### STATUTORY INSTRUMENTS

# 2005 No. 3373

# NATIONAL HEALTH SERVICE, ENGLAND

# The National Health Service (Personal Dental Services Agreements) Regulations 2005

Made - - - - 7th December 2005

Laid before Parliament 9th December 2005

Coming into force 1st January 2006

# THE NATIONAL HEALTH SERVICE (PERSONAL DENTAL SERVICES AGREEMENTS) REGULATIONS 2005

#### PART 1

# **GENERAL**

- 1. Citation, 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
- 7. Appeal

#### PART 3

# PRE-AGREEMENT DISPUTE RESOLUTION

8. Pre-agreement disputes

#### PART 4

# HEALTH SERVICE BODY STATUS

9. Health service body status

#### 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

# 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

## 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 3 — OTHER CONTRACTUAL TERMS

PART 1 — PATIENTS

Status: This is the original version (as it was originally made).

- 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
- 15. National Institute for Clinical Excellence guidance
- 16. Infection control
- 17. Treatment under general anaesthesia: prohibition PART 3 SUPPLY OF DRUGS AND PRESCRIBING
- 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
- 35. Patient information
- 36. Provision of and access to information: the Relevant Body
- 37. Requests for information from Patients' Forums
- 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 Patients' Forums
- 46. Entry and inspection by the Commission for Healthcare Audit and Inspection

#### PART 6 — COMPLAINTS

- 47. Complaints procedure
- 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 shall...
- 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

- 1. The name of the party or parties comprising the contractor....
- 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 make a complaint or comment on the...
- 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 5 — MODIFICATION OF PATIENT PROVISIONS WHERE THE CONTRACTOR IS A PRIMARY CARE TRUST

- 1. Paragraphs 3 and 5 of Schedule 3 shall 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**