of general dental services and, in the case of any

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<sup>(8)</sup> Article 61 of the Order was amended by Article 13 of S.I. 1978/1907 (N.I. 26); Article 5(2) of S.I. 1981/432; Article 8 of S.I. 1986/2229 (N.I. 24); Article 4(5) of S.I. 1988/2249 (N.I. 24); Articles 30, 34 and 35 of, Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1)

<sup>(9)</sup> Schedule 11 was amended by Article 17 of, and Part I of Schedule 6 to, S.I. 1984/1158 (N.I. 8)

<sup>(10)</sup> S.I. 1988/2249 (N.I. 24)

- mobile surgery, particulars of the places visited regularly by him and the times of those visits,
- (iii) the name of any other dentist in association with whom he provides general dental services at his practice premises,
  - (iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act, particulars of the dental qualification which entitled him to be so registered, including the date on which the qualification was awarded, and particulars of any other dental qualification held by him which is registrable pursuant to section 19(1)(c) of the Dentists Act; and
- (b) indicate—
- (i) whether the dentist provides only orthodontic treatment, and
  - (ii) whether there is access to the dental surgery without the use of stairs.
- (3) The dental list may, provided that the dentist consents to their inclusion, also give particulars of any languages, other than English, spoken by the dentist.
- (4) The dental list may, if the Agency thinks fit, be so arranged as to show the area in which each dentist has undertaken to provide general dental services.
- (5) A dentist whose name is included in the dental list shall notify the Board of any occurrence requiring an alteration to the information recorded in relation to him in the dental list within 14 days of the date of such occurrence.
- (6) The Agency shall—
- (a) send to the Department, each Board and each Local Dental Committee a copy of the dental list; and
  - (b) notify the Department, each Board and each Local Dental Committee of any alteration to the dental list within 7 days of the date on which the alteration is made.
- (7) Subject to paragraph (9), the Agency shall—
- (a) send, if requested to do so, a copy of the dental list to—
    - (i) a Local Medical Committee,
    - (ii) a Local Pharmaceutical Committee,
    - (iii) a hospital or HSS trust,
    - (iv) any organisation representative of the dental profession,
    - (v) a person whose name is included in the list maintained by the Agency pursuant to Article 63(2A) of the Order(11); and
  - (b) in that event, notify them, at intervals of not less than 3 months, of any alterations made to the dental list.
- (8) The Agency shall prepare an updated dental list each year and send a copy—
- (a) to the Department, to each Board and to each Local Dental Committee; and
  - (b) subject to paragraph (9), to any person mentioned in paragraph (7)(a) who under that paragraph requested a copy of the dental list.
- (9) Where the Agency considers that only parts of, or only some of the alterations to, the dental list are likely to concern any person mentioned in paragraph (7)(a), the Agency may instead of sending him a copy of the list or notifying him of all those alterations send that person a copy only of those parts or, as the case may be, notify him only of those alterations.

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(11) Paragraph (2A) was inserted by Article 5(1) of [S.I. 1986/2023 \(N.I. 20\)](#)

### **Application for inclusion in the dental list**

5.—(1) A dentist who wishes to have his name included in the dental list shall make an application to the Board in writing which—

(a) shall include—

(i) in the case of a salaried dentist or a dentist undertaking to provide only emergency dental services, the information specified in paragraphs 1, 2, 3, 4, 5 and 11 of Part I of Schedule 3 and the undertaking specified in that Part of that Schedule, and

(ii) in any other case, all the information and the undertaking specified in Part I of Schedule 3; and

(b) may include the information specified in Part II of that Schedule.

(2) The Board shall determine an application made by a dentist under paragraph (1) within 14 days of the date of its receipt of the application or, where the Board considers the proposed practice premises should be inspected, within 14 days of the date of that inspection.

### **Local directory of dentists**

6.—(1) A Board may prepare, and thereafter maintain, a list to be known as the local directory of dentists, which may contain, in respect of each dentist whose name is included in the dental list—

(a) any information included in the dental list in respect of the dentist; and

(b) any other information related to the provision of general dental services which the Board has agreed with the Local Dental Committee to be appropriate.

(2) Where the Board has agreed with the Local Dental Committee that certain information is appropriate for inclusion in the local directory of dentists, it may request in writing any dentist whose name is included in the dental list to furnish the Board with such information as it relates to him, and the dentist shall furnish that information to the Board within 28 days of the date of the Board's request.

### **Restrictions on the right to be included in the dental list**

7.—(1) A dentist shall not be entitled to have his name included in the dental list if he has previously withdrawn his name from a list in circumstances where—

(a) the Department has certified for the purposes of regulation 7(7) of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(12); or

(b) the Secretary of State has certified for the purposes of regulation 8(7) of the National Health Service (Superannuation) Regulations 1980(13); or

(c) the Secretary of State for Scotland has certified for the purposes of regulation 10(4) of the National Health Service (Superannuation) (Scotland) Regulations 1980(14);

that, in the interests of the efficiency of general dental services, he should cease to provide such services.

(2) Where the Board is not satisfied (following an inspection) that the proposed practice premises meet the requirements of paragraph 33 of Schedule 2 it may refuse to include a dentist's name in the dental list.

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(12) S.R. 1984 No. 336

(13) S.I. 1980/362; the relevant amending instrument is S.I. 1981/1205

(14) S.I. 1980/1177 to which there are amendments not relevant to these regulations

### **Removal from dental list**

8.—(1) Subject to sub-paragraph (2), where a Board determines that a dentist whose name is included in the dental list—

- (a) has died; or
- (b) subject to section 35(3) of the Dentists Act, is no longer a dentist;

the Board shall remove his name from the dental list with effect from the date of its determination.

(2) Where a dentist has died and—

- (a) for so long as his practice is carried on by his personal representatives in accordance with the provisions of the Dentists Act, and
- (b) the personal representatives have appointed for that purpose a dentist whose name is included in the dental list,

the Board shall not remove the dentist's name from the dental list.

(3) Subject to paragraph (5), where a Board determines, in accordance with paragraph (4), that a dentist whose name has been included for the preceding 6 months in the dental list has not during that period provided general dental services, the Board may remove the dentist's name from the dental list.

(4) Before making any determination under paragraph (3) the Board shall—

- (a) give the dentist 28 days' notice of its intention to do so;
- (b) afford the dentist an opportunity of making representations to the Board in writing or, if he so wishes, in person; and
- (c) except where the dentist is a salaried dentist, consult the Local Dental Committee.

(5) In calculating the period of 6 months referred to in paragraph (3) there shall be disregarded any period during which—

- (a) the dentist was performing relevant service;
- (b) the dentist was on maternity leave; or
- (c) the dentist was unable to provide general dental services because of sickness.

(6) In this regulation—

- (a) “relevant service” means—
  - (i) whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise; or
  - (ii) compulsory whole-time service in those forces, including service resulting from any reserve liability; or
  - (iii) any equivalent service by a person liable for compulsory whole-time service in those forces; and
- (b) “maternity leave” means the period of one year beginning with the date of confinement.

(7) Nothing in this regulation shall prejudice any right of a dentist to have his name included again in the dental list.

### **Removal from dental list on grounds of age**

9.—(1) A Board shall, on each of the dates specified in column (1) of the Table below, remove from the dental list the name of any dentist included in the list who has, on or before that date, attained the age specified in column (2) of the Table in relation to that date.

### TABLE

(1)	(2)
1st April 1994	the age of 68
1st April 1995	the age of 67
1st April 1996	the age of 66
1st April 1997	the age of 65

(2) A Board shall, on 1st April in 1998 and in each successive year thereafter, remove from the dental list the name of any dentist included in the list who has attained the age of 65 during the period of 12 months ending on 1st April in that year.

(3) A Board shall give to any dentist whose name is to be removed from the dental list in accordance with paragraph (1) or (2)—

(a) notice in writing to that effect not less than 12 months nor more than 13 months before the date on which his name is to be removed; and

(b) a further such notice not less than 3 months nor more than 4 months before that date;

but failure to give notice to any dentist as required by sub-paragraph (a) or (b) shall not prevent the removal of that dentist's name from the dental list in accordance with paragraph (1) or (2).

(4) A Board shall, no later than 7 days after the removal in accordance with paragraph (1) or (2) of the name of any dentist from the dental list, notify the Agency in writing of the name, address and date of birth of the dentist in question and of the number by which his arrangement with the Board is identified.

#### Withdrawal from dental list

10.—(1) Where a dentist wishes to withdraw his name from the dental list—

(a) he shall give 3 months' notice in writing to the Board, or such shorter period as he may agree with the Board, before the date on which he wishes his name to be removed from the dental list; and

(b) subject to paragraph (2), the Board shall remove the dentist's name from the dental list on the expiry of the period of notice given under sub-paragraph (a).

(2) Where, in relation to any dentist, representations are made to the Tribunal under Schedule 11 to the Order (disqualification of persons providing certain services) that the continued inclusion of his name in the dental list would be prejudicial to the efficiency of general dental services, the name of the dentist shall not, except with the consent of the Department, be removed from the dental list until the proceedings in relation to those representations have been determined.

(3) Paragraph (2) shall not apply in the case of a dentist who has reached an age at which on the following 1st April his name shall be removed from the dental list in accordance with regulation 9.

#### Information about assistants

11. A Board shall send to the Agency any information it receives under paragraph 35(5) of Schedule 2 (employment of assistants) within 7 days of the date of its receipt of the information.

### **Information about associateship agreements**

12.—(1) Where an associateship agreement is made, written notice of the parties to that agreement and of the date on which the agreement was made shall be given to the Board within 7 days of the date on which the agreement was made.

(2) Written notice of any change in the parties to, or of the termination of, any associateship agreement shall be given to the Board within 7 days of the date of such change or termination.

(3) Any notice required by this regulation shall be given by the person or, if more than one, one of the persons, liable by virtue of the associateship agreement to provide the use of premises and facilities.

(4) A Board shall supply to the Agency the information it receives under paragraphs (1) and (2) within 7 days of the date of its receipt of the information.

### **Transfer of continuing care and capitation arrangements**

13.—(1) Subject to paragraph (2), where a dentist who is providing care and treatment for patients under continuing care arrangements or capitation arrangements ceases to have his name included in the dental list, the Board may, after consultation with the Local Dental Committee and with the agreement of the patients concerned, make arrangements with one or more dentists (whose names are included in the dental list) for the continuing care arrangements or capitation arrangements to be transferred to that or those dentists.

(2) Where a dentist has died and his name remains on the dental list in accordance with regulation 8(2), the Board shall, subject to the agreement of the patients concerned, make arrangements with the dentist appointed by the personal representatives of the deceased dentist for the care and treatment under any continuing care arrangements or capitation arrangements entered into by the deceased dentist to be provided by that dentist.

### **Emergency dental services**

14.—(1) A Board may make arrangements, with any dentist whose name is included in the dental list, for the provision of treatment for urgent cases at health premises when dentists in its area or part of its area are not normally available to provide general dental services.

(2) In this regulation an “urgent case” means any circumstances in which, in the opinion of the dentist, a patient needs immediate treatment for an acute condition.

### **Arrangements for emergency cover**

15. It shall be the responsibility of a Board to make any arrangements that may be necessary to enable a salaried dentist whose name is included in the dental list to comply with his obligation under paragraph 6 of Schedule 2.

### **Board patient information leaflets**

16. A Board shall compile and make available to any person who may reasonably require one, a document about the provision of general dental services by salaried dentists at any health premises in its area (in this regulation called a “Board patient information leaflet”) which shall include the information specified in Schedule 7.

## PART III

### METHOD OF OBTAINING GENERAL DENTAL SERVICES

#### Application for services

17.—(1) Any person ordinarily resident in Northern Ireland, or being a person to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970(15) apply, requiring general dental services may apply to a dentist whose name appears in the dental list. The person shall produce to the dentist his medical card and shall complete so far as applicable that part of the dental payment claim form or practice record form or estimate together with such declaration as may be required by the Agency relating to eligibility for (a) general dental services or (b) general dental services without charge.

(2) A person aged 18 or over to whom the provisions of paragraph (1) apply may apply to any dentist whose name appears in the dental list for general dental services by way of—

- (a) care and treatment under a continuing care arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment.

(3) Subject to paragraph (4), a person under the age of 18 to whom the provisions of paragraph (1) apply may apply to any dentist whose name appears in the dental list for general dental services by way of—

- (a) care and treatment under a capitation arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment.

(4) A dentist may not enter into a capitation arrangement with a person during the month before he attains the age of 18.

(5) A person under the age of 18 to whom the provisions of paragraph (1) apply may apply to a dentist for general dental services by way of care and treatment under a continuing care arrangement at any time during the month before he attains the age of 18 provided that he is not immediately before that date receiving care and treatment under a capitation arrangement with that dentist.

(6) A person who is receiving care and treatment under a capitation arrangement with a dentist may at any time after he attains the age of 17 apply for general dental services by way of care and treatment under a continuing care arrangement with that dentist from the date that he attains the age of 18.

(7) Application under this regulation shall be made in person at the practice premises unless a person is unable to attend those premises owing to illness or any other reasonable cause.

#### Exercise of choice of dentists in certain cases

18.—(1) An application to a dentist for general dental services shall be made—

- (a) on behalf of any person under the age of 16, by either parent, or in the absence of both parents, the guardian or other person who has the care of the child;
- (b) on behalf of any other person who is incapable of making such an application, by a relative or any person who has the care of such person; and
- (c) on behalf of any person under the age of 18—

- (i) in the care of a Board to whose care he has been committed under the provisions of the-Children and Young Persons Act (Northern Ireland) 1968(16), by a person duly authorised by that Board,
- (ii) in the care of a voluntary organisation by that organisation or a person duly authorised by them.

(2) An application under paragraph (1) may not be made by the dentist to whom the application is made.

## PART IV

### REMUNERATION OF DENTISTS

#### Statement of Dental Remuneration

19.—(1) The Department shall after consultation with such organisations as appear to it to be representative of persons providing general dental services make provision for each of the matters set out in column (2) of the Table below in a determination and each determination shall bear the number in column (1) of that Table which corresponds to the subject matter of the determination.

**TABLE**

(1) <i>Determination</i>	(2) <i>Subject Matter of Determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a dentist, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration;
II	Rates of remuneration for a salaried dentist and for the provision of emergency dental services;
III	Seniority payments;
IV	Vocational training allowances;
VI	Maternity payments;
VII	Long term sickness payments;
VIII	Postgraduate education allowances;
IX	Reimbursement of non-domestic rates.

(2) The Department shall publish the determinations in a statement called the Statement of Dental Remuneration.

(3) The Department—

- (a) may amend the determinations, in whole or in part, after consultation with the organisations referred to in paragraph (1); and

- (b) shall publish any such amendment in the Statement of Dental Remuneration.

### **Approval of payments**

**20.**—(1) The Agency shall, where it is satisfied—

- (a) that a patient has been accepted by a dentist, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, make the payments which, in accordance with the Scale of Fees, fall to be made by it to the dentist in respect of such an arrangement or referral; or
- (b) that a continuing care arrangement or a capitation arrangement has terminated or treatment on referral has terminated or has been completed, cease such payments to the dentist.

(2) The Agency shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in respect of—

- (a) care and treatment under a continuing care arrangement or a capitation arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment;

completed by the dentist, pay, in accordance with the Scale of Fees, the remuneration due to the dentist in respect of such care and treatment, treatment on referral, or occasional treatment.

(3) The Agency shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in any case falling within paragraph 14 or 17(4) of Schedule 2 (inability of dentist to complete treatment), pay, in accordance with the Scale of Fees, and without prejudice to the provisions of the Dental Charges Regulations, the remuneration due to that dentist, in respect of such care and treatment or occasional treatment as he has provided.

(4) The Agency may, before deciding whether to approve a claim for fees payable to a dentist in respect of his provision of general dental services refer the claim to the Dental Committee for advice.

(5) The remuneration which it is the function of the Agency to pay shall be paid in accordance with Determinations I, III, IV, VI, VII, VIII and IX of the Statement of Dental Remuneration.

(6) The Board shall pay to a salaried dentist and a dentist providing emergency dental services remuneration in accordance with Determination II of the Statement of Dental Remuneration.

(7) In the case of orthodontic care and treatment the Agency may make such payments on account as it considers appropriate pending completion of that care and treatment.

### **Appeals against decisions of the Agency**

**21.**—(1) Where any dentist is aggrieved by a decision of the Agency concerning fees payable to him in respect of his provision of general dental services, that dentist may, in accordance with paragraph (2), appeal against the Agency's decision to the Department.

(2) An appeal under paragraph (1) shall be brought by giving notice of appeal in writing to the Department within 30 days of the date on which the dentist was informed of the decision of the Agency, or within such longer period as the Department may, for reasonable cause, allow.

(3) A notice of appeal under paragraph (2) shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(4) The Department shall, within 30 days of receiving a notice of appeal, request from the Agency a written statement of the reasons for its decision, and the Agency shall within 30 days of receiving the request send such a statement to the Department.

(5) The Department shall consider the notice of appeal and the Agency's statement and—

- (a) where the Department is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith;
  - (b) where the appeal is against a refusal of the Agency to approve a claim for remuneration on grounds that the services to which the claim relates cannot be provided as part of general dental services, the Department shall determine it in such manner as it thinks fit and shall give notice of its decision and of the reason for it to the appellant and the Agency;
  - (c) where—
    - (i) the appeal is brought under paragraph (1) against a decision of the Agency concerning a dentist's fees, and
    - (ii) the Agency has certified in its statement under paragraph (4) that it has authorised those fees and that they were the fees or maximum fees prescribed by Determination I of the Statement of Dental Remuneration for the services provided or to be provided,the Department shall dismiss the appeal forthwith unless it is of the opinion that it involves a dispute as to the item or sub-item of treatment in that Determination applicable to the services provided or intended to be provided;
  - (d) except where an appeal is dismissed in accordance with the preceding provisions of this paragraph, the Department shall, within 30 days of receiving the Agency's statement under paragraph (4), appoint 2 dentists, who are or have been engaged in the provision of general dental services, as referees to hear the representations of the appellant and the Agency and determine the appeal. One such dentist shall be appointed after consultation with such organisation as represents the dental profession;
  - (e) for the purposes of any appeal, the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Agency, dispense with an oral hearing in which case the appellant and the Agency shall be given an opportunity to amplify their statements.
- (6) Where the Department dismisses an appeal under paragraph (5) it shall give notice in writing to the person who brought the appeal and to the Agency that the appeal has been dismissed, and, where the appeal is dismissed under sub-paragraph (c) of that paragraph, they shall include with the notice to the appellant a copy of the Agency's statement under paragraph (4) and a statement of its reasons for dismissing the appeal.
- (7) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions not contained in the notice of appeal or the statement of the Agency unless that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least 7 days before the date of the hearing.
- (8) The referees shall within 7 days after determining an appeal give notice in writing to the Department of their decision and of the reasons for it, and the Department shall within 14 days of receiving the notice send copies of it to the parties.

## **Drugs**

**22.** The fees payable by the Agency to a dentist in respect of listed drugs supplied by him under paragraph 22(1) of Schedule 2 for use before a supply can otherwise be obtained under paragraph 23 of that Schedule shall be calculated in accordance with the provisions of the Drug Tariff.

## **Recovery of overpayments**

**23.—**(1) Where the Agency or the Board considers it has made a payment to a dentist owing to an error or in circumstances when it was not due, the Agency or the Board shall, except to the extent that the Department on the application of the Agency or the Board directs otherwise, draw that overpayment to the attention of the dentist and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but, the matter having been referred under regulation 4(2) of the Services Committee Regulations for investigation, the Agency, the Board or the Department on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner.

(2) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

## PART V

### PAYMENTS IN CONSEQUENCE OF SUSPENSION

#### Interpretation

24. In this Part—

- (a) “claimant” means a person claiming to be entitled to, or receiving, payments;
  - “erasure” means the erasure of a person's name from the register;
  - “fees” does not include remuneration by way of salary;
  - “immediate suspension” means suspension by virtue of an order under section 30(3) of the Dentists Act except suspension which is terminated by the court under section 30(6) of that Act;
  - “interim suspension order” means an order under section 32 of the Dentists Act;
  - “payment” means a payment under this Part;
  - “register” means the register kept under section 14 of the Dentists Act and
  - “registration” means registration in that register;
  - “suspension date” means the date on which suspension of a person's registration takes effect;
- (b) a reference to a direction or an order of the Health Committee is to a direction or an order of that Committee under the Dentists Act.

#### Entitlement to payments

25.—(1) Payments shall be made as provided for by this Part to a person whose registration is suspended by an interim suspension order or by a direction or an order of the Health Committee.

(2) Subject to paragraph (3), no payment shall be made to a person—

- (a) whose registration has been suspended by a direction or an order of the Health Committee once he has received payments in respect of 12 months' such suspension, whether in respect of the same or a previous period of such suspension and whether or not those 12 months formed a continuous period;
- (b) in respect of any part of a period of suspension where in the period of 2 years immediately preceding the suspension date he received no fees for the provision of general dental services.

(3) In calculating whether a person has received payments in respect of 12 months' suspension under paragraph (2)(a), no account shall be taken of any payment made in consequence of the suspension of his registration by a direction or order of the Health Committee more than 5 years previously.

(4) No payment shall be made to a person for a period (whether the whole or part of a period of suspension)—

- (a) earlier than 8 weeks before the date on which an application for payments is received by the Board, unless the Board is satisfied that the lateness of the application is due to illness or some other reasonable cause;
- (b) during which his name is not included in the dental list;
- (c) during which he is absent from the United Kingdom;
- (d) for which he is entitled to any benefit under a contract of insurance against the risk of the suspension of his registration or of the circumstances which led to it or for which the Board is satisfied he could have been so entitled but for his failure to enter into such a contract or to pay any premium due under such a contract;
- (e) during which he is serving a term of imprisonment;
- (f) during which he is remanded in custody in connection with a criminal offence for which he is (then or later) convicted; or
- (g) during which he is in breach of any condition of bail in connection with a criminal offence for which he is (then or later) convicted.

#### **Application for payments**

**26.** An application for payment shall be made to the Board and shall—

- (a) be made in writing;
- (b) be made by the claimant or, where he is incapable of applying, on his behalf; and
- (c) contain or be supported by such information as the Board may reasonably require for the purpose of establishing the claimant's entitlement to payments.

#### **Amount and time of payments**

**27.—(1)** A Board to whom an application for payments is made in accordance with regulation 26 shall, having made such enquiries as it considers relevant, if satisfied that the claimant is entitled to payments by virtue of regulation 25, determine that he shall, in respect of any period for which he is so entitled, receive payments which, subject to paragraphs (2) to (6), shall be of the following amounts—

- (a) where his registration is suspended by a direction or an order of the Health Committee—
  - (i) £2,984 per month for each of the first 6 months for which payments are made to him, whether in respect of that or a previous period of such suspension and whether or not those 6 months form a continuous period, and
  - (ii) £1,492 per month thereafter;
- (b) where his registration is suspended by an interim suspension order—
  - (i) where the period of interim suspension ends with an order for erasure or immediate suspension, £1,492 per month, and
  - (ii) in any other case, £2,984 per month.

(2) Where in the period of 2 years immediately preceding the suspension date the total amount of a claimant's gross fees received for the provision of general dental services was less than £ 142,242, the amount of payments made to him shall (subject to any further reduction under paragraph (3)) be the same proportion of the amount otherwise payable in accordance with paragraph (1) as that total amount of fees is of £142,242.

(3) Where a claimant's name was included in the dental list for a period of less than 2 years immediately preceding the suspension date the amount of payments made to him shall be the same proportion of the amount otherwise payable in accordance with paragraph (1) or paragraph (2) as the number of complete months in that lesser period is of 24.

(4) Where a claimant's registration has been suspended by an interim suspension order or by a direction or an order of the Health Committee within a period of 2 years after the expiry of a previous period of any such suspension, the references in paragraphs (2) and (3) to the suspension date shall be taken as references to the suspension date as respects that previous period.

(5) Where the Board has to make a determination as to payments at a time when it does not know whether or not the period of a person's interim suspension will end with an order for erasure or immediate suspension, or whether or not he will be convicted of a criminal offence, it shall make that determination as though his period of interim suspension did so end or he was convicted of the offence; but it shall review that determination and determine that a claimant is entitled to an appropriate payment of any arrears if subsequently that period does not so end or he is not convicted of the offence.

(6) Where the Board determines that a claimant is entitled to a payment, it shall inform the Agency of the amount of that payment and authorise the Agency to make the payment to the claimant.

(7) The Agency shall make to the claimant any payments authorised by the Board.

(8) Payments under paragraph (7) shall be made monthly in arrears, and an appropriate proportion of the amount for a full month shall be paid where the claimant is entitled to a payment for part only of a month.

### **Changes of circumstances**

**28.**—(1) A claimant shall notify the Board in writing immediately of any changes in his circumstances which he might reasonably be expected to know might affect his entitlement to, or the amount of, any payment made or to be made to him, and in particular of any erasure, immediate suspension, or termination of suspension, of his registration.

(2) Where the Board considers, whether or not following a notification under paragraph (1), that there has been a change of circumstances affecting a claimant's payments it shall determine the adjustment as respects those payments which is appropriate to take account of that change and notify the Agency accordingly.

### **Overpayments**

**29.** Where the Agency considers that a payment has been made to a person owing to an error, or in circumstances where it was not due, it shall, except to the extent that the Department on the Agency's application directs otherwise, draw the overpayment to the attention of that person and—

(a) where he admits the overpayment; or

(b) where he does not admit the overpayment but the matter having been referred under regulation 4(2) of the Services Committee Regulations for investigation, the Agency, or the Department on appeal, decides that there has been an overpayment,

the overpayment shall be recoverable either by deduction from that person's remuneration or payments or in some other manner.

## PART VI

### DENTAL COMMITTEE, PRIOR APPROVAL (PATTERNS OF TREATMENT) AND SURVEYS

#### **Constitution of the Dental Committee**

**30.** The provisions set out in Schedule 8 shall apply in relation to the Committee which shall be constituted by the Agency for the purpose of carrying out the duties assigned to it by these regulations.

#### **Delegation of duties to Dental Officer**

**31.** The Committee may delegate to a Dental Officer such of its duties with respect to the approval of estimates for dental treatment and appliances under these regulations as it thinks fit.

#### **Prior approval — patterns of treatment**

**32.—(1)** Where it appears to the Committee that a dentist's pattern of treatment in respect of all or any particular description of treatment, provided as part of general dental services in the area of a Board, differs so substantially from the area or regional pattern of treatment of other dentists as to warrant, in the opinion of the Committee, further investigations, the Committee may write to the dentist—

- (a) giving details of his pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the area or regional pattern of treatment of other dentists;
- (b) inviting him to submit to the Committee in writing the reasons why his pattern of treatment differs to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern; and
- (c) giving notice to him that if—
  - (i) he fails to reply within 28 days; or
  - (ii) his reply discloses no reasonable grounds, in the opinion of the Committee, for his pattern of treatment to differ, to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern of treatment,

the Committee may give a direction as mentioned in paragraph (2).

(2) Where the dentist fails—

- (a) to reply within 28 days; or
- (b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the Committee may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Committee, but nothing in any such direction shall prevent the dentist, without such approval, from giving treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres.

(3) Where the Committee gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 33 and shall have no effect until the expiry of the period allowed under that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The Committee shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

(5) Where the Committee gives a direction to a dentist under paragraph (2), the Committee shall not give a further direction under that paragraph in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier direction or, where the dentist appeals that earlier direction and the appeal is allowed, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) Where, on the date on which the Committee gives a direction under paragraph (2), the name of the dentist in respect of whom the direction is given is not included in any dental list the period specified in the direction shall not begin until the next day on which his name is again included in the dental list.

(8) For the purpose of computing the date on which the period specified in any direction given under paragraph (2) comes to an end, no account shall be taken of any day on which the dentist's name is not included in the dental list.

(9) In this regulation—

(a) “pattern of treatment” means—

- (i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist, or
- (ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

(b) “area”, in relation to pattern of treatment, means throughout the area of a Board; and

(c) “regional”, in relation to pattern of treatment, means throughout Northern Ireland.

### **Appeals against the Dental Committee**

**33.**—(1) Any person aggrieved by a decision of the Committee shall be entitled to appeal by sending to the Department a notice of appeal within 30 days from the date on which the decision of the Committee was received by that person.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Department shall, within 30 days of receiving a notice of appeal, request from the Committee a written statement of the reasons for its decision, and the Committee shall within 30 days of receiving the request send such a statement to the Department.

(4) The Department shall consider the notice of appeal and the Committee's statement and, where the Department is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith.

(5) Except where an appeal is dismissed under paragraph (4) the Department shall, within 30 days of receiving the Committee's statement under paragraph (3), appoint, after consultation with such organisation as represents the dental profession—

(a) where the appeal is made under regulation 32, 3 dentists who are or have been engaged in the provision of general dental services;

(b) in any other case, 2 such dentists;

as referees who shall hear the representations of the appellant and the Committee and determine the appeal.

(6) For the purposes of any appeal relating to paragraph (5)(b), the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Committee, dispense with an oral hearing, in which case the appellant and the Committee shall be given an opportunity to amplify their statements.

(7) Where the Department dismisses an appeal under paragraph (4) it shall give notice in writing to the person who brought the appeal and to the Committee that the appeal has been dismissed and shall include with the notice to the appellant a copy of the Committee's statement under paragraph (3) and a statement of its reasons for dismissing the appeal.

(8) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions contained in the notice of appeal or the statement of the Committee unless that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least 7 days before the date of the hearing.

(9) The referees shall within 7 days after determining an appeal give notice in writing to the Department of their decision and of the reasons for it, and the Department shall within 14 days of receiving the notice send copies of it to the parties.

### **Surveys**

**34.** A Board or the Agency may conduct or commission surveys or other research relating to the provision of general dental services.

## **PART VII MISCELLANEOUS**

### **Publication of documents**

**35.—**(1) A Board shall make available for inspection at its offices copies of—

- (a) the dental list;
- (b) the local directory of dentists;
- (c) these regulations including the terms of service;
- (d) the Statement of Dental Remuneration; and
- (e) the list of listed drugs,

and keep them up-to-date.

(2) A Board shall make the documents referred to in paragraph (1) available for inspection at such other places in its area as appear to it to be convenient for informing all persons interested.

### **Service of documents**

**36.** Any notice or other document which a Board or the Agency is required or authorised by these regulations (including the terms of service) to give or send to a dentist may be given or sent by delivering it to the dentist or by sending it by post to the dentist at his usual or last-known address.

### **Signatures**

**37.** Any signature by a dentist required by these regulations (including the terms of service) shall be handwritten in ink with his initials, or forenames, and surname in his own handwriting, and not by means of a stamp.

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**Revocations**

**38.** The Regulations specified in column (1) of Schedule 9 are hereby revoked to the extent specified in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd July 1993.

(L.S.)

*D. A. Baker*  
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd July 1993.

(L.S.)

*Doreen Brown*  
Assistant Secretary

## SCHEDULE 1

## Provisions Conferring Powers Exercised in Making these Regulations

Column (1) <i>Provision</i>		Column (2) <i>Relevant Amendments</i>
The Health and Personal Social Services (Northern Ireland) Order 1972(17)	Article 61	The Health and Personal Social Services (Northern Ireland) Order 1978(18) Article 13; the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981(19) Article 5(2); the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986(20) Article 8; the Health and Medicines (Northern Ireland) Order 1988(21) Article 4(5); the Health and Personal Social Services (Northern Ireland) Order 1991(22) Articles 30, 34 and 35, Part I of Schedule 5, and Part I of Schedule 6
	Article 63	The Health and Personal Social Services (Northern Ireland) Order 1978 Article 14; the Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986(23) Article 5(1); the Pharmaceutical Qualifications (EEC Recognition) Regulations (Northern Ireland) 1987(24) regulation 4; the Health and Personal Social Services (Northern Ireland) Order 1991 Article 31
	Article 64	The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986 Article 5(2); the Health and Personal Social Services (Northern Ireland) Order 1991 Article 31(2)
	Article 95	None
	Article 106	None
	Article 107(6)	None
	Schedule 3 paragraph 7(5)	None
The Health and Medicines (Northern Ireland) Order 1988	Article 4	None
	Article 10	None

(18) S.I. 1978/1907 (N.I. 26)

(17) S.I. 1972/1265 (N.I. 14)

(19) S.I. 1981/432

(20) S.I. 1986/2229 (N.I. 24)

(21) S.I. 1988/2249 (N.I. 24)

(22) S.I. 1991/194 (N.I. 1)

(23) S.I. 1986/2023 (N.I. 20)

(24) S.R. 1987 No. 457

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## SCHEDULE 2

Regulation 3

### Terms of Service for Dentists

## ARRANGEMENT OF PARAGRAPHS

### PART I

#### GENERAL

1. Interpretation
2. Incorporation of provisions of regulations etc
3. General dental services

### PART II

#### CONTINUING CARE ARRANGEMENT, CAPITATION ARRANGEMENT AND TREATMENT ON REFERRAL

4. A continuing care arrangement
5. A capitation arrangement
6. Emergency cover
7. Repair or replacement of restorations
8. Duration and extension of a continuing care arrangement
9. Duration and extension of a capitation arrangement
10. Lapse of a continuing care arrangement or a capitation arrangement
11. Termination of a continuing care arrangement or a capitation arrangement
12. Referral to another dentist or to a hospital or other service
13. Treatment on referral
14. Inability of dentist to complete care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral
15. Care and treatment summaries
16. Mixing of general dental services and private care and treatment

### PART III

#### OCCASIONAL TREATMENT

17. Occasional treatment
18. Referral for occasional treatment

### PART IV

#### ADDITIONAL TERMS OF SERVICE FOR ALL DENTISTS

19. Remuneration
20. Standards of care
21. General anaesthesia and sedation
22. Supply of drugs
23. Issue of prescription forms
24. Domiciliary visits
25. Records

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26. Prior approval of care and treatment
27. Completion of estimate
28. Completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral
29. Dental auxiliaries
30. Postgraduate education
31. Notices

#### PART V

##### ADDITIONAL TERMS OF SERVICE FOR DENTISTS OTHER THAN SALARIED DENTISTS

32. Patient information leaflets
33. Premises
34. Remuneration
- 35-37 Deputies and assistants
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#### PART VI

##### ADDITIONAL TERMS OF SERVICE FOR SALARIED DENTISTS

39. Attendance
40. General anaesthesia
41. Records
42. Drugs
43. Provision of Board patient information leaflets
44. Termination of services  
Signature  
Explanatory Note

### PART I

#### GENERAL

##### **Interpretation**

1. In these terms of service—

“the Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993.

##### **Incorporation of provisions of Regulations**

2. Any provisions of the following affecting the rights and obligations of dentists shall be deemed to form part of the terms of service—

(a) the Regulations;

(b) so much of the Services Committee Regulations as relates to—

- (i) the investigation of questions arising between dentists and their patients, and other investigations to be made by the Services Committee, and the action which may be taken by the Board as a result of any such investigation,

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- (ii) any decision of the Department (whether on appeal or otherwise) in connection with any investigation referred to in head (i) or with any decision of the Committee, and
  - (iii) the investigation of record keeping;
- (c) regulation 4(4) and 7(2) of the Dental Charges Regulations<sup>(25)</sup>.

### **General dental services**

3.—(1) In providing general dental services for any person under the Regulations, a dentist shall provide—

- (a) for a person aged 18 or over with whom he has entered into a continuing care arrangement, care and treatment under that arrangement; or
  - (b) for a person under the age of 18 with whom he has entered into a capitation arrangement, care and treatment under that arrangement.
- (2) A dentist may provide general dental services under the Regulations by way of—
- (a) treatment on referral for a person who is receiving dental services from another dentist (whether or not pursuant to the Order); or
  - (b) occasional treatment for any person—
    - (i) who is receiving care and treatment with another dentist under an arrangement mentioned in sub-paragraph (1)(a) or (b), or
    - (ii) who does not wish to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b), or
    - (iii) with whom he is not prepared to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b), or
    - (iv) who is referred to him under paragraph 18(1).

## **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 4 and with a form of acceptance supplied for that purpose by the Agency 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 for that purpose by the Agency which shall specify—

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<sup>(25)</sup> S.R. 1989 No. 111; relevant amending regulations are S.R. 1990 No. 342 and S.R. 1993 No. 139

- (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 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 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 (b) or this head 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);
  - (d) complete the care and treatment (if any)—
    - (i) which is referred to in head (b)(i), and
    - (ii) where sub-paragraph (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
  - (f) repair or replace, in accordance with paragraph 7, any restoration which requires repair or replacement.
- (2) The circumstances referred to in sub-paragraph (1)(c)(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 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) any surgical treatment, other than the extraction 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 a prosthetic appliance;
  - (i) orthodontic care and treatment.

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(4) Where a dentist accepts the transfer of a continuing care arrangement, in accordance with regulation 13, he shall provide the patient with the information specified in sub-paragraph (1)(a)(ii) to (iv) and assume the obligations set out in sub-paragraph (1)(c) to (f).

(5) Where a 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 the completion of that care and treatment.

### **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 for that purpose by the Agency;
- (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 4 and with a form of acceptance supplied for that purpose by the Agency 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 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 for that purpose by the Agency 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 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);
- (e) complete the care and treatment (if any)—
  - (i) which is referred to in head (c)(i), and
  - (ii) where sub-paragraph (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 in accordance with regulation 13 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 15, 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.

(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;

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- (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—
  - (i) that the restoration was intended to be temporary in nature, or
  - (ii) that, 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 Agency in accordance with paragraph 11;
- (b) shall terminate where—
  - (i) the patient enters into a continuing care arrangement with another dentist, or
  - (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.

(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 Agency in accordance with paragraph 11;
- (b) shall terminate where—
  - (i) the patient enters into a capitation arrangement with another dentist, or

- (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, or
- (iii) the patient attains the age of 18.

(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—

- (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 for that purpose by the Agency, and send it to the Agency.

#### **Lapse of continuing care or 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 in writing 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 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 Agency accordingly and give details to the Agency 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 months' notice, he shall apply in writing to the Agency—

- (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 he has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

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(5) Where a dentist applies to the Agency under sub-paragraph (4), the Agency 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 charge, the dentist shall not be obliged to complete that care and treatment.

(6) The Agency when it terminates an arrangement under sub-paragraph (5) shall so inform the patient and the dentist 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 II of the Order.

(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—
  - (i) details of 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 Dental Charges Regulations 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 Order) otherwise than under Part III for particular care and treatment shall—

- (a) at the time at which he accepts the patient, provide him with a form of acceptance supplied for that purpose by the Agency 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 for that purpose by the Agency 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 charge, if any, in respect of that care and treatment,

- (iii) any proposals he may have for private care and treatment proposed under general dental services, including particulars of the cost to the patient;
  - (c) where, in the opinion of the dentist, the care and treatment included in the plan for treatment under head (b) 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);
  - (d) complete the care and treatment, which is referred to in head (b)(i);
  - (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 a 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—
    - (i) that the restoration was intended to be temporary in nature, or
    - (ii) that, 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 Agency 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.

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### **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 for that purpose by the Agency 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 arrangement or the 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.

## **PART III**

### **OCCASIONAL TREATMENT**

#### **Occasional treatment**

17.—(1) A dentist may provide as occasional treatment any of the items of treatment mentioned in sub-paragraph (2).

- (2) The items of treatment referred to in sub-paragraph (1) are—
  - (a) extractions of not more than 2 permanent teeth;

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- (b) extractions of not more than 4 deciduous teeth, except that, where a general anaesthetic is used, there shall be no limit as to the number of deciduous teeth that may be extracted;
- (c) dressing of deciduous or permanent teeth including any preparatory treatment;
- (d) incising an abscess;
- (e) opening one or more root canals for drainage;
- (f) pulp extirpation and dressing to seal the cavity;
- (g) arrest of haemorrhage;
- (h) treatment of infected sockets;
- (i) removal of plugs or sutures;
- (j) palliative treatment that is immediately necessary (including the treatment of sensitive cementum or dentine, the stoning and smoothing of the surface of a tooth, the provision of a temporary crown or the removal of the fractured portion of a natural crown, where its dissection from supporting soft tissues is necessary prior to the provision of a permanent restoration);
- (k) refixing or recementing a crown, inlay or bridge;
- (l) repair of, or alterations to, dentures or other appliances not requiring the prior approval of the Committee;
- (m) treatment for acute conditions of the gingivae or oral mucosa (including treatment for pericoronitis or for ulcers and herpetic lesions) and any necessary oral hygiene instruction in connection with such treatment;
- (n) any treatment immediately necessary as a result of trauma;
- (o) provision of general anaesthesia in connection with the items of treatment specified in heads (a) to (f) and (n);
- (p) provision of sedation in connection with the items of treatment specified in heads (a) to (f), (j), (k) and (n);
- (q) taking of radiographs in connection with the items of treatment specified in heads (a) to (k) and (n);
- (r) issuing a prescription in connection with the items of treatment specified in heads (a) to (n).

(3) Where a patient has entered into a continuing care arrangement or a capitation arrangement with a dentist, another dentist who is not acting on behalf of that dentist may provide (in addition to the items of treatment specified in sub-paragraph (2)) as occasional treatment to that patient the following items of treatment—

- (a) permanent fillings to not more than 2 retained deciduous teeth or permanent teeth;
- (b) root fillings to not more than 2 permanent teeth;
- (c) replacement of a denture or temporary bridge where the original is lost or damaged beyond repair, or provision of a new denture where it is needed because of trauma or extraction;
- (d) where the patient is under the age of 18, conservation of not more than 2 deciduous teeth; and
- (e) provision of sedation and taking of radiographs in connection with the items of treatment specified in heads (a), (b) and (d).

(4) If, owing to any cause beyond his control, the dentist is unable to complete any occasional treatment which has been commenced, he shall forthwith notify the Agency in writing of the extent of the occasional treatment provided and of the reason for his inability to complete the remainder.

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### **Referral for occasional treatment**

18.—(1) Where a patient requires any occasional treatment and the dentist does not have the necessary facilities, experience or expertise to provide that occasional treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that occasional treatment by another dentist under general dental services or by a hospital or other service provided under Part II of the Order.

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

- (a) give details of the oral condition of the patient and the reason for the referral 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 Dental Charges Regulations in respect of any occasional treatment already provided in the course of the occasional treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of occasional treatment that the patient has been referred for the required occasional treatment.

(3) A dentist who accepts a patient referred to him under sub-paragraph (1) shall provide only the occasional treatment which, in the opinion of the dentist, it is necessary for him to provide having regard to the reason for referral.

## **PART IV**

### **ADDITIONAL TERMS OF SERVICE FOR ALL DENTISTS**

#### **Remuneration**

19. Except as otherwise provided in the Regulations (including the terms of service) or the Dental Charges Regulations, a dentist shall not claim or accept the payment of any fee or other remuneration in respect of any treatment—

- (a) which he has provided under general dental services; or
- (b) which has not been provided or for which another claim has already-been submitted to the Agency.

#### **Standards of care**

20.—(1) In providing general dental services, a dentist shall—

- (a) employ a proper degree of skill and attention;
- (b) save as is provided in paragraphs 12, 18, 21, 29, 35 and 38, give all treatment personally;
- (c) use only materials which are suitable for the purpose for which they are used;
- (d) except in the case of occasional treatment and treatment on referral, provide, subject to sub-paragraph (2), care and treatment, to such extent, and at such intervals, as may be necessary to secure and maintain the oral health of the patient.

(2) When providing general dental services a dentist shall not provide care and treatment in excess of that which is necessary to secure and maintain oral health.

### **General anaesthesia and sedation**

21.—(1) Where a dentist undertakes, in the course of providing general dental services, any procedure for which general anaesthesia of the patient is necessary, he shall arrange—

- (a) for a doctor or another dentist experienced in the administration of general anaesthesia to administer the general anaesthetic and to remain with the patient throughout the procedure and until the return of the patient's protective reflexes; and
- (b) for another person with suitable training and experience to remain with the patient until the recovery phase is complete.

(2) Where a dentist undertakes, in the course of providing general dental services, any procedure for which sedation of the patient is necessary he shall remain with the patient, and arrange for another person with suitable training and experience to remain with the patient, throughout the procedure.

(3) In this paragraph “a person with suitable training and experience” means a person who has received such training and experience as to be capable of assisting the dentist in monitoring the clinical condition of the patient and in the event of an emergency.

### **Supply of drugs**

22.—(1) A dentist may supply to a patient such listed drugs as are required for immediate use before a supply can otherwise be obtained under paragraph 23.

(2) A dentist may personally administer to a patient any drug required for the treatment of that patient.

### **Issue of prescription forms**

23.—(1) A dentist shall order such listed drugs (other than those supplied under paragraph 22) as are needed for the treatment of any patient for whom he is providing general dental services by issuing to the patient a prescription form.

- (2) The prescription form—
  - (a) shall be signed by the dentist;
  - (b) shall not refer to any previous prescription; and
  - (c) shall not be issued to persons other than patients;

and a separate prescription form shall be issued for each patient.

### **Domiciliary visits**

24. A dentist shall visit and treat a patient whose condition so requires at the place at which the patient normally resides or is temporarily resident provided that such place is not more than 5 miles from his practice premises, or in the case of a dentist who provides general dental services at a mobile surgery only, from any of the places regularly visited by him.

### **Records**

25.—(1) A dentist shall keep a record in respect of—

- (a) the care and treatment given to each patient under a continuing care arrangement or a capitation arrangement and the fact of referral under such an arrangement under paragraph 12;
- (b) treatment on referral; or
- (c) occasional treatment,

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in the patient record and shall include with that record details of any private care and treatment (to the extent that it is provided with care and treatment under general dental services for the purpose of securing and maintaining oral health), any practice record form and all radio graphs, photographs and study models (being models in respect of orthodontic treatment) taken or obtained by him as part of the care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment.

(2) The records, radiographs, photographs and study models referred to in sub-paragraph (1) shall be retained for a period of 2 years after completion of any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment to which they relate.

(3) The dentist shall, during the period in which he holds any records, radiographs, photographs and study models referred to in sub-paragraph (1), produce them to a referral dental officer or send them to the Committee or the Agency within 14 days of being required to do so by a referral dental officer, the Committee or the Agency.

(4) A dentist may keep the records (other than the practice record form) referred to in sub-paragraph (1) in computerised form.

(5) Nothing in sub-paragraph (1) shall be taken as removing any rights of property which the dentist may have in relation to the records, radiographs, photographs and study models referred to in that sub-paragraph.

### **Prior approval of treatment**

26.—(1) Subject to sub-paragraphs (6), (7) and (10), where care and treatment is or includes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Committee for approval an estimate of the whole of the care and treatment, including details of any part of that care and treatment to be provided privately; and
- (b) otherwise than in an emergency, shall not, until he receives approval from the Committee, proceed—
  - (i) where prior approval is required by virtue of Part I of Schedule 5, with any item of treatment referred to in that Part, or
  - (ii) where prior approval is required by virtue of Part II of Schedule 5, with any care and treatment mentioned in the estimate.

(2) Subject to sub-paragraphs (6), (7) and (10), where in the course of providing any care and treatment to which, at its outset, sub-paragraph (1) does not apply, a dentist is of the opinion that a variation of or addition to such care and treatment is necessary, and by reason of the variation or addition the care and treatment includes or becomes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Committee for approval an estimate of the whole of the care and treatment (including that which the dentist has commenced) together with details of any part of that care and treatment provided or to be provided privately; and
- (b) otherwise than in an emergency, shall not, until he receives approval from the Committee, proceed—
  - (i) where prior approval is required by virtue of Part I of Schedule 5, with any item of treatment referred to in that Part, or
  - (ii) where prior approval is required by virtue of Part II of Schedule 5, with any care and treatment mentioned in the estimate.

(3) Subject to sub-paragraphs (6), (7) and (10), where a dentist has obtained approval from the Committee required by sub-paragraph (1) because the care and treatment is or includes an item of

treatment referred to in Part I of Schedule 5, and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, which variation or addition—

- (a) is or includes an item of treatment referred to in Part I of Schedule 5; or
- (b) has the effect that the care and treatment then falls within Part II of Schedule 5,

the dentist shall re-submit, without unreasonable delay, the estimate to the Committee for approval, including details of any part of that care and treatment provided or to be provided privately.

(4) Subject to sub-paragraphs (6), (7) and (10), where a dentist has obtained approval from the Committee in accordance with sub-paragraph (1) because prior approval is required by virtue of Part II of Schedule 5 and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, the dentist shall re-submit, without unreasonable delay, the estimate to the Committee for approval together with details of any part of that care and treatment provided or to be provided privately.

(5) Where the Committee receives an estimate under sub-paragraphs (3) or (4) it may withdraw or vary its original approval in so far as the care and treatment has not yet been carried out in accordance with such approval, or add to its original approval, and, otherwise than in an emergency, the dentist shall not, until he receives approval from the Committee, proceed—

- (a) in any case falling within sub-paragraph (3)(a), with any item of treatment referred to in Part I of Schedule 5; or
- (b) in any other case, with any of the care and treatment mentioned in the estimate.

(6) Sub-paragraphs (1), (2), (3) and (4) shall not apply where the care and treatment to be provided under a capitation arrangement is care and treatment for which the dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration for which he receives no remuneration other than a capitation payment.

(7) The dentist may proceed immediately with the care and treatment of merchant seamen, deep sea fishermen, or oil rig workers, about to go to sea for a period in excess of 4 weeks, or persons about to go abroad for a period in excess of 4 weeks, and in such event shall send an estimate to the Committee for approval within 7 days of the commencement of the care and treatment.

(8) Where, in consequence of any proceedings under the Services Committee Regulations in respect of general dental services provided in the area of any Board, a dentist is required for any period to submit all estimates to the Committee for approval, in respect of all treatment or any specified description of treatment, the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (whether relating to treatment to be provided in that or any other area) to the Committee for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment in an emergency.

(9) Where in consequence of a direction given by the Committee under regulation 32 a dentist is directed, for any period, to submit all estimates to the Committee for approval in respect of treatment or a description of treatment specified in the direction, the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (relating to treatment in the area of any Board) to the Committee for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment following trauma or in an emergency.

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(10) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

### **Completion of an estimate**

27.—(1) Subject to sub-paragraphs (2), (3) and (4), when submitting an estimate to the Committee for approval in accordance with paragraph 26(1), (2), (3), (4), (8) or (9), a dentist shall in all cases, in addition to the information specified in those paragraphs, provide to the Committee the following information—

- (a) his name and address and the number by which his arrangement with the Agency is identified;
- (b) the patient's name and address, sex, date of birth and health service number as shown on the patient's medical card; and
- (c) details of the care and treatment proposed and the reasons why the dentist considers such care and treatment is necessary.

(2) Subject to sub-paragraph (3), a dentist who is required as mentioned in sub-paragraph (1) to send an estimate to the Committee may, by arrangement with the Agency use a computer to send that estimate to the Committee.

(3) Sub-paragraph (2) shall not apply to any estimate in respect of orthodontic care and treatment.

(4) A dentist who, in accordance with sub-paragraph (2), uses a computer to send an estimate—

- (a) shall at the appropriate time secure the completion, so far as applicable, by the patient or by any person acting on behalf of the patient, of the practice record form;
- (b) shall use only such a computer programme as the Agency has approved as suitable for the purpose; and
- (c) shall include with that estimate—
  - (i) all the information specified in sub-paragraph (1)(a), (b) and (c) except his name and address, and
  - (ii) the personal identification number allocated to him by the Agency for that purpose.

### **Completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral**

28.—(1) Subject to sub-paragraphs (2) and (4), the dentist shall complete within a reasonable time any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral.

(2) Where the dentist and the patient agree that the patient requires dentures, or new dentures, in consequence of treatment provided by that dentist involving the extraction of one or more teeth, the dentist shall provide such dentures within 12 months of the date of the relevant extraction or, as the case may be, the later or last such extraction.

(3) In so far as any treatment relates to the provision of dentures, it shall not be regarded as completed unless the dentures have been delivered to, and remain in the possession of, the patient.

(4) A dentist shall not be regarded as having failed to comply with sub-paragraphs (1) and (2) by reason of any delay in completing treatment where the Committee is satisfied that the delay is due to the failure of the patient to attend for treatment or that there is some other sufficient reason for the delay.

(5) Where a dentist—

- (a) has been notified that a patient has been requested to submit himself for examination by a dental officer or referral dental officer; and

(b) has not been notified that the examination has been carried out or cancelled, he shall not, otherwise than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the examination.

(6) Where a dentist—

(a) has been notified that the Services Committee set up under the Services Committee Regulations will investigate a complaint or reference relating to the provision of general dental services by him to a patient; and

(b) has not been notified—

(i) that the investigation has been completed, or

(ii) that the Services Committee has no objection,

he shall not, otherwise than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the investigation.

(7) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

### **Dental auxiliaries**

29. A dentist may in the provision of general dental services arrange for care and treatment to be given in accordance with the provisions of regulations having effect under section 45 of the Dentists Act(26) by a dental auxiliary to whom those regulations apply, and shall ensure that such care and treatment is properly completed.

### **Postgraduate education**

30. A dentist shall in the provision of general dental services take reasonable steps to develop professional knowledge and skills through activities undertaken with a view to maintaining an up-to-date knowledge of dental science and practice.

### **Notices**

31. A dentist shall display in a prominent position at the practice premises a notice, in a form supplied or approved by the Agency, indicating charges which are payable under general dental services and entitlement to exemption from and remission of those charges.

## **PART V**

### **ADDITIONAL TERMS OF SERVICE FOR DENTISTS OTHER THAN SALARIED DENTISTS**

#### **Patient information leaflets**

32.—(1) A dentist shall compile and make available, to the Board (if it requires one) and to any person who may reasonably require one, a document about the provision of general dental services at his practice premises (in this paragraph called a “patient information leaflet”) which shall include the information specified in Schedule 6.

(2) A dentist shall make any amendments to his patient information leaflet which he considers to be necessary to maintain its accuracy.

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(26) Section 45 was amended by Order in Council [S.I. 1991/1705](#) and see [S.I. 1986/887](#) amended by [S.I. 1991/1706](#)

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(3) A dentist who practises in partnership or under an associateship agreement with other dentists whose names are included in the dental list shall satisfy the requirements of this paragraph if he makes available a patient information leaflet, compiled and, where appropriate, amended in accordance with sub-paragraphs (1) and (2), which relates to the partnership or associateship as a whole.

#### **Premises etc**

33.—(1) Unless he provides general dental services from a mobile surgery only, a dentist shall provide proper and sufficient dental surgery and waiting-room accommodation for his patients.

(2) A dentist who provides general dental services at a mobile surgery shall provide proper and sufficient mobile surgery and waiting-room accommodation.

(3) A dental surgery and a mobile surgery shall be furnished with suitable equipment and a dentist shall provide treatment with suitable instruments.

(4) A dentist, on receipt of reasonable notice in writing, shall at all reasonable times admit a dental officer, referral dental officer, or a person authorised by the Board for the purpose of inspecting any dental surgery, mobile surgery or waiting-room under the dentist's control.

#### **Remuneration**

34. The provisions of paragraph 19 shall not have effect in relation to any claim made by a dentist in respect of loss of remuneration resulting from the failure of a patient to keep an appointment for general dental services.

#### **Deputies and assistants**

35.—(1) Where a dentist is prevented from providing care and treatment by reason of temporary absence through illness or other reasonable cause, such care and treatment may be given by a deputy or assistant.

(2) In the case of 2 or more dentists practising in partnership or as a principal and assistant, care and treatment may at any time be given by a partner or an assistant of the dentist who is responsible for the patient's care and treatment, if reasonable steps are taken to secure continuity of care and treatment.

(3) A dentist shall not employ more than 2 assistants at any one time for the provision of general dental services without the consent of the Board, or on appeal the Department.

(4) Before giving any consent under sub-paragraph (3) the Board shall consult the Local Dental Committee, and any consent given under that sub-paragraph shall be reviewed by the Board in consultation with the Local Dental Committee at least once a year and may be confirmed or withdrawn by the Board.

(5) A dentist shall—

- (a) notify the Board of the employment of an assistant within 7 days of the first day of such employment;
- (b) forward to the Board such particulars concerning the assistant as the Board may reasonably require; and
- (c) on ceasing to employ an assistant, notify the Board within 7 days of the cessation of that employment.

(6) A dentist shall not employ as an assistant any dentist who has the same address in the dental list as any of his own practice premises.

(7) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement under paragraph 26(8) or (9) to submit estimates to the Committee for prior approval in respect of treatment, he shall not allow the assistant to carry out the treatment unless the prior approval of the Board has first been obtained.

(8) If a dentist intends to absent himself from his practice premises for more than 28 consecutive days he shall notify the Board of—

- (a) his intended absence; and
- (b) the name and address, if different to the practice premises, of the deputy or assistant (if any) responsible for providing general dental services during his absence.

(9) A dentist who intends to be or is absent from his practice premises for more than 2 months—

- (a) shall notify the Board in writing; and
- (b) shall not employ an assistant for any period of absence in excess of 2 months without the consent of the Board.

(10) A dentist shall not, without the consent of the Department, employ as a deputy or assistant for the purpose of the provision of general dental services any dentist who is disqualified for inclusion in the dental list by virtue of the provisions of Article 61(2A)(27) or Article 65 of, and Schedule 11(28) to, the Order.

(11) Except as provided in sub-paragraph (12), a dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(12) A dentist, whose name is included in the dental list, when acting as a deputy to another dentist whose name is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the dentist for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.

(13) A deputy may provide general dental services at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of patients.

36. A deputy or assistant who issues a prescription form for listed drugs under paragraph 23, shall, in addition to signing his own name on the prescription form, insert on the form the name of the dentist for whom he is acting.

37. A deputy or assistant who signs a claim for remuneration or an estimate or part thereof on behalf of the dentist for whom he is acting shall do so in his own name and, except where the person who signs is a partner whose name is included in the dental list, shall also insert the name of the dentist for whom he is acting.

#### **Dentists suspended under section 28 or 32 of the Dentists Act 1984**

38. Where a dentist's registration in the register kept under section 14 of the Dentists Act is suspended by a direction or order of the Health Committee under section 28 of that Act (health cases) or by an order under section 32 of that Act (interim suspension order), he shall secure that any dentist appointed by him to provide general dental services on his behalf during that period of suspension shall be a dentist whose name is included in the dental list.

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(27) Paragraph (2A) was inserted by Article 5(2)(b) of S.I. 1981/432

(28) Schedule 11 was amended by Article 17 of, and Part I of Schedule 6 to, S.I. 1984/1158 (N.I. 8)

## PART VI

### ADDITIONAL TERMS OF SERVICE FOR SALARIED DENTISTS

#### **Attendance**

39.—(1) A dentist shall attend at such premises (being health premises) on such days and at such hours as he may agree with the Board.

(2) Except where paragraph 16 applies, a dentist may not, without the permission of the Board, provide at such premises any care and treatment which is not part of general dental services.

#### **General anaesthetics**

40. Where required to do so by the Board, or on behalf of the Board, the dentist shall pay to a doctor or another dentist, for the administration of general anaesthetic by virtue of arrangements made under paragraph 21, a fee not exceeding the fee in the Scale of Fees appropriate to the item of treatment provided.

#### **Records**

41.—(1) The records, radiographs, photographs and study models referred to in paragraph 25(1) shall be the property of the Board.

(2) The dentist shall supply to the Committee or a dental officer or a referral dental officer such information with regard to the care and treatment of patients as they may request within 14 days of the date of the request.

#### **Drugs**

42. Any drugs supplied under paragraph 22 shall be obtained by the dentist in such a manner as the Board may require.

#### **Provision of Board patient information leaflets**

43. A salaried dentist shall make available to any person who may reasonably require one the Board patient information leaflet compiled, and provided to him, by the Board pursuant to regulation 16.

#### **Termination of services**

44.—(1) Subject to sub-paragraph (2), any arrangement between the Board and a salaried dentist for the provision of general dental services may be terminated by either party giving to the other 3 months' notice in writing.

(2) If a dentist fails to comply with any of the terms of service that apply to a salaried dentist the Board may terminate the arrangement by giving him one month's notice in writing.

(3) The Board may at any time suspend a salaried dentist from the discharge of his duties but such suspension shall not affect the right of the salaried dentist to receive remuneration during the period of suspension.

## SCHEDULE 3

Regulation 5(1)

### PART I

#### Information and undertaking to be included in an application for inclusion in the dental list

1. Full name.
2. Sex.
3. Date of birth.
4. Private address.
5. Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and registration number, dental qualifications registrable under that Act and when obtained.
6. Address of proposed practice premises and in the case of any mobile surgery, the address to which correspondence may be sent.
7. Proposed days and hours of attendance and whether patients will be seen by appointment only and in the case of any mobile surgery, particulars of places to be visited regularly by the dentist and the times of those visits.
8. Undertaking to provide general dental services in the area of the Board.
9. Whether intending to practise—
  - (a) as a single-handed practitioner; or
  - (b) as a partner and if so the name and address of each intended partner and whether or not his name is included in the dental list; or
  - (c) as an associate and if so the name and address of each intended associate and whether or not his name is included in the dental list.
10. The names of any assistants he or any person referred to in paragraph 9(b) or (c) intends to employ or already employs at the proposed practice premises.
11. Present or most recent appointment and whether any previous experience in the provision of general dental services.
12. Whether the general dental services to be provided are restricted to orthodontic treatment.
13. Whether there is access to the proposed dental surgery without the use of stairs.

### PART II

Information which may be included in an application for inclusion in the dental list  
Details of any languages, other than English, spoken by the dentist.

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#### SCHEDULE 4

Regulation 3 Schedule 2, paragraphs 4 and

5

Information to be provided about care and treatment under general dental services

1. Details of arrangements in an emergency.
2. Details of repairs and replacements free of charge.
3. Explanation of care and treatment to be provided.
4. Details of arrangements if the dentist with whom the patient has entered into a continuing care arrangement or a capitation arrangement is not available.
5. Details of care and treatment available under general dental services.
6. Explanation of charges for general dental services and of entitlement to exemptions from and remission of these charges.
7. Explanation of the arrangements for cancelling appointments.
8. Explanation of the importance of regular care.
9. The consequences of the termination of a continuing care arrangement or a capitation arrangement.

#### SCHEDULE 5

Regulation 3 Schedule 2, paragraph 26

#### PRIOR APPROVAL TREATMENT

#### PART I

#### ITEMS OF TREATMENT

Any item of treatment specified in Determination I of the Statement of Dental Remuneration as being an item of treatment for which the prior approval of the Committee is required.

#### PART II

#### CARE AND TREATMENT

1. A course of care and treatment under a continuing care arrangement or a capitation arrangement or any treatment on referral, the cost of which exceeds or is likely to exceed £200.
2. Any orthodontic care and treatment to be provided by that dentist, the cost of which exceeds or is likely to exceed £200.
3. A reference in this Part to the cost of care and treatment means the cost of such care and treatment calculated in accordance with the Scale of Fees, but does not include the cost of—
  - (a) any care and treatment under a capitation arrangement for which the dentist is remunerated in accordance with Section X (treatment under capitation) in Determination I of the Statement of Dental Remuneration for which he receives no remuneration other than a capitation payment;
  - (b) in the case of orthodontic care and treatment, fees for diagnosis, study models, retention and the extraction of any tooth for orthodontic purposes; and

- (c) any part of the care and treatment to be provided privately.

## SCHEDULE 6

Regulation 3 Schedule 2, paragraph 32

### Information to be included in patient information leaflets

1. The following personal and professional details of the dentist—
  - (a) Name.
  - (b) Sex.
  - (c) Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and details of dental qualifications registrable under that Act.
2. The following additional information about the provision of general dental services at practice premises—
  - (a) The addresses of all the practice premises and, where he provides general dental services at a mobile surgery only, the address to which correspondence may be sent.
  - (b) Particulars of the days and hours when the dentist is or will be usually in attendance at the practice premises, and in the case of any mobile surgery, particulars of the places visited regularly by him and the times of those visits.
  - (c) The names of all dentists at the practice premises including partners, associates and assistants and details of them as specified in paragraph 1.
  - (d) Whether a dental hygienist is employed at the practice premises.
  - (e) Whether there is access to the dental surgery without the use of stairs.
  - (f) Whether the practice premises (including the dental surgery and toilets) are accessible to wheelchairs.
  - (g) Whether the dentist or any person referred to in sub-paragraph (c) provides only orthodontic treatment.
  - (h) Provided the dentist consents to their inclusion, details of any languages, other than English, spoken by the dentist.

## SCHEDULE 7

Regulation 16

### Information to be included in Board patient information leaflets

1. The following personal and professional details of any salaried dentist providing general dental services at health premises—
  - (a) Name.
  - (b) Sex.
  - (c) Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and details of dental qualifications registrable under that Act.
2. The following additional information about the provision of general dental services at health premises—
  - (a) The addresses of all the health premises within its area at which general dental services are provided.

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- (b) Particulars of the days and hours when general dental services are provided at the health premises and, where a Board makes arrangements for a salaried dentist to provide general dental services at a mobile surgery, particulars of the places visited regularly by the salaried dentist and the times of those visits.
- (c) Whether a dental hygienist is employed at the health premises.
- (d) Whether there is access to the dental surgery at the health premises without the use of stairs.
- (e) Whether the health premises (including the dental surgery and toilets) is accessible to wheelchairs.
- (f) Provided the salaried dentist consents to their inclusion, details of any languages, other than English, spoken by the salaried dentist.

## SCHEDULE 8

Regulation 30

### Dental Committee

1. The Dental Committee constituted by the Agency after consultation with the Boards and such organisations as appear to it to be representative of the dental profession and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

2. The chairman shall be appointed by the Department and shall be a dentist who is engaged in the provision of general dental services.

3. The term of office of members of the Committee shall be determined by the Agency.

4. Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency after consultation with the organisations or bodies referred to in paragraph 1 and if necessary with the Committee and any person so appointed shall hold office for the remainder of the term of office of the former member.

5. A member of the Committee may resign his membership by giving to the Agency notice in writing.

6. Where any member of the Committee—

- (a) is absent from the meetings of the Committee for more than 6 months consecutively (except for a reason approved by the Agency);
- (b) has become bankrupt or has made a composition with his creditors; or
- (c) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

7. Where a person who provides any dental or other professional services under the Order is a member of the Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

8. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment of any of its members.

9. A member of the Committee who is appointed on the nomination of a Board, shall if he is a member of that Board, cease to be a member of the Committee if he ceases to be a member of that Board.

## SCHEDULE 9

Regulation 38

## Revocations

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975	<a href="#">S.R. 1975 No. 227</a>	The whole regulations
Health and Personal Social Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1977	<a href="#">S.R. 1977 No. 81</a>	The whole regulations in so far as they have not been revoked
Health and Personal Social Services General Dental Services (Amendment) (No. 2) Regulations (Northern Ireland) 1980	<a href="#">S.R. 1980 No. 285</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1981	<a href="#">S.R. 1981 No. 61</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1985	<a href="#">S.R. 1985 No. 56</a>	The whole regulations in so far as they have not been revoked
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1985	<a href="#">S.R. 1985 No. 135</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 190</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment No. 2)	<a href="#">S.R. 1987 No. 346</a>	The whole regulations

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Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
Regulations (Northern Ireland) 1987		
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 53</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 228</a>	The whole regulations
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 342</a>	The whole regulations except regulations 13 and 14
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) (No. 2) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 381</a>	The whole regulations except regulation 3
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1990	<a href="#">S.R.1990 No. 439</a>	The whole regulations
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 130</a>	The whole regulations
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 277</a>	The whole regulations
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 37</a>	The whole regulations except regulation 4
Health and Personal Social Services General Dental Services (Amendment No. 2)	<a href="#">S.R. 1992 No. 299</a>	The whole regulations

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Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
Regulations (Northern Ireland) 1992		

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations provide for the arrangements under which general dental services are provided under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972 (“the Order”). They supersede the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 (“the 1975 Regulations”).

The provisions made by these regulations differ from those made in the 1975 regulations in a number of respects.

The Central Services Agency shall prepare, from information supplied by the Health and Social Services Boards, each year, an updated list ('the dental list') of dentists providing general dental services (regulation 4(8)). Boards are to determine applications for inclusion in the dental list within 14 days, unless the dentist's proposed practice premises are to be inspected by the Board, in which case the application is to be determined within 14 days of such inspection (regulation 5(2)). Regulation 7(2) prevents the inclusion of a dentist's name in the dental list if the Board is not satisfied, following an inspection, that his proposed practice premises are of a satisfactory standard. A Board may remove a dentist's name from the dental list on the grounds that he has not for the preceding 6 months provided general dental services, but in the calculation of that period any absence because of the dentist's service in the armed forces or maternity leave or sickness is to be disregarded (regulation 8(5)). Provision is made for Boards to make arrangements with dentists to provide general dental services in urgent cases at times when general dental services are not normally available (regulation 14).

Boards are required to prepare patient information leaflets (“Board patient information leaflets”) about the provision of general dental services by salaried dentists at any health premises in their areas (regulation 16 and Schedule 7). Regulation 21 establishes a right of appeal to the Department in circumstances where a dentist is dissatisfied with a decision of the Central Services Agency with regard to fees payable to him. The Regulations provide for payments to dentists during periods where their registration is suspended under the Dentists Act 1984 (by an interim suspension order or a direction of the Health Committee) and specifies the amounts payable to them (regulation 27). Regulation 33 introduces revised procedures for handling appeals against decisions of the Dental Committee. Provision is also made for the Central Services Agency or a Board to conduct or commission surveys or other research relating to the provision of general dental services (regulation 34).

The terms of service under which dentists provide general dental services to their patients are set out in Schedule 2. The principal changes to these terms of service are as follows.

The provision relating to the mixing of general dental services and private care and treatment is extended to salaried dentists (paragraph 16). Paragraph 21 imposes special obligations on dentists in connection with the administration of sedation. Provision is also made regarding dental records, which must be retained for a period of 2 years but may be kept on computer (paragraph 25). A dentist

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must allow the Board to inspect his practice premises provided that he has been given reasonable notice of its intention to do so (paragraph 33).

Other provisions of these regulations (including the terms of service) differ from those of the 1975 Regulations in minor respects, or in consequence of other changes which are mentioned above.