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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 188**

**The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2000**

**Amendment of Schedule 1 to the principal Regulations**

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

(2) In paragraph 13 (treatment on referral)—

(a) for sub-paragraph (1) there is substituted—

“(1) Subject to sub-paragraphs (1A) and (1B), a dentist may accept a patient who has been referred to him by another dentist who is providing dental services to that patient (whether or not pursuant to the Act) otherwise than under Part III of this Schedule for particular care and treatment.

(1A) Subject to sub-paragraph (1B) a dentist shall not accept a patient for orthodontic treatment or treatment under general anaesthesia unless that patient has been referred to him for such treatment by another dentist who is providing dental services to that patient (whether or not pursuant to the Act) otherwise than under Part III of this Schedule.

(1B) A dentist may only accept a patient who presents himself for orthodontic treatment if the dentist has obtained the prior approval in writing of the Board to the effect that the Board is satisfied that there are exceptional circumstances which allow the patient to so present himself.

(1C) Subject to paragraph (5) a dentist who accepts a patient for treatment under sub-paragraphs (1), (1A) or (1B) shall—

- (a) at the time at which he accepts the patient, provide him with a form of acceptance supplied by the Health Board or primary care NHS trust, or a form to like effect, which shall specify—
- (i) the name of the patient;
  - (ii) the name of the dentist;
  - (iii) particulars of the places where the patient will receive care and treatment; and
  - (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
- (b) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied by the Health Board or primary care NHS trust, or a form to like effect, which shall specify—
- (i) details of the care and treatment which, in the opinion of the dentist, at the date of that examination, is necessary for him to provide having regard to the reason for the referral;
  - (ii) his estimate of the NHS charge, if any, in respect of that care and treatment;

- (iii) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;
  - (c) where, in the opinion of the dentist, the care and treatment included in the plan for treatment provided under head (b) of this sub-paragraph needs to be varied, provide the patient with a revised plan for treatment in accordance (except as to the time of its provision) with head (b) of this sub-paragraph;
  - (d) complete the care and treatment, which is referred to in head (b)(i) of this sub-paragraph;
  - (e) until such time as the treatment on referral has been completed, provide the patient with emergency cover in accordance with paragraph 6(1) and (2), but only to the extent that the patient requires prompt care and treatment in relation to the particular care and treatment for which he has been referred or for which he has presented himself; and
  - (f) repair or replace in accordance with sub-paragraph (2) any restoration which requires repair or replacement.”.
- (b) in sub-paragraph (5) for the words “Sub-paragraph (1)” there is substituted “Sub-paragraph (1C)”.
- (3) For paragraph 18(3) (referral for occasional treatment) there is substituted—
- “(3) Subject to sub-paragraph (4) a dentist shall only accept a patient where he has been referred to him under sub-paragraph (1) and shall provide only the occasional treatment which, in the opinion of the dentist, it is necessary for him to provide having regard to the reason for referral.”.
- (4) After paragraph 18(3) there is inserted—
- “(4) A dentist may accept a patient who presents himself for the occasional treatment listed in paragraph 17(2)(m) only, providing the dentist has obtained the prior approval in writing of the Board to the effect that the Board is satisfied that there are exceptional circumstances which allow the patient to present himself.”.
- (5) For paragraph 19 (remuneration) there is substituted—

#### **“Remuneration**

**19.** Subject to regulation 22 (statement of dental remuneration) and this Schedule, a dentist shall not—

- (a) claim a fee or accept payment of any fee from the Agency<sup>(1)</sup> for any treatment provided otherwise than under general dental services;
- (b) claim a fee or accept payment of any fee from the patient for any treatment provided under general dental services, for which a claim has been or will be submitted to the Board, except such fee as may be prescribed by the National Health Service (Dental Charges) (Scotland) Regulations 1989<sup>(2)</sup>;
- (c) claim a fee or accept payment of any fee from the Agency for any treatment provided under general dental services for which a fee has already been claimed under general dental services; or
- (d) claim a fee or accept payment of any fee for any treatment which has not been provided.

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<sup>(1)</sup> The definition of “Agency” was inserted by S.I. 1999/724.

<sup>(2)</sup> S.I. 1989/363, as amended by S.I. 1990/1772, 1991/569, 1992/458, 1993/523, 1994/636, 1995/703, 1996/472, 1997/585, 1998/610, 2258, 1999/724 and S.S.I. 2000/44.

(e) claim a fee or accept payment of any fee from the Agency for any treatment provided under a pilot scheme for personal dental services.”.

(6) In paragraph 32 (patient information leaflets)(3) in sub-paragraphs (1) and (3) before the words “the dental list” there is inserted “Part A of”.

(7) In paragraph 33(premises etc.)(4) in sub-paragraph (4) at the end there is added “or, in relation to premises where general anaesthetic and/or sedation services are provided, reviewing the procedures and staff training”.

(8) In paragraph 35 (deputies and assistants)(5) in sub-paragraph (6) and (13) before the words “the dental list” there is inserted “Part A of”.

(9) In paragraph 37 (deputies and assistants) before the words “the dental list” there is inserted “Part A of”.

(10) In paragraph 38 (dentists suspended under section 28 or 32 of the Dentists Act 1984) before the words “the dental list” there is inserted “Part A of”.

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(3) Paragraph 32 was amended by [S.S.I. 1999/51](#).

(4) Paragraph 33 was amended by [S.S.I. 1999/51](#).

(5) Paragraph 35 was amended by [S.S.I. 1999/51](#).