POLICY NOTE

THE NATIONAL HEALTH SERVICE (GENERAL DENTAL SERVICES) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2018

SSI 2018/300

The above instrument was made in exercise of powers conferred by sections 25(1), 28a(4), 105(7) and 106(a) of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so.

This instrument is subject to negative procedures.

Policy Objective

The purpose of this instrument is to amend the National Health Service (General Dental Services) (Scotland) Regulations 2010 and the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2017 ("the 2017 Amendment Regulations") to defer the coming-into-force date for electronic orthodontic payment claim forms and requests for prior approval from 1 January 2019 to 1 January 2020.

Background

The 2017 Amendment Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 2010 which regulate the provision of General Dental Services in Scotland. One of the purposes of the 2017 Amendment Regulations was to make all claims for payment and requests for prior approval for NHS dental care and treatment electronic (paperless). Prior approval is required where the cost of NHS dental treatment is in excess of £390.

The 2017 Amendment Regulations introduced a phased programme of change to require electronic submission as follows:

- 1 January 2018 - all payment claim forms, with the exception of claims for orthodontic treatment;
- 1 October 2018 - all requests for prior approval, with the exception of orthodontic prior approval requests;
- 1 January 2019 - all orthodontic payment claim forms and requests for prior approval.

Prior to the implementation of this programme around 100 general dental practices in Scotland (out of around 900 practices) relied entirely on paper for the submission of payment claims. Similarly orthodontic payment and all prior approval claims were paper-based. In moving to an electronic system the intention was to reduce processing costs and improve accuracy as well as turn-around periods for prior approval requests.

The first two phases of the programme – payment claims and prior approvals for general dental practices – have either been successfully completed or are on track for completion.

The third and final phase of the programme has been subject to delay. There are around 50 specialist orthodontic practices in Scotland, who rely on two third party system suppliers. In

addition to the specialist practices, non-specialised practices also undertake orthodontic treatment and these practices also have a reliance on separate third party suppliers. In discussions with all of these suppliers we have taken the step of deferring the mandating of electronic submission for orthodontic payments and prior approval to allow more time for appropriate electronic systems to be put in place.

Retaining the original date could present the risk of a number of orthodontic specialist practices unable to submit payment and prior approval claims for NHS care and treatment with the potential to delay the provision of orthodontic treatment

Consultation

The British Dental Association (Scotland) has been made aware of these Amendment Regulations.

Impact Assessment

The Minister for Public Health, Sport and Wellbeing confirms that no Equality Impact Assessment is required as this instrument has no adverse effects on patients.

Financial Effects

The Minister for Public Health, Sport and Wellbeing confirms that no Business Regulatory Impact Assessment is necessary as this instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate of Population Health
CDO & Dentistry Division
4 October 2018