WELSH STATUTORY INSTRUMENTS

2010 No. 2846 (W.234)

NATIONAL HEALTH SERVICE, WALES

The Local Health Boards (Consultation with Local Dental Committees) (Wales) Regulations 2010

Made - - - -	*26 November 2010*
Laid before the National Assembly for Wales - -	*30 November 2010*
Coming into force - -	*21 December 2010*

The Welsh Ministers, in exercise of the powers conferred by sections 69(6) and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**), make the following Regulations.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Local Health Boards (Consultation with Local Dental Committees) (Wales) Regulations 2010 and they come into force on 21 December 2010.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the Act" ("*y Ddeddf*") means the National Health Service (Wales) Act 2006;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established in accordance with section 11(2) of the Act(**2**);

"Local Dental Committee" ("*Pwyllgor Deintyddol Lleol*") means a committee recognised by a Local Health Board under section 69 of the Act;

"performer" ("*cyflawnydd*") means a dental practitioner who has notified a Local Health Board that he or she wishes to be represented by a Local Dental Committee and is performing primary dental services in the area for which a Local Dental Committee is formed, pursuant to section 56(2) of the Act, in accordance with section 64 arrangements or under a general dental services contract;

"primary dental services" ("*gwasanaethau deintyddol sylfaenol*") means dental services provided in accordance with section 56 of the Act; and

(**1**) 2006 (c. 42).

(**2**) Powys Teaching LHB was established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I.2003/148 (W.18)) and Abertawe Bro Morgannwg University LHB, Aneurin Bevan LHB, Betsi Cadwaladr University LHB, Cardiff and Vale University LHB, Cwm Taf LHB and Hywel Dda LHB were established under the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)).

"provider" ("*darparydd*") means a dental practitioner who, under a general dental services contract entered into by him or her, is providing primary dental services in the area for which a Local Dental Committee is formed.

Planning and delivery of services

2. A Local Health Board must consult with a relevant Local Dental Committee on the planning and delivery of primary dental services in the Board's area including—

(a) proposals for significant additional or new primary dental services or significant changes to existing primary dental services; and

(b) strategic proposals for future delivery of dental services and oral health care.

Participation in contract negotiations

3. Subject to regulation 6, a Local Health Board must, at the request of a provider or a performer, invite a relevant Local Dental Committee to participate in negotiations between the Local Health Board and a provider or performer for the provision of primary dental services including negotiations relating to–

(a) annual review of performance;

(b) local resolution of disputes;

(c) proposals for contract or agreement termination; and

(d) contract or agreement sanctions.

Practice Inspections

4. Subject to regulation 6, a Local Health Board must invite a relevant Local Dental Committee to participate in practice inspections by the Local Health Board made pursuant to paragraph 44 of Schedule 3 to the National Health Service (General Dental Services Contracts)(Wales) Regulations 2006(**3**) or paragraph 44 of Schedule 3 to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(**4**).

Seeking views of a Local Dental Committee

5. Subject to regulation 6, a Local Health Board must consult a relevant Local Dental Committee if a Local Health Board considers that the clinical performance and/or treatment activity profile of a provider or performer does not conform with what the Local Health Board considers reasonably necessary for the treatment of patients in relation to–

(a) appropriate recalls;

(b) inappropriate referral patterns;

(c) exceptional prescribing patterns;

(d) adverse practice inspection reports; and

(e) other clinical governance matters.

(**3**) S.I. 2006/490 (W.59).
(**4**) S.I. 2006/489 (W.58).