

These notes refer to the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c.2) which received Royal Assent on 25 February 2008

Health (Miscellaneous Provisions) Act (Northern Ireland) 2008

EXPLANATORY NOTES

OVERVIEW

10. The Act introduces changes to the way dental services are organised. Under current arrangements in some areas it can be difficult to access health service dental care and also difficult to target resources at areas of greatest need. To alleviate these problems and to move to the same arrangements which are now operating in England and Wales the proposed policy change is to allow local commissioning of dental services by Health and Social Services Boards.
11. The Act also extends the functions of the Tribunal which is the principal health service disciplinary body for family health service practitioners. It is an independent body comprising a Chair and deputy Chair appointed by the Lord Chief Justice, a member of the relevant profession and a lay member both appointed by the Department. The Act introduces an additional ground under which the Tribunal may deal with a practitioner who has been referred to it, namely “unsuitability by reason of professional or personal conduct”. It also extends the categories of person subject to the Tribunal’s jurisdiction to include all practitioners including those practitioners assisting with the provision of services and those practitioners wishing to join a Board’s list. At present the Tribunal may direct that a practitioner’s name should be removed from the list of a Board (local disqualification) or should be excluded from all Board Lists (general disqualification). The Act removes the sanction of local disqualification, thus if a practitioner is not fit to deliver services in one Board’s area he or she should not be able to do so in another.
12. The Act extends the powers of the four Health and Social Services Boards. Currently where it is necessary to protect patients, a Board can refer a case to the Tribunal to suspend a practitioner, while the full case is considered. As this can prove unwieldy the Act introduces the provision for regulations to allow suspension of a listed practitioner directly by a Board. Suspension could take place pending, for instance, referral to the Tribunal or the outcome of a court case or a hearing by a professional regulatory or licensing body. The Act also extends the powers of the Boards to allow payment to suspended practitioners.
13. The Act introduces the power for regulations to provide and set out the criteria for refusal or removal of a practitioner from a Board’s list. It also inserts

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provisions to provide for a Board to admit or retain a practitioner on its lists as long as he or she agrees to be bound by specific conditions and extends the existing list system to embrace all practitioners including locums, deputies and employees.