STATUTORY INSTRUMENTS

1967 No. 259

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Dental Services) Amendment Regulations 1967

Made - - - -	*22nd February* 1967
Laid before Parliament	*1st March* 1967
Coming into Operation	*13th March* 1967

The Minister of Health, in exercise of the powers conferred on him by sections 40, 44, 45 and 74 of the National Health Service Act 1946(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the National Health Service (General Dental Services) Amendment Regulations 1967, and shall come into operation on 13th March 1967.

(2) The Interpretation Act 1889(**b**) applies to the interpretation of these regulations as it applies to an Act of Parliament.

2. The National Health Service (General Dental Services) Regulations 1964(**c**) as amended(**d**) shall be further amended as follows :—

(1) In regulation 2(1) (which contains definitions) after the definition of " health centre " there shall be inserted the words " " occasional treatment " means such treatment as is mentioned in paragraph 8 of Part I of Schedule 1 to these regulations ; " and after the definition of " practitioner " there shall be inserted the words " " salaried practitioner " means a practitioner who under the arrangements made between him and a Council will be remunerated in accordance with Schedule 6 to these regulations ; "

(2) In regulation 3(1) (which deals with the arrangements which a Council are to make with practitioners for the provision of general dental services) for sub-paragraphs (1)(*a*) and (*b*) there shall be substituted the following:—

" (*a*) in the case of a practitioner undertaking to provide general dental services otherwise than as a salaried practitioner at a health centre, the terms of service contained in Part I of Schedule 1 to these regulations ; and

(*b*) in the case of a practitioner undertaking to provide general dental services as a salaried practitioner at a health centre, the terms of service contained in Part II of that Schedule:

Provided that a dentist whose application to a Council to provide general dental services at a health centre otherwise than as a salaried practitioner has been refused may appeal to the Minister and the Council shall give effect to any direction of the Minister on that appeal.".

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1964/755 (1964 II, p. 1519).
(**d**) The relevant amending instruments are S.I. 1965/396, 1966/683 (1965 I, p. 1102 : 1966 II, p. 1519).

(3) For regulation 3(2) there shall be substituted the following:—

"Where a practitioner who provides general dental services as a salaried practitioner at a health centre also provides general dental services otherwise, the arrangements shall incorporate the provisions referred to in paragraph 1(*a*) and (*b*) of this regulation and whichever provisions are applicable shall apply.".

(4) In regulation 22(7) (which deals with charges for treatment and appliances) for the words from the beginning to the words "health centres" there shall be substituted the following:—

"In relation to general dental services provided by a salaried practitioner at a health centre".

(5) In regulation 26 (which deals with the provision of services at a health centre) for the words from the beginning to the end of paragraph (*a*) there shall be substituted the following:—

"*Provisions applicable to services provided by a salaried practitioner at a health centre*

In their application to general dental services provided by a salaried practitioner at a health centre the provisions of regulations 24 and 25 of these regulations shall be subject to the following modifications:—

(*a*) Where at the request of a person a practitioner agrees to supply or repair a denture or supply a dental bridge or to provide treatment of a kind specified in regulation 24, the practitioner shall not be required to submit an estimate to the Board but, in lieu thereof, he shall give notice to a dental officer on a form to be supplied by the Council and shall not proceed with any treatment specified in Column B of Schedule 2 to these regulations, other than emergency treatment and the treatment of British merchant seamen and deep sea fishermen about to go to sea, until the approval of the dental officer is received. The notice to be given shall specify the sum to be paid by the person, which shall be determined in accordance with the provisions of regulation 28(2) of these regulations as if the service had been provided by a practitioner other than a salaried practitioner and shall be subject to the approval of the dental officer;".

(6) For the last sentence of regulation 26(*c*) there shall be substituted the following:—

"If such lack of care is admitted or determined as aforesaid, the Council shall be entitled to recover from such patient the appropriate cost for such service which would have been payable to a practitioner other than a salaried practitioner or such part of such cost as the Council may determine.".

(7) In regulation 27 (which deals with the recovery of charges) for the words from the beginning to the words "summarily as a civil debt" there shall be substituted the following:—

"The practitioner, or in relation to a case falling within regulation 22(6) of these regulations or to general dental services provided by a salaried practitioner at a health centre, a Council shall be entitled to make and recover summarily as a civil debt".

(8) In regulation 28 (which deals with practitioners practising elsewhere than at a health centre) for the words "*Practitioners practising elsewhere than at a health centre*" there shall be substituted the words "*Practitioners other than salaried practitioners*".

(9) For regulation 32 (which deals with practitioners practising at a health centre) there shall be substituted the following regulation:—

"*Salaried practitioners.*

32. The remuneration payable by a Council to a salaried practitioner shall be calculated in accordance with the rates and subject to the provisions set out in schedule 6 to these regulations.".

(10) In Part I of Schedule 1 (which sets out the terms of service for practitioners practising elsewhere than at a health centre) for the heading there shall be substituted the following heading:—

"*Terms of Service for Dental Practitioners other than Salaried Practitioners*".

(11) In paragraph 3(1) of the said Part I (which paragraph relates to the standard of service required of a practitioner) for the words "treatment mentioned in paragraph 8 hereof" there shall be substituted the words "occasional treatment".

(12) In paragraph 5 of the said Part I (which paragraph provides for the keeping of records) for the last sentence there shall be substituted the following sentence:—

"Such duty shall continue for a period expiring, in the case of treatment on an estimate requiring the Board's prior approval, 18 months after the end of the financial year ending 31st March in which payment was made in respect of that treatment, or in any other case 6 months after the end of the said financial year or 12 months after the conclusion of the treatment, whichever is the longer.".

(13) In paragraph 7(1)(*a*)(i) of the said Part I (which sub-paragraph refers to the use of the dental estimate form) for the words "treatment as detailed or for emergency treatment" there shall be substituted the words "a course of treatment as detailed or for occasional treatment".

(14) For paragraph 7(1)(*d*) of the said Part I (which sub-paragraph provides for the completion of the dental estimate form) there shall be substituted the following:—

"(*d*) Upon completing treatment for a patient, a practitioner shall—

(i) enter the required particulars (including the name, initials and profession of any anaesthetist, and the name and initials of any person other than himself operating during anaesthesia) in part 7 of the form;

(ii) sign the said part 7 with his name and initials (except where the Board allow him to use a shorter signature), in his own handwriting and not by means of a stamp;

(iii) insert the date of completion in the appropriate place in part 2; and

(iv) obtain in part 11 from the patient, or where the patient is under the age of 16 from the appropriate person for the purposes of regulation 20 of the regulations, a certificate that, to the best of his belief, treatment has been completed.".

(15) In paragraph 8(1) of the said Part I (which paragraph relates to the use of a modified estimate form for certain types of treatment), for

the words from the beginning to the word "modifications" there shall be substituted the following:—

"*Occasional treatment*

8.—(1) Notwithstanding anything contained in paragraph 7 hereof, a practitioner may provide as occasional treatment any item of treatment mentioned in sub-paragraph (2) of this paragraph (being treatment which may be carried out without the prior approval of the Board) and submit a dental estimate form with the following modifications—".

(16) In paragraph 12(3) of the said Part I (which sub-paragraph deals with the employment of assistants) for the words from the beginning to the words "Local Dental Committee" there shall be substituted the following:—

"A practitioner shall not employ more than two assistants in all for the provision of general dental services without the consent of the Council or Councils in whose areas he is providing such services, or, on appeal, the Minister, and before giving any consent under this sub-paragraph a Council shall consult the Local Dental Committee for its area:".

(17) For paragraph 13 of the said Part I (which paragraph deals with anaesthetics and the arrest of haemorrhage) there shall be substituted the following paragraph:—

"*Anaesthetics*

13. Administration of a general anaesthetic may be given by a medical or dental practitioner on behalf of the practitioner responsible for the treatment.".

(18) In Part II of Schedule 1 (which sets out the terms of service for practitioners providing general dental services at a health centre) for the heading there shall be substituted the following heading:—

"*Terms of Service for Salaried Practitioners*".

(19) In paragraph 18(1) of the said Part II (which deals with the revision of the terms of service) immediately before the word "practitioner" there shall be inserted the word "salaried".

(20) In Column A of Schedule 2 (which sets out the treatment for which the prior approval of the Board is required) after the word "Dentures, bridges and special appliances" there shall be inserted the words "other than orthodontic appliances".

(21) In Part 7(*b*) of the dental estimate form set out in Part II of Schedule 4 for the words "as emergency treatment of a casual patient" there shall be substituted the words "as occasional treatment.".

(22) In Part 8 of the said dental estimate form for the words "*treatment as detailed by me/or *emergency treatment" there shall be substituted the words "*a course of treatment as detailed by me/or *occasional treatment".

(23) In Part 10 of the said dental estimate form for the words "I understand that the dentist may require me to pay the whole or part of this sum before proceeding with my treatment" there shall be substituted the words "I understand that the dentist may require me to pay the whole or part of this sum before commencing or proceeding with my treatment" and

for the words " National Assistance Board " there shall be substituted the words " Ministry of Social Security (Supplementary Benefits) ".

(24) In Part VII of Schedule 5 (which part deals with conditions with respect to materials) in paragraph (1) in Column A there shall be inserted the words " acrylic resin teeth ", and immediately opposite thereto in Column B there shall be inserted the expression " BS. 3990: 1966 ".

(25) In Schedule 6 (which sets out the remuneration of dental practitioners practising at a health centre) for the heading there shall be substituted the following:—

" *Remuneration of Salaried Practitioners* ".

Given under the official seal of the Minister of Health on 22nd February 1967.

(L.S.) *Kenneth Robinson,*
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1964 as amended. The main amendments:—

(*a*) enable dentists providing general dental services at a health centre to be remunerated by fees as an alternative to being remunerated at a salary;

(*b*) make some changes in the dental estimate form and the way in which it is to be completed by the dentist; and

(*c*) provide that a dentist shall not employ more than two assistants in all for providing general dental services without the consent of all the Executive Councils concerned.