

2001 No. 309

HEALTH AND PERSONAL SOCIAL SERVICES

**General Dental Services (Amendment No. 3) Regulations
(Northern Ireland) 2001**

Made 28th August 2001

Coming into operation 1st October 2001

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Dental Services (Amendment No. 3) Regulations (Northern Ireland) 2001, and shall come into operation on 1st October 2001.

(2) In these Regulations “the principal Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(c).

Amendment of regulation 19 of the principal Regulations

2. In regulation 19(1) of the principal Regulations (Statement of Dental Remuneration)—

- (a) in column 2 of the Table set out below paragraph (1) for the entry “Postgraduate education allowances” substitute “Continuing professional development allowances”;
- (b) at the end of that Table insert in column (1) the Roman numeral “X” and insert in column (2) “Clinical audit allowances”.

Amendment of regulation 20 of the principal Regulations

3. In regulation 20 of the principal Regulations (approval of payments) in paragraph (5) for “VIII and IX” substitute “VIII, IX and X”.

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)
(b) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26); Articles 30, 34, 35 and Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1); and S.I. 1997/1177 (N.I. 7)
(c) S.R. 1993 No. 326; relevant amending Regulations are S.R. 1996 No. 114; S.R. 1998 No. 245; S.R. 1999 No. 100; and S.R. 2001 No. 2

Amendment of Schedule 2 to the principal Regulations

4. In Schedule 2 to the principal Regulations (terms of service for dentists)—

(a) for paragraph 17 (occasional treatment) substitute—

“17.—(1) Whether or not a patient has entered into a continuing care arrangement or capitation arrangement with another dentist, a dentist who is not acting on behalf of that dentist may provide any of the items listed in sub-paragraph (2) as occasional treatment.

(2) For the purposes of sub-paragraph (1) the listed items are—

(a) the assessment of, and the giving of advice to, a patient;

(b) the issuing of a prescription;

(c) a radiographic examination and radiological report;

(d) the dressing of deciduous or permanent teeth and other palliative treatment;

(e) the repair and refixing of inlays, crowns and bridges;

(f) the extraction of deciduous or permanent teeth;

(g) the provision of post-operative care;

(h) the provision of sedation;

(i) the provision, replacement, repair or alteration of dentures or other dental appliances;

(j) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitis or for ulcers and herpetic lesions, and any necessary oral hygiene instruction in connection with such treatment;

(k) any treatment immediately necessary as a result of trauma;

(l) domiciliary visits and recalled attendance;

(m) conservative treatment of permanent or retained deciduous teeth by way of fillings or root fillings; and

(n) in respect of patients aged under 18, conservative treatment of deciduous teeth.

(3) Where the dentist, due to any cause beyond his control, is unable to complete any course of occasional treatment which he has commenced, he shall forthwith notify the Agency in writing of the extent of the occasional treatment he has provided and the reason he is unable to complete the remainder of the treatment.”;

(b) after paragraph 31D (professional indemnity)(a) insert—

“*Clinical audit activities*

31E.—(1) In the relevant period a dentist shall—

(a) undertake at least 15 hours of clinical audit activities; and

(a) Paragraphs 31A, 31B and 31C were inserted by regulation 2 of S.R. 1996 No. 114 and paragraph 31D was inserted by regulation 5 of S.R. 1998 No. 245

(b) take reasonable steps to ensure that any assistant of his also undertakes such activities.

(2) In this paragraph—

“clinical audit activities” means activities which involve the systematic and critical analysis of the quality of dental care provided by the dentist, including the processes used by him for diagnosis, intervention and treatment and his use of resources, and may include peer review by means of participation in meetings of a group of not less than 4 dentists where such a group considers the quality and performance of specific treatments and approaches to treatment; and

“the relevant period” means—

(a) subject to head (b), where a dentist’s name is included in the dental list and he is providing dental services—

(i) on 1st October 2001, the period of three years commencing on that date,

(ii) from a date after 1st October 2001, the period of three years commencing with that later date,

and each successive period of three years thereafter;

(b) where a dentist’s name remains included in the dental list but he does not provide dental services during any continuous period in excess of thirteen weeks, the period specified in head (a), to which is added any such continuous period during which he is not providing dental services.

Quality assurance system

31F.—(1) A dentist shall establish, and operate in accordance with this paragraph, a practice based quality assurance system which is applicable to all the persons specified in sub-paragraph (2).

(2) The specified persons are—

(a) the dentist;

(b) any other dentist either employed by him or engaged as a deputy; and

(c) any employee of the dentist other than one falling within head (b).

(3) A dentist shall ensure that in respect of his practice based quality assurance system, he has specified a person (who need not be connected with the dentist’s practice) to be responsible for operating that system.

(4) A dentist shall ensure that in respect of his practice based quality assurance system, there is displayed in a prominent position in his practice premises, in a part to which patients have access, a written statement relating to his commitment to the matters referred to in sub-paragraph (5).

(5) In this paragraph and in paragraph 31G “a practice based quality assurance system” means one which comprises –

- (a) a system to ensure that all dental care provided is of a consistent quality;
- (b) a system to ensure that effective measures of infection control are used;
- (c) a system to ensure that all legal requirements relating to health and safety in the workplace are satisfied;
- (d) a system to ensure that all legal requirements relating to radiological protection are satisfied; and
- (e) a system to ensure that any requirements of the General Dental Council in respect of the continuing professional development of dentists are satisfied.

Quality assurance system return

31G.—(1) Subject to sub-paragraph (3), a dentist whose name is included in the dental list shall provide to the Board by 30th June each year a written return which states—

- (a) whether there has been compliance with all the systems specified in paragraph 31F(5) in respect of the period of 12 months ending on 31st March each year; and
- (b) whether any changes to his practice or procedures have occurred as a result of the operation of the practice based quality assurance system and if so, the nature of those changes.

(2) Where a dentist practises in partnership with one or more other dentists whose names are included in the dental list, the information referred to in sub-paragraph (1) shall be provided in respect of the partnership as a whole instead of by each dentist individually.

(3) The return to be provided by 30th June 2002 shall relate to the period from 1st October 2001 to 31st March 2002.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 28th August 2001.

(L.S.)

D. A. Baker
Senior Officer of the Department of
Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 28th August 2001.

(L.S.)

R. Scott
Senior Officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 (“the principal Regulations”) which regulate the terms on which general dental services are provided under the Health and Personal Social Services (Northern Ireland) Order 1972.

The Regulations amend regulation 19(1). The matter “Continuing professional development allowances” is substituted for the matter “Postgraduate education allowances” and a new matter, “Clinical audit payments” is to be a determination for the purposes of that regulation.

The Regulations further amend Schedule 2 to the principal Regulations, which sets out the terms of service applicable to dentists who are on the dental list. For paragraph 17 of that Schedule, which deals with occasional treatment, a new paragraph is substituted which enables a greater range of occasional treatments to be provided. Three new terms of service are also imposed, so that a dentist must undertake, over successive three year periods, 15 hours of activities involving clinical audit, establish and operate a practice based quality assurance system and make an annual return to the Health and Social Services Board in respect of that system.

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