1971. No. 327 **[C]**

HEALTH SERVICES

General Dental Services

REGULATIONS, DATED 19TH OCTOBER 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Sections 13, 64, 81, 83, Schedule 10 and Section 87 of the Health Services Act (Northern Ireland) 1971(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

Citation

1. These regulations may be cited as the Health Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1971 and shall come into operation on 1st November 1971.

Amendment of principal regulations

2. The Health Services (General Dental Services) Regulations (Northern Ireland) 1964(b) shall be amended as follows:—

(1) In regulation 2 the following definitions shall be inserted:—

"assistant" means any dental practitioner employed either whole-time or part-time, under a contract of service, by another dental practitioner for the purpose of providing general dental services on behalf of that dental practitioner;

"deputy" means a dental practitioner (including a partner) acting on behalf of another dental practitioner, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

"employed" means employed by the Board under a contract of service.

(2) For regulation 3 there shall be substituted the following:—

"**3.**—(1) The arrangements which the Board are required by section 13 of the Act to make with dentists for the provision of general dental services shall incorporate—

(*a*) in the case of a dentist undertaking to provide general dental services other than as a dentist employed by the Board at a health centre, the terms of service contained in Part I of Schedule 1; and

(*b*) in the case of a dentist employed by the Board to provide general dental services at a health centre, the terms of service contained in Part II of that Schedule:

(a) 1971. c. 1 (N.I.). (b) S.R. & O. (N.I.) 1964, No. 60.

Provided that a dentist whose application to the Board to provide general dental services at a health centre otherwise than as a dentist employed by the Board has been refused may appeal to the Ministry, and the Board shall give effect to any direction of the Ministry on that appeal.

(2) Where a dentist employed by the Board to provide general dental services at a health centre also provides general dental services otherwise, the arrangements shall incorporate the provisions referred to in paragraph (1)(*a*) and (*b*) and whichever provisions are applicable shall apply."

(3) In regulation 4(4)(*a*) after the word "surgery" there shall be inserted the words "or health centre".

(4) In regulation 8(*a*) the words "father" and "mother" shall be transposed and for the word "his" there shall be substituted the word "her".

(5) In regulation 14 after paragraph (12) a new paragraph shall be inserted as follows:—

"(13) In relation to general dental services provided by a dentist employed by the Board at a health centre, paragraphs (1), (6) and (12) shall have effect as if for references to a dentist there were substituted references to the Board, and paragraph (7) shall not apply."

(6) For regulation 16 there shall be substituted the following:—

"*Charges for replacement—act or omission on part of patient*

16.—(1) Where, on the receipt of an estimate for the free replacement of a dental appliance supplied to any patient as part of general dental services, the Committee consider that there are grounds for believing that the replacement may be necessitated by an act or omission on the part of the patient or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, they shall refer the matter to the Board for investigation.

(2) The Board shall in investigating the question consider any written representations made by the patient, or the person having charge of him (if he is under 16 years of age), and shall afford him, in such manner as they think fit, an opportunity of making oral representations if he so desires.

(3) After completion of such investigation the Board shall determine whether the replacement is necessitated by an act or omission on the part of the patient, or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, and whether the whole or a proportion of amounts equivalent to the charges for the supply of dental appliances listed in Schedule 7 shall be borne by or on behalf of the patient, and shall communicate their decision to the dentist and to the patient or, where appropriate, to the person having charge of him and the Board shall be responsible for the payment of such part only of the cost as is not determined to be payable by or on behalf of the patient:

Provided that—

(*a*) if subsequently it appears to the Board that payment of the sum by or on behalf of the patient would involve undue hardship they may make such contribution thereto as they think fit;

(*b*) the cost to be borne by the Board, including any such contribution as aforesaid, shall not exceed:—

(i) the amount which would be payable by the Board for the supply of a normal appliance; or

(ii) where the replacement involves the supply of a special appliance which, in the opinion of the Committee, is required solely on account of the patient's clinical condition, the cost approved by the Committee for such appliance."

(7) After regulation 16 there shall be inserted a new regulation as follows:—

"Provisions applicable to services provided by a dentist employed by the Board at a health centre

16A. In their application to general dental services provided by a dentist employed by the Board at a health centre the provisions of regulations 15 and 16 shall be subject to the following modifications:—

(*a*) where a dentist:—

(i) agrees on request by or on behalf of a patient, or

(ii) proposes solely on account of the clinical condition of the patient,

to supply or repair a denture or to provide treatment of a kind specified in regulation 15, the dentist shall submit an estimate to the Committee, on a form to be supplied by the Board, and shall not proceed with any treatment specified in column B of Schedule 2, other than emergency treatment or the treatment of British merchant seamen and deep sea fishermen about to go to sea, until the approval of the Committee is received. In giving such approval the Committee shall determine, in accordance with the provisions of regulation 18(2), the amount which would have been payable by the patient if the treatment had been provided by a dentist other than a dentist employed by the Board at a health centre and that amount shall be the amount payable by the patient to the Board, and the Committee shall inform the patient of the amount;

(*b*) any service provided under the last preceding paragraph which in the opinion of the Committee is required by the patient concerned solely because of his clinical condition shall, subject to the provisions of regulation 14, be provided free of charge to that patient;

(*c*) where in connection with the free replacement of a dental appliance supplied to any patient as part of general dental services, it appears to the dentist that there are grounds for believing that such replacement is necessitated by an act or omission on the part of the patient, or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, the dentist shall, unless such patient or the person having charge of him (if he is under 16 years of age) admits in writing that the replacement is so necessitated, report the matter to the Board. The Board shall thereupon investigate the case in the manner provided by regulation 16(2). If on such investigation the

Board are satisfied that the replacement is not necessitated by such an act or omission as aforesaid, they shall so inform the patient or the person having charge of him (if he is under 16 years of age) and the dentist. If such an act or omission is admitted or determined as aforesaid, the Board shall be entitled to recover from such patient or person acting on behalf of the patient the appropriate cost for such services which would have been payable to a dentist other than a dentist employed by the Board at a health centre or such part of such cost as the Board may determine."

(8) In regulation 17 for the first paragraph there shall be substituted the following:—

"The dentist may decline to begin or proceed with treatment until he, or, in relation to a case falling within regulation 14(12) or to general dental services provided by a dentist employed by the Board at a health centre, the Board, has received payment from the patient of the appropriate charges payable by the patient under this part of the regulations."

(9) (*a*) In Part VI the subheading "Provisions relating to dentists practising elsewhere than at a health centre" shall be deleted;

(*b*) In regulation 18 the heading "Fees for treatment approved" shall be deleted and the following substituted therefor: "Dentists other than dentists employed by the Board at Health Centres—Fees".

(10) In regulation 18 the paragraphs shall be renumbered as follows:—

(*a*) paragraph (6) shall be deleted and shall reappear as regulation 20;

(*b*) paragraph (7) shall be renumbered paragraph (6).

(11) After regulation 18 there shall be inserted a new regulation as follows:—

"Dentists employed by the Board at Health Centres

19. The remuneration payable by the Board to a dentist employed by the Board to provide general dental services at a health centre shall be calculated in accordance with the rates, and subject to the provisions, set out in Schedule 6A."

(12) Regulation 19 shall be renumbered 21.

(13) In Schedule 1:

(*a*) for the heading there shall be substituted:—

"PART I

Terms of service for dentists other than dentists employed by the Board at health centres",

(*b*) in paragraph 3(6) in the heading the words "and arrest of haemorrhage" shall be deleted;

(*c*) paragraph 3(7) shall be deleted;

(*d*) in paragraph 12(1) for the words "paragraphs 4" there shall be substituted the words "paragraphs 3(6), 4 and 13"; and

(*e*) after paragraph 14 there shall be inserted the following:—

"PART II

Terms of service for dentists employed by the Board at health centres"

Interpretation

1. In these terms of service, unless the context otherwise requires, the expression "the regulations" means the Health Service (General Dental Services) Regulations (Northern Ireland) 1964, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provision of the Act, the regulations and Health Services (Services Committee) Regulations (Northern Ireland) 1971(c) affecting the rights, duties and obligations of dentists shall so far as they are applicable be deemed to form part of these terms of service.

Attendance

3.—(1) A dentist shall attend at the health centre on such days and at such hours as may be agreed between the Board and the dentist.

(2) The dentist shall not, without the permission of the Board, be entitled to provide at the health centre any dental treatment other than general dental services under the regulations.

Standard of service

4. In providing general dental services a dentist shall employ a proper degree of skill and attention and shall provide the treatment necessary to secure dental fitness which the patient is willing to undergo and shall, subject to the provisions of paragraph 13 hereof, satisfactorily complete that treatment.

Acceptance of applicant for treatment

5. On accepting an application for treatment the dentist shall request the applicant to sign such form as may be provided by the Board for the purpose.

Admission of dental officers

6. A dentist shall admit a dental officer at all reasonable times to any surgery or waiting room used by the dentist at the health centre for the purpose of examining the services provided.

Visiting

7. A dentist shall visit and treat a patient whose condition requires a visit at any place where that patient may be at the time which is not more distant than 5 miles, or such other distance from the health centre as may be agreed by the Board and the dentist.

(c) S.R. & O. (N.I.) 1971, No. 271.