

SCHEDULE 1

TERMS OF SERVICE FOR DENTISTS

PART V

additional terms of service for dentists other than salaried dentists

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.

(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by the Health Board in consultation with the area dental committee at least once a year and may be confirmed or withdrawn by the Health Board.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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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⁽¹⁾.

(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)⁽²⁾ 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 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.

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

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