1990 No. 342

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990

Made . . . . . 20th September 1990

Coming into operation—
except for the purposes of regulation 4(2) *1st October 1990*
for the purposes of regulation 4(2) *1st April 1991*

The Department of Health and Social Services, in exercise of powers conferred by Articles 61, 63, 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and with the approval of the Department of Finance and Personnel(**b**) in so far as they relate to Schedule 15 of that Order and in conjunction with the Department of Finance and Personnel in so far as they relate to Article 61 of that Order and of every other power enabling it in that behalf, and after consultation with such organisations as appear to the Department to be representative of the dental profession as required by Article 61(4) of the said Order, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation:

(*a*) except for the purposes of regulation 4(2), on 1st October 1990; and

(*b*) for the purposes of regulation 4(2), on 1st April 1991.

(2) In these regulations, the "principal regulations" means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(**c**).

Amendment of regulation 2 of the principal regulations

2.—(1) In regulation 2(1) (interpretation)—

(*a*) the definitions of "dental estimate form", "dental fitness", "dental health" and "emergency treatment" shall be deleted;

(*b*) for the definition of "estimate" there shall be substituted the following definition:—

(**a**) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1984/1158 (N.I. 8), S.I. 1986 No. 2023 (N.I. 20), S.I. 1986/2229 (N.I. 24) and S.I. 1988/2249 (N.I. 24)

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

(**c**) S.R. 1975 No. 227. The relevant amending regulations are S.R. 1980 No. 285, S.R. 1981 No. 229, S.R. 1985 No. 56, S.R. 1985 No. 135, S.R. 1987 No. 190, S.R. 1987 No. 346 and S.R. 1988 No. 53

" "estimate" means a form supplied by the Central Services Agency, completed by the dentist and submitted to the Agency in accordance with paragraph 24 of Schedule 1 for the purpose of obtaining prior approval under that paragraph";

(*c*) in the definition of "occasional treatment" there shall be substituted for the words "Schedule 1 Part I paragraph 10" the words "paragraph 16 of Schedule 1";

(*d*) the definition of "preventive treatment" shall be deleted;

(*e*) for the definition of "salaried dentist" there shall be substituted the following definition:—

" "salaried dentist" means a dentist employed by a Board who undertakes to provide general dental services at a health centre;";

(*f*) for the definition of "treatment" there shall be substituted the following definition:—

" "treatment" means all proper and necessary dental treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventive treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances, orthodontic treatment and the taking of radiographs and the administration of general anaesthesia and sedation in connection with such treatment and the supply of drugs and the issue of prescriptions in accordance with paragraphs 20 and 21 of Schedule 1;";

(*g*) the following definitions shall be added in the appropriate places in alphabetical order:—

(i) " "capitation arrangement" means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 5 of Schedule 1;";

(ii) " "care and treatment" means:—

(*a*) all proper and necessary care and treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment, preventive care, and

(*b*) treatment;";

(iii) " "continuing care arrangement" means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 1;";

(iv) " "dental surgery" means any part of the practice premises, where care and treatment is provided;";

(v) " "an emergency" means the circumstances set out in paragraph 6(2) of Schedule 1 in which a patient requires prompt care and treatment;";

(vi) " "charge" means the charge, authorised under the Dental Charges Regulations (Northern Ireland) 1989(**a**), to the patient within the meaning of those Regulations;";

(vii) " "mobile surgery" means any vehicle in which care and treatment is provided;";

(viii) " "oral health" means such a standard of health of the teeth, their supporting structures and other tissues of the mouth, and of dental efficiency, as in the case of any patient is reasonable having regard to the need to safeguard his general health;";

(ix) " "patient record" means the form supplied by the Agency for the purpose of maintaining a record of treatment;";

(x) " "practice premises" means, in relation to any dentist, any premises at which he provides general dental services, or any mobile surgery of his;";

(xi) " "prior approval treatment" means any item of treatment referred to in Part I of Schedule 1C or any care and treatment specified in paragraph 1 or 2 in Part II of that Schedule;";

(xii) " "private" in the context of care and treatment, means otherwise than under general dental services or Part VI of the Order and "privately" shall be construed accordingly;";

(xiii) " "trauma" means damage to teeth, gingival tissues, or alveoli caused by a force arising outside the mouth resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;";

(xiv) " "treatment on referral" means any care and treatment provided by a dentist under paragraph 13 of Schedule 1;";

Amendment of regulation 3 of the principal regulations

3. In regulation 3 (terms of service) for sub-paragraphs (*a*) and (*b*) there shall be substituted:—

"(*a*) in the case of a dentist undertaking to provide general dental services otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 1; and

(*b*) in the case of a dentist undertaking to provide general dental services as a salaried dentist, the terms of service contained in Parts I, II, III, IV and VI of Schedule 1;".

Amendment of regulation 4 of the principal regulations

4.—(1) Regulation 4 (dental list) shall be amended in accordance with the following paragraphs.

(2) For paragraph (1) there shall be substituted the following paragraphs:—

(a) S.R. 1989 No. 111

"(1) The Agency shall, from information obtained from Boards prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of paragraph (2), have undertaken to provide general dental services and who are not disqualified for inclusion by virtue of the provisions of—

(*a*) Articles 61(2A) or 65 of the Order; or

(*b*) Article 4 of the Health and Medicines (Northern Ireland) Order 1988(**a**).

(1A) The dental list shall, in addition to the name of a dentist:—

(*a*) contain—

(i) the addresses of all the practice premises and, where he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him;

(ii) particulars of the days and hours when he is or will be usually in attendance at the practice premises for the provision of general dental services and, in the case of any mobile surgery, particulars of the places regularly visited by him and the times of those visits;

(iii) the name of any other dentist in association with whom he provides general dental services at the practice premises;

(iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984(**b**), particulars of the dental qualification held by the dentist which entitled him to be so registered, including the date on which the qualification was awarded and particulars of any other dental qualification held by him which is registerable pursuant to section 19(1)(*c*) of the Dentists Act 1984; and

(*b*) indicate—

(i) whether the dentist provides only orthodontic treatment; and

(ii) whether there is access to the dental surgery without the use of stairs.

(1B) The dental list may, provided that the dentist consents to its inclusion, also give particulars of any languages, other than English, spoken by the dentist.

(1C) The dental list may, if the Agency thinks fit, be so arranged as to show the area in which each dentist has undertaken to provide general dental services.".

(3) The following paragraphs shall be substituted for paragraph (2):—

"(2) A dentist who wishes to have his name included in the dental list shall make an application to the Board in writing which—

(**a**) S.I. 1988/2249 (N.I. 24)
(**b**) 1984 c. 24

(*a*) shall include the information and undertaking specified in Part I of Schedule 1A; and

(*b*) may include the information specified in Part II of that Schedule.

(2A) A dentist whose name is included in the dental list, who is requested in writing by the Board to supply any information mentioned in paragraph (2B), shall supply that information to the Board within 28 days of the date of the Board's request.

(2B) The information mentioned in paragraph (2A) is—

(*a*) if the dentist provides general dental services at a mobile surgery, particulars of the places regularly visited by him and the time of those visits;

(*b*) if he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him;

(*c*) the name of any other dentist in association with whom the dentist provides general dental services at the practice premises;

(*d*) the date of the dentist's registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984, particulars of the dental qualification held by the dentist which entitled him to be so registered, including the date on which the qualification was awarded, and particulars of any other dental qualification held by him which is registerable pursuant to section 19(1)(*c*) of the Dentists Act 1984;

(*e*) whether he provides only orthodontic treatment;

(*f*) whether there is access to the dental surgery without the use of stairs; and

(*g*) where the dentist consents to the inclusion of such information in the dental list, particulars of any languages, other than English, spoken by him.''.

(4) There shall be added after paragraph (6) the following paragraphs:—

''(7) A Board may prepare and thereafter maintain, any other list which may contain, in respect of each dentist whose name is included in the dental list—

(*a*) any information included in the dental list in respect of the dentist; and

(*b*) any other information related to the provision of general dental services which the Board has agreed with the Local Dental Committee to be appropriate.

(8) Where the Board has agreed with the Local Dental Committee that certain information is appropriate for inclusion in the list referred to in paragraph (7), it may request in writing any dentist whose name is included in its dental list to furnish the Board with such information as it relates to him, and the dentist shall furnish that information to the Board within 28 days of the Board's request.''.