

SCHEDULE 1

Regulation 3

TERMS OF SERVICE FOR DENTISTS

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PART I

general

Interpretation

1. In these terms of service, unless the context otherwise requires—
 - (a) “the Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1996;
 - (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the Regulations;
 - (c) any reference to a numbered paragraph is a reference to the paragraph bearing that number in these terms of service, and any reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph;
 - (d) any reference to a numbered Schedule is a reference to the Schedule to the Regulations bearing that number.

Incorporation of provisions of Regulations

2. Any provisions of the following affecting the rights and obligations of dentists shall be deemed to form part of the terms of service:—
 - (a) the Regulations;

- (b) so much of Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(1) as relates to—
 - (i) the investigation of questions arising between dentists and their patients, and other investigations to be made by the dental service committee, the joint services committee and the action which may be taken by the Health Board as a result of such investigations;
 - (ii) any decision of the Secretary of State (whether on appeal or otherwise) in connection with any investigation referred to in head (i) of this sub-paragraph or with any decision of the board; and
 - (iii) the investigation of record keeping; and
- (c) regulations 4(4) and 6(2) of the National Health Service (Dental Charges) (Scotland) Regulations 1989(2).

General Dental Services

3.—(1) In providing general dental services for any person under the Regulations, a dentist shall provide—

- (a) for a person aged 18 or over with whom he has entered into a continuing care arrangement, care and treatment under that arrangement; or
 - (b) for a person under the age of 18 with whom he has entered into a capitation arrangement, care and treatment under that arrangement.
- (2) A dentist may provide general dental services under the Regulations by way of—
- (a) treatment on referral for a person who is receiving dental services from another dentist (whether or not pursuant to the Act); or
 - (b) occasional treatment for any person—
 - (i) who is receiving care and treatment with another dentist under an arrangement mentioned in sub-paragraph (1)(a) or (b); or
 - (ii) who does not wish to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b); or
 - (iii) with whom the dentist is not prepared to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b); or
 - (iv) who is referred to him under paragraph 18(1).

PART II

continuing care arrangement, capitation arrangement and treatment on referral

A continuing care arrangement

4.—(1) A dentist who accepts a person for care and treatment under a continuing care arrangement shall—

- (a) at the time at which he accepts the patient, provide him with the information about care and treatment under general dental services which is set out in Schedule 3 and with a form of acceptance supplied by the Health Board, or form to like effect, which shall specify—

(1) S.I. 1992/434; amended by S.I. 1994/3038.

(2) S.I. 1989/363; relevant amending instrument is S.I. 1990/1772.

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- (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 the first examination of the patient, provide the patient with a plan for treatment on a form supplied by the Health Board, or a form to like effect, which shall specify—
- (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient;
 - (ii) the approximate period following which a further examination is recommended by the dentist;
 - (iii) his estimate of the NHS charge, if any, in respect of that care and treatment; and
 - (iv) 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 at any time during the currency of a continuing care arrangement—
- (i) the circumstance specified in sub-paragraph (2) apply; or
 - (ii) in the opinion of the dentist, the care and treatment included in the plan for treatment provided under head (b) or this head of this sub-paragraph needs to be varied,
- provide the patient with a new plan for treatment or, as the case may be, 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 (if any)—
- (i) which is referred to in head (b)(i) of this sub-paragraph; and
 - (ii) where sub-paragraphs (2)(a) to (c) do not apply, any care and treatment which is in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health;
- (e) provide the patient with emergency cover in accordance with paragraph 6; and
- (f) repair or replace in accordance with paragraph 7 any restoration which requires repair or replacement.
- (2) The circumstances in which the obligation mentioned in sub-paragraph (1)(c)(i) applies are where—
- (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - (c) the care and treatment which is to be provided includes any of the items of treatment mentioned in sub-paragraph (3).
- (3) The items of treatment referred to in sub-paragraph (2)(c) are—
- (a) non-surgical treatment of chronic periodontal diseases which is likely to involve 3 or more visits;
 - (b) provision of 3 or more permanent fillings;
 - (c) endodontic treatment;

- (d) provision of a veneer, inlay, pinlay, crown or bridge;
- (e) all surgical treatment other than the extractions of teeth;
- (f) the extraction of—
 - (i) more than 2 teeth; or
 - (ii) any tooth which, in the opinion of the dentist, is likely to present special difficulty;
- (g) provision of general anaesthesia or sedation in connection with any item of treatment;
- (h) provision of prosthetic appliances; and
- (i) orthodontic care and treatment.

(4) Where a dentist accepts the transfer of a continuing care arrangement he shall provide the patient with the information specified in sub-paragraphs (1)(a)(ii) to (iv) and assume the obligations set out in sub-paragraphs (1)(c) to (f).

(5) Where the dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for completion of that care and treatment.

(6) Where a dentist accepts a person who is in prison for care and treatment under a continuing care arrangement, he shall at the time at which he accepts the patient examine him.

A capitation arrangement

5.—(1) A dentist who accepts a person for care and treatment under a capitation arrangement shall—

- (a) at the time at which he accepts the patient, examine him and chart the patient's decayed, missing or filled teeth on the form supplied by the Health Board, or a form to like effect;
- (b) at the time of his first examination of the patient, provide the patient with the information about care and treatment under general dental services which is set out in Schedule 3 and with a form of acceptance supplied by the Health Board, 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;
- (c) 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 a form to like effect, which shall specify—
 - (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient;
 - (ii) the approximate period following which a further examination is recommended by the dentist; and
 - (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;
- (d) where at any time during the currency of a capitation arrangement—
 - (i) the circumstances specified in sub-paragraph (2) apply; or

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- (ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (c) or this head of this sub-paragraph needs to be varied;
provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (c) of this sub-paragraph;
- (e) complete the care and treatment (if any)—
 - (i) which is referred to in head (c)(i) of this sub-paragraph; and
 - (ii) where sub-paragraphs (2)(a) to (c) do not apply, any care and treatment which is, in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health; and
- (f) provide the patient with emergency cover in accordance with paragraph 6.
- (2) The circumstances referred to in sub-paragraph (1)(d)(i) are that—
 - (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - (c) the care and treatment which is to be provided includes any care and treatment for which the dentist is remunerated otherwise than in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration.
- (3) Where a dentist accepts the transfer of a capitation arrangement he shall provide the patient with the information specified in sub-paragraph (1)(b)(ii) to (iv) and assume the obligations set out in sub-paragraph (1)(d) to (f).
- (4) Where the dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for completion of that care and treatment.

Emergency cover

6.—(1) Subject to regulation 18 in providing emergency cover under a continuing care arrangement or a capitation arrangement, a dentist shall make reasonable arrangements to secure that a patient requiring prompt care and treatment will receive such care and treatment as soon as appropriate either from himself or from another dentist.

(2) For the purposes of sub-paragraph (1) a patient requires prompt care and treatment where, in the opinion of a dentist—

- (a) the patient's oral health is likely to deteriorate significantly without such care and treatment; or
- (b) the patient is in severe pain by reason of his oral condition,

but the provision of emergency cover does not include any obligation to repair or replace dentures.

(3) The obligation to provide emergency cover begins on the date on which the patient and the dentist enter into the continuing care arrangement or the capitation arrangement and ceases when that arrangement lapses or is terminated.

Repair or replacement of restorations

7.—(1) Subject to sub-paragraph (3), in repairing or replacing a restoration in the course of a continuing care arrangement, a dentist shall repair or replace at no charge to the patient any

restoration specified in sub-paragraph (2) which he or another dentist, acting on his behalf or from whom the continuing care arrangement was transferred, has provided under general dental services—

- (a) under that continuing care arrangement; or
- (b) under a capitation arrangement with or transferred to the dentist, where on termination of that arrangement the patient has immediately entered into the continuing care arrangement.

(2) The restorations referred to in sub-paragraph (1) are any filling, root filling, inlay, pinlay or crown which, within 12 months of the date on which it was provided, has to be repaired or replaced to secure oral health.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (1) where—

- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment; or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature,

on the tooth in respect of which the restoration was provided;

- (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with paragraph 4(1)(b) or (c) or 5(1)(c) or (d) and on the patient record that;
 - (i) the restoration was intended to be temporary in nature; or
 - (ii) in his opinion, a different form of restoration was more appropriate to secure oral health but, notwithstanding that advice, the patient insisted on the restoration which was provided;
- (c) in the opinion of the dentist the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
- (d) the repair or replacement is required as a result of trauma.

(4) The obligation to repair or replace any restoration under sub-paragraph (1) begins on the date on which the patient and the dentist enter into the continuing care arrangement and ceases when that arrangement lapses or is terminated.

Duration and extension of a continuing care arrangement

8.—(1) Unless extended under sub-paragraph (3), a continuing care arrangement shall lapse after a period of 2 years beginning on—

- (a) the date on which the patient is first accepted by the dentist under the continuing care arrangement; or
- (b) where the arrangement is extended in accordance with sub-paragraph (3), the date on which it is so extended, or is last so extended.

(2) A continuing care arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a continuing care arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the continuing care arrangement is to be provided privately;

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(iii) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 16.

(3) A continuing care arrangement may be extended, with the agreement of the patient and the dentist, at any time when the dentist is providing care and treatment during the currency of the continuing care arrangement.

(4) Where a continuing care arrangement is extended, the dentist shall assume the obligations set out in paragraph 4(1)(c) to (f).

Duration and extension of a capitation arrangement

9.—(1) Unless extended under sub-paragraph (3), a capitation arrangement shall lapse at the end of 31st December in the year following that in which—

- (a) the patient is first accepted by the dentist under the capitation arrangement; or
- (b) the arrangement is extended in accordance with sub-paragraph (3), or is last so extended.

(2) A capitation arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a capitation arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the capitation arrangement is to be provided privately;
 - (iii) the patient attains the age of 18; or
 - (iv) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 16.

(3) A capitation arrangement may be extended, with the agreement of the patient and the dentist, at any time during the currency of the capitation arrangement before the patient attains the age of 18, but the arrangement may not be extended more than once in the same calendar year.

(4) Where a capitation arrangement is extended, the dentist—

- (a) shall at the time examine the patient and assume the obligations set out in paragraph 5(1)(d) to (f); and
- (b) shall—
 - (i) provide details of the care and treatment provided to the patient under the capitation arrangement; and
 - (ii) chart the patient's decayed, missing or filled teeth, on a form supplied by the Health Board, or a form to like effect, and send it to the Board.

Lapse of a continuing care arrangement or a capitation arrangement

10. Where a dentist does not agree to the extension of a continuing care arrangement or a capitation arrangement (under paragraph 8 or 9), he shall—

- (a) give notice to the patient not later than 3 months, or such shorter period as may be reasonable in the circumstances, before the date on which the arrangement is due to lapse; and

- (b) use his best endeavours to complete satisfactorily before that date any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

Termination of a continuing care arrangement or a capitation arrangement

11.—(1) Subject to sub-paragraph (4), a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.

(2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

(3) Where a dentist gives notice under sub-paragraph (1), he shall notify the Health Board accordingly and give details to the Health Board of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(4) Where a dentist wishes a continuing care arrangement or a capitation arrangement to be terminated on less than 3 month's notice, he shall apply in writing to the Health Board—

- (a) asking that it terminate the arrangement;
- (b) setting out the reasons why he wishes the arrangement to be terminated; and
- (c) giving details of any care and treatment which the dentist has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(5) Where a dentist applies to the Health Board under sub-paragraph (4), the Health Board may, after considering any representations made by the patient, terminate the arrangement on such date and on such terms as to completion of any outstanding care and treatment mentioned in sub-paragraph (4)(c) as it thinks fit, save that, where an arrangement is terminated because the patient has refused to pay the NHS charge, the dentist shall not be obliged to complete that care and treatment.

(6) A Health Board which terminates an arrangement under sub-paragraph (5) shall so inform the patient, the dentist and the Board in writing.

Referral to another dentist or to a hospital or other service

12.—(1) Where a patient requires particular care and treatment under a continuing care arrangement or a capitation arrangement and the dentist with whom the patient has made the arrangement does not have the necessary facilities, experience or expertise to provide that care and treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that care and treatment by another dentist under general dental services or by a hospital or other service provided under Part III of the Act.

(2) In referring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that care and treatment, the dentist shall—

- (a) give details of—
 - (i) the oral condition of the patient and the reason for the referral; and
 - (ii) if relevant to the referral, details of the care and treatment he has provided or intends to provide in order to secure and maintain the patient's oral health,

to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;

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- (b) include with those details a statement of the amount paid to him by the patient under the National Health Service (Dental Charges) (Scotland) Regulations 1989(3) in respect of any care and treatment already provided in the course of the care and treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of care and treatment that the patient has been referred for the required care and treatment.

Treatment on referral

13.—(1) Subject to sub-paragraph (5), a dentist who accepts a patient 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 shall—

- (a) at the time at which he accepts the patient, provide him with a form of acceptance supplied by the Health Board, 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 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; and
- (f) repair or replace in accordance with sub-paragraph (2) any restoration which requires repair or replacement.

(2) Subject to sub-paragraphs (3) and (4), in repairing or replacing a restoration in the course of treatment on referral, a dentist shall repair or replace at no charge to the patient any of the following restorations, namely, filling, root filling, inlay, pinlay or crown which has to be repaired or replaced and which was provided by him in the course of the treatment on referral.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (2) where—

(3) S.I. 1989/363 amended by S.I. 1990/1722, 1991/569, 1992/458, 1993/523, 1994/636 and 1995/703.

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- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment; or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature,
on the tooth in respect of which the restoration was provided;
 - (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with sub-paragraph (1)(b) or (c) and on the patient record that—
 - (i) the restoration was intended to be temporary in nature; or
 - (ii) in his opinion, a different form of restoration was more appropriate but, notwithstanding that advice, the patient insisted on the restoration which was provided;
 - (c) in the opinion of the dentist, the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
 - (d) the repair or replacement is required as a result of trauma.
- (4) The obligation to repair or replace any restoration under sub-paragraph (2) shall cease 12 months after the date on which the restoration was provided or when the treatment on referral has been completed, whichever is the sooner.
- (5) Sub-paragraph (1) shall not apply where the dentist refers a patient for examination and advice only.

Inability of dentist to complete care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral

14. If, owing to any cause beyond his control, the dentist is unable to complete any care and treatment which has been commenced under a continuing care arrangement or a capitation arrangement or treatment on referral, he shall forthwith notify the Board in writing of the extent of the care and treatment or treatment on referral provided and of the reason for his inability to complete the remainder.

Care and treatment summaries

15. Where a patient who has been receiving care and treatment under a continuing care arrangement or a capitation arrangement requests the dentist to provide him with a summary of the care and treatment he has received from the dentist under that arrangement because he intends to enter into such an arrangement with another dentist, the dentist shall provide such a summary as he considers appropriate (including details of any care and treatment which could not be easily observed on a visual examination), to the patient on a form supplied by the Health Board, or a form to like effect, within 28 days of the request.

Mixing of general dental services and private care and treatment

- 16.—(1) Subject to sub-paragraph (3), a dentist may, with the consent of the patient, provide privately any part of the care and treatment—
- (a) necessary under a continuing care arrangement or a capitation arrangement to secure and maintain the oral health of a patient; or
 - (b) to be provided as part of treatment on referral.

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- (2) A dentist shall not, with a view to obtaining the agreement of a patient to undergo care and treatment privately—
- (a) advise a patient that the care and treatment which is necessary in his case—
 - (i) under the continuing care agreement or capitation arrangement to secure and maintain oral health; or
 - (ii) having regard to the reason given for referral, is not available from that dentist under general dental services; or
 - (b) seek to mislead the patient about the quality of care and treatment available under general dental services.
- (3) Sub-paragraph (1) shall not apply—
- (a) where the treatment necessary to secure oral health relates to a single tooth, in which case the treatment shall be provided wholly under general dental services or wholly privately; and
 - (b) in respect of orthodontic care and treatment in which case—
 - (i) the assessment, diagnosis and planning of treatment in connection with the orthodontic care and treatment shall be provided wholly under general dental services or wholly privately; and
 - (ii) the orthodontic treatment shall be provided wholly under general dental services or wholly privately.

PART III

occasional treatment

Occasional treatment

17.—(1) A dentist may provide as occasional treatment any of the items of treatment mentioned in sub-paragraph (2).

- (2) The items of treatment referred to in sub-paragraph (1) are—
- (a) examination (including advice);
 - (b) extractions of not more than 2 permanent teeth;
 - (c) extractions of not more than 4 deciduous teeth, except that, where a general anaesthetic is used, there shall be no limit as to the number of deciduous teeth that may be extracted;
 - (d) dressing of deciduous or permanent teeth including any preparatory treatment;
 - (e) incising an abscess;
 - (f) opening one or more root canals for drainage;
 - (g) pulp extirpation and dressing to seal the cavity;
 - (h) arrest of haemorrhage;
 - (i) treatment of infected sockets;
 - (j) removal of plugs or sutures;
 - (k) palliative treatment that is immediately necessary (including the treatment of sensitive cementum or dentine, the stoning and smoothing of the surface of a tooth, the provision of a temporary crown or the removal of the fractured portion of a natural crown where its dissection from supporting soft tissues is necessary prior to the provision of a permanent restoration);

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- (l) refixing or cementing a crown, inlay or bridge;
- (m) repair of, or alterations to, dentures or other appliances not requiring the prior approval of the Board;
- (n) treatment for acute conditions of the gingivae or oral mucosa (including treatment for pericoronitis or for ulcers and herpetic lesions) and any necessary oral hygiene instruction in connection with such treatment;
- (o) any treatment immediately necessary as a result of trauma;
- (p) provision of general anaesthesia in connection with the items of treatment specified in heads (b) to (g) and (o);
- (q) provision of sedation in connection with the items of treatment specified in heads (b) to (g), (k), (l) and (o);
- (r) taking of radiographs in connection with the items of treatment in heads (b) to (l) and (o);
- (s) issuing a prescription in connection with the items of treatment specified in heads (a) to (o).

(3) Where a patient has entered into a continuing care arrangement or a capitation arrangement with a dentist, another dentist who is not acting on behalf of that dentist may provide (in addition to the items of treatment specified in sub-paragraph (2)) as occasional treatment to that patient the following items of treatment:—

- (a) permanent fillings to not more than 2 retained deciduous teeth or permanent teeth;
- (b) root fillings to not more than 2 permanent teeth;
- (c) replacement of a denture or temporary bridge where the original is lost or damaged beyond repair, or provision of a new denture where it is needed because of trauma or extraction;
- (d) where the patient is under the age of 18, conservation of not more than 2 deciduous teeth; and
- (e) provision of sedation and taking of radiographs in connection with the items of treatment specified in heads (a), (b) and (d).

(4) If, owing to any cause beyond his control, the dentist is unable to complete any occasional treatment which has been commenced, he shall forthwith notify the Board in writing of the extent of the occasional treatment provided and of the reason for his inability to complete the remainder.

Referral for occasional treatment

18.—(1) Where a patient requires any occasional treatment and the dentist does not have the necessary facilities, experience or expertise to provide that occasional treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that occasional treatment by another dentist under general dental services or by a hospital or other service provided under Part III of the Act.

(2) In referring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that occasional treatment, the dentist shall—

- (a) give details of the oral condition of the patient and the reason for the referral to that other dentist or, as the case may be that hospital or other service, either at the time of referral or as soon as practicable afterwards;
- (b) include with those details a statement of the amount paid to him by the patient under the National Health Service (Dental Charges) (Scotland) Regulations 1989 in respect of any occasional treatment already provided in the course of the occasional treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of occasional treatment that the patient has been referred for the required occasional treatment.

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(3) A dentist who accepts a patient referred to him under sub-paragraph (1) 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.

PART IV

additional terms of service for all dentists

Remuneration

19. Except as otherwise provided in the Regulations (including the terms of service) or the National Health Service (Dental Charges) (Scotland) Regulations 1989, a dentist shall not claim or accept the payment of any fee or other remuneration in respect of any treatment—

- (a) which he has provided under general dental services; or
- (b) which has not been provided or for which another claim has already been submitted to the Board.

Standards of care

20.—(1) In providing general dental services, a dentist shall—

- (a) employ a proper degree of skill and attention;
- (b) save as is provided in paragraphs 12, 18, 21, 29, 35 and 38, give all treatment personally;
- (c) use only materials which are suitable for the purpose for which they are used;
- (d) except in the case of occasional treatment and treatment on referral, provide, subject to sub-paragraph (2), care and treatment to such extent, and at such intervals, as may be necessary to secure and maintain the oral health of the patient.

(2) When providing general dental services a dentist shall not provide care and treatment in excess of that which is necessary to secure and maintain oral health.

General anaesthesia and sedation

21.—(1) Where a dentist undertakes, in the course of providing general dental services, any procedure for which general anaesthesia of the patient is necessary he shall arrange—

- (a) for a doctor or another dentist experienced in the administration of general anaesthesia to administer the general anaesthetic and to remain with the patient throughout the procedure and until the return of the patient's protective reflexes; and
- (b) for another person with suitable training and experience to remain with the patient until the recovery phase is complete.

(2) Where a dentist undertakes, in the course of providing general dental services any procedure for which sedation of the patient is necessary he shall remain with the patient and arrange for another person with suitable training and experience to remain with the patient throughout the procedure.

(3) In this paragraph “a person with suitable training and experience” means a person who has received such training and experience as to be capable of assisting the dentist in monitoring the clinical condition of the patient and in the event of an emergency.

Supply of drugs

22.—(1) A dentist may supply to a patient such listed drugs as are required for immediate use before a supply can otherwise be obtained under paragraph 23.

(2) A dentist may personally administer to a patient any drug required for the care and treatment of that patient.

Issue of prescription forms

23.—(1) A dentist shall order such listed drugs (other than those supplied under paragraph 22) as are needed for the care and treatment of any patient for whom he is providing general dental services by issuing to the patient a prescription form.

(2) The prescription form—

- (a) shall be signed by the dentist;
- (b) shall not refer to any previous prescription;
- (c) shall not be issued to persons other than patients,

and a separate prescription form shall be issued for each patient.

Domiciliary visits

24. A dentist shall visit and treat a patient whose condition so requires at any place at which the patient normally resides or is temporarily resident provided that such place is not more than five miles from his practice premises or, in the case of a dentist who provides general dental services at a mobile surgery only, from any of the places regularly visited by him.

Records

25.—(1) A dentist shall keep a record in respect of—

- (a) the care and treatment given to each patient under a continuing care arrangement or a capitation arrangement and the fact of referral under such an arrangement under paragraph 12;
- (b) treatment on referral;
- (c) occasional treatment;

in the patient record and shall include with that record details of any private care and treatment (to the extent that it is provided with care and treatment under general dental services for the purpose of securing and maintaining oral health) and all radiographs, photographs and study models (being models in respect of orthodontic treatment) taken or obtained by him as part of the care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment.

(2) The records, radiographs, photographs and study models referred to in sub-paragraph (1) shall be retained for a period of 2 years after completion of any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment to which they relate.

(3) The dentist shall, during the period in which he holds any records, radiographs, photographs and study models referred to in sub-paragraph (1), produce them to the Board, the Health Board or the dental officer within 14 days of being required to do so by the Board, the Health Board or the dental officer.

(4) A dentist may keep the records referred to in sub-paragraph (1) in computerised form.

(5) Nothing in sub-paragraph (1) shall be taken as removing any rights of property which the dentist may have in relation to the records, radiographs, photographs and study and models referred to in that sub-paragraph.

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Prior approval of care and treatment

26.—(1) Subject to sub-paragraphs (6), (7) and (10), where care and treatment is or includes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Board for approval an estimate of the whole of the care and treatment, including details of any part of that care and treatment to be provided privately; and
- (b) other than in an emergency, shall not, until he receives approval from the Board, proceed—
 - (i) where prior approval is required by virtue of Part I of Schedule 4, with any item of treatment referred to in that Part; or
 - (ii) where prior approval is required by virtue of Part II of Schedule 4, with any care and treatment mentioned in the estimate.

(2) Subject to sub-paragraphs (6), (7) and (10), where in the course of providing any care and treatment to which, at its outset, sub-paragraph (1) does not apply, a dentist is of the opinion that a variation of or an addition to such care and treatment is necessary, and by reason of the variation or addition the care and treatment includes or becomes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Board for approval an estimate of the whole of the care and treatment (including that which the dentist has commenced) together with details of any part of that care and treatment provided or to be provided privately; and
- (b) other than in an emergency, shall not, until he receives approval from the Board proceed—
 - (i) where prior approval is required by virtue of Part I of Schedule 4, with any item of treatment referred to in that Part; or
 - (ii) where prior approval is required by virtue of Part II of Schedule 4, with any care and treatment mentioned in the estimate.

(3) Subject to sub-paragraphs (6), (7) and (10) where a dentist has obtained the approval from the Board required by sub-paragraph (1) because the care and treatment is or includes an item of treatment referred to in Part I of Schedule 4, and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, which variation or addition—

- (a) is or includes an item of treatment referred to in Part I of Schedule 4; or
- (b) has the effect that the care and treatment then falls within Part II of Schedule 4,

the dentist shall re-submit, without unreasonable delay, the estimate to the Board for approval, including details of any part of that care and treatment provided or to be provided privately.

(4) Subject to sub-paragraphs (6), (7) and (10), where a dentist has obtained approval from the Board in accordance with sub-paragraph (1) because prior approval is required by virtue of Part II of Schedule 4, and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, the dentist shall re-submit, without unreasonable delay, the estimate to the Board for approval together with details of any part of that care and treatment provided or to be provided privately.

(5) Where the Board receives an estimate under sub-paragraph (3) or (4) it may withdraw or vary its original approval insofar as the care and treatment has not yet been carried out in accordance with such approval, or add to its original approval, and, other than in an emergency, the dentist shall not, until he receives approval from the Board, proceed—

- (a) in any case falling within sub-paragraph (3)(a), with any item of treatment referred to in Part I of Schedule 4; or
- (b) in any other case, with any of the care and treatment mentioned in the estimate.

(6) Sub-paragraphs (1), (2), (3) and (4) shall not apply where the care and treatment to be provided under a capitation arrangement is care and treatment for which the dentist is remunerated

in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) The dentist may proceed immediately with the care and treatment of merchant seamen, deep sea fishermen, or oil rig workers, about to go to sea for a period in excess of four weeks, or persons about to go abroad for a period in excess of four weeks, and in such event shall send an estimate to the Board for approval within 7 days of the commencement of the care and treatment.

(8) Where, in consequence of any proceeding under the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(4) in respect of general dental services provided in the area of any Health Board, a dentist is required for any period to submit all estimates to the Board for approval, in respect of all treatment or any specified description of treatment the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (whether relating to treatment to be provided in that or any other area), to the Board for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Board, except that he may in the course of any single consultation proceed with treatment consisting of one examination and the taking of no more than two small radiographs, each of a size not exceeding 16 square centimetres, or treatment in an emergency.

(9) Where in consequence of a direction given by the Board under regulation 33(2) a dentist is directed, for any period, to submit all estimates to the Board for approval in respect of treatment or a description of treatment specified in the direction the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (relating to treatment in the area of any Health Board) to the Board for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Board, except that he may in the course of any single consultation proceed with treatment consisting of one examination and the taking of no more than two small radiographs, each of a size not exceeding 16 square centimetres, or treatment following trauma or in an emergency.

(10) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

Completion of estimate

27. When submitting an estimate to the Board for approval in accordance with paragraph 26(1), (2), (3), (4), (8) or (9), a dentist shall in all cases, in addition to the information specified in those sub-paragraphs, provide to the Board the following information:—

- (a) his name and address and the number by which his arrangement with the Health Board is identified;
- (b) the patient's name and address and date of birth; and
- (c) details of the care and treatment proposed and the reasons why the dentist considers such care and treatment is necessary.

Completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral

28.—(1) Subject to sub-paragraphs (2) and (4), the dentist shall complete within a reasonable time any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral.

(4) [S.I. 1992/434](#).

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(2) Where the dentist and the patient agree that the patient requires dentures, or new dentures, in consequence of treatment provided by that dentist involving the extraction of one or more teeth, the dentist shall provide such dentures within 12 months of the date of the relevant extraction or, as the case may be, the later or last such extraction.

(3) Insofar as any treatment relates to the provision of dentures, it shall not be regarded as completed unless the dentures have been delivered to, and remain in the possession of, the patient.

(4) A dentist shall not be regarded as having failed to comply with sub-paragraphs (1) or (2) by reason of any delay in completing treatment where the Board is satisfied that the delay is due to the failure of the patient to attend for treatment or that there is some other sufficient reason for the delay.

(5) Where a dentist—

(a) has been notified that a patient has been requested to submit himself for examination by a dental officer; and

(b) has not been notified that the examination has been carried out or cancelled,

he shall not, otherwise than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the examination.

(6) Where a dentist—

(a) has been notified that a dental service committee will investigate a complaint or reference relating to the provision of general dental services by him to a patient; and

(b) has not been notified—

(i) that the investigation has been completed: or

(ii) that such committee has no objection,

he shall not, other than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the investigation.

(7) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

Dental auxiliaries

29. A dentist may in the provision of general dental services arrange for care and treatment to be given in accordance with the provision of Regulations having effect under section 45 of the Dentists Act 1984⁽⁵⁾ by a dental auxiliary to whom those Regulations apply, and shall ensure that such treatment is properly completed.

Postgraduate education

30. A dentist shall in the provision of general dental services take reasonable steps to develop professional knowledge and skills through activities undertaken with a view to maintaining an up-to-date knowledge of dental science and practice.

Notices

31. A dentist shall display in a prominent position at the practice premises a notice, in a form supplied or approved by the Health Board, indicating NHS charges which are payable under general dental services and entitlement to exemption from and remission of NHS charges.

(5) 1984 c. 24.

PART V

additional terms of service for dentists other than salaried dentists

Patient information leaflets

32.—(1) Subject to sub-paragraph (4) a dentist whose name is included in the dental list shall compile and make available, to the Health Board (if it requires one) and to any person who may reasonably require one, a document about the provision of general dental services at his practice premises (in this paragraph called “a patient information leaflet”) which shall include the information specified in Schedule 5.

(2) A dentist shall make any amendments to his patient information leaflet which he considers to be necessary to maintain its accuracy.

(3) A dentist who practises in partnership or under an associateship agreement with other dentists whose names are included in the dental list shall satisfy the requirements of this paragraph if he makes available a patient information leaflet, compiled and, where appropriate, revised in accordance with sub-paragraphs (1) and (2), which relates to the partnership or associateship as a whole.

(4) The requirements of sub-paragraph (1) shall not apply to any dentist to the extent that he provides general dental services only to persons detained in a prison, remand centre or young offenders institution.

Premises etc.

33.—(1) Unless he provides general dental services from a mobile surgery only, a dentist shall provide proper and sufficient dental surgery and waiting-room accommodation for his patients.

(2) A dentist who provides general dental services at a mobile surgery shall provide proper and sufficient mobile surgery and waiting room accommodation.

(3) A dental surgery and a mobile surgery shall be furnished with suitable equipment and a dentist shall provide treatment with suitable instruments.

(4) A dentist, on receipt of reasonable notice in writing, shall at all reasonable times admit a dental officer or a person authorised by the Health Board for the purpose of inspecting any dental surgery, mobile surgery or waiting-room under the dentist’s control.

Remuneration

34. The provisions of paragraph 19 shall not have effect in relation to any claim made by a dentist in respect of loss of remuneration resulting from the failure of a patient to keep an appointment for general dental services.

Deputies and assistants

35.—(1) Where a dentist is prevented from providing care and treatment by reason of temporary absence through illness or other reasonable cause, such care and treatment may be given by a deputy or assistant.

(2) In the case of two or more dentists practising in partnership or as a principal and assistant, care and treatment may at any time be given by a partner or an assistant of the dentist who is responsible for the patient’s treatment, if reasonable steps are taken to secure continuity of care and treatment.

(3) A dentist shall not employ more than two assistants at any one time for the provision of general dental services in an area without the consent of the Health Board for that area or, on appeal, the Secretary of State.

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(4) Before giving any consent under sub-paragraph (3) a Health Board shall consult the area dental committee for its area, and any consent given under that sub-paragraph shall be reviewed by the Health Board in consultation with the area dental committee at least once a year and may be confirmed or withdrawn by the Health Board.

(5) A dentist shall—

- (a) notify the Health Board of the employment of an assistant within 7 days of the first day of such employment;
- (b) forward to the Health Board such particulars concerning the assistant as the Health Board may reasonably require; and
- (c) on ceasing to employ an assistant, notify the Health Board within 7 days of the cessation of that employment.

(6) A dentist shall not employ as an assistant any dentist who has the same address in the dental list as any of his own practice premises.

(7) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement mentioned in paragraph 26(8) or (9) to submit estimates to the Board for prior approval in respect of treatment, he shall not allow the assistant to carry out the treatment unless the prior approval of the Board has first been obtained.

(8) If a dentist intends to absent himself from his practice premises for more than 28 consecutive days he shall notify the Health Board of—

- (a) his intended absence; and
- (b) the name and address, if different to the practice premises, of the deputy or assistant (if any) responsible for providing general dental services during his absence.

(9) A dentist who intends to be or is absent from his practice premises for more than two months—

- (a) shall notify the Health Board in writing; and
- (b) shall not employ an assistant for any period of absence in excess of two months without the consent of the Health Board.

(10) A dentist shall not, without the consent of the Secretary of State, employ as a deputy or assistant for the purpose of the provision of general dental services any dentist who is disqualified for inclusion in the dental list of any Health Board under section 25(2A) of the Act⁽⁶⁾.

(11) A dentist shall not employ as a deputy or assistant for the purpose of the provision of general dental services any dentist—

- (a) who, having been disqualified under section 29(3)(b) of the Act (or under any corresponding provision in force in England and Wales or Northern Ireland) from inclusion in the dental list of any Health Board (or, in England and Wales of a Health Authority or in Northern Ireland of a Health and Social Services Board) is also the subject of a declaration under section 29(3)(c)(7) of the Act (or any corresponding provision in force in England and Wales or Northern Ireland) that he is not fit to be engaged in any capacity in the provision of general dental services; or
- (b) who is suspended by direction of the Tribunal, other than in a case falling within section 32B(3) of the Act.

(12) Except as provided in sub-paragraph (13), a dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(13) A dentist whose name is included in the dental list, when acting as a deputy to another dentist whose name is also included in that list, shall be responsible for his own acts and omissions

⁽⁶⁾ Subsection (2A) of section 25 was inserted by S.I. 1981/432, article 4(3)(b).

⁽⁷⁾ Section 29(3)(c) was inserted by section 7 of the National Health Service (Amendment) Act 1995.

in relation to the obligations under these terms of service of the dentist for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.

(14) A deputy may provide general dental services at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of patients.

36. A deputy or assistant who issues a prescription form for listed drugs under paragraph 23 shall in addition to signing his own name on such prescription form, insert on the form the name of the dentist for whom he is acting.

37. A deputy or assistant who signs a claim for remuneration or an estimate or part thereof on behalf of the dentist for whom he is acting shall do so in his own name and, except where the person who signs is a partner whose name is included in the dental list, shall also insert the name of the dentist for whom he is acting.

Dentists suspended under section 28 or 32 of the Dentists Act 1984

38. Where a dentist's registration in the register kept under section 14 of the Dentists Act 1984⁽⁸⁾ is suspended by a direction or order of the Health Committee under section 28 of that Act (health cases) or by an order under section 32 of that Act (interim suspension order), he shall secure that any dentist appointed by him to provide general dental services on his behalf during that period of suspension shall be a dentist whose name is included in the dental list.

PART VI

additional terms of service for salaried dentists

Attendance

39.—(1) A dentist shall attend at such premises on such days and at such hours as he may agree with the Health Board.

(2) Except where paragraph 16 applies a dentist shall not, without the permission of the Health Board, provide at such premises any care and treatment which is not part of general dental services.

General anaesthesia

40. Where required to do so by the Health Board or on behalf of that Health Board, the dentist shall pay to a doctor or another dentist, for the provision of general anaesthetic by virtue of arrangements made under paragraph 21, a fee not exceeding the fee in the Scale of Fees appropriate to the item of treatment provided.

Records

41.—(1) The records, radiographs, photographs and study models referred to in paragraph 25(1) shall be the property of the Health Board.

(2) The dentist shall supply to the Board or the dental officer such information with regard to the care and treatment of patients as they may request within 7 days of the date of the request.

Drugs

42. Any drugs supplied under paragraph 22 shall be obtained by the dentist in such manner as the Health Board may require.

⁽⁸⁾ 1984 c. 24.

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Provision of Health Board patient information leaflets

43. A salaried dentist shall make available to any person who may reasonably require one the Health Board patient information leaflet compiled and provided to him by the Health Board pursuant to regulation 19.

Termination of services

44.—(1) Subject to sub-paragraph (2), any arrangement between the Health Board and a salaried dentist for the provision of general dental services may be terminated by either party giving to the other three months' notice in writing.

(2) If a dentist fails to comply with any of the terms of service that apply to a salaried dentist the Health Board may terminate the agreement by giving him one month's notice in writing.

(3) The Health Board may at any time suspend a salaried dentist from the discharge of his duties but such suspension shall not affect the right of the salaried dentist to receive remuneration during the period of suspension.