

SCHEDULE 1

TERMS OF SERVICE FOR DENTISTS

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.

Status: This is the original version (as it was originally made).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

(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.

(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

(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.

(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.

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(3) 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.

(3) 1984 c. 24.