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WELSH STATUTORY
INSTRUMENTS

2011 Rhif 2686 (Cy.288)

2011 No. 2686 (W.288)

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

**Rheoliadau Deintyddiaeth Breifat
(Cymru) (Diwygio) 2011**

**The Private Dentistry (Wales)
(Amendment) Regulations 2011**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Deintyddiaeth Breifat (Cymru) 2008. Mae Atodlen 1 i'r Rheoliadau hynny yn rhagnodi sut y mae darpariaethau Rhan II o Ddeddf Safonau Gofal 2000 i'w cymhwyso i bersonau sy'n darparu gwasanaethau deintyddol preifat. Diwygir rheoliad 2 i wneud yn glir fod darpariaethau'r Ddeddf honno yn cynnwys unrhyw ddarpariaethau a ddichon, o bryd i'w gilydd, gael eu diwygio. Diwygir rheoliad 3 er mwyn neilltuo deintyddion penodol, sy'n gweithio dan amodau cymhwyso, rhag bod yn rhagnodedig ac felly rhag bod Rhan II o'r Ddeddf yn gymwys iddynt. Codir y ffioedd sydd i'w talu o dan y Rheoliadau o £50 i £75. Mae rheoliad 4A yn addasu adran 31 o'r Ddeddf i ddarparu, pan fo'r Ddeddf yn caniatáu i glaf gael ei archwilio gan ymarferydd meddygol neu nyrs gofrestredig, y caiff yr archwiliad gael ei wneud gan ddeintydd yn achos claf deintyddol. Mewnosodir rheoliad 16A i wneud hunan-asesiad, monitro'r ddarpariaeth o wasanaethau ac adroddiad blynyddol yn ofynnol. Diwygir rheoliad 19 i gynyddu'r darpariaethau rheoleiddiol y mae methu â chydymffurfio â hwy yn dramgwydd.

These Regulations amend the Private Dentistry (Wales) Regulations 2008. Schedule 1 to those Regulations prescribes the manner in which provisions of Part II of the Care Standards Act 2000 apply to persons providing private dental services. Regulation 2 is amended to clarify that provisions of that Act include any provisions as may, from time to time, be amended. Regulation 3 is amended to remove certain dentists working in qualifying circumstances from prescription and thus the application of Part II of the Act. Fees to be paid under the Regulations are raised from £50 to £75. Regulation 4A modifies section 31 of the Act to provide that where the Act permits examination of a patient by a medical practitioner or registered nurse, in the case of a dental patient the examination may be done by a dentist. Regulation 16A is inserted to require self assessment and monitoring of the provision of services and an annual report. Regulation 19 is amended to increase the regulatory provisions in respect of which failure to comply is an offence.

2011 Rhif 2686 (Cy.288)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Deintyddiaeth Breifat
(Cymru) (Diwygio) 2011**

Gwnaed 6 Tachwedd 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 9 Tachwedd 2011

Yn dod i rym 1 Ionawr 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 12(2), 16(3), 22(2)(d), 25(1), 33 a 42(1) o Ddeddf Safonau Gofal 2000(1) ac wedi ymgynghori â phersonau a ystyrir yn briodol ganddynt(2), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deintyddiaeth Breifat (Cymru) (Diwygio) 2011 a deuant i rym ar 1 Ionawr 2012.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 2008" ("*the 2008 Regulations*") yw Rheoliadau Deintyddiaeth Breifat (Cymru) 2008(3).

Diwygio Rheoliadau 2008

2.—(1) Caiff Rheoliadau 2008 eu diwygio yn unol â darpariaethau'r rheoliad hwn.

(2) Yn rheoliad 2 (Dehongli) yn y diffiniad o "y Ddeddf" ("*the Act*") ar ôl y geiriau "Deddf Safonau Gofal 2000" mewnosoder y geiriau "fel y'i diwygir o bryd i'w gilydd".

(3) Yn rheoliad 3 (Personau rhagnodedig)—

(a) ym mharagraff (1) yn lle "Mae deintydd" rhodder "Yn ddarostyngedig i baragraff (3), mae deintydd";

(1) 2000 p.14. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) *Gweler* adran 22(9) o Ddeddf Safonau Gofal 2000 (p.14) am y gofyniad i ymgynghori.

(3) O.S. 2008 Rhif 1976 (Cy.185).

2011 No. 2686 (W.288)

**PUBLIC HEALTH,
WALES**

**The Private Dentistry (Wales)
(Amendment) Regulations 2011**

Made 6 November 2011

*Laid before the National
Assembly for Wales* 9 November 2011

Coming into force 1 January 2012

The Welsh Ministers, in exercise of powers conferred by sections 12(2), 16(3), 22(2)(d), 25(1), 33 and 42(1) of the Care Standards Act 2000(1) and having consulted such persons as they consider appropriate(2), make the following Regulations.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Private Dentistry (Wales) (Amendment) Regulations 2011 and they come into force on 1 January 2012.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the 2008 Regulations" ("*Rheoliadau 2008*") means the Private Dentistry (Wales) Regulations 2008(3).

Amendment of the 2008 Regulations

2.—(1) The 2008 Regulations are amended in accordance with the provisions of this regulation.

(2) In regulation 2 (Interpretation) in the definition of "the Act" ("*y Ddeddf*") after the words "Care Standards Act 2000" insert the words "as amended from time to time".

(3) In regulation 3 (Prescribed persons)—

(a) in paragraph (1) for "A dentist" substitute "Subject to paragraph (3), a dentist";

(1) 2000 c.14. Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) *See* section 22(9) of the Care Standards Act 2000 (c.14) for the requirement to consult.

(3) S.I. 2008 No. 1976 (W.185).

(b) ym mharagraff (2) yn lle "addasiad a bennir yn rheoliad 4" rhodder "addasiadau a bennir yn rheoliadau 4 a 4A";

(c) ar ôl paragraff (2) mewnosoder—

"(3) Nid yw paragraff (1) yn gymwys i ddeintydd—

(a) sydd ar restr arbenigol y gofrestr deintyddion, ac sy'n cael ei gyflogi i ddarparu gwasanaethau mewn cysylltiad â'r arbenigedd honno yn un o ysbytai'r gwasanaeth iechyd ac sy'n darparu gwasanaethau deintyddol preifat yn yr ysbyty hwnnw'n unig;

(b) sy'n darparu gwasanaethau deintyddol preifat mewn ysbyty ac at ddibenion yr ysbyty hwnnw'n unig y mae person wedi cofrestru mewn perthynas ag ef o dan Ran II o'r Ddeddf; neu

(c) sy'n darparu gwasanaethau deintyddol preifat o dan contract hyfforddiant galwedigaethol yn unig ac sydd wedi gwneud cais i gofrestru o dan Ran II o'r Ddeddf na chafodd ei dynnu'n ôl na'i waredu'n derfynol o fewn ystyr rheoliad 23(3);

(ch) yn is-baragraff (c) uchod mae i "hyfforddiant galwedigaethol" yr un ystyr ag sydd i "vocational training" yn rheoliad 28 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Perfformwyr) (Cymru) 2004(1)."

(4) Ar ôl rheoliad 4 mewnosoder—

"Addasu adran 31 o'r Ddeddf (Arolygiadau gan bersonau a awdurdodir gan yr awdurdod cofrestru)

4A. Mae adran 31(5)(a) yn cael effaith megis petai i'w darllen:

"is a medical practitioner, registered nurse or dentist; and"

(5) Yn y rheoliadau canlynol yn Rheoliadau 2008 yn lle £50 rhodder £75—

(a) 5(1)(d);

(b) 10(2)(d); ac

(c) 17.

(6) Ar ôl rheoliad 16 mewnosoder—

"Asesu a monitro ansawdd y gwasanaeth a ddarperir gan gynnwys adroddiadau blynyddol

16A.—(1) Rhaid i'r person cofrestredig—

(a) asesu a monitro'n rheolaidd ansawdd y gwasanaethau a ddarperir yn erbyn y gofynion a osodir yn y Rheoliadau hyn; a

(b) in paragraph (2) for "the modification specified in regulation 4" substitute "the modifications specified in regulations 4 and 4A";

(c) after paragraph (2) insert—

"(3) Paragraph (1) does not apply to a dentist who—

(a) is on a specialist list of the dentists register, is employed to provide services in connection with that specialism in a health service hospital and provides dental services privately only in that hospital;

(b) provides dental services privately only in and for the purposes of a hospital in respect of which a person is registered under Part II of the Act; or

(c) provides dental services privately only under a vocational training contract and has made an application for registration under Part II of the Act which has not been withdrawn or finally disposed of within the meaning of regulation 23(3);

(d) in sub-paragraph (c) above "vocational training" has the same meaning as in regulation 28 of the National Health Service (Performers Lists) (Wales) Regulations 2004(1)."

(4) After regulation 4 insert—

"Modification of section 31 of the Act (Inspections by persons authorised by registration authority)

4A. Section 31(5)(a) has effect as if it read:

"is a medical practitioner, registered nurse or dentist; and"

(5) In the following regulations of the 2008 Regulations for £50 substitute £75—

(a) 5(1)(e);

(b) 10(2)(e); and

(c) 17.

(6) After regulation 16 insert—

"Assessing and monitoring the quality of service provision including annual reports

16A.—(1) The registered person must—

(a) regularly assess and monitor the quality of services provided against the requirements set out in these Regulations; and

- (b) nodi, asesu a rheoli risgiau sy'n ymwneud ag iechyd, lles a diogelwch cleifion ac eraill.

(2) Rhaid i'r person cofrestredig anfon i swyddfa briodol yr awdurdod cofrestru, pan ofynnir iddo wneud hynny, asesiad blynyddol ysgrifenedig (y cyfeirir ato fel yr "adroddiad blynyddol") yn gosod ar glawr—

- (a) amrediad y gwasanaethau a ddarparwyd yn y cyfnod a gwmpesir gan yr adroddiad blynyddol ac unrhyw newidiadau a ragwelir i'r amrediad hwnnw; a

- (b) sut, ac i ba raddau, ym marn y person cofrestredig, y cydymffurfir â gofynion paragraff (1), ynghyd ag unrhyw gynlluniau sydd gan y person cofrestredig i godi safon y gwasanaethau a ddarperir i gleifion gyda golwg ar sicrhau eu hiechyd a'u lles.

(3) Rhaid i'r person cofrestredig gymryd pob cam rhesymol i sicrhau nad yw'r adroddiad blynyddol yn gamarweiniol nac yn anghywir.

(4) Rhaid i'r person cofrestredig ddarparu'r adroddiad blynyddol i swyddfa briodol yr awdurdod cofrestru o fewn 28 niwrnod o gael cais i wneud hynny o dan baragraff (2).".

(7) Yn rheoliad 19 yn lle "9 ac 14 i 16" rhodder "6, 7, 9, 14-16A ac 18".

- (b) identify, assess and manage risks relating to the health, welfare and safety of patients and others.

(2) The registered person must send to the appropriate office of the registration authority, when requested to do so, a written annual assessment (referred to as the "annual report") setting out—

- (a) the scope of the services provided in the period covered by the annual report and any anticipated changes to that scope; and

- (b) how, and the extent to which, in the opinion of the registered person the requirements of paragraph (1) are being complied with, together with any plans that the registered person has for improving the standard of the services provided to patients with a view to ensuring their health and welfare.

(3) The registered person must take all reasonable steps to ensure that the annual report is not misleading or inaccurate.

(4) The registered person must supply the annual report to the appropriate office of the registration authority within 28 days of receiving a request under paragraph (2).".

(7) In regulation 19 for "9 and 14 to 16" substitute "6, 7, 9, 14-16A and 18".

Lesley Griffiths

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the Welsh Ministers

6 Tachwedd 2011

6 November 2011

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