

Health and Social Services Committee

HSS(2)-02-06(p5)

Date: 1 February 2006

Venue: Committee Rooms 3 & 4, National Assembly for Wales

Title: The NHS (Performers Lists) (Wales) (Amendment) Regulations 2006

Purpose

1. This paper provides the Committee with the opportunity it requested to consider the draft of The NHS (Performers Lists) (Wales) (Amendment) Regulations 2006 and is the final item of legislation relating to the new dental contract to come before the Committee. The Committee has already considered the other items of legislation which implement the changes when it met on 23 November 2005 and 19 January 2006.

Summary

2. When it met on 3 November 2005 the Committee selected this legislation for scrutiny. Although the implementation date for the new dental contract is 1 April 2006, much of the legislation needs to be made before then so that Local Health Boards (LHBs) and dentists can enter into their new contracts - they need to be able to access final form legislation to be able to do this. In order to meet the legislative timetable, the Committee agreed to consider the legislation in draft form.

3. The draft Regulations, draft Explanatory Memorandum and draft Regulatory Appraisal are included as part of this paper and set out the detail of the proposed changes. All of the attached documents are in draft form although I do not anticipate there to be any significant change to these documents. I have undertaken to provide the Committee with a final version as soon as it becomes available. It is also intended that the Regulations will be debated in Plenary prior to the vote.

Background

4. The Shipman Enquiry reported in 2002 but the UK and Welsh Assembly Governments acted before then to take powers to ensure that medical, dental, ophthalmic and pharmaceutical lists held by LHBs included all practitioners who work under NHS arrangements in primary care. The relevant "lists" include practitioners considered suitable to be engaged in the provision of the relevant service under Part 2 of The National Health Service Act 1977 (the 1977 Act).

5. The Health and Social Care (Community Health and Standards) Act 2003 (the 2003 Act) provides the

legislative framework for the establishment of primary dental services.

6. From 1 April 2006 it is intended to establish GDS contracts and PDS agreements for high street dentists to provide primary dental services. Primary dental services are dental services provided under a GDS contract, a PDS agreement or by the LHB itself.

7. To perform primary dental services, dentists must be included in a performers list of an LHB and meet the conditions prescribed in the Performers Lists Regulations. The Regulations set out the information which must be provided and the declarations a dentist must make to be included in a list. The Regulations make other prescribed conditions which must be met, for example completion of a period of vocational training.

8. The listing regime includes provisions in relation to the conditional inclusion in a list, suspension from the list, contingent removal and disqualification. A national disqualification can be determined by the Family Health Services Appeal Authority established by section 49S of the 1977 Act.

Consideration

9. Copies of the draft Regulations, the draft Explanatory Memorandum and draft Regulatory Appraisal are included as an annex to this paper. The Regulations amend the National Health Service (Performers Lists) (Wales) Regulations 2004 (the 2004 Regulations) (S.I. 2004/1020) which provide for lists of persons performing primary medical services to be kept by Local Health Boards in accordance with the provisions of section 28X of the National Health Service Act 1977 (the 1977 Act).

10. The amendment Regulations insert new regulation 18A in relation to national disqualifications from lists made by the Family Health Services Appeal Authority established by section 49S of the 1977 Act and inserts new Part 4 in relation to Dental Performers Lists. Provision of primary dental services under a GDS contract, a PDS agreement or by the LHB itself under s16CA(2) requires the dental performer to be included in a performers list kept by an LHB in Wales.

Benefits

11. The 1992 Regulations provide for the "listing" of dental practitioners considered by the LHB to be suitable to provide or be engaged in the provision of general dental services. When primary dental services under the 2003 Act are established on 1 April 2003, the 1992 Regulations will be revoked.

12. Performers Lists will allow listed dental practitioners to perform primary dental services in any part of Wales without the need for a fresh application in each area as is the case with the current dental list requirements for principal dentists. This will smooth business processes and allow dental corporations (permitted under Part 4 of the Dentists Act 1984 to carry on the business of dentistry) to move more effectively staff around to meet particular needs in different areas.

13. There will also, after the transitional exercise, be less administrative burden on LHBs as a practitioner on one performers list will be able to perform in any LHB area. This will mean that LHBs will no longer consider applications from individuals who wish to work in their areas provided they are on a performers list in another area. As these practitioners will be on a performers list LHBs will be assured that another NHS body has considered and accepted the dental practitioner.

Financial implications

14. The financial considerations are covered in more detail in the Explanatory Memoranda and Regulatory Appraisal.

Timetable for implementation

15. Following the Committee's consideration of the Regulations, I intend submitting them to Business Committee in early March with the aim of the final draft being considered at Plenary toward the end of March 2006. Subject to the National Assembly's approval the Regulations will be come into force on 1 April 2006.

Action for Subject Committee

16. The Committee is invited to:

consider this paper, the draft legislation, draft Explanatory Memorandum and draft Regulatory Appraisal; and note the intention to proceed with the draft Regulations in accordance with standing order 24.

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