

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 2

PROVISION OF SERVICES

Mixing of services provided under the agreement with private services

11.—(1) Subject to sub-paragraph (2) and the requirements in paragraphs 2 (referral services) and 6 (orthodontic treatment plans) of Schedule 1 and paragraph 8(1)(g) of this Schedule, a contractor may, with the consent of the patient, provide privately any part of a course of treatment or orthodontic course of treatment for that patient, including in circumstances where that patient has been referred to the contractor for a referral service.

(2) A contractor may—

(a) not provide privately or under the agreement treatment that involves the administration of general anaesthesia or the provision of sedation; and

(b) in the case of an orthodontic course of treatment provide—

(i) the case assessment wholly privately or wholly under the agreement; and

(ii) the orthodontic treatment wholly privately or wholly under the agreement.

(3) A contractor will not, with a view to obtaining the agreement of a patient to undergo services privately—

(a) advise a patient that the services which are necessary in his or her case are not available from the contractor under the agreement; or

(b) seek to mislead the patient about the quality of the services available under the agreement.

(4) In sub-paragraph (2)(a), “provision of sedation” means the provision of one or more drugs to a patient in order to produce a state of depression of the central nervous system to enable treatment to be carried out.