

2001 No. 89

HEALTH AND PERSONAL SOCIAL SERVICES

**General Dental Services (Amendment No. 2)
Regulations (Northern Ireland) 2001**

Made 5th March 2001

Coming into operation—

Regulations 1 and 7 1st April 2001

Remainder 30th April 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. 2) Regulations (Northern Ireland) 2001.

(2) This regulation and regulation 7 of these Regulations shall come into operation on 1st April 2001 and all other regulations shall come into operation on 30th April 2001.

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

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation) insert the following definitions in the appropriate places in alphabetical order—

“dental list” shall be construed in accordance with regulation 4(1);

“general anaesthesia list” shall be construed in accordance with regulation 5F;”.

(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 as amended by S.R. 1993 No. 401, S.R. 1995 No. 488, S.R. 1996 Nos. 114 and 382, S.R. 1998 Nos. 245 and 404, and S.R. 1999 No. 100 and S.R. 2001 No. 2

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (dental list)—

(a) delete “and” at the end of paragraph 2(b)(ii); and

(b) at the end of paragraph 2(b)(iii)(a) add—

“; and

(iv) whether the dentist’s name is on the general anaesthesia list.”.

Amendment of regulation 5 of the principal Regulations

4. In regulation 5 of the principal Regulations (application for inclusion in the dental list) after paragraph (2) insert—

“(2A) Where the Board determines in accordance with paragraph (2) that a dentist’s name should not be included in the dental list because the Board is dissatisfied with the proposed practice premises following its inspection of them, the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(2B) Where a dentist appeals in accordance with paragraph (2A), the Department shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of the dentist’s notice of appeal, or such longer period as may be mutually agreed.

(2C) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(2D) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of general dental services.

(2E) Where the Department determines, in accordance with paragraphs (2B) to (2D), that the proposed practice premises are proper and sufficient for the provision of general dental services, it shall notify the Board forthwith and the Board shall, on receiving such notification, include the dentist’s name in the dental list forthwith and inform the dentist accordingly.”.

General anaesthesia list

5. After regulation 5E of the principal Regulations(b) insert—

“*General anaesthesia list*

5F.—(1) The Board shall draw up and maintain a list (in these Regulations referred to as the “general anaesthesia list”) of the names of those dentists who provide any treatment to patients under general anaesthesia and a dentist’s name may only be included in a Board’s general anaesthesia list if his name is included in that Board’s dental list.

(a) Regulation 4(2)(b)(iii) was inserted in the principal Regulations by S.R. 1998 No. 245, regulation 2
(b) Regulation 5E was inserted in the principal Regulations by S.R. 1993 No. 401, regulation 4

(2) The general anaesthesia list shall, in addition to containing the name of a dentist, contain the addresses of all of the practice premises at which he provides treatment to patients under general anaesthesia.

(3) A dentist whose name is included in a Board's general anaesthesia list may only provide treatment under general anaesthesia at premises which are specified against his name in the list.

(4) Any dentist whose name is, on 30th April 2001, on a Board's dental list shall have his name included in that Board's general anaesthesia list if he notifies the Board in writing within 14 days of that date of his wish for his name to be included in that list.

(5) Where paragraph (4) does not apply a dentist may apply to a Board for the inclusion of his name in its general anaesthesia list by writing to the Board specifying the premises at which he intends to perform treatments on patients under general anaesthesia.

(6) Where a dentist makes an application in accordance with paragraph (5) the Board shall inspect the dentist's proposed practice premises and, unless the dentist otherwise agrees, the Board shall determine that application within 14 days of such inspection.

(7) Where the Board determines in accordance with paragraph (6) that a dentist's name should be included in its general anaesthesia list, it shall, as soon as is reasonably practicable, add the dentist's name to its list and inform the dentist accordingly.

(8) Where the Board determines in accordance with paragraph (6) that a dentist's name should not be included in its general anaesthesia list because the Board is dissatisfied with the proposed practice premises following its inspection of them, the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(9) Where a dentist appeals in accordance with paragraph (8), the Department shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of a dentist's notice of appeal, or such longer period as may be mutually agreed.

(10) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(11) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of treatment under general anaesthesia.

(12) Where the Department determines, in accordance with paragraphs (9) to (11), that the proposed practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall notify the Board forthwith and the Board shall, on receiving such notification, add the dentist's name to its general anaesthesia list forthwith and inform the dentist accordingly.

(13) A dentist may apply for his name to be removed from the general anaesthesia list by notifying the Board of his wish in writing.

(14) A dentist's name shall be removed from the general anaesthesia list forthwith if his name is removed for any reason from the Board's dental list.

Removal from, or amendment of, general anaesthesia list

5G.—(1) Where, following an inspection under paragraph 33A(6) of Schedule 2, the Board determines that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall inform the dentist accordingly and the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(2) In a case falling within paragraph (1), the Board shall ascertain whether the dentist has appealed and, where he has not done so, shall, subject to paragraph (8), remove his name from the general anaesthesia list forthwith.

(3) Where a dentist appeals in accordance with paragraph (1), the Department shall make arrangements with the dentist to carry out an inspection of the practice premises within 28 days following receipt of the dentist's notice of appeal, or such longer period as may be mutually agreed.

(4) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(5) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of treatment under general anaesthesia.

(6) Where the Department determines, in accordance with paragraphs (3) to (5), that the practice premises continue to be proper and sufficient for the provision of treatment under general anaesthesia, it shall notify the Board and the dentist forthwith.

(7) Where the Department determines, in accordance with paragraph (5), that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall notify the Board forthwith and the Board shall, on receiving such notification, but subject to paragraph (8), remove the dentist's name from its general anaesthesia list forthwith.

(8) Where a case falls within paragraph (2) or (7) but the dentist provides treatment to patients under general anaesthesia at more than one set of premises, the address of the premises in question shall be erased from the general anaesthesia list but the dentist's name shall continue to be included in the list unless all of the premises at which he provides such treatment are no longer proper and sufficient for the provision of treatment under general anaesthesia.”.

Amendment of Schedule 2 to the principal Regulations

6.—(1) Schedule 2 to the principal Regulations (terms of service for dentists) is amended as follows.

(2) In paragraph 16 (mixing of general dental services and private care and treatment)—

(a) at the end of sub-paragraph (3)(a) delete “and”; and

(b) after sub-paragraph (3)(b) add—

“; or

(c) where the treatment involves the administration of general anaesthesia, in which case the treatment shall be provided wholly under general dental services or wholly privately.”.

(3) in paragraph 21 (general anaesthesia and sedation)—

(a) in sub-paragraph (1) after “is necessary,” insert “he shall do so only if his name is included in the Board’s general anaesthesia list and”;

(b) in sub-paragraph (1)(a) for “a doctor or another dentist experienced in the administration of general anaesthesia” substitute “an appropriately qualified doctor”; and

(c) after sub-paragraph (3) add—

“(4) In this paragraph “an appropriately qualified doctor” means a doctor who is—

(a) on the specialist register of the General Medical Council as an anaesthetist; or

(b) working under supervision as part of a Royal College of Anaesthetists’ approved training programme; or

(c) an anaesthetist other than a consultant anaesthetist employed by a hospital under the supervision of a named consultant anaesthetist employed by the anaesthetic department of the same hospital.”.

(4) After paragraph 33 (premises etc.) insert—

“Premises: general anaesthesia

33A.—(1) A dentist whose name has been included in the general anaesthesia list shall notify the Board of any change of address of his practice premises, and inform the Board whether he wishes to perform treatment under general anaesthesia at his new practice premises.

(2) Where the dentist informs the Board that he does not wish to perform treatment under general anaesthesia at his new practice premises, the Board shall remove the dentist’s name from its general anaesthesia list forthwith.

(3) Where the dentist informs the Board that he wishes to perform treatment under general anaesthesia at his new practice premises, he shall apply to the Board in writing to continue to be included in its general anaesthesia list.

(4) The provisions of paragraphs (6) to (12) of regulation 5F shall be applied to an application under paragraph (3) as if it were an application for inclusion in the general anaesthesia list.

(5) The dentist shall not provide treatment under general anaesthesia at his new practice premises unless his application or, in the case of an appeal, his appeal, is determined in his favour.

(6) A dentist whose name is included in the general anaesthesia list shall, at any time during the hours during which his practice premises are usually open for the provision of general dental services, admit a dental officer or a person authorised by the Board for the purpose of inspecting any practice premises of his at which treatment under general anaesthesia is or may be provided, whether or not notice has been given.”.

(5) In paragraph 40 (general anaesthetics), delete “or another dentist”.

Amendment of Schedule 5 to the principal Regulations

7. In Part II of Schedule 5 to the principal Regulations (prior approval treatment), in each of paragraphs 1 and 2, for “£230” there shall be substituted “£260”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th March 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 5th March 2001.

(L.S.)

D. Sterling
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 provide for the establishment of a list of those dentists providing treatment as part of their general dental services to patients under general anaesthesia (regulation 5). This includes a right of appeal where a dentist is denied inclusion in the general anaesthesia list because of the condition of his premises. Regulation 4 introduces a similar right of appeal for a dentist who is denied inclusion in the dental list.

Regulation 6 amends Schedule 2 to the principal Regulations which sets out the dentists’ terms of service. It provides that treatment under general anaesthesia as part of general dental services cannot be provided unless the dentist is on the Board’s general anaesthesia list, that general anaesthesia may not form part of treatment which mixes general dental services and private dentistry, and that dentists on the general anaesthesia list must permit inspections of their premises. It also substitutes new categories of those who are permitted to administer general anaesthesia for the purposes of general dental services.

Regulation 7 amends Schedule 5 to the principal Regulations to increase from £230 to £260 the amount specified as the maximum cost, or likely cost, of care and treatment which a dentist may undertake without seeking the prior approval of the Dental Committee.

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