



Dear Colleague

## GENERAL DENTAL SERVICES

### Listing of Dental Bodies Corporate – further clarification

#### Summary

1. This letter provides further clarification on the listing of Dental Bodies Corporate and the effect of such listing in different circumstances.

#### Background

2. [NHS: PCA\(D\)\(2010\)4](#), issued on 16 June 2010, and [NHS: PCA\(D\)\(2010\)6](#), issued on 21 July 2010, provided guidance on, amongst other things, the listing of Dental Bodies Corporate and the dentists who work for or in arrangement with such bodies. This letter and the attached Memorandum replace the guidance provided in paragraph 3 of the Annex to NHS: PCA(D)(2010)4, which was issued to NHS Boards, and paragraphs 29 to 33 and 36 of the Memorandum to that PCA and paragraphs 5 and 6 of the Memorandum to NHS: PCA(D)(2010)6.

#### Action

3. NHS Boards and Practitioner Services are asked to note the information contained in the Memorandum to this letter.

4. NHS Boards are asked to **urgently** copy and issue the Memorandum to this letter to all dentists and dental bodies corporate on their dental lists.

Yours sincerely

FRANK STRANG  
Deputy Director

24 September 2010

#### Addresses

For action  
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NHS Boards

Director,  
Practitioner Services

For information  
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**CORRIGENDUM TO MEMORANDUM TO NHS:  
PCA(D)(2010)4 AND 6**

**DENTISTS  
NATIONAL HEALTH SERVICE  
GENERAL DENTAL SERVICES**

**GENERAL DENTAL SERVICES**

**Listing of Dental Bodies Corporate – further clarification**

1. This Memorandum provides further clarification on the listing of Dental Bodies Corporate and the effect of such listing in different circumstances.

**Background**

2. The Memorandum to [NHS: PCA\(D\)\(2010\)4](#), issued on 16 June 2010, and the Memorandum to [NHS: PCA\(D\)\(2010\)6](#), issued on 21 July 2010, provided guidance on, amongst other things, the listing of Dental Bodies Corporate (DBsC) and the dentists who work for or in arrangement with such bodies. This Memorandum replaces the guidance provided in paragraphs 29 to 33 and 36 of the Memorandum to NHS: PCA (D)(2010)4 and paragraphs 5 and 6 of the Memorandum to NHS: PCA(D)(2010)6.

**Provision of General Dental Services**

3. Dentists or DBsC that join sub-part A of the first part of the dental list, i.e. contractors, are making arrangements with NHS Boards to provide general dental services (GDS). In providing GDS, contractors are responsible for patients they have registered, or agreed to treat under occasional arrangements, and for providing or ensuring that the treatment required by patients is provided in accordance with the NHS (General Dental Services) (Scotland) Regulations 2010 (“the 2010 Regulations”). Contractors are remunerated for the care and treatment they provide directly and for the care and treatment which is provided on their behalf by assistants. Provided they meet the eligibility criteria contractors will also be entitled to certain other payments, grants and allowances.

4. A patient can only be registered with one contractor at any one time, whether that contractor is a dentist or a DBC. The contractor that the patient is registered with is the one who is responsible for providing, or arranging for the provision of, GDS for that patient. There cannot be two contractors providing GDS for the same patients, i.e. being responsible for, registering and receiving payment for the same patients. While contractors are responsible for the patients whom they have registered, they can make arrangements with other dentists to provide treatment on their behalf, e.g. with assistants on the second part of the list or with other contractors to provide cover when unavailable.

5. Patients cannot be registered with dentists on the second part of the dental list as these dentists are listed to assist contractors in the provision of GDS and do not directly provide GDS.

6. There can be more than one contractor operating within the same practice premises.

### **Listing of Dental Bodies Corporate**

7. The 2010 Regulations allow for the first time DBsC to make arrangements with NHS Boards to provide GDS, i.e. to become contractors by joining sub-part A of the first part of the dental list. It is not mandatory that DBsC join dental lists but they cannot provide GDS unless they do. If a DBC wishes to provide GDS itself, i.e. be a contractor, it must be on the list. The dentists working for, or in other arrangements with, DBsC can continue to be and in the future can be listed on sub-part A or can be listed on this sub-part in addition to the DBC, provided that the DBC **and** dentist(s) will be providing GDS, as described above, i.e. the dentist(s) provide(s) GDS to different patients from the DBC.

8. Dentists who have associateship agreements with other dentists or DBsC can continue to be listed on sub-part A of the first part of the dental list, i.e. be contractors, provided that the associates are directly responsible for providing GDS, as described at paragraph 7 above.

9. If a DBC (including dentists who have incorporated their practice as an LLP) chooses to join sub-part A of the first part of the dental list **and** all of the patients of the practice are registered with the DBC then the dentists who work for or in arrangement with the DBC will be treating patients registered with the DBC and will therefore, in legal terms, be assisting the DBC to provide GDS. Unless such dentists are otherwise entitled to remain on the first part of the dental list (e.g. because they also provide GDS to different patients from the DBC), they will move to the second part of the dental list.

10. Those dentists included on the second part of the dental list are not entitled to any of the payments, grants and allowances set down in the Statement of Dental Remuneration, with the exception of commitment payments (Determination IX). Commitment payments due to a dentist included on the second part of the dental list will be claimed and paid to the dentist or DBC the dentist assists (who will be on the first part of the dental list) and must be passed on in full by the dentist or DBC making the claim to the dentist included on the second part. The payments to which dentists on the second part of the dental list are not entitled are:

- seniority payments (Determination III);
- vocational training allowance (Determination IV);
- maternity, paternity and adoptive leave payments (Determination V);
- long-term sickness payments (Determination VI);
- continuing professional development allowance (Determination VII);
- allowance and grants for practice improvements (Determination X);
- remote areas allowance (Determination XII);
- recruitment and retention allowance (Determination XIII).

11. In order to be listed on sub-part A of the first part of a dental list a contractor, including a DBC, should register at least one patient. Under regulation 12 of the 2010 Regulations an NHS Board is under a duty to remove the name of any contractor from its dental list where that contractor has not provided GDS in the preceding 6 months. Therefore in order to remain listed, a contractor, including a DBC, must provide care and treatment, or make arrangements for care and treatment to be provided on its behalf in the case of a DBC by a deputy or an assistant, to at least one registered or occasional patient every six months.

12. Provided they meet the eligibility criteria, listed DBsC will be entitled to claim or be paid, on behalf of the practice, the following grants and allowances as set down in the Statement of Dental Remuneration (SDR):

- reimbursement of non-domestic rates (Determination VIII);
- practice allowances (Determination XIV);
- reimbursement of practice expenses (Determination XV).

In addition a dentist or DBC can claim clinical audit allowances (Determination XI) for audit activities undertaken by assistants. No other payments, grants and allowances set down in Determinations III to XV of the SDR are payable to a DBC.

13. If a DBC is not on the dental list and the dentists working for, or in other arrangements with, the DBC continue to be listed on sub-part A of the first part of the dental list then the dentists will be providing GDS and not the DBC. The dentists will continue to be entitled to be paid or claim the various payments, grants and allowances listed in the SDR, if they meet the eligibility criteria. Unlisted DBsC will not be entitled to any payments, grants or allowances as it will not be directly providing GDS and dentists working for, or in other arrangements with, such DBsC will not be entitled to claim or be paid these on behalf of the DBC.

14. The decision on whether or not to list a DBC and whether the DBC will register all of the patients rests with the DBC and the dentists who work for or in arrangement with the DBC. The NHS has no role in this decision.

15. An amendment to the SDR, which will provide for the changes above, will be issued in due course and will be backdated to 2 July 2010.

## **Enquiries**

16. Any enquiries arising from this Memorandum should be taken up with your NHS Board.