EXPLANATORY MEMORANDUM TO

HEALTH AND PERSONAL SOCIAL SERVICES

The General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2014

SR 2014 No. 319

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 55A(1)(a), 61(1), (2) and(2AA), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. The General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2014 amend the Health and Personal Social Services General Dental Services Regulations (Northern Ireland)1993 ("the principal Regulations") which regulate the terms on which General Dental Services are provided under the Health and Personal Social Services (Northern Ireland) Order 1972.

3. Background

3.1. The Department has recently identified a gap in the principal Regulations. There is no provision to permit the transfer of patients from one form of HS dental provision, a pilot Personal Dental Services (PDS) scheme to the more usual General Dental Services (GDS).

3.2. Currently, the principal Regulations require all new GDS patients to attend a dentist to be registered and, in the case of children, be examined by the dentist. Patients at the end of a pilot Personal Dental Services scheme may remain with the same practice which becomes a GDS provider. Those former pilot PDS patients will be “new” GDS patients. Attendance for registration and the examination of children, while meeting legislative requirements, would be an unnecessary inconvenience to such former pilot PDS patients. A small amendment to the principal Regulations will facilitate the automatic transfer of patients. This process should permit the smooth transfer of patients who will be able to choose between remaining with their former (pilot PDS) practice and receiving care and treatment under GDS arrangements or transferring to another GDS dentist in the area. Patient agreement and consultation with the Local Dental Committee is required.

3.3. Regulation 2 allows for the transfer of patients at the end of a pilot Personal Dental Services scheme into general dental services continuing care arrangements or capitation arrangements.

4. Consultation

4.1. The Department of Health, Social Services and Public Safety consulted with the British Dental Association as representative of the views of dentists in Northern Ireland.

5. Equality Impact

5.1. Consideration has been given to the equality and human rights implications of the Regulations. They are considered to be compliant with section 75 of the Northern Ireland Act 1998 .

6. Regulatory Impact

6.1. As the Regulations will impose no additional costs on businesses, charities or the voluntary sector, a full Regulatory Impact Assessment has not been considered necessary.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations are considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. Pilot Personal Dental Services schemes do not operate in the rest of the UK.

11. Additional Information

11.1. Not applicable.