1964. No. 60 [C]

HEALTH SERVICES

General Dental Services

REGULATIONS, DATED 16TH APRIL, 1964, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

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The Ministry of Health and Local Government, in exercise of the powers conferred on it by sections 11, 13, 74, 76, 80 and 81 of the Health Services Act (Northern Ireland) 1948(a), and of all other powers enabling it in that behalf, and in conjunction with the Ministry of Finance, hereby makes the following regulations:

PART I

GENERAL

Short title

1. These regulations may be cited as the Health Services (General Dental Services) Regulations (Northern Ireland) 1964.

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the Health Services Act (Northern Ireland) 1948;

"chemist" means a person, firm or body corporate whose name is on the pharmaceutical list of the Board;

"Committee" means the Northern Ireland Dental Estimates Committee;

"current authorised fee" in relation to any service means the fee set out in Schedule 6 as the fee payable to the dental practitioner in respect of those services but does not include—

(*a*) any fee in respect of a visit to a patient by a dental practitioner, or

(*b*) any additional charge payable by the patient in pursuance of regulation 15 being a charge for treatment not clinically necessary;

"dental estimate form" means the form set out in Part II of Schedule 4;

"dental fitness" means such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health and "dentally fit" has a corresponding meaning;

"dental officer" means a dental officer employed by the Board;

"dental treatment" means all proper and necessary treatment which a dentist usually undertakes for a patient, including examination and report, the provision of artificial dentures and their repair and remaking, and the administration of anaesthetics in connection with any such treatment, and includes the giving of orders on the appropriate form for the drugs and medicines mentioned in Schedule 3, or the supply of such drugs and medicines in accordance with these regulations;

(a) 1948. c. 3.

"dentist" means a "dental practitioner";
"drugs" means such drugs and medicines as are specified in Schedule 3;
"emergency treatment" means any treatment immediately required for the relief of pain, or other urgent symptoms;
"full-time school education" means full-time instruction in a school within the meaning of the Education Act (Northern Ireland) 1947(a), or in corresponding establishments elsewhere;
"health centre" means premises provided under section 17 of the Act;
"health service number" means a number allotted to a person by the Board for use in connection with the provision of health services under the Act;
"medical card" has the same meaning as that assigned to it in regulation 2(1) of the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956(b);
"modified estimate form" means the form set out in Part V of Schedule 4;
"patient" means a person who is accepted by a dentist for the provision of general dental services and includes a person who is receiving general dental services;
"supply" in relation to an appliance includes replacement.

PART II

GENERAL ARRANGEMENTS FOR DENTISTS

Terms of service for dentists

3. The arrangements which the Board are required by section 11 of the Act to make with dentists for the provision of general dental services, otherwise than at a health centre, shall incorporate the terms of service contained in Schedule 1.

Dental list

4.—(1) The Board shall prepare a list, to be called "the dental list", of the dentists who, having made the appropriate application, may be included in the list.

(2) Any dentist resident in Northern Ireland, not disqualified under the provisions of section 16 of the Act, who applies to be included in the dental list, shall be so included.

(3) Application by a dentist for inclusion in the dental list shall be made by delivering or sending the application by post to the Board in the form set out in Part I of Schedule 4.

(4) The dental list shall contain, in addition to the names of dentists:—
(*a*) the address of any surgery at which the dentist provides general dental services;
(*b*) particulars of the days and hours at which he is or will be normally in attendance;
(*c*) where two or more dentists whose names are included in the list practise in partnership, particulars of the partnership; and
(*d*) where the dentist is acting as an assistant, the name and address of the principal;

and may, if the Board think fit, be so arranged as to show the area in which each dentist will provide treatment.

(5) Copies of the dental list shall be available for inspection at the office of the Board and at such other places as appear to the Board to be convenient for informing all persons interested and shall be kept revised and up-to-date.

(a) 1947, c. 3. (b) S.R. & O. (N.I.) 1956, No. 150.

(6) The Board shall send a copy of the dental list to the Ministry, each local dental committee, each health authority, the Northern Ireland Hospitals Authority, and any person under contract with the Board to provide pharmaceutical services. The Board shall inform the Ministry and each local dental committee within one month of any alterations which may from time to time be made in the list, and shall inform the remaining authorities and persons at intervals of not more than 3 months of such alterations.

5.—(1) Where the Board are satisfied that a patient by reason of distance or inadequacy of means of communication would otherwise have serious difficulty in obtaining any drugs required for his treatment under these regulations, the Board may require the dentist who is responsible for the treatment of the patient to supply such drugs to that patient:

Provided that notwithstanding such requirement the dentist may, if so requested by any patient, instead of supplying such drug or medicine give a prescription for the same to be supplied by a chemist.

(2) Notwithstanding anything contained in this regulation—

(*a*) a dentist shall not be required to undertake the supply of drugs under this regulation if he satisfies the Board that he is not in the habit of supplying drugs or that the patient can with at least equal facility obtain a supply of drugs from a chemist; and

(*b*) a dentist shall be entitled to receive reasonable notice from the Board that he is required to undertake the supply of drugs or that such supply is to be discontinued.

Publication of particulars of arrangements

6. The Board shall cause to be published, in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Board, including a statement of the places where copies of the terms of service for dentists and copies of the dental list may be seen, the places at which any necessary forms of application are available, and any other particulars which the Board think proper.

PART III

METHOD OF OBTAINING GENERAL DENTAL SERVICES

Selection of dentist

7. Any person ordinarily resident in Northern Ireland or Great Britain, or being a person to whom the provisions of the Health Services (Availability of Services) Regulations (Northern Ireland) 1950(**a**) apply, requiring general dental services may apply to a dentist whose name appears on the dental list. The person shall produce to the dentist his medical card bearing his health service number and shall complete so far as is applicable Part I of the dental estimate form together with such declaration as may be required by the Board relating to eligibility for (*a*) general dental services or (*b*) general dental services without charge.

Exercise of choice of dentist in certain cases

8. The right to choose the person by whom general dental services are to be provided shall be exercised—

(a) S.R. & O. (N.I.) 1950, No. 66 as amended by S.R. & O. (N.I.) 1951, No. 4 and S.R. & O. (N.I.) 1957, No. 24.

(*a*) on behalf of any person under the age of 16 by the father, or in his absence, the mother, or in the absence of both parents, the guardian or other person who has the care of the child; and

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity, is incapable of choosing a person to provide any of the services, by the relative or other person who has the care of such person.

Examination by dental officer

9. It shall be a condition of obtaining general dental services that a patient shall, if required by the Board or by the Committee, submit himself for examination by a dental officer or by a dentist appointed under regulation 12:

Provided that failure of a patient to submit himself for examination when so required shall not of itself delay a payment being made by the Board to the dentist for any treatment provided to that patient.

PART IV

NORTHERN IRELAND DENTAL ESTIMATES COMMITTEE

Application of First Schedule to the Act

10. The provisions set out in Schedule 5 shall apply in relation to the Committee which shall be constituted by the Board under the terms of section 11 of the Act for the purpose of carrying out the duties assigned to them by these regulations.

Delegation of duties to dental officer

11. The Committee may delegate to a dental officer such of their duties with respect to the approval of estimates for dental treatment and appliances under these regulations as they think fit.

Appeals from Dental Estimates Committee

12.—(1) Any person aggrieved by a decision of the Committee shall be entitled to appeal by sending to the Ministry a notice of appeal within one month from the date on which the decision of the Committee was received by that person.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Ministry shall appoint two dentists, of whom one shall be appointed after consultation with such organisation as may be recognised by the Minister as representing the dental profession, who shall hear the representations of the appellant and the Committee and determine the appeal:

Provided that the dentists so appointed may, after giving an opportunity to the appellant to amplify his statement if he so desires, dispense with an oral hearing if satisfied that the appeal can properly be determined without an oral hearing.

(4) For the purposes of any oral hearing, the Ministry shall appoint one of the dentists to be chairman who, in the event of a failure to reach agreement, shall have a casting vote.

Fees

13.—(1) The Board may pay the chairman of the Committee the sum of 500 guineas per annum in respect of attendance at meetings of the Committee and for carrying out such other duties as may be assigned to him by the Board.