STATUTORY INSTRUMENTS

1984 No. 1424

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Dental Services) Amendment (No. 2) Regulations 1984

Made - - - -	*3rd September* 1984
Laid before Parliament	*10th September* 1984
Coming into Operation	*1st October* 1984

The Secretary of State for Social Services, in exercise of powers conferred by sections 35(1), 36 and 37*(a)* of the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (General Dental Services) Amendment (No. 2) Regulations 1984 and shall come into operation on 1st October 1984.

Amendment to regulations

2.— (1) The National Health Service (General Dental Services) Regulations 1973(**b**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition "Board of Governors" there is inserted the definition—

"capitation arrangements" means arrangements whereby a dentist is remunerated in accordance with Section X of Determination I of the Statement of Dental Remuneration;

(b) after the definition "dental fitness" there is inserted the definition—

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

(3) In regulation 3 (terms of service) for paragraph *(a)* there is substituted the following paragraph—

(**a**) 1977 c.49; section 35(1) was amended by paragraphs 48 and 94 of Schedule 1 to the Health Services Act 1980 (c.53).
(**b**) S.I. 1973/1468; the relevant amending instruments are S.I. 1974/53, 1980/986, 1984/760.

"*(a)* in the case of a dentist undertaking to provide general dental services otherwise than as a salaried dentist,—

(i) in relation to those patients for whom he has not undertaken to provide general dental services under capitation arrangements, the terms of service contained in Schedule 1 Parts I and II to these regulations,

(ii) in relation to those patients for whom he has, with the approval of the Secretary of State, undertaken to provide general dental services under capitation arrangements, the terms of service contained in Schedule 1 Part IV to these regulations; and".

(4) In regulation 8 (arrangements to complete treatment), the following paragraph is inserted after paragraph (3)—

"(4) Where a dentist who is providing care and treatment for patients under capitation arrangements ceases to be included in the dental list or is prohibited by virtue of paragraph 36 of Schedule 1 to these regulations from providing such care and treatment, the Committee may, after consultation with the Local Dental Committee and with the agreement of the patient, make arrangements with one or more dentists, on such terms and conditions as the Board may approve, for the care and treatment of such patients.".

(5) After Part III of Schedule 1 there is inserted the following Part—

"PART IV

TERMS OF SERVICE FOR DENTISTS UNDER CAPTITATION ARRANGEMENTS

Standard of service

32. In providing general dental services under capitation arrangements to a patient, a dentist shall—

(a) employ a proper degree of skill and attention;

(b) regularly provide the care and treatment necessary to maintain dental health which the patient is willing to undergo;

(c) provide the care and treatment necessary to secure dental health which the patient is willing to undergo;

(d) where the dentist provides treatment for which remuneration apart from a capitation fee is payable and which the patient is willing to undergo, subject to the provisions of paragraph 11 satisfactorily complete that treatment;

(e) save as is provided in paragraphs 3, 5, 15 and 23 give all care and treatment personally;

(f) comply with any requirements as to the materials to be used and any restrictions on the purpose for which or any conditions subject to which materials may be used, as set out in Determination III of the Statement of Dental Remuneration.

Application of paragraphs of Parts I *and* II *of this Schedule*

33.— (1) The provisions of paragraphs 1, 4, 6(1), 14, 16, 17, 20, 21, 22, 24 and 25 shall have effect as if they were contained in this Part of this Schedule.

(2) The provisions of paragraphs 3, 5, 7, 9(5) and (6), 12, 13, 15, 18 and 23 shall have effect as if—

(a) they were contained in this Part of this Schedule and

(b) there were substituted for the word "treatment", wherever it appears, the words "care or treatment".

(3) The provisions of paragraphs 9(1), (2), (3)*(a)* and *(b)*, (4) and 11 shall, in relation to the provision of treatment for which remuneration apart from a capitation fee is payable, have effect as if they were contained in this Part of this Schedule.

Records

34.— (1) A dentist shall retain all films taken or obtained by him as part of care or treatment and all records referred to in paragraph 6(1) (which films and records shall be the property of the dentist) for a period of twelve months after the end of the last month in respect of which a capitation fee is payable.

(2) The dentist shall during the period of retention submit the films and records to the Board or to a dental officer as they may require, within 14 days of such requirement.

Use of dental estimate forms

35.— (1) In accepting a person for care and treatment under capitation arrangements and upon providing such care and treatment, a dentist shall at the appropriate time complete or secure the completion of each relevant part of the following as the case may require:—

(a) the acceptance form as set out in Determination VI of the Statement of Dental Remuneration;

(b) the initial or other claim form for claiming capitation fees, as set out in the said Determination VI, in accordance with instructions for the completion of such forms;

(c) the dental estimate form, in accordance with instructions for the completion of such form;

(d) the certificate of dental fitness as set out in Determination VI of the Statement of Dental Remuneration;

and, where treatment is or is to be provided for which remuneration apart from a capitation fee is payable, the dentist shall set out in accordance with instructions for the completion of such forms all such treatment necessary to maintain dental health and if the patient is not willing to undergo the whole of such treatment shall further set out in accordance with the instructions the particulars of such part as the patient is willing to undergo.

(2) A dentist shall on completing the acceptance form give it to the appropriate person.

(3) A dentist shall send to the Board—

(a) not later than 31st December 1984, the initial claim form;

(b) within one month of its completion by the dentist, the certificate of dental fitness;

(c) within one month of completion of the treatment, any form which includes details of treatment for which remuneration apart from a capitation fee is payable;

(d) within one month of the visit to which it relates, any other form required under paragraph (1).

Provision of treatment

36. A dentist who is subject to a requirement mentioned in sub-paragraph *(c)* of paragraph 9(3) shall not during the period for which the requirement is in force give care and treatment or provide or undertake to provide general dental services under capitation arrangements.

Withdrawal from arrangements

37.— (1) A dentist who wishes to discontinue care and treatment for a patient shall—

(a) give written notice to the Committee and the appropriate person not later than three months before the date on which no further fees will be payable under capitation arrangements; or

(b) give written notice to the Committee and the appropriate person not later than three months before the date on which he wishes to discontinue care and treatment.

(2) A dentist who gives notice under paragraph (1)*(a)* shall discontinue care and treatment for the patient on the date referred to in paragraph (1)*(a)*.

(3) Where a dentist gives notice under paragraph (1)*(b)* the Committee may, after considering any representations made by the appropriate person, authorise the dentist to discontinue such care and treatment, and the dentist shall discontinue care and treatment for the patient on receipt of the authorisation.

(4) A Committee which gives an authorisation under paragraph (3) shall so inform the appropriate person and the Board.

(5) Where authorisation is given under paragraph (3) the Board shall authorise, without prejudice to the provisions of Part V of the regulations, such payments as it may consider appropriate in respect of care and treatment already provided.

Interpretation

38. In this Part of this Schedule, "appropriate person" means the person who would be the appropriate person were the case one to which the provisions of regulation 17 applied.".

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

3rd September 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations amend the National Health Service (General Dental Services) Regulations 1973 ("the 1973 Regulations").

They incorporate new terms of service in arrangements to be made by Family Practitioner Committees with dentists who undertake to provide general dental services under capitation arrangements. The terms of service are contained in a new Part IV of Schedule 1 to the 1973 Regulations.

These regulations also amend regulations 2(1), 3 and 8 of the 1973 Regulations consequentially.

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