1987 No. 190

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Amendment) Regulations (Northern Ireland) 1987

Made	*13th April 1987*
Coming into operation . .	*25th May 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61, 106 and 107 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) 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, and in conjunction with the Department of Finance and Personnel(**b**) hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 25th May 1987.

Amendment

2. The Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(**c**) shall be amended as follows:—

(1) in regulation 2(1) (interpretation)—

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

" 'dental estimate form' means, in respect of treatment, the dental estimate form set out in Determination VI of the Statement of Dental Remuneration or a form to the like effect";

(*b*) after the definition of "dental fitness" there shall be added the following definition:—

" 'dental health' means such a reasonable standard of oral health as is necessary to safeguard general health;";

(*c*) after the definition of "patient" there shall be added the following definition:—

" 'preventive treatment' means such treatment as is mentioned in paragraph 10A of Part 1 of Schedule 1;";

(*d*) in the definition of "treatment"—

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) Formerly Department of Finance: *See* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.R. 1975 No. 227 to which there are amendments not relevant to the subject matter of these Regulations

(i) after the words "any such treatment" the word "and" shall be deleted,

(ii) after the words "in accordance with these regulations" there shall be added the words "and, where a dentist provides preventive treatment for a patient, that treatment.".

(2) In regulation 21 (recovery of overpayments), for paragraph (1) there shall be substituted the following paragraph:—

"(1) Where the Agency considers that a payment has been made to a dentist owing to an error or in circumstances when it was not due the Agency, except to the extent that the Department on application of the Agency directs otherwise, shall draw that overpayment to the attention of the dentist and—

(*a*) where the overpayment is admitted by him; or

(*b*) where the overpayment is not so admitted but, the matter having been referred under regulation 4(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(**a**) for investigation, the Agency, or the Department on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner."

(3) In Schedule 1 (terms of service)—

(*a*) in paragraph 2 (standard of service)—

(i) in sub-paragraph (*b*) after the words "occasional treatment" there shall be added the words "or is preventive treatment,";

(ii) after sub-paragraph (*b*) there shall be added the following sub-paragraph:—

"(*bb*) where the treatment provided is preventive treatment, subject to the provisions of paragraph 11 provide and complete satisfactorily such preventive treatment, to the extent that the patient is willing to undergo it;";

(*b*) in paragraph 6(2) (records)—

after the words "all films" there shall be added the words "and dental models (being dental models in respect of orthodontic treatment)";

(*c*) in paragraph 8 (use of dental estimate form)—

(i) in sub-paragraph (1), the words "other than occasional treatment" shall be deleted;

(ii) in sub-paragraph (1)(*a*), after the word "shall" there shall be added the words "except in respect of occasional treatment";

(iii) in sub-paragraph (1)(*c*), for the words from the beginning to "treatment necessary" there shall be substituted the words "except in respect of preventive treatment shall, at the appropriate time, complete each relevant part of the dental estimate form in accordance with instructions for the completion of such forms and in particular shall, except in the case of occasional treatment, set out in the form in accordance with such instructions the whole of the treatment necessary";

(**a**) S.R. & O. (N.I.) 1973 No. 416

(iv) in sub-paragraph (*d*) after the word ''treatment'' there shall be added the words '', other than preventive treatment,'';

(v) after sub-paragraph (*d*) there shall be added the following sub-paragraphs:—

''(*e*) shall, in respect of preventive treatment, at the appropriate time complete each relevant part of the dental estimate form in accordance with instructions for the completion of such forms and shall in particular set out, if the patient is not willing to undergo the whole of that treatment, particulars of such part as the patient is willing to undergo;

(*f*) shall not, in completing the dental estimate form in respect of preventive treatment, set out treatment not necessary in his opinion to maintain dental health.'';

(vi) after sub-paragraph (2) there shall be added the following sub-paragraph:—

''(3) A dentist shall not submit a dental estimate form which, in the case of occasional treatment, relates to any other treatment.'';

(*d*) in paragraph 10 (occasional treatment)—

(i) in sub-paragraph (1), for the words from ''submit'' to the end there shall be substituted the words ''shall submit in respect thereof the dental estimate form.'';

(ii) for sub-paragraph (3) there shall be substituted the following paragraph:—

''(3) A dentist shall not submit a dental estimate form in respect of occasional treatment—

(*a*) where he has, prior to the provision of occasional treatment, accepted the patient for other treatment which has not been completed, or

(*b*) where on any day on which he provides the patient with occasional treatment he also accepts him for other treatment.'';

(*e*) after paragraph 10 there shall be added the following paragraph:—

''*Preventive Treatment*

10A. A dentist may undertake the application of topical fluoride preparations to persons under the age of 16 where necessary to maintain dental health.''.

Sealed with the Official Seal of the Department of Health and Social Services on 13th April 1987.

(L.S.) *H. P. Simpson*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 13th April 1987.

(L.S.) *R. Smartt*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 (''the 1975 Regulations'').

They introduce a new definition of ''dental estimate form'' and amend paragraphs 8 and 10 of the terms of service for dentists which provide for use of the dental estimate form and for occasional treatment. They also introduce a definition of ''dental health''. Paragraph 6(2) of those terms of service (which contains requirements for dentists to retain films and to submit them to the Dental Committee) is amended to include orthodontic dental models. Regulation 21, which relates to overpayments to dentists, is amended so as to enable the Agency to apply to the Department for directions as to recovery.

In addition they amend the 1975 Regulations to enable dentists to provide as preventive treatment the application of topical fluoride to persons under 16. They specify the standard of service for preventive treatment and contain consequential amendments.