

2001 No. 1677

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General Dental Services)
Amendment (No. 3) Regulations 2001**

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| <i>Made</i> - - - - - | <i>2nd May 2001</i> |
| <i>Laid before Parliament</i> | <i>3rd May 2001</i> |
| <i>Coming into force</i> | |
| <i>Regulation 1 to 4 and 5(a)</i> | <i>24th May 2001</i> |
| <i>Regulation 5(b)</i> | <i>24th June 2001</i> |

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 15(1), 35(1), 36(1), 37(1) and 126(4) of the National Health Service Act 1977(a) hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment (No. 3) Regulations 2001 and shall come into force on 24th May 2001, except regulation 5(b), which shall come into force on 24th June 2001.

(2) These Regulations extend to England only.

Amendment of the National Health Service (General Dental Services) Regulations 1992

2. The National Health Service (General Dental Services) Regulations 1992(b) shall be amended in accordance with the following provisions of these Regulations.

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- (a) 1977 c. 49: *see* section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i); and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24. Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a). Section 37(1) (so numbered by the 1988 Act, section 12(2)) was amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, paragraph 50; modified by section 12(1) of the 1988 Act and amended by that Act, Schedule 3; and amended by the 1995 Act, Schedule 1, paragraph 26. Section 126(4) was amended by the 1990 Act, section 65(2); and by the 1999 Act, Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 15, 35, 36 and 126(4) of the 1977 Act were transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1: these Regulations therefore extend only to England.
- (b) S.I. 1992/661: relevant amending instruments are S.I. 1993/2209, 1993/3172, 1995/3092, 1996/704, 1998/1648 and 2000/2459.

Amendment of regulation 19

3. In regulation 19 (Statement of Dental Remuneration)—
 - (a) in column 2 of the Table set out below paragraph (1) for the entry “Postgraduate education allowances” substitute “Continuing professional development allowances”,
 - (b) at the end of that Table insert in column (1) the Roman numeral “X” and insert in column (2) “Clinical audit allowances”.

Amendment of regulation 20

4. In regulation 20 (approval of payments) in paragraph (4) for “VIII and IX” substitute “VIII, IX and X”.

Amendment of Schedule 1

5. In Schedule 1 (terms of service for dentists)—
 - (a) after paragraph 31D (professional indemnity)(a) insert—

“Clinical audit activities

- 31E.**—(1) In the relevant period a dentist shall—
- (a) undertake at least 15 hours of clinical audit activities, and
 - (b) take reasonable steps to ensure that any assistant of his also undertakes such activities.

- (2) In this paragraph—

“clinical audit activities” means activities which involve the systematic and critical analysis of the quality of dental care provided by the dentist, including the processes used by him for diagnosis, intervention and treatment and his use of resources, and may include peer review by means of participation in meetings of a group of not less than 4 dentists where such a group considers the quality and performance of specific treatments and approaches to treatment, and

“the relevant period” means—

- (a) subject to head (b) below, where a dentist’s name is included in a dental list and he is providing dental services—
 - (i) on 24th May 2001, the period of three years commencing on that date,
 - (ii) from a date after 24th May 2001, the period of three years commencing with that later date,

and each successive period of three years thereafter;

- (b) where a dentist’s name remains included in a dental list but he does not provide dental services during any continuous period in excess of thirteen weeks, the period specified in head (a), to which is added any such continuous period during which he is not providing dental services.”; and

- (b) after paragraph 31E (as inserted by paragraph (b) above) insert—

“Quality assurance system

31F.—(1) A dentist shall establish, and operate in accordance with this paragraph, a practice based quality assurance system which is applicable to all the persons specified in sub-paragraph (2).

- (2) The specified persons are—

- (a) the dentist,
- (b) any other dentist either employed by him or engaged as a deputy, and
- (c) any employee of the dentist other than one falling within head (b) above.

(3) A dentist shall ensure that in respect of his practice based quality assurance system, he has specified a person (who need not be connected with the dentist’s practice) to be responsible for operating that system.

(a) Paragraphs 31A, 31B and 31C were inserted by regulation 5 of S.I. 1996/704 and paragraph 31D was inserted by regulation 7(4) of S.I. 1998/1648.

(4) A dentist shall ensure that in respect of his practice based quality assurance system, there is displayed in a prominent position in his practice premises, in a part to which patients have access, a written statement relating to his commitment to the matters referred to in sub-paragraph (5).

(5) In this paragraph and in paragraph 31G “a practice based quality assurance system” means one which comprises—

- (a) a system to ensure that all dental care provided is of a consistent quality,
- (b) a system to ensure that effective measures of infection control are used,
- (c) a system to ensure that all legal requirements relating to health and safety in the workplace are satisfied,
- (d) a system to ensure that all legal requirements relating to radiological protection are satisfied, and
- (e) a system to ensure that any requirements of the General Dental Council in respect of the continuing professional development of dentists are satisfied.

Quality assurance system return

31G.—(1) Subject to sub-paragraph (3), a dentist whose name is included in the dental list shall provide to the Health Authority by 30th June each year a written return which states—

- (a) whether there has been compliance with all the systems specified in paragraph 31F(5) in respect of the period of 12 months ending on 31st March each year, and
- (b) whether any changes to his practice or procedures have occurred as a result of the operation of the practice based quality assurance system and if so, the nature of those changes.

(2) Where a dentist practises in partnership with one or more other dentists whose names are included in the dental list, the information referred to in sub-paragraph (1) shall be provided in respect of the partnership as a whole instead of by each dentist individually.

(3) The return to be provided by 30th June 2002 shall relate to the period from 24th June 2001 to 31st March 2002.”.

Signed by authority of the Secretary of State for Health

2nd May 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (S.I. 1992/661) (“the 1992 Regulations”) which regulate the terms on which general dental services are provided under the National Health Service Act 1977.

The Regulations amend regulation 19(1). The matter “Continuing professional development allowances” is substituted for the matter “Postgraduate education allowances” and a new matter, “Clinical audit payments” is to be a determination for the purposes of that regulation.

The Regulations further amend Schedule 1 to the 1992 Regulations, which sets out the terms of service applicable to dentists who are on a Health Authority’s dental list. Three new terms of service are also imposed, so that a dentist must undertake, over successive three year periods, 15 hours of activities involving clinical audit, establish and operate a practice based quality assurance system and make an annual return to the Health Authority in respect of that system.

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