STATUTORY RULES OF NORTHERN IRELAND

1999 No. 17

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Pilot Schemes: Dental Charges) Regulations (Northern Ireland) 1999

Made - - - -	*18th January 1999*
Coming into operation	*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61, 98, 106 and 107 of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**), and Articles 20(1), (3) and (5) and 31(2) of the Health Services (Primary Care) (Northern Ireland) Order 1997(**2**), and with the approval of the Department of Finance and Personnel(**3**) in so far as the Regulations relate to Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972, and in conjunction with the Department of Finance and Personnel in so far as the Regulations relate to Article 61 of that Order, and after consultation in accordance with Article 61(4) of the Health and Personal Social Services (Northern Ireland) Order 1972 with such organisations as appear to the Department of Health and Social Services to be representative of the dental profession, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Services (Pilot Schemes: Dental Charges) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

(2) In these Regulations "the principal Regulations" means the Dental Charges Regulations (Northern Ireland) 1989(**4**).

Amendment of the principal Regulations

2.—(1) Regulation 1(2) of the principal Regulations shall be amended as follows—

(a) after the definition of "the Order" there shall be inserted the following definition—

(**1**) S.I.1972/1265 (N.I. 14); relevant amendments are Article 14 of S.I. 1986/2229 (N.I. 24), Article 7 of S.I. 1988/2249 (N.I. 24), Article 34 of, and Part II of Schedule 5 to, S.I. 1991/194 (N.I. 1) and Article 26 of S.I. 1997/1117 (N.I. 7) and Article 2 of the Health and Personal Social Services (Northern Ireland) Order 1972 (Amendment) Order (Northern Ireland) 1999 (S.R. 1999 No. 11)

(**2**) S.I. 1997/1177 (N.I. 7)

(**3**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3

(**4**) S.R. 1989 No. 111; relevant amending regulations are S.R. 1990 No. 342, S.R. 1996 No. 106, S.R. 1997 No. 111 and S.R. 1998 No. 93

""the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997;";

(b) the following definitions shall be added in the appropriate place in alphabetical order—

""pilot scheme" has the meaning assigned to it in Article 3(1) of the 1997 Order;";

""relevant Board" means the Board with whom the arrangements for providing the dental services in question are made or the Board which is a party to the pilot scheme agreement under which the dental services in question are provided;"; and

(c) in the definition of "Statement remuneration" there shall be added at the end the following words "and in relation to a dental service provided under a pilot scheme, means the amount that would be payable if the service were provided as part of general dental services".

(2) For regulations 2, 3 and 4 of the principal Regulations there shall be substituted the following regulations—

"**Charges for supply of dental appliances**

2.—(1) Subject to paragraph 2 and to regulation 5(1), a charge of the amount provided for by regulation 4 may be made and recovered in accordance with these regulations in respect of the supply under the Order of dentures and bridges.

(2) No charge may be made and recovered under paragraph (1) in respect of—

(a) a supply, otherwise than as part of general dental services or services under a pilot scheme, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of the treatment for invasive tumours; or

(b) a supply, otherwise than as part of general dental services or services under a pilot scheme, to a patient for the time being resident in a hospital.

Charges for other dental services

3.—(1) Subject to paragraph (2) and regulation 5(2), and to Article 20(6) of the 1997 Order, a charge of the amount provided for by regulation 4 may be made and recovered in respect of the provision of services as part of general dental services or under a pilot scheme.

(2) No charge shall be made and recovered under paragraph (1) in respect of—

(a) the supply of a dental appliance described in regulation 2(1); or

(b) a visit by a dental practitioner to a patient; or

(c) the opening by a dental practitioner of his surgery outside his normal opening hours in order to provide treatment in an emergency; or

(d) the attendance at the surgery of a dental practitioner providing treatment in an emergency of a medical practitioner or of another dental practitioner, specifically with a view to the administration of a general anaesthetic in connection with treatment in an emergency; or

(e) treatment (including treatment under a pilot scheme) in the circumstances described in paragraph 7 or 13(2) (repair or replacement of restorations) of Schedule 2 (terms of service) to the General Dental Services Regulations.

Calculation of charges

4.—(1) Subject to paragraphs (4) and (5), the amount of the charge which may be made and recovered under regulations 2(1) and 3(1) is 80% of the Statement remuneration (rounded down, where necessary, to the nearest whole penny).

(2) In these Regulations "Statement remuneration" means—

(a) in relation to the supply (whether or not as part of general dental services) of an appliance described in regulation 2(1), the remuneration provided for by the Statement of Dental Remuneration as that payable to a dental practitioner for the supply of an appliance of that type;

(b) in relation to the provision of services described in regulation 3(1), the total amount provided for by that Statement as that payable to the dental practitioner for the provision of those services, but where a patient has been accepted by the dental practitioner under a continuing care arrangement or a capitation arrangement or for treatment on referral, does not include the payment which, in accordance with that Statement, falls to be made to the dentist in respect of such an arrangement or referral.

(3) For the purposes of paragraph (2), where the Statement remuneration for any service is a fee of such amount as the Committee may in its discretion approve, whether or not subject to a maximum, the amount is—

(a) if the Committee has approved a fee for the service, the amount of the fee so approved, notwithstanding any subsequent variation of that amount on appeal;

(b) if the Committee has refused to approve a fee for the service, the amount of any fee authorised for it on appeal.

(4) Where a dental practitioner—

(a) has, under an arrangement for the provision of general dental services or services under a pilot scheme, begun to provide for a patient services which include the supply of an appliance described in regulation 2(1); and

(b) has referred that patient, for the supply of that appliance otherwise than as part of general dental services or services under a pilot scheme, to a Board or HSS trust or to a person or body pursuant to arrangements made under Article 71 of the Order, the amount of the charge for that supply shall be calculated in accordance with Schedule 1, and the dental practitioner shall provide the Board, HSS trust or other person or body with a written statement of the amounts mentioned in sub-paragraphs (*a*) and (*b*) of paragraph 1 of that Schedule.

(5) The amount of the charges payable under regulations 2(1) and 3(1) in respect of all dental appliances supplied and other services provided in pursuance of any one contract or arrangement shall not exceed £340 in the aggregate.".

(3) In regulation 5 of the principal Regulations,—

(a) in paragraph (1), for the words "paragraph 19*a*)(i*aa*) of Schedule 15 to the Order" there shall be substituted the words "regulation 2(1)"; and

(b) in paragraph (2), for the words "paragraph 1(*a*)(i*a*) of Schedule 15 to the Order" there shall be substituted the words "regulation 3(1)".

(4) Regulation 6 of the principal Regulations shall be amended as follows—

(a) in paragraphs (1) and (2), after the words "general dental services" there shall be inserted the words "or services provided under a pilot scheme"; and

(b) in paragraph (2)(*a*), after the words "claim for remuneration or estimate" there shall be inserted the words "or, in the case of services provided under a pilot scheme, on a form to the like effect,".