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Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006. (See end of Document for details)

WELSH STATUTORY INSTRUMENTS

2006 No. 489 (W.58)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006

Made - - - - - *28 February 2006*

Coming into force *1 March 2006*

THE NATIONAL HEALTH SERVICE (PERSONAL DENTAL SERVICES AGREEMENTS) (WALES) REGULATIONS 2006

PART 1

GENERAL

1. Title, commencement and application
2. Interpretation

PART 2

CONTRACTORS

3. Conditions: introductory
4. General conditions relating to all agreements
5. Additional conditions relating to agreements with qualifying bodies
6. Reasons
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PART 3

PRE-AGREEMENT DISPUTE RESOLUTION

8. Pre-agreement disputes

PART 4

HEALTH SERVICE BODY STATUS

9. Health service body status

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PART 5

AGREEMENTS: REQUIRED TERMS

10. NHS contracts
11. Additional services
12. Agreements: general
13. Units of dental activity
14. Units of orthodontic activity
15. Under - provision of units of dental activity or units of orthodontic activity
16. Domiciliary services and sedation services
17. Finance
18. Fees, charges and financial interests of the contractor
19. Arrangements on termination
20. Other contractual terms

PART 6

RIGHT TO A GENERAL DENTAL SERVICES CONTRACT

21. Right to a general dental services contract

PART 7

TRANSITIONAL PROVISION

22. Commencement of agreement
Signature

SCHEDULE 1 ADDITIONAL SERVICES

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PART 1 — ADVANCED MANDATORY SERVICES, DOMICILIARY SERVICES AND SEDATION SERVICES

1. Provision of advanced mandatory services, domiciliary services and sedation services by the contractor
2. Referral services
3. Sedation services

PART 2 — ORTHODONTIC SERVICES

4. Patients to whom orthodontic services may be provided
5. Orthodontic course of treatment
6. Orthodontic treatment plans
7. Monitoring outcomes
8. Completion of orthodontic courses of treatment

SCHEDULE 2 PROVISION OF SERVICES: UNITS OF DENTAL ACTIVITY AND UNITS OF ORTHODONTIC ACTIVITY

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PART 1 — UNITS OF DENTAL ACTIVITY

1. (1) Where the contractor provides a banded course of treatment,...
2. Where the contractor provides a charge exempt course of treatment,...

PART 2 — UNITS OF ORTHODONTIC ACTIVITY

3. (1) Where the contractor provides an orthodontic course of treatment...

SCHEDULE	OTHER CONTRACTUAL TERMS
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1.	Persons to whom mandatory services or additional services are to be provided
2.	Patient preference of practitioner
3.	Violent patients
4.	Patients who refuse to pay NHS charges prior to the commencement of, or during, treatment
5.	Irrevocable breakdown in relationship between contractor and patient
	PART 2 — PROVISION OF SERVICES
6.	Mandatory services
7.	Course of treatment
8.	Treatment plans
9.	Completion of courses of treatment
10.	Referral to another contractor, a hospital or other relevant service provider for advanced mandatory, domiciliary or sedation services
11.	Mixing of services provided under the agreement with private services
12.	Repair or replacement of restorations
13.	Premises, facilities and equipment
14.	Telephone services
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15.	National Institute for Clinical Excellence guidance
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17.	Treatment under general anaesthesia: prohibition
17A	Welsh Language
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18.	General
19.	Supply of drugs
20.	Issue of prescription forms
21.	Excessive prescribing
	PART 4 — PERSONS WHO PERFORM SERVICES
22.	Dental practitioners
23.	Dental care professionals
24.	Performers: further requirements
25.	Conditions for employment and engagement: dental practitioners performing dental services
26.	Conditions for employment and engagement: persons performing dental services other than dental practitioners
27.	Conditions for employment and engagement: all persons performing dental services
28.	Conditions for employment or engagement: persons assisting in the provision of services under the agreement
29.	Training
30.	Level of skill
31.	Appraisal and assessment
32.	Sub-contracting of clinical matters
	PART 5 — RECORDS, INFORMATION, NOTIFICATIONS AND RIGHTS OF ENTRY
33.	Patient records
34.	Confidentiality of personal data

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- 35. Patient information
- 36. Provision of and access to information: the Relevant Body
- 37. Requests for information from Community Health Councils
- 38. Inquiries about prescriptions and referrals
- 39. Notification of a course of treatment, orthodontic course of treatment etc.
- 40. Annual report and review
- 41. Notifications to the Relevant Body
- 42. Notice provisions specific to an agreement with a qualifying body
- 43. Notifications to patients following a variation of the agreement
- 44. Entry and inspection by the Relevant Body
- 45. Entry and inspection by members of Community Health Councils
- 46. Entry and inspection by the Welsh Ministers
- Part 5A — Concerns Notified On or After 1 April 2011
- 46A The contractor must establish and operate arrangements which meet the...
- PART 6 — COMPLAINTS
- 47. Complaints received prior to 1 April 2011
- 48. Making of complaints
- 49. Period for making complaints
- 50. Further requirements for complaints procedures
- 51. Co-operation with investigations
- 52. Provision of information
- PART 7 — DISPUTE RESOLUTION
- 53. Local resolution of agreement disputes
- 54. Dispute resolution: non-NHS contracts
- 55. NHS dispute resolution procedure
- 56. Determination of dispute
- 57. Interpretation of Part 7
- PART 8 — MID-YEAR REVIEW OF ACTIVITY UNDER AGREEMENTS
- 58. Mid-year reviews
- 59. Action the Relevant Body can take following a mid-year review
- PART 9 — VARIATION AND TERMINATION OF AGREEMENTS
- 60. (1) Subject to paragraph 32(3), no amendment or variation will...
- 61. Variation of an agreement: activity under the agreement
- 62. Termination by agreement
- 63. Termination on the death of an individual
- 64. Termination by the contractor
- 65. Late payment notices
- 66. Termination by the Relevant Body: general provisions
- 67. Termination by the Relevant Body: notice
- 68. Termination by the Relevant Body for the provision of untrue etc. information
- 69. Termination by the Relevant Body on grounds of suitability etc
- 70. Termination by the Relevant Body: patient safety and material financial loss
- 71. Termination by the Relevant Body: remedial notices and breach notices
- 72. Termination by the Relevant Body: additional provisions specific to contracts with qualifying bodies
- 73. Agreement sanctions
- 74. Agreement sanctions and the NHS dispute resolution procedure
- 75. Termination and the NHS dispute resolution procedure

PART 10 — MISCELLANEOUS

76. Evidence of exemption under the Act
77. Clinical governance arrangements
78. Quality assurance system
79. Insurance: negligent performance
80. Public liability insurance
81. Gifts
82. Compliance with legislation and guidance
83. Third party rights
84. Signing of documents

SCHEDULE PATIENT INFORMATION LEAFLET

4

1. A practice leaflet will include—
2. In the case of an agreement with a qualifying body—...
3. The full name of each person performing services under the...
4. In the case of each person performing dental services under...
5. Whether the contractor undertakes the teaching or training of persons...
6. The address of each of the practice premises.
7. The contractor's telephone and fax numbers and the address of...
8. Whether the practice premises have suitable access for disabled patients...
9. How to request services as a patient.
10. The rights of a patient to express a preference of...
11. The services available under the agreement.
12. The normal surgery days and hours of the practice.
13. The arrangements for the dental hours and days that fall...
14. If the services in paragraph 13 are not provided by...
15. The telephone number of NHS Direct and details of NHS...
16. How patients may— (1) in respect of complaints made prior...
17. The rights and responsibilities of the patient, including keeping appointments....
18. The action that may be taken where a patient is...
19. Details of who has access to patient information (including information...
20. The name, postal and website address and telephone number of...
21. The fact that details of primary dental services in the...

SCHEDULE MODIFICATION OF PATIENT PROVISIONS WHERE THE

5

CONTRACTOR IS A LOCAL HEALTH BOARD

1. Paragraphs 3 and 5 of Schedule 3 will apply as...
2. As if for paragraph 3, there were substituted the following—...
3. As if for paragraph 5, there were substituted the following—...
Explanatory Note

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