
STATUTORY RULES OF NORTHERN IRELAND

1993 No. 326

General Dental Services Regulations (Northern Ireland) 1993

PART VI

**DENTAL COMMITTEE, PRIOR APPROVAL
(PATTERNS OF TREATMENT) AND SURVEYS**

Constitution of the Dental Committee

30. The provisions set out in Schedule 8 shall apply in relation to the Committee which shall be constituted by the Agency for the purpose of carrying out the duties assigned to it by these regulations.

Delegation of duties to Dental Officer

31. The Committee may delegate to a Dental Officer such of its duties with respect to the approval of estimates for dental treatment and appliances under these regulations as it thinks fit.

Prior approval — patterns of treatment

32.—(1) Where it appears to the Committee that a dentist's pattern of treatment in respect of all or any particular description of treatment, provided as part of general dental services in the area of a Board, differs so substantially from the area or regional pattern of treatment of other dentists as to warrant, in the opinion of the Committee, further investigations, the Committee may write to the dentist—

- (a) giving details of his pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the area or regional pattern of treatment of other dentists;
- (b) inviting him to submit to the Committee in writing the reasons why his pattern of treatment differs to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern; and
- (c) giving notice to him that if—
 - (i) he fails to reply within 28 days; or
 - (ii) his reply discloses no reasonable grounds, in the opinion of the Committee, for his pattern of treatment to differ, to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern of treatment,

the Committee may give a direction as mentioned in paragraph (2).

(2) Where the dentist fails—

- (a) to reply within 28 days; or
- (b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the Committee may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Committee, but nothing in any such direction shall prevent the dentist, without such approval, from giving treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres.

(3) Where the Committee gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 33 and shall have no effect until the expiry of the period allowed under that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The Committee shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

(5) Where the Committee gives a direction to a dentist under paragraph (2), the Committee shall not give a further direction under that paragraph in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier direction or, where the dentist appeals that earlier direction and the appeal is allowed, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) Where, on the date on which the Committee gives a direction under paragraph (2), the name of the dentist in respect of whom the direction is given is not included in any dental list the period specified in the direction shall not begin until the next day on which his name is again included in the dental list.

(8) For the purpose of computing the date on which the period specified in any direction given under paragraph (2) comes to an end, no account shall be taken of any day on which the dentist's name is not included in the dental list.

(9) In this regulation—

(a) “pattern of treatment” means—

- (i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist, or
- (ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

(b) “area”, in relation to pattern of treatment, means throughout the area of a Board; and

(c) “regional”, in relation to pattern of treatment, means throughout Northern Ireland.

Appeals against the Dental Committee

33.—(1) Any person aggrieved by a decision of the Committee shall be entitled to appeal by sending to the Department a notice of appeal within 30 days from the date on which the decision of the Committee was received by that person.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Department shall, within 30 days of receiving a notice of appeal, request from the Committee a written statement of the reasons for its decision, and the Committee shall within 30 days of receiving the request send such a statement to the Department.

(4) The Department shall consider the notice of appeal and the Committee's statement and, where the Department is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith.

(5) Except where an appeal is dismissed under paragraph (4) the Department shall, within 30 days of receiving the Committee's statement under paragraph (3), appoint, after consultation with such organisation as represents the dental profession—

- (a) where the appeal is made under regulation 32, 3 dentists who are or have been engaged in the provision of general dental services;
- (b) in any other case, 2 such dentists;

as referees who shall hear the representations of the appellant and the Committee and determine the appeal.

(6) For the purposes of any appeal relating to paragraph (5)(b), the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Committee, dispense with an oral hearing, in which case the appellant and the Committee shall be given an opportunity to amplify their statements.

(7) Where the Department dismisses an appeal under paragraph (4) it shall give notice in writing to the person who brought the appeal and to the Committee that the appeal has been dismissed and shall include with the notice to the appellant a copy of the Committee's statement under paragraph (3) and a statement of its reasons for dismissing the appeal.

(8) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions contained in the notice of appeal or the statement of the Committee unless that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least 7 days before the date of the hearing.

(9) The referees shall within 7 days after determining an appeal give notice in writing to the Department of their decision and of the reasons for it, and the Department shall within 14 days of receiving the notice send copies of it to the parties.

Surveys

34. A Board or the Agency may conduct or commission surveys or other research relating to the provision of general dental services.