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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2133**

**The National Health Service (General Dental Services) (Amendment) (Wales) Regulations 2001**

**General anaesthesia list**

6. After regulation 5C insert—

**“General anaesthesia list**

**5D.**—(1) The Health Authority 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 Health Authority’s general anaesthesia list if his name is included in that Health Authority’s dental list.

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

(3) A dentist whose name is included in a Health Authority’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 12th July 2001, on a Health Authority’s dental list shall have his name included in that Health Authority’s general anaesthesia list if he notifies the Health Authority 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 Health Authority for the inclusion of his name in the general anaesthesia list by writing to the Health Authority specifying the premises at which he intends to perform treatment on patients under general anaesthesia.

(6) Where a dentist makes an application in accordance with paragraph (5) the Health Authority shall inspect the dentist’s practice premises to determine whether the practice premises are proper and sufficient for the provision of treatment under general anaesthesia and, unless the dentist otherwise agrees, the Health Authority shall determine the application within 14 days of such inspection.

(7) Where the Health Authority determines in accordance with paragraph (6) that the practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall—

- (a) forthwith give notice in writing of its determination to the dentist; and
- (b) add the dentist’s name to its general anaesthesia list.

(8) Where the Health Authority determines in accordance with paragraph (6) that a dentist’s name should not be included in its general anaesthesia list because the practice premises are not proper and sufficient for the provision of treatment under general anaesthesia, it shall—

- (a) give notice in writing of its determination to the dentist; and
- (b) include with the notice a statement of its reasons for the determination and a statement that the dentist may, within 28 days following the day he received notice of the determination, appeal in writing to the National Assembly for Wales against it.

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

(10) The inspection shall be carried out by a person nominated by the National Assembly for Wales in the presence of the dentist and a representative of the Health Authority.

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

(12) Where the National Assembly for Wales determines, in accordance with paragraphs (9) to (11), that the practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination and the Health Authority shall, on receiving such notification, add the dentist's name to its general anaesthesia list forthwith.

(13) Where the National Assembly for Wales determines, in accordance with paragraphs (9) to (11), that the practice premises are not proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination.

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

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

### **Removal from or amendment of the general anaesthesia list**

**5E.**—(1) Where, following an inspection under paragraph 33A(6) of Schedule 1, the Health Authority determines that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the dentist and shall include with the notice a statement of the reasons for its determination and a statement that the dentist may, within 28 days following the day he received notice of such determination, appeal to the National Assembly for Wales against it.

(2) In a case falling within paragraph (1) the Health Authority shall ascertain by making enquiries of the National Assembly for Wales, whether the dentist has appealed in accordance with paragraph (1) 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 National Assembly for Wales 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 by a person nominated by the National Assembly for Wales in the presence of the dentist and a representative of the Health Authority.

(5) The National Assembly for Wales shall, following an inspection, determine whether the practice premises continue to be proper and sufficient for the provision of treatment under general anaesthesia.

(6) Where the National Assembly for Wales 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 forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its determination.

(7) Where the National Assembly for Wales determines, in accordance with paragraphs (3) to (5) that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall forthwith give notice in writing of its determination to the Health Authority and the dentist and shall include with the notice a statement of the reasons for its decision and the Health Authority 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 paragraphs (2) or (7) but the dentist provides treatment to patients under general anaesthesia at more than one set of practice premises, the address of the practice 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 practice premises at which he provides such treatment are no longer proper and sufficient for the provision of treatment under general anaesthesia.”.