
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 289

The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2017

Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 2010

- 11.**—(1) Schedule 1 (terms of service for dentists) is amended as follows.
- (2) In paragraph 4(1) (a continuing care arrangement)—
- (a) in head (a)(i), after “form of acceptance” insert “, in writing,”; and
 - (b) in head (b), after “plan for treatment” insert “, in writing,”.
- (3) In paragraph 5(1) (a capitation arrangement)—
- (a) in head (b)(ii), after “form of acceptance” insert “, in writing,”; and
 - (b) in head (c) after “plan for treatment” insert “, in writing,”.
- (4) In paragraph 14 (treatment on referral)—
- (a) in sub-paragraph (3) after “in writing” insert “(including by an electronic communication)”; and
 - (b) in sub-paragraph (4)—
 - (i) in head (a), after “form of acceptance” insert “, in writing,”; and
 - (ii) in head (b), after “plan for treatment” insert “, in writing,”.
- (5) In paragraph 15 (inability of contractor to complete care and treatment), after “in writing” insert “(including by an electronic communication)”.
- (6) In paragraph 16 (care and treatment summaries), after “to the patient” insert “in writing (including by an electronic communication)”.
- (7) In paragraph 18(3) (occasional treatment), after “in writing” insert “(including by an electronic communication)”.
- (8) In paragraph 19(4) (referral for occasional treatment), after “in writing” insert “(including by an electronic communication)”.
- (9) In paragraph 20 (remuneration)—
- (a) for sub-paragraph (2) substitute—

“(2) Subject to sub-paragraph (2A), any claim for a fee or other remuneration for the provision of general dental services must be submitted by an electronic communication and—

 - (a) if the care and treatment was provided on behalf of a contractor by a dentist who is also a contractor, the claim must contain the PIN allocated to that dentist;
 - (b) if the care and treatment was provided on behalf of a contractor by a dentist whose name is included in the second part of the dental list, the claim must contain the PIN allocated to that dentist; and

- (c) where the care and treatment was provided by a contractor who is a dentist, the claim must contain the PIN allocated to that contractor.”;
- (b) after sub-paragraph (2) insert—
 - “(2A) Any claim for a fee or other remuneration for the provision of orthodontic treatment submitted before 1 January 2019 must be submitted in accordance with either head (a) or (b):
 - (a) where the claim is submitted by post or by hand it must be signed—
 - (i) if the care and treatment was provided on behalf of a contractor by a dentist who is also a contractor, by that dentist, who must also give the name of the contractor on whose behalf the care and treatment was provided;
 - (ii) if the care and treatment was provided on behalf of a contractor by a dentist whose name is included in the second part of the dental list, by that dentist, who must also give the name of the contractor on whose behalf the care and treatment was provided; and
 - (iii) in other cases where the care and treatment was provided by a contractor who is a dentist, by the contractor;
 - (b) where the claim is submitted by an electronic communication—
 - (i) if the care and treatment was provided on behalf of a contractor by a dentist who is also a contractor, the claim must contain the PIN allocated to that dentist;
 - (ii) if the care and treatment was provided on behalf of a contractor by a dentist whose name is included in the second part of the dental list, the claim must contain the PIN allocated to that dentist; and
 - (iii) where the care and treatment was provided by a contractor who is a dentist, the claim must contain the PIN allocated to that contractor.”; and
 - (c) in sub-paragraph (3)—
 - (i) before “electronic” insert “an”;
 - (ii) for “(2)(b)” substitute “(2) or (2A)”;
 - (iii) for “programme” substitute “program”.
- (10) In paragraph 27 (records)—
 - (a) in sub-paragraph (3)(i), after “Health Board” insert “, including, where appropriate and requested by that officer, in electronic form”;
 - (b) after sub-paragraph (3) insert—
 - “(3A) For the avoidance of doubt, in paragraph (3)(ii) “send” includes, where appropriate, by an electronic communication.”; and
 - (c) in sub-paragraph (4), for “computerised” substitute “electronic”.
- (11) In paragraph 28(7) (prior approval of care and treatment), for “send” substitute “submit”.
- (12) In paragraph 29 (completion of estimate)—
 - (a) in sub-paragraph (1), for “sub-paragraphs (2) and (3)” substitute “sub-paragraphs (3) and (5)”;
 - (b) omit sub-paragraph (2);
 - (c) in sub-paragraph (3)—
 - (i) for “A dentist who, in accordance with sub-paragraph (2), uses a computer to submit an estimate to the SDPB shall” substitute—

“Subject to sub-paragraph (4), a dentist must use an electronic communication to submit an estimate to the SDPB for approval as mentioned in sub-paragraph (1), and must”;

(ii) in head (a), after “practice record form” insert “, either on a form supplied by the Health Board or in electronic form”; and

(iii) in head (b), for “programme” substitute “program”; and

(d) after sub-paragraph (3) insert—

“(4) Where the proposed care and treatment mentioned in sub-paragraph (1) is orthodontic treatment, a dentist may use an electronic communication to submit an estimate to the SDPB for approval, when that estimate is submitted before 1st January 2019.

(5) A dentist who, in accordance with sub-paragraph (4), uses an electronic communication to submit an estimate to the SDPB, must—

(a) at the appropriate time secure the completion, so far as applicable, by the patient or by any person acting on behalf of the patient, of the practice record form, either on a form supplied by the Health Board or in electronic form;

(b) use only such computer program as the SDPB has approved as suitable for the purpose; and

(c) include with that estimate—

(i) all the information specified in sub-paragraph (1)(a) to (c) except the dentist’s name and address; and

(ii) the personal identification number allocated to the dentist by the SDPB for that purpose.”.

(13) Paragraph 40 (clinical audit activities) is amended as follows—

(a) the heading becomes “Quality improvement activities”;

(b) for “clinical audit” in each place it occurs substitute “quality improvement”; and

(c) in sub-paragraph (4), for paragraph (a) of the definition of “quality improvement activities” substitute—

“(a) involve the systematic, critical and reflective analysis of the quality of dental care provided by the dentist, and of any changes made by the dentist to bring about improvement in quality of care, patient experience, patient safety and clinical effectiveness, (including the processes used by that dentist for diagnosis, intervention and treatment and use of resources); and”.