



THE NATIONAL HEALTH SERVICE ACT 2001

**THE NATIONAL HEALTH SERVICE (DENTAL CHARGES)
REGULATIONS 2006**

Approved by Tynwald

21st March 2006

Coming into operation

1st April 2006

In exercise of the powers conferred on the Department of Health and Social Security by section 32(1) of the National Health Service Act 2001¹ and of all other enabling powers, and after the consultations required by section 42(5) of that Act, the following Regulations are hereby made:—

1. Citation, commencement and interpretation

These Regulations may be cited as the National Health Service (Dental Charges) Regulations 2006 and, subject to section 42(1) of the Act, shall come into operation on the 1st April 2006.

(2) In these Regulations —

“the Act” means the National Health Service Act 2001;

“bridge” means a fixed or a removable bridge which takes the place of any teeth;

“course of treatment” means—

- (a) an examination of a patient, an assessment of their oral health, and the planning of the treatment (if any) to be provided to that patient as a result of that examination and assessment, and
- (b) the provision of the planned treatment (if any) (including any treatment planned at a time other than at the time of the initial examination) to that patient up to the date on which —
 - (i) each and every component of the planned treatment has been provided to the patient, or
 - (ii) the patient either voluntarily withdraws from, or is withdrawn by the provider from treatment,

by one or more providers of relevant primary dental services;

“dental appliance” means a denture or bridge and for the purposes of this definition, a denture includes an obturator;

“orthodontic appliance” means a device used in the mouth to move or immobilise the teeth in order to correct or prevent malocclusion;

“orthodontic treatment” means treatment of, or treatment to prevent, malocclusion of the teeth and jaws, and irregularities of the teeth;

¹ 2001 c.14

“patient” includes a person who pays or undertakes to pay a charge on behalf of a person to whom a dental appliance is supplied or to whom some other relevant dental service is provided;

“patient record” means a form supplied by the Department for the purpose of maintaining a record of treatment, and may include an electronic form;

“prisoner” means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical and nursing services are provided under the Act by arrangements made by the Department;

“relevant primary dental services” means dental treatment (including urgent treatment and orthodontic treatment) provided and dental appliances and orthodontic appliances supplied –

- (a) under section 31 of the Act;
- (b) under Part 2 of the Act; or
- (c) under a general dental services contract;

“restoration” means a filling, root filling, inlay, porcelain veneer or crown;

“trauma” means damage to teeth, gingival tissues or alveoli caused by a force arising outside the mouth, resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;

“treatment” means all proper and necessary dental treatment which a provider of relevant primary dental services usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventive treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances and orthodontic appliances, orthodontic treatment, the taking of radiographs, the provision of sedation in connection with such treatment, the supply of listed drugs and the issue of prescriptions whether or not provided on referral to the provider of relevant primary dental services;

“urgent treatment” means one or more of the treatments listed in Schedule 4 that are provided to a person in circumstances where –

- (a) prompt care and treatment is provided because, in the opinion of the dental practitioner, that person’s oral health is likely to deteriorate significantly, or the person is in severe pain by reason of their oral condition; and
- (b) care and treatment is provided only to the extent that is necessary to prevent that significant deterioration or address that severe pain,

and “urgent course of treatment” shall be construed accordingly.

2. Charges for the provision of dental services

(1) Subject to paragraph (2) below, a charge of the amount provided for in, and calculated in accordance with, regulation 3 may be made and recovered in respect of –

- (a) the provision of relevant primary dental services; and

- (b) the supply of dental appliances under the Act otherwise than as part of relevant primary dental services.
- (2) No charge shall be made and recovered under paragraph (1) in respect of –
 - (a) a supply under the Act, otherwise than as part of relevant primary dental services, of dental appliances to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of treatment for invasive tumours;
 - (b) a prisoner;
 - © the removal of sutures; or
 - (d) the examination and assessment of a patient,

if at the same time, no other treatment listed in Schedules 1, 2 or 4 is provided and no dental appliances listed in Schedule 3 are supplied.

3. Calculation of charges

(1) Subject to paragraph (6), a Band 1 charge, that is to say a charge of £15.50, may be made and recovered in respect of any course of treatment, the entirety of the components of which are set out in Schedule 1, provided as part of relevant primary dental services.

(2) Subject to paragraph (6), a Band 2 charge, that is to say a charge of £42.40, may be made and recovered in respect of any course of treatment, one or more of the components of which are set out in Schedule 2 provided as part of relevant primary dental services, irrespective of whether the remainder of the components of the course of treatment are set out in Schedule 1.

(3) Subject to paragraph (6), a Band 3 charge, that is to say a charge of £189.00, may be made and recovered in respect of any course of treatment, one or more of the components of which are set out in Schedule 3 provided as part of relevant primary dental services, irrespective of whether the remainder of the components of the course of treatment are set out in Schedules 1 or 2.

(4) A Band 3 charge, that is to say a charge of £189.00, may be made and recovered in respect of dental appliances supplied under the Act otherwise than as part of relevant primary dental services.

(5) A Band 1 charge, that is to say a charge of £15.50, may be made and recovered in respect of any urgent course of treatment, the entirety of the components of which are set out in Schedule 4, provided as part of relevant primary dental services.

(6) For the purposes of paragraphs (1) to (3) and (5) above, only one charge may be made for any one course of treatment or urgent course of treatment provided notwithstanding that a number of individual treatments may be provided or dental appliances or orthodontic appliances supplied during that course of treatment and a number of individual treatments may be provided during that urgent course of treatment.

- (7) Where—
 - (a) during a course of treatment a patient voluntarily withdraws from, or is withdrawn by the provider from, treatment; and
 - (b) at least one of the components of that course of treatment has not been completed,

the charge which may be made and recovered for that course of treatment is the charge which is payable under paragraphs (1) to (3) and (5) of this regulation for the components of the course of treatment which have been completed but not for any components which are incomplete.

(8) Where a dental appliance, an orthodontic appliance or a type of dental treatment is not listed in one of Schedules 1-4, the Department shall determine into which of the Schedules that appliance or treatment should fall so that the charge for a course of treatment or urgent course of treatment, or the supply of a dental appliance under the Act otherwise than as part of relevant primary dental services, can be determined in accordance with paragraphs (1) to (5) above.

4. Effect of referral to another provider of dental services on the calculation of charges

Where a patient has commenced a course of treatment or urgent course of treatment with one provider of relevant primary dental services but is referred to –

- (a) an alternative provider of relevant primary dental services for part of the course of treatment or urgent course of treatment, or
- (b) a hospital or other relevant service provided under Part 2 of the Act for the supply of a dental appliance as part of the course of treatment,

only one charge for the course of treatment or urgent course of treatment calculated in accordance with regulation 3 may be made and recovered from the patient.

5. Circumstances in which charges cannot be made for treatment that occurs after a course of treatment is completed

(1) Subject to paragraph (2), where a provider of relevant primary dental services has provided a restoration to a patient as part of a course of treatment or an urgent course of treatment for which the relevant charge calculated in accordance with regulation 3 has been made, or would have been made if the patient was not exempt from being charged, and within the relevant period that restoration has to be repaired or replaced to secure oral health, no charge may be made or recovered for the repair or replacement of the restoration.

- (2) Paragraph (1) shall not apply where
 - (a) within the relevant period, a person other than the provider of relevant primary dental services who carried out the original restoration has provided treatment on the tooth in respect of which the restoration was provided;
 - (b) the patient was advised at the time of the restoration, and it was recorded on the patient record that –

- (i) the restoration was intended to be temporary in nature, or
- (ii) a different form of restoration was more appropriate but notwithstanding that advice, the patient insisted on the restoration that was provided; or

© the repair or replacement is required as a result of trauma.

(3) In this regulation, “the relevant period” means the 12 month period beginning on the date on which the restoration was provided and ceasing 12 months after that date.

(4) Where a provider of relevant primary dental services has completed a course of treatment other than an urgent course of treatment but within 2 months of that course of treatment being completed, a patient requires, and is provided with, further treatment which falls within the same or a lower charging band, calculated in accordance with paragraphs (1) to (4) of regulation 3, as the previous treatment by the same provider, no charge may be made or recovered in respect of that further treatment.

(5) In paragraph (4), “completed” means the patient has been provided with each and every component of the course of treatment within the time limits set out in the definition of “course of treatment”.

6. Conditions for exemption under the Act

(1) It is a condition of the exemption from charges in respect of the provision of relevant primary dental services or the supply of a dental appliance under the Act otherwise than as part of relevant primary dental services –

- (a) that a written declaration on a form provided for that purpose by the Department shall be made to the effect that that person is, at the relevant date, within one of the specified categories; and
- (b) where the Department so requires, that the specified evidence shall be supplied by or on behalf of that person.

(2) In this regulation “the relevant date” means –

- (a) where dental appliances are supplied under the Act otherwise than as part of relevant primary dental services, the date of the examination leading to the supply of the appliance; or
- (b) where relevant primary dental services are provided, the date of the initial examination and assessment leading to the provision of a course of treatment.

(3) The declaration referred to in paragraph (1)(a) shall be made by the person to whom the services are to be provided, except that where the request for services is made by another person on their behalf it shall be made instead by the person who requests the services.

(4) Nothing in paragraph (1)(b) prevents the Department from accepting evidence other than the specified evidence as establishing that a person is within one of the specified categories.

(5) In this regulation “the specified categories” means the categories of person specified in column 1 of Schedule 5 and “the specified evidence”, in relation to any of those categories, means the evidence specified in relation to it in column 2 of that Schedule.

7. Making and recovery of charges

(1) Where any charge is payable under regulation 3(4) in respect of the supply of a dental appliance under the Act otherwise than as part of relevant primary dental services, the Department

- (a) may, on arranging to supply it, make the appropriate charge;
- (b) may, on supplying it or having it available for supply, recover the appropriate charge from the patient (if it has not previously been paid); and
- © shall, on receiving a sum for payment (in full or in part) of the charge payable under these Regulations, give a receipt for it on a form provided for that purpose by the Department.

(2) A provider of relevant primary dental services, in providing relevant primary dental services for which a charge may be made under regulations 3(1) to (3) or (5) –

- (a) may, on arranging to provide a course of treatment or urgent course of treatment, make the appropriate charge;
- (b) shall require the patient to acknowledge, on the appropriate part of the form supplied for that purpose by the Department, and before that form is sent to the Department, their obligation to pay a charge which is made;
- © may, on completing the course of treatment or urgent course of treatment, recover the charge from the patient (if it has not previously been paid);
- (d) shall, on receiving a sum for payment (in full or in part) of the charge payable under these Regulations, give a receipt for it on a form provided for that purpose by the Department;

(3) Where a provider of relevant primary dental services has commenced a course of treatment or urgent course of treatment with regard to a patient and refers the patient to –

- (a) an alternative provider of relevant primary dental services for part of the course of treatment or urgent course of treatment, or
- (b) a hospital or other relevant service provided under Part 2 of the Act for the supply of a dental appliance as part of that course of treatment,

only the original provider of the relevant primary dental services may make and recover the charge set out in regulation 3 and shall comply with sub-paragraphs (a) to (d) of paragraph 2 above.

(4) Where a declaration has been made under regulation 6(1)(a), but the person about whom the declaration has been made is not at the relevant date within one of the specified categories, and in consequence of the declaration, a charge has not been recovered –

- (a) in respect of relevant primary dental services; or
- (b) in respect of a dental appliance supplied under the Act otherwise than as part of relevant primary dental services,

the Department may recover the charge from the person who made the declaration (whether or not the obligation to pay has been acknowledged).

(5) In this regulation, “relevant date” and “the specified categories” have the same meaning as in regulation 6.

8. Repayment of charges

(1) Where a charge has been paid under these regulations by or on behalf of a person who was at the time of payment exempt from the requirement to pay that charge, an application for repayment of that charge may be made in accordance with paragraph (2) by or on behalf of that person.

- (2) The application for repayment shall –
 - (a) be made to the Department;
 - (b) be made in such form and manner as the Department may determine for the applicant, any class of applicant or applicants generally;
 - (c) be made within 3 months from the date on which the drug or appliance was supplied to the applicant;
 - (d) be accompanied by a receipt for the charge paid and a declaration as to the grounds for exemption.

(3) The Department shall make arrangements for the repayment of any charge paid under these regulations by a person who is entitled to exemption.

9. Charges for replacement in the course of the provision of relevant primary dental services

(1) Where a provider of relevant primary dental services replaces a dental appliance or orthodontic appliance supplied as part of those services and it is determined in accordance with Schedule 6 that the replacement is necessitated by –

- (a) an act or omission on the part of the person supplied; or
- (b) if the act or omission occurred when the person supplied was under 16 years of age, an act or omission of the person supplied or of the person having charge of them when the act or omission occurred,

the provider of relevant primary dental services may make and recover a charge from the relevant person.

(2) The amount of the charge to be made and recovered under paragraph (1) is, subject to paragraph (3), 30% of the Band 3 charge (rounded down, where necessary, to the nearest whole ten pence) as set out in regulation 3(3).

(3) If the Department considers –

- (a) that payment of the full amount of the charge under paragraph (1) would involve undue hardship to the relevant person; or
- (b) that the replacement, though necessitated by the relevant person's act or omission, was not wholly necessitated by lack of reasonable care on their part,

the Department may determine that the charge shall not be payable, or that its amount shall be reduced.

(4) In this regulation, “relevant person” means

- (a) where paragraph (1)(b) applies, the person having charge of the person supplied when the act or omission occurred;
- (b) in any other case, the person supplied.

10. Reduction of remuneration and accounting for charges in relation to providers of relevant primary dental services

The remuneration which would otherwise be payable by the Department to a dentist providing relevant primary dental services shall be reduced by the amount of the charges authorised by these Regulations in respect of those services.

11. Revocations

The National Health Service (Dental Charges) Regulations 2005 are revoked².

Regulation 3(1)

SCHEDULE 1

Band 1 Charges- Diagnosis, treatment planning and maintenance

- a) orthodontic case assessment and report
- c) advice, dental charting, diagnosis and treatment planning
- d) radiographic examination, including panoramic and lateral headplates, and radiological report
- e) study casts including in association with occlusal analysis
- f) colour photographs
- g) instruction in the prevention of dental and oral disease including dietary advice and dental hygiene instruction
- h) surface application as primary preventive measures, sealants and topical fluoride preparations

² SD 279/05

- i) scaling, polishing and marginal correction of fillings.
- j) taking material for pathological examination
- k) adjustments to and easing of dentures or orthodontic appliances
- l) treatment of sensitive cementum

Regulation 3(2)

SCHEDULE 2
Band 2 Charges- Treatment

- a) non-surgical periodontal treatment, including root planning, deep scaling, irrigation of periodontal pockets and subgingival curettage and all necessary scaling and polishing
- b) surgical periodontal treatment, including gingivectomy, gingivoplasty or removal of an operculum
- c) surgical periodontal treatment, including raising and replacement of a mucoperiosteal flap, curettage, root planning and bone resection
- d) free gingival grafts
- e) permanent fillings in amalgam, composite resin, synthetic resin, glass ionomer, compomers, silicate or silico- phosphate, including acid etch retention
- f) sealant restorations
- g) endodontic treatment of permanent or retained deciduous teeth
- h) pulpotomy
- i) apicectomy
- j) extraction of teeth
- k) transplantation of teeth
- l) oral surgery including surgical removal of cyst, buried root, unerupted tooth, impacted tooth or existed tooth and alveolectomy
- m) soft tissue surgery in relation to the buccal cavity and lips
- n) frenectomy, frenoplasty and frenotomy
- o) relining and rebasing dentures including soft linings
- p) addition of tooth, clasp, labial or buccal flange to dentures
- q) splints (other than laboratory fabricated splints) in relation to periodontally compromised teeth and in connection with external trauma
- r) bite raising appliances (other than laboratory fabricated appliances)

Regulation 3(3)

SCHEDULE 3
Band 3 Charges- Provision of Appliances

- a) porcelain, composite or acrylic mastique veneers, including acid etch retention

- b) inlays, pinlays, onlays and palatal veneers, in alloys containing 60% or more fine gold, porcelain, composite resin and ceramics

Crowns including any pin or post aids to retention

- c) full or three quarter crown cast in alloys containing not less than 33 $\frac{1}{3}$ % fine gold or platinum and palladium
- d) full or jacket crown cast in alloys containing stainless steel or cobalt chromium or nickel chromium
- e) crown in porcelain, synthetic resin and other non-metallic crowns
- f) full or jacket crowns in alloys containing not less than 33 $\frac{1}{3}$ % fine gold or platinum or palladium, or alloys containing stainless steel or cobalt chromium or nickel chromium, with thermally bonded porcelain
- g) jacket crown thermally bonded to wrought platinum coping
- h) prefabricated full or jacket crown, including any pin or post retention
- i) crowns in other materials

Bridges including any pin or post aids to retention

- j) bridges in alloys containing 60% or more fine gold with or without thermally bonded facings
- k) bridges cast in alloys containing stainless steel, cobalt chromium or nickel chromium, with or without thermally bonded facings
- l) acid etch retained bridges
- m) bridges in other materials
- n) provision of full (complete) or partial dentures and obturators in synthetic resin and/or metal, including any cast or wrought metal components or aids to retention
- o) orthodontic treatment and appliances
- p) other custom made appliances excluding sports guards

Regulation 3(5)

SCHEDULE 4

Urgent Treatment under Band 1 Charge

- a) radiographic examination and radiological report
- c) dressing of teeth and palliative treatment
- d) pulpectomy or vital pulpotomy
- e) re-implantation of a luxated or subluxated permanent tooth following trauma including any necessary endodontic treatment
- f) repair and refixing of inlays and crowns
- g) refixing a bridge
- h) temporary bridges
- i) extraction of not more than 2 teeth
- j) provision of post-operative care including treatment of infected sockets

- k) adjustment and alteration of dentures or orthodontic appliances
- l) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitis or for ulcers and herpetic lesions, and any necessary oral hygiene inspection in connection with such treatment
- m) treatment of sensitive cementum or dentine
- n) incising an abscess
- o) other treatment immediately necessary as a result of trauma
- n) not more than 1 permanent filling in amalgam, composite resin, synthetic resin, glass ionomer, compomers, silicate or silico-phosphate including acid etch retention

Regulation 6

SCHEDULE 5

Exemptions- Categories and Evidence

<i>Category</i>	<i>Evidence</i>
1. A person under 18 years of age.	1. The person's birth certificate
2. A person under 19 years of age and receiving qualifying full-time education.	2. The person's birth certificate and a document signed by the principal or other appropriate officer of the recognised educational establishment
3. A women over 60 years of age on the 1 st July 2005	3. The person's birth certificate
4. A person over 65 years of age	4. The person's birth certificate
5. A woman who is pregnant or has given birth within the previous 12 months.	5. A certificate, signed by a registered medical practitioner or a registered midwife, as to the pregnancy or the child's birth certificate.
6. A person receiving income support under the Social Security Contributions and Benefits Act 1992 (an Act of Parliament) ³ , as it has effect in the Island ⁴	6. Documentary evidence of entitlement issued by the Department
7. A person accepted for the award of a war disablement pension	7. Documentary evidence of entitlement
8. A registered blind person	8. Documentary evidence of entitlement

³ 1992 c.4

⁴ SD 505/94

SCHEDULE 6

Manner of determining Charge for Replacement

1. Where the Department, on considering a claim submitted for the approval of a free replacement of a dental appliance or an orthodontic appliance supplied in the course of the provision of relevant primary dental services, considers that there are grounds for believing that –

- (a) the replacement is necessitated by such an act or omission as is referred to in regulation 9(1); or
- (b) the replacement, although necessitated by such an act or omission as is referred to in regulation 9(1), was not wholly necessitated by a lack of reasonable care as referred to in regulation 9(3)

it may investigate the matter.

2. The Department may make such inquiry into any matter falling within paragraph 1 as it thinks fit and if either –

- (a) in the Department's opinion the circumstances so require; or
- (b) the person supplied or (if they are under 16 years of age) the person in charge of them so requires,

the inquiry shall take the form of an oral hearing by a committee appointed by the Department for the purpose.

3. The Department having considered any report made by the committee under paragraph 2 –

- (a) shall determine whether the replacement is necessitated by an act or omission on the part of the person supplied or (if the act or omission occurred when the person supplied was under 16 years of age) of the person having charge of them when the act or omission occurred; and
- (b) if it is so necessitated, shall determine whether the replacement was not wholly necessitated by a lack of reasonable care as referred to in regulation 9(3); and
- © if it is so necessitated, shall determine, in accordance with regulation 9(2) and (3), the amount of the charge to be made and recovered.

4. The Department shall communicate their determination to

- (a) the relevant person (within the meaning of regulation 9(4)); and
- (b) the provider of relevant primary dental services replacing the dental appliance or orthodontic appliance.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the National Health Service (Dental Charges) Regulations 2005. They provide for the making and recovery of charges for the provision of dental treatment and the supply of dental appliances under the National Health Service Act 2001.

The Regulations provide for charges for the following:-

- the provision of dental treatment, including urgent treatment and orthodontic treatment, and the supply of dental and orthodontic appliances by a provider of relevant primary dental services (regulation 2);
- the replacement, as part of relevant primary dental services, of a dental or orthodontic appliance lost or damaged by an act or omission of the patient (regulation 9 and Schedule 6).

Regulation 2(2) sets out a number of circumstances in which no charge may be made and recovered for the provision of dental treatment or the supply of dental appliances under the Act.

Regulation 3 sets out the applicable charges and the system for calculating those charges. Where a patient receives a course of treatment (which may include the supply of dental or orthodontic appliances) from a provider of relevant primary dental services, the charge that will be payable for that course of treatment, if none of the exemptions from charging apply, will be determined by examining the Schedules to the Regulations which list the components of courses of treatment.

The Regulations provide

- that only one charge for a course of treatment may be made and recovered even if provided by more than one provider (regulation 4);
- for circumstances in which charges cannot be made and recovered for both treatment provided after a course of treatment is complete and for the repair or replacement of a restoration (regulation 5);
- conditions for statutory exemptions from charges (regulation 6 and Schedule 5);
- for the procedure for making and recovering charges due under the Regulations (regulation 7);

- for the repayment of charges which have been paid where a person has the benefit of a statutory exemption but has not complied with the conditions in regulation 6 (regulation 8);
- for a reduction in the remuneration of a provider of relevant primary dental services by the amount of the charges payable under the Regulations, and
- for a dental practitioner, remunerated by the Department, who is providing relevant primary dental services themselves, to account for, and pay to, the Department the amount of the charges they have recovered from patients under these Regulations (regulation 9).