
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1974 (“the principal Regulations”) which regulate the terms on which general dental services are provided under the National Health Service (Scotland) Act 1978 and make consequential and associated amendments to the Regulations concerning charges for dental treatment and appliances and service committee and other disciplinary procedures. The principal changes made by these Regulations are as follows.

Health Boards are requested from 1st April 1991 to record additional information on the list (“the dental list”) of dentists providing general dental services (regulation 4(2)). A dentist whose name is included in a dental list on 1st October 1990 is required to provide the Health Board with additional information if requested (regulation 4(3)) and dentists applying to have their names included must supply the information set out in Part I of the new Schedule 1A to the principal Regulations (regulation 4(3)). Health Boards are enabled to prepare and maintain, in addition to the dental list, any other list in relation to those dentists whose names are included on its dental list and to obtain related information from dentists (regulation 4(4)).

The Scottish Dental Practice Board (“the Board”) is empowered to direct a dentist whose pattern of treatment differs substantially from the pattern of treatment of other dentists (locally or nationally) not to carry out all or any specified description of treatment without the approval of the Board (regulation 8 -prior approval -patterns of treatment -commonly referred to as prior approval by targetting). The dentist has a right of appeal against the direction under regulation 19 of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974 (“the 1974 Regulations”).

The arrangements for obtaining general dental services are changed (regulation 10). A person can apply for general dental services by way of care and treatment under a continuing care arrangement (those 18 or over) or a capitation arrangement (those under 18) and (in either case) occasional treatment. There is provision for arrangements once made to be transferred to another dentist (regulation 5). Three new determinations are included in the Statement of Dental Remuneration -maternity payments, long term sickness payments and postgraduate education allowances (regulation 12). There are revised arrangements for the approval of payments (regulation 13).

A new Schedule 1 is substituted in the principal Regulations setting out new terms of service under which dentists provide general dental services to their patients. Parts I, II, III and IV apply to all dentists, Part V to dentists other than salaried dentists and Part VI to salaried dentists.

Part II of the new terms of service sets out, in particular, the obligations of the dentist under continuing care arrangements (paragraph 4) and capitation arrangements (paragraph 5). The continuing care arrangements and the capitation arrangements each require the dentist to secure and maintain oral health and to provide a treatment plan for the patient and emergency cover. Paragraphs 8 to 11 make provision for the duration, lapse and termination of a continuing care or capitation arrangement. Paragraph 12 makes provision for referral to another dentist or to a hospital or other service, and paragraph 13 provides for the obligations of a dentist who accepts a patient referred to him.

Part III of the new terms of service makes provision for occasional treatment and sets out the items of treatment which may be provided as occasional treatment. A dentist may provide these items of treatment without entering into a continuing care or capitation arrangement.

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Part IV of the new terms of service makes provision for the standards of care required of dentists providing general dental services (paragraph 18(1)) and prevents a dentist, as part of general dental services, from providing care and treatment in excess of that which is necessary to secure and maintain oral health (paragraph 18(2)). There are special requirements for general anaesthesia (paragraph 19). Paragraph 24 provides procedures for approval by the Board where care and treatment is or includes prior approval treatment (referred to or defined in the new Schedule 1C to the principal Regulations). Paragraph 29 imposes an obligation on a dentist to compile and make available from 1st October 1991 a patient information leaflet about the provision of general dental services at his practice premises. The information to be provided in the leaflet is set out in the new Schedule 1D to the principal Regulations.

In Part V of the new terms of service, paragraph 32 introduces new arrangements under which a dentist may, with the consent of the patient, provide privately any part of the care and treatment which is necessary under a continuing care or capitation arrangement to secure the patient's oral health. There are, however, some restrictions on the mixing of general dental services and private care and treatment which are set out in paragraph 32(3).

Regulations 17 and 18 of these Regulations, respectively, effect consequential amendments to the National Health Service (Dental Charges) (Scotland) Regulations 1989 and the 1974 Regulations.

Regulation 19 of these Regulations makes transitional provision in relation to their application to courses of treatment begun under the principal Regulations before 1st October 1990.

Regulation 20 revokes Regulations spent as a consequence of the amendments made by these Regulations.