
STATUTORY INSTRUMENTS

2015 No. 1728

**The National Health Service (Primary Dental Services)
(Miscellaneous Amendments) (No. 2) Regulations 2015**

PART 4

Amendment of the Dental Charges Regulations

Amendments of the Dental Charges Regulations

18. The Dental Charges Regulations are amended in accordance with this Part.

Amendment of regulation 2 of the Dental Charges Regulations

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

(a) in the definition of “course of treatment” for “provided under a Capitation and Quality Scheme 2 Agreement in the context of regulation 13A,” substitute “provided under a prototype agreement⁽¹⁾ or a Capitation and Quality Scheme 2 Agreement in the context of regulation 12A,”; and

(b) after the definition of “prisoner” insert—

““prototype agreement” means a GDS contract or PDS agreement temporarily varied as part of the Prototype Agreements Scheme⁽²⁾ which contains—

(a) the terms and conditions required under the National Health Service (Dental Services) (Prototype Agreements) Directions 2015⁽³⁾; and

(b) the terms and conditions required under the National Health Service (General Dental Services Contracts) Regulations 2005⁽⁴⁾ or the National Health Service (Personal Dental Services Agreements) Regulations 2005⁽⁵⁾”.

Amendment of regulation 3 of the Dental Charges Regulations

20. In regulation 3 (charges for the provision of dental services), in paragraph (1), for “regulations 4 or 13A(2)” substitute “regulation 4 or 12A(2)”.

-
- (1) For further information on prototype agreements see <https://www.gov.uk/government/publications/dental-reform-next-step>. A hard copy of this document can be obtained by writing to Dental and Eye Care Services, Policy and Legislation Unit, NHS Group, Room 201 Richmond House, 79 Whitehall, London, SW1A 2NS.
- (2) The Prototype Agreements Scheme is the Scheme of that name, introduced by the Secretary of State on 1st November 2015 that the Secretary of State has developed to assist in continuing to promote and secure improvement in the provision of dental services in accordance with the National Health Service Act 2006 (c.41).
- (3) The National Health Service (Dental Services) (Prototype Agreements) Directions 2015, signed on 23rd September 2015, are available on the www.gov.uk website. A hard copy of these Directions can be obtained by writing to Dental and Eye Care Services, Policy and Legislation Unit, NHS Group, Room 201 Richmond House, 79 Whitehall, London, SW1A 2NS.
- (4) S.I. 2005/3361; as amended by S.I. 2006/563, 2007/544, 2008/528, 1514 and 1700, 2009/309 and 462, 2010/22 and 1181, 2011/1182, 2012/502, 2273 and 2404, 2013/364, 2014/443 and 1887 and 2015/137 and 416.
- (5) S.I. 2005/3373; as amended by S.I. 2006/563, 2007/544, 2008/528 and 1514, 2009/309 and 462, 2010/22 and 1181, 2011/1182, 2012/502, 2273 and 2404, 2013/364, 2014/443 and 1887 and 2015/137 and 416.

Amendment of regulation 5 of the Dental Charges Regulations

21. In regulation 5 (effect of referral to another provider of dental services on the calculation of charges), for “regulation 4 or 13A(2)” substitute “regulation 4 or 12A(2)”.

Amendment of regulation 6 of the Dental Charges Regulations

22. In regulation 6 (circumstances in which charges cannot be made for treatment that occurs after a course of treatment is completed), in paragraph (4), for “or regulation 13A(2)” substitute “or regulation 12A(2)”.

Amendment of regulation 8 of the Dental Charges Regulations

23. In regulation 8 (making and recovery of charges)—
- (a) in paragraph (2), for “or 13A(2)” substitute “or 12A(2)”; and
 - (b) in paragraph (3), for “or 13A(2)” substitute “or 12A(2)”.

Insertion of new regulations 12A and 12B into the Dental Charges Regulations

24. After regulation 12 (reduction of remuneration and accounting for charges in relation to providers of relevant primary dental services), insert—

“Charges in respect of primary dental services provided under a prototype agreement or under a Capitation and Quality Scheme 2 Agreement

12A.—(1) This regulation applies in relation to primary dental services provided under a prototype agreement or under a Capitation and Quality Scheme 2 Agreement.

(2) An additional charge to be known as a Band 1A charge of £18.80 may be made and recovered for the provision of any interim care course of treatment the entirety of the components of which are set out in Schedule 1A, irrespective of whether any of the components of the course of treatment are also set out in Schedule 1, where—

- (a) subject to paragraph (3), all of the components of an interim care course of treatment proposed for a person at the initial examination have been provided (notwithstanding that they may have been provided at different times); and
 - (b) those components include at least one of the treatments set out at paragraphs (e) to (g) of Schedule 1A.
- (3) If—
- (a) during an interim care course of treatment a patient voluntarily withdraws from, or is withdrawn by the provider from treatment; and
 - (b) at least one of the treatments set out at paragraphs (e) to (g) of Schedule 1A has been provided,

a Band 1A charge may be made and recovered for the course of treatment (notwithstanding that the requirements of paragraph (2)(a) are not fully met).

Transitional provision relating to interim care provided under a Capitation and Quality Scheme 2 Agreement

- 12B.** Where—
- (a) an initial examination occurred on or before 31st October 2015;

- (b) a course of treatment was planned that would constitute an interim care course of treatment for the purposes of regulation 12A had it been planned on or after 1st November 2015; and
 - (c) all of that treatment is provided on or after 1st November 2015,
- the planned treatment must be treated as provided in accordance with the prototype agreement.”.

Revocation of regulations 13A and 13B of the Dental Charges Regulations

25. Regulations 13A (charges in respect of primary dental services provided under a Capitation and Quality Scheme 2 Agreement) and 13B (transitional provision relating to interim care) are revoked.

Amendment of Schedule 1A to the Dental Charges Regulations

26. In the heading of Schedule 1A (Band 1A Charges-Interim Care), for the reference “Regulation 13A” substitute “Regulation 12A”.