1966. No. 316 **[C]**

HEALTH SERVICES

General Dental Services

REGULATIONS, DATED 23RD DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

The Ministry of Health and Social Services 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:

1. These regulations may be cited as the Health Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1966.

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

(1) In Part II Regulation 4:

(*a*) paragraph (4)(*d*) shall be deleted;

(*b*) paragraphs (5) and (6) shall be renumbered (6) and (7) respectively;

(*c*) after paragraph (4) the following paragraph shall be inserted: "(5) A dentist on the dental list shall within 14 days notify the Board of any change or addition affecting the entries which the dental list is required to contain in relation to him.";

(*d*) in paragraph (7) for the words "one month" there shall be substituted the words "14 days".

(2) In Part III:

(*a*) in Regulation 8:

(i) after the word "provided" there shall be inserted the words "or to sign a declaration or certificate for the purposes of regulation 14, or the appropriate form for the purposes of regulation 15";

(ii) after paragraph (*b*) the following paragraph shall be inserted: "(*c*) on behalf of any person under the care of the managers of an approved school by the managers of the school or a person duly authorised by them in that behalf";

(*b*) in Regulation 9 after the words "regulation 12" there shall be inserted the words "whether during or after the provision of such services".

(3) In Part V:

(*a*) in Regulation 14:

(i) paragraphs (5) to (10) shall be renumbered (6) to (11) respectively;

(ii) after paragraph (4) a new paragraph shall be inserted as follows—"(5) It shall be a condition of exemption from a charge referred to in paragraphs (3) and (4) that the declaration is made

(**a**) 1948, c. 3. (**b**) S.R. & O. (N.I.) 1964, No. 60.

in the form and manner indicated therein and that such documentary evidence of pregnancy or confinement is produced to the Board as they may require.";

(iii) paragraph (6)(*b*) shall be deleted;

(iv) after paragraph (11) a new paragraph shall be inserted as follows—"(12) Where a declaration in support of a claim to exemption is made under the provisions of paragraphs (3) and (4) of this regulation but the claim is not substantiated and in consequence of the claim a dentist has not recovered a charge in respect of the completion of treatment the Board shall be entitled to recover the said charge from the person concerned, whether or not such person has acknowledged the obligation to pay the charge in accordance with the provisions of paragraph (6)(*a*).";

(*b*) in Regulation 15:

(i) in paragraph (1)(*a*) for the word "plastic" there shall be substituted the words "synthetic resin" and after the word "vulcanite" there shall be inserted the words "or metal";

(ii) in paragraph (1) after the word "treatment" in the last line there shall be inserted the words "and the treatment of British merchant seamen and deep sea fishermen about to go to sea".

(4) In Part VI Regulation 18:

(*a*) paragraph (4) shall be renumbered (5);

(*b*) after paragraph (3) the following paragraph shall be inserted: "(4) The Committee may at their discretion, in cases of orthodontic treatment, authorise payments on account pending completion of treatment.";

(*c*) after paragraph (5) the following paragraph shall be inserted:
"*Recovery of overpayment.*
(6)(*a*) Where the Committee or the Board consider that they have authorised the payment of a fee, or made a payment, as the case may be, to a dentist owing to an error or in circumstances when it was not due and the overpayment is admitted by the dentist, it shall be deducted from his remuneration. Where the overpayment is not so admitted, the Board may refer the matter under regulation 4(2) of the Health Services (Services Committee) Regulations (Northern Ireland) 1948 for investigation, and if the Board, or the Ministry on appeal, decide that there has been an overpayment the amount overpaid shall be recovered by deduction from the dentist's remuneration or otherwise.
(*b*) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.";

(*d*) after paragraph (6) the following paragraph shall be inserted: "(7) The fees and charges provided for in this regulation shall be payable only if the dentist complies with the conditions set out in Part VII of Schedule 6.".

(5) In Schedule 1:

(*a*) in paragraph 3:

(i) in paragraph (6) the heading shall be amended by adding after the word "Anaesthetics" the words "and arrest of haemorrhage";

(ii) after paragraph (6) the following paragraph shall be inserted: "(7) For the purpose of treating a patient for the arrest of abnormal haemorrhage a dentist may until 31st December 1966 make arrangements with a medical practitioner to provide the treatment on his behalf.";

(*b*) in paragraph 4 for the words "whose name appears on the dental list" there shall be substituted the words "under general dental services" and to the last sentence there shall be added the words "and shall indicate on the dental estimate form that the patient has been so referred for the required treatment";

(*c*) for paragraph 5 there shall be substituted:

"5(*a*) In each case in which a dentist provides treatment under the regulations he shall, subject to the provisions of paragraph 8, keep a record in the form set out in Part IV of Schedule 4 to be provided by the Board. The record card shall be the property of the dentist who shall be under a duty to retain it and, if required to do so, produce or send it within 14 days to the Committee, the Board or a dental officer. Such duty shall continue for a period expiring, in the case of treatment on an estimate requiring the Committee's prior approval, 4 years after the end of the financial year ending on the 31st March in which payment was made in respect of that treatment, or in any other case, 2 years after the end of such financial year;

(*b*) a dentist shall retain all films taken or obtained by him as part of dental treatment for a period of 12 months after the completion of that treatment, and shall during that period submit them to the Committee when requested to do so.";

(*d*) after paragraph 6(2) the following paragraph shall be inserted: "(3) A dentist shall not submit a dental estimate form claiming payment for the provision of general dental services:—

(*a*) for which payment is excluded by the provisions in the scale of fees precluding payment for (i) services provided within a specified period of time, or (ii) services provided within a specified period of time without the prior approval of the Committee; or

(*b*) which have been provided otherwise than in accordance with the conditions with respect to materials set out in Part VII of Schedule 6.";

(*e*) for sub-paragraph 7(1)(*b*) there shall be substituted "secure the completion of Part I of the form so far as applicable and the signing thereof by the patient or where regulation 8 applies, by the appropriate person";

(*f*) after paragraph 7(1)(*f*) the following paragraph shall be inserted: "(*g*) a dentist shall not set out in Part 7 of the form treatment not necessary in his opinion to render the patient dentally fit";

(*g*) in paragraph 7(3) after the word "received" there shall be inserted the words ": provided that the dentist may proceed immediately with the treatment of British merchant seamen and deep sea fishermen about to go to sea, and in such event shall send the form to the Committee for approval immediately after making the examination.";

(*h*) in paragraph 7(5)(*a*) after the word "dentures" there shall be inserted the words "or such period as may be allowed by the Committee in the case of orthodontic treatment";

(*i*) in paragraph 7(6) after the word "certificate" where it first occurs there shall be inserted the words "in his own handwriting";

(*j*) after paragraph 7(7) the following paragraph shall be inserted: "(8) Where a dentist has been notified that a person for whom he has provided general dental services has been requested to submit himself for examination by a dental officer or that the dental services committee set up under the Health Services (Services Committee) Regulations (Northern Ireland) 1948, will investigate a complaint or reference relating to such services, the dentist shall not, until he has been notified that the examination has been carried out or cancelled, or that the investigation has been completed by the Committee, or that the Committee has no objections, provide any treatment other than emergency treatment to that person, and shall take all reasonable steps to facilitate the said examination or investigation.";

(*k*) after paragraph 8(3) the following paragraph shall be inserted: "(4) A dentist shall not submit a modified dental estimate form in respect of treatment of the kind specified in sub-paragraph (2) of this paragraph, where he has previously accepted the same patient for other treatment not yet completed, or where on the same day he accepts him for other treatment. For the purposes of this sub-paragraph other treatment shall not include orthodontic treatment only.";

(*l*) in paragraph 9(1) after the word "dentist" where it first occurs there shall be inserted the words "or because he refers a patient under paragraph 4";

(*m*) for paragraph 12 there shall be substituted the following— "12.—(1) Save as provided in this paragraph or in paragraphs 4, 12(8) and 12(13) hereof, all treatment shall be given by a dentist personally, provided that where he is prevented by reason of temporary absence from his practice through illness or other reasonable cause, treatment may be given by a deputy.

(2) In the case of two or more dentists practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the dentist who is responsible for the patient's treatment, if reasonable steps are taken to secure continuity of treatment.

(3) A dentist shall not employ more than two assistants for the provision of general dental services without the consent of the Board or on appeal the Ministry, and before giving any consent under this sub-paragraph the Board shall consult the General Dental Services Committee:

Provided that:—

(i) any dentist employing more than two assistants on the date on which the regulations come into operation shall be deemed to have received consent to employ those dentists employed on that date for a period of 6 months.

(ii) Any consent given by or under this sub-paragraph shall be subject to review by the Board in consultation with the General Dental Services Committee not less than once a year.

(4) A practitioner shall notify the Board of the employment of an assistant within 7 days of the first day of employment, and forward to the Board such particulars concerning the assistant as the Board may require. Where a dentist ceases to employ an assistant he shall notify the Board within 7 days of the cessation of employment.

(5) If a dentist intends to absent himself from his practice for more than 31 consecutive days he shall notify the Board or the persons for whom he is providing general dental services of his intended absence and of the deputy or assistant (if any) responsible for giving treatment in his absence.

(6) A dentist who intends to be or is absent from his practice for more than 2 months shall notify the Board in writing and shall not employ an assistant after that period without the consent of the Board.

(7) A dentist shall not employ as an assistant any dentist who is included in the Board's list as a dentist undertaking to provide general dental services at a surgery or suite of surgeries at which the first named dentist undertakes to provide general dental services.

(8) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement to submit estimates of any treatment (other than examination or emergency treatment) to the Committee for prior approval, he shall not allow that assistant to carry out such treatment unless the prior approval of the Committee has first been obtained.

(9) A dentist shall not, without the consent of the Ministry, employ as a deputy or assistant for the purpose of the provision of general dental services any practitioner who is disqualified for inclusion in the dental list of the Board under section 16 of the Act.

(10) A dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(11) A deputy shall be entitled to provide treatment at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of the person for whom the treatment is provided.

(12) A deputy or assistant (other than a partner whose name is included in the dental list) shall in addition to signing with his own name any dental estimate form or prescription, insert therein the name of the dentist for whom he is acting as deputy or assistant.

(13) For the purpose of treating a patient for the arrest of bleeding a dentist may, instead of providing this treatment personally, make arrangements with a medical practitioner to provide such treatment on his behalf.".

(6) In Schedule 2:

(*a*) in Category I column B paragraph (*a*) for the word "of" there shall be substituted the word "including";

(*b*) in Category III item 13(*b*) column B after the word "Item" there shall be inserted the words "5, 7c and";

(*c*) in Category IV item 14 column B after the word "dentures" where it secondly occurs there shall be inserted the words "or a full upper

or full lower denture where a satisfactory full denture is already present in the other jaw";

(*d*) in Category IV items 19(*b*), 21(*b*) and 21(*c*), column B for the amount of "£1 14s. 6d." there shall be substituted the amount of "£1 18s. 0d.".

(7) In Schedule 6:

(*a*) in Part II item 4 after the word "Mucosa" there shall be added the words ": Fee per course of treatment—";

(*b*) in Part II in the proviso to item 5 before the word "fee" there shall be inserted the word "additional";

(*c*) in Part III item 13(*a*)(iii) for the amount of "£4 14s. 0d." there shall be substituted the amount of "£4 14s. 6d.";

(*d*) in Part IV item 15(*a*)(i) after the amount "£2 5s. 0d." there shall be added the words "per denture".

(8) The form set out in the Schedule shall be substituted for the form set out in Schedule 4 Part I.

Sealed with the Official Seal of the Ministry of Health and Social Services this 23rd day of December 1966.

(L.S.) *Lancelot Browne,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance this 23rd day of December 1966.

(L.S.) *R. H. Kidd,*
Assistant Secretary.

SCHEDULE

Form of Application for inclusion in Dental List

To the Northern Ireland General Health Services Board:

I ..... of .....

.....

a registered dentist undertake to provide general dental services under the Health Services Act (Northern Ireland) 1948 on the terms in operation from time to time in Northern Ireland and apply to have my name included in the dental list.

I am not disqualified for undertaking service by reason of my name having been removed from the dental list or from any corresponding list of an Executive Council in Great **Britain.**

Particulars of my usual surgery hours are given below:—

Address of surgery	Days and hours of attendance	
	Days	Hours
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
	*I see patients by appointment only.	

*(*a*) I intend to practise/am practising as a single handed principal.

*(*b*) I intend to practise/am practising as a partner of ..... whose name is in the dental list.

Signed .....

Date .....

*Delete as necessary.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations contain amendments of the principal regulations which are designed to meet certain administrative difficulties or to provide clarification of the principal regulations. They also take account of the new arrangements made under the Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1966 whereby the Northern Ireland General Health Services Board is empowered to pay fees to doctors for the arrest of dental haemorrhage.