

Explanatory Memorandum to the National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2012

This Explanatory Memorandum has been prepared by the Dental Division of the Directorate of Public Health and Health Professions and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2012.

Lesley Griffiths

Minister for Health and Social Services

17 July 2012

1. Description

These Regulations amend the National Health Service (Dental Charges) (Wales) Regulations 2006.

2. Matters of special interest to the Constitutional Affairs Committee

None.

3. Legislative background

The National Health Service (Dental Charges) (Wales) Regulations 2006 provide for the making and recovery of charges for dental treatment and the supply of dental services. Sections 125 and 126 of the NHS (Wales) Act 2006 specify that Regulations may provide for the making and recovery of charges for relevant dental services. These powers are powers of the Welsh Ministers.

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

This instrument will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

Prior to 2006, dental fees in Wales were increased each year in line with the Doctors' and Dentists' Review Body (DDRB) uplift to fees subject to a maximum patient charge of £354.00. Under the current system charges are set independently of the DDRB uplift to dentist's contract values.

Since April 2006 the level of patient charges in Wales has remained at:

Band 1 – Diagnosis, treatment planning and maintenance	£12
Band 2 – Treatment	£39
Band 3 – Provision of appliances	£177
Urgent treatment	£12

The purpose of these Regulations is to facilitate the increase to the applicable charge payable for a Band 1, Band 2 and Urgent course of treatment for 2012/13. The Band 3 course of treatment remains unchanged and is not subject to any increase.

5. Consultation

Local Health Boards (LHBs) are responsible for the provision of dental services to meet local needs and the wider oral health agenda. This gives LHBs the ability to develop services to reflect local requirements and priorities. This must be achieved through a finite general dental budget.

A Consultation exercise has not been undertaken. The dental budget allocations for LHBs are ring-fenced and net of patient charges. So when patient charges are increased this will generate more charge income for LHBs.

Dental charges represent an important contribution to the overall cost of dental services. The amount raised will be dependent upon the level and type of primary care dental services provided by LHBs, the proportion of fee paying patients who access NHS dental services and the complexity of the treatment they receive.

The additional income raised will be re-invested into improving NHS dental services.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as the Regulations simply increase a statutory fee by a predetermined formula.

Patient charges are kept under annual review with consideration given to the provision of services, affordability and a number of factors including the Consumer Price Index and the Rate of Inflation.