

## **EXPLANATORY MEMORANDUM**

**Explanatory Memorandum to:** The National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) (Wales) (Amendment) Regulations 2009

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) **Description**

These Regulations amend the National Health Service (Dental Charges) (Wales) Regulations 2006, the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006, and the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006.

(ii) **Matters of special interest to the Subordinate Legislation Committee**  
None.

(iii) **Legislative Background**

The Regulations will be made pursuant to powers under sections 61, 66, 125 and 203 (9) and (10) of the NHS (Wales) Act 2006.

This instrument will follow the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

These Regulations make two amendments to the National Health Service (Dental Charges) (Wales) Regulations 2006.

The first amends the reference to 'bridges in other materials' in the list of appliances for which a Band 3 charge may be made and recovered in Schedule 3 of the Dental Charges Regulations to clarify the materials which may be used.

The second amends the reference to veneers in the list of appliances for which a Band 3 charge may be made and recovered in Schedule 3 of the Dental Charges Regulations to clarify that only laboratory fabricated veneers may be used. This will exclude the ability to charge for a veneer manufactured by a computer-aided design (CAD) / computer-aided manufacturing (CAM) restorative ceramic milling device e.g. Cerec (a [dental restoration](#) product that allows a dental practitioner to produce an indirect [ceramic dental](#) restoration) without the need to fabricate a physical impression.

A third amendment is proposed for the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006 and the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006, by adding in Schedule 2 to those Regulations a further dental activity to be provided under the contract or agreement in respect of conservation treatment

of deciduous teeth in a patient who is aged under 18 years at the beginning of the course of treatment and that treatment attracts 3.0 units of dental activity.

(v) **Implementation**

The Regulations are due to come into force on 26<sup>th</sup> March.

(vi) **Consultation**

Due to the minor and technical nature of the three proposed amendments we have not undertaken a consultation exercise on the changes. However, the need for the amendments have been highlighted by the Dental Reference Service, who monitor and advise on quality, and the dental profession through our routine lines of communication with key stakeholders. In bringing about the amendments we will clarify some areas which are open to different interpretation and at the same time strengthen clinical quality.

(vii) **Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply amends existing legislation to update or remove references.