

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Dental and Medical Services

Primary dental services

Section 170: Provision of primary dental services

350. *Section 170* inserts a new *section 16CA* into the 1977 Act. The new *section 16CA* directly confers on each PCT and LHB a duty to provide or secure the provision of primary dental services in its area to the extent it considers necessary to meet all reasonable requirements (*16CA(1)*). This new duty replaces the duty in section 35 of the 1977 Act (arrangements for general dental services) which requires a PCT to make arrangements with dental practitioners and dental corporations for the provision of dental services where a dental practitioner has agreed to provide dental treatment and appliances to a patient.
351. *Section 16CA(2)* confers a power for PCTs and LHBs to provide dental services themselves. This will enable a PCT or LHB to employ dentists to provide primary dental services.
352. *Section 16CA(3)* places a duty on PCTs and LHBs to publish information about the services they commission or provide. This will assist patients in identifying providers of NHS dental care in the PCT's or LHB's area and the range of services offered. The duty is in response to the recommendations in *Options for Change* for "improving the patient experience".
353. *Section 16CA(4)* imposes a duty on PCTs and LHBs to co-operate with other PCTs and LHBs in making arrangements for primary dental services. In particular, PCTs will need to co-operate with LHBs where practices straddle the England and Wales border.
354. *Section 16CA(5)* and *(6)* provide regulation making powers to define what should, or should not, be considered as primary dental services. This would allow for services in care homes, for example, to be provided not as primary dental services, but under section 3 of the 1977 Act.