

2022 No. 104

HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Social Care Act (Northern Ireland) 2022
(General Dental and Ophthalmic Services Consequential and
Miscellaneous Amendment) Regulations (Northern Ireland)
2022**

Made - - - -

11th March 2022

Coming into operation -

1st April 2022

The Department of Health(a), makes the following Regulations in exercise of the power conferred by Articles 26(2), 61, 62, 63, 64, 95, 98, 106 and 107(6) of, and paragraph 7(5) of Schedule 3 and paragraph 13 of Schedule 11, and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(b) and Article 4 of the Health and Medicines (Northern Ireland) Order 1988(c) and section 6(2) and (3) of the Health and Social Care Act (Northern Ireland) 2022(d).

These Regulations are subject to the negative resolution process.

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Social Care Act (Northern Ireland) 2022 (General Dental and Ophthalmic Services Consequential and Miscellaneous Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 1st April 2022.

Amendment of the Dental Charges Regulations (Northern Ireland) 1989

2.—(1) The Dental Charges Regulations (Northern Ireland) 1989(e) are amended in accordance with paragraphs (2) to (7)—

(2) In the Arrangement of Regulations in the heading for Schedule 1 for “a Health and Social Services Board” substitute “the Department”.

(3) In regulation 1(f) (citation, commencement and interpretation), omit the definitions of “Board” and “relevant Board”.

(4) In regulation 4(4) (calculation of charges) for “a Board” and “the Board” substitute “the Department”.

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26), Articles 30, 34, 35 of, and Part 1 of Schedule 5 to, and Part 1 of Schedule 6 to, S.I. 1991/194 (N.I. 1) and S.I. 1997/1177 (N.I. 7)

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

(d) 2022 c. 3 (N.I.)

(e) S.R. 1989 No. 111 : relevant amending Regulations are S.R.s 1993 No. 139, 1999 No. 17,

(f) Definition of “relevant Board” was inserted by regulation 2(1)(b) of S.R. 1999 No 17

(5) In regulation 7(1)(a) (making and recovery of charges) for “Board” substitute “Department”.

(6) In regulations 9(1)(b) (charges for more expensive supplies and repairs) and 12(1) (reduction of remuneration and accounting for charges - general dental services) for “a Board, in each place where it occurs, substitute “the Department”.

(7) In Schedule 1 (calculation of charge for supply of appliance on referral to health and social services board or other person or body) in the title for “Health and Social Services Board” substitute “the Department”.

Amendment of the General Dental Services Regulations (Northern Ireland) 1993

3.—(1) The General Dental Services Regulations (Northern Ireland) 1993(c) are amended in accordance with paragraphs (2) to (21)—

(2) In the arrangement of regulations—

- (a) In Part II for “16. Board” substitute “16. Departmental”;
- (b) After Part VII for “SCHEDULE 7 — Information to be included in Board patient information leaflets” substitute “SCHEDULE 7 — Information to be included in Departmental patient information leaflets”

(3) In regulation 2 (interpretation)—

- (a) Omit the definition of “Board”;
- (b) In the definitions of—
 - (i) “health premises”;
 - (ii) “Local Dental Committee”(d);
 - (iii) “Local Pharmaceutical Committee”; and
 - (iv) “salaried dentist”;for “a Board” substitute “the Department”.
- (c) In the definition of “Local Medical Committee”(e) for “the Board” substitute “the Department”;
- (d) In the definition of “pilot performers list”(f) omit “the Board in accordance with Directions given by ”; and
- (e) In the definition of “referral dental officer”(g) for “the Regional Health and Social Care Board established by section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009” substitute “the Agency”.

(4) In regulations 3 (terms of service), 4(5) (dental list), 5(1) and (2)(h) (application for inclusion in the dental list), 6 (local directory of dentists), 7(2) (restrictions on the right to be included in the dental list), 8(1) to (4)(i) (removal from dental list), 10 (withdrawal from dental list), 12(1) and (2) (information about associateship agreements), 13(j) (transfer of continuing care and capitation arrangements), 15 (arrangements for emergency cover), 20(6)(k) (approval of payments), 23(1)(l)

(a) Words substituted by regulation 4 of S.R. 1993 No. 139 and regulation 2(5)(a) of S.R. 1999 No 17

(b) Words inserted by regulation 5 of S.R. 1993 No. 139

(c) S.R. 1993 No. 326: relevant amending Regulations are S.R.s 1993 No. 401, 1995 No. 488, 1996 No. 114, 1998 No. 245, 1999 No.100, 2001 No. 2, 2001 No. 89, 2001 No. 309, 2004 No.156, 2005 No. 311, 2007 No. 292, 2008 No. 395, 2009 No. 263, 2014 No. 3, 2014 No. 267, 2014 No. 319, , S.I. 2014 No. 1887, S.R.s 2016 No.104 and 2017 No. 10

(d) Words omitted by Article 7(b) of S.R. 2004 No. 156

(e) Definition inserted by Article 7(b) of S.R. 2004 No. 156

(f) Definition inserted. by regulation 2(2)(b) of S.R. 2014 No. 3

(g) Definition substituted. by regulation 2(2) of S.R. 2009 No. 263

(h) Words inserted by regulation 3(1)(a) and (2) of S.R. 1993 No. 401

(i) Sub-paragraphs (1)(c) and (d) inserted by regulation 2(2)(b) of S.R. 2001 No. 2 words in paragraph 5 amended by regulation 4(a) of S.R. 1995 No. 488 and 5(e) added by regulation 5(4)(b) of S.R. 1999 No. 100

(j) Words substituted and inserted and paragraph (3) was inserted by regulation 5(2) and (3) of S.R. 1995 No. 488

(k) Words amended by regulation 5 of S.R. 2001 No. 2, regulation 3 of S.R. 2001 No. 309 and regulation 3 of S.R. 2005 No. 311

(l) Sub-paragraph (b) was substituted. by regulation 14 of S.R. 2014 No. 267

(recovery of overpayments), 25 (entitlement to payments), 26 (application for payments), 27 (amount and time of payments), 34 (surveys), 35 (publication of documents) and 36 (service of documents) for “a Board” or “the Board”, in each place either occurs, substitute “the Department”.

(5) In regulation 4—

- (a) In paragraph (1) for “Boards” substitute “the Department”;
- (b) In paragraph (6) omit “, each Board”, in each place it occurs; and
- (c) In paragraph (8)(a) omit “, to each Board”.

(6) In regulation 5(3)(b)(a) (application for inclusion in the dental list) for “the Regional Board” substitute “the Department”.

(7) In regulation 5A(5)(a)(b) (applications for dental foundation training numbers) for “the Regional Board” substitute “the Department”.

(8) In regulation 8(5)(e)(c) (removal from dental list) for “scheme” substitute “scheme.”.

(9) In regulations 11 (information about assistants), 12(4) (Information about associateship agreements), 14(1)(d) (emergency dental services), 27 (amount and time of payments) and 34 (surveys) and 35 (publication of documents) for “A Board”, in each place where it occurs, substitute “The Department”.

(10) For regulation 13A(e) (transfers at the end of the pilot scheme into continuing care and capitation arrangements) substitute—

“Transfers at the end of the pilot scheme into continuing care and capitation arrangements

13A.—(1) At the termination of a pilot scheme, the Department 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 transfer of persons, formerly receiving personal dental services under a pilot scheme, into continuing care arrangements or capitation arrangements.

(2) An arrangement under paragraph (1) may transfer a person to the dentist who had treated that patient while a performer of personal dental services under the pilot scheme.”.

(11) For regulation 16 (board patient information leaflets) substitute—

“Departmental patient information leaflets

16. The Department 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 Northern Ireland (in this regulation called a “Departmental patient information leaflet”) which shall include the information specified in Schedule 7.”.

(12) In regulation 20(5)(approval of payments) after “V” insert “,”.

(13) In regulation 23(1)—

- (a) Omit “except to the extent that the Department on the application of the Agency or the Board directs otherwise”; and
- (b) In sub-paragraph (b) omit “, the Regional Board”.

(14) In regulation 29 (overpayments) omit “, the Regional Board”.

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- (a) Paragraphs (3) and (4) inserted by regulation 3(3) of S.R. 1993 No. 401 and substituted by regulation 2(3) of S.R. 2017 No. 10
 - (b) Regulations 5A, 5B, 5C, 5D and 5E were inserted by regulation 4 of S.R. 1993 No. 401 and substituted by regulation 2(4) of S.R. 2017 No. 10 regulation 5A was previously amended by regulation 4 of S.R. 1998 No. 245 and regulation 5(3) of S.R. 1999 No. 100
 - (c) Sub-paragraphs (1)(c) and (d) inserted by regulation 2(2)(b) of S.R. 2001 No. 2 words in paragraph 5 amended by regulation 4(a) of S.R. 1995 No. 488 and 5(e) added by regulation 5(4)(b) of S.R. 1999 No. 100
 - (d) Words omitted by regulation 3 of S.R. 2001 No. 2
 - (e) Regulation 13A inserted. by regulation 2(2) of S.R. 2014 No. 319

- (15) In regulation 32 (prior approval — patterns of treatment)—
- (a) In paragraph (1) omit “in the area of a Board ”;
 - (b) Omit “area or ” in each place that it occurs; and
 - (c) In paragraph (9)
 - (i) after sub-paragraph (a) insert “and”;
 - (ii) omit sub-paragraph (b).
- (16) In regulation 37 (signatures) for “incuding” substitute “including”.
- (17) In Schedule 2 (terms of service for dentists)—
- (a) In the Arrangement of Paragraphs for “43.Provision of Board patient information leaflets” substitute “43.Provision of Departmental patient information leaflets”;
 - (b) In paragraphs 8(2)(b)(iii)(a) (duration and extension of a continuing care arrangement), 9(2)(b)(iv)(b) (duration and extension of a capitation arrangement), 25(3)(ii)(c) (records), 31A(4)(a)(ii), (5)(d) (complaints), 31B, 31C (return), 31D(e) (professional indemnity), 31G(f) (quality assurance system return), 32(1) (patient information leaflets), 33(4) (premises etc), 39 (attendance), 41 (records), 42 (drugs), for “a Board”, “that Board” or “the Board”, in each place either occurs, substitute “the Department”;
 - (c) In paragraph 25(3)(i)(g) for “relevant Board” substitute “Department”;
 - (d) In paragraph 26(8)(h) and (9)(a) (prior approval of treatment) omit “provided in the area of any Board,”;
 - (e) In paragraph 28(6)(b)(ii)(i) (completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral) for “Regional Board” substitute “Department”;
 - (f) In paragraph 31A(6) renumber the second head (b)(j) as (c);
 - (g) For paragraph 43 (provision of board patient information leaflets) substitute—

“Provision of Departmental patient information leaflets

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

- (h) In paragraph 44 (termination of services) for “Board”, in each place it occurs, substitute “Department”.

(18) In Schedule 3 (information and undertaking to be included in an application for inclusion in the dental list) for paragraph “8. Undertaking to provide general dental services in the area of the Board.” substitute “8. Undertaking to provide general dental services.”.

(19) In Schedule 5 (prior approval treatment) in Part II (care and treatment) for paragraph 2(k) substitute—

“2. Any orthodontic care and treatment to be provided by that dentist, to a person who is assessed by the dentists as having a treatment need which is not in—

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- (a) Head (b)(iii) was inserted by regulation 8(2)(b) of S.R. 1995 No. 488
 - (b) Head (b)(iv) was inserted by regulation 8(3)(b) of S.R. 1995 No. 488
 - (c) Sub-paragraph (3) was substituted. by regulation 6(2)(c) of S.R. 2001 No. 2
 - (d) Paragraphs 31A, 31B and 31C were inserted. by regulation 2 of S.R 1996 No. 114
 - (e) Paragraph 31D was inserted by regulation 5(4) of S.R. 1998 No.245 and substituted.by Article 2(2) and paragraph 6 of Schedule 2 to S.I. 2014 No. 1887
 - (f) Paragraphs 31E, 31F and 31G were inserted by regulation 4(b) of S.R. 2001 No. 309
 - (g) Sub-paragraph (3) was substituted. by regulation 6(2)(c) of S.R. 2001 No. 2
 - (h) Words were substituted by regulation 2(7) of S.R. 2007 No. 292
 - (i) Paragraph 28(6)(b)(ii) was substituted by regulation 14(1)(c)(ii) of S.R. 2016 No. 104
 - (j) There were two head (b)s included in sub-paragraph (6) in the original insertion of paragraph 31A in regulation 2 of S.R. 1996 No. 114
 - (k) Paragraph 2 was substituted in incorrect format by regulation 2(4) of S.R. 2014 No. 3

- (a) grade 4 or 5 of the Dental Health Component of the Index of Orthodontic Treatment need; or
- (b) grade 3 of the Dental Health Component of that index with an Aesthetic Component of 6 or above,

but the dentist is of the opinion that orthodontic care and treatment should be provided to that person because of the exceptional circumstances of the dental and oral condition of that person.”.

(20) In Schedule 7 (information to be included in Board patient information leaflets—

- (a) In the heading for “Board” substitute “Departmental”; and
- (b) In paragraph 2(b) for “a Board” substitute “the Department”.

(21) In Schedule 8 (dental committee)—

- (a) In paragraph 1 for “consultation with the Boards and such organisations” substitute “consultation with the Department and such organisations” ; and
- (b) Omit paragraph 9.

Amendment of the General Ophthalmic Services Regulations (Northern Ireland) 2007

4.—(1) In the General Ophthalmic Services Regulations (Northern Ireland) 2007(a)—

(2) In regulation 2 (interpretation)—

- (a) Omit the definition of “Board”;
- (b) In the definitions of “mobile practices and “mobile services”(b) for “the Board” substitute “the Department”; and
- (c) In the definition of “Ophthalmic Qualifications Committee” omit “each Board and”.

(3) In regulations 8(1) and (3)(e) (ophthalmic list), 9(2) (application for inclusion in ophthalmic list), 11 (removal from ophthalmic list), 13 (terms of service), 19(2) (school children), and 22 (service of documents) for “a Board” or “the Board”, in each place they occur, substitute “the Department”.

(4) In regulation 8—

- (a) In paragraph (3)(b) omit “in the Board’s area”;
- (b) In paragraph (4) omit “, each Board”; and
- (c) In paragraph (5) omit “each Board, at ”

(5) In regulation 9(1) for “Board in whose area he proposes to practise, on a form approved by the Department and available from the Board” substitute “Department on a form approved by and available from the Department”.

(6) In regulation 10 (withdrawal from ophthalmic list) for “Board”, in each place that it occurs, substitute “Department”.

(7) In regulation 14(3)(b)(c) (payment for services) omit “the Regional Board or ”.

(8) In regulation 21 (publication of particulars) for “Boards” substitute “the Department”.

(9) In Schedule 1 (terms of service)—

- (a) In paragraphs 4(d) (provision of mobile services), 5(2), (5) (7) and (8) (premises and equipment), 7(3)(a) (records), 8(2) (deputies), 9(2) (employees) and 11 (co-operation with investigations) for “the Board”, in each place it occurs, substitute “the Department”.

(a) S.R. 2007 No. 436 : relevant amending Regulations are S.R. 2014 No. 2, S.R. 2014 No. 267 and S.R. 2016 No 104

(b) Definition of “mobile services” substituted by regulation 2(3) of S.R. 2014 No. 2

(c) Sub-paragraph (b) was substituted by regulation 16 of S.R. 2014 No. 267

(d) Sub-paragraphs (9) and (10) were inserted by regulation 4(c) of S.R. 2009 No. 152, (3) and (8) were substituted. by regulation 4(2) and (3) of S.R. 2014 No. 2 an additional second paragraph (9) was inserted by regulation 4(4) of S.R. 2014 No. 2

- (b) In paragraph 4, immediately after sub-paragraph (8), for the first sub-paragraph (9) substitute—
- “(8A) The contractor shall not—
- (a) offer any inducement (except any discount or special offer available to patients) to use the mobile services provided by the contractor and in particular no such inducement shall be offered by the contractor, directly or indirectly, to the proprietor, manager or staff of a nursing home, residential care home or day care setting to secure that the contractor is asked or permitted to provide mobile services at that establishment; or
 - (b) seek to mislead any person about the availability, quality and extent of the mobile services provided.”.
- (c) In paragraph 5—
- (i) In sub-paragraph (3)(b) omit “in the area of that Board”.
 - (ii) In sub-paragraphs (6), (7) and (8) omit “, the Board”, in each place it occurs.
- (d) In paragraph 7(3)(b) omit “, the Board”, in each place it occurs.
- (e) In paragraphs 8(2) (deputies) and 9(2) (employees) for “the Board” substitute “the Department”.
- (10) In Schedule 2 (constitution of ophthalmic committee)—
- (a) In paragraph 1 for “the Boards” substitute “the Department”.
 - (b) In paragraph 9—
 - (i) For “a Board” substitute “the Department”.
 - (ii) For “that Board”, in each place it occurs, substitute “the Department”.

Sealed with the Official Seal of the Department of Health on 11th March 2022



Caroline Lappin
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments consequential to the Health and Social Care Act (Northern Ireland) 2022 (c. 3) to the Dental Charges Regulations (Northern Ireland) 1989, the General Dental Services Regulations (Northern Ireland) 1993 and the General Ophthalmic Services Regulations (Northern Ireland) 2007.

They also make minor technical amendments to correct historical typographical errors.

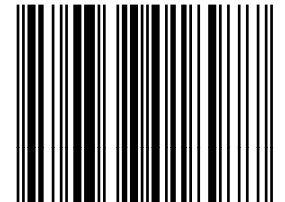
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