



NATIONAL HEALTH SERVICE (DENTAL CHARGES) REGULATIONS 2015

Index

| Regulation | Page |
|---|---------------|
| 1 Title | 3 |
| 2 Commencement | 3 |
| 3 Interpretation..... | 3 |
| 4 Charges for the provision of dental services..... | 5 |
| 5 Calculation of charges..... | 6 |
| 6 Circumstances in which charges cannot be made for treatment that occurs after a course of treatment is completed | 6 |
| 7 Conditions for exemption under the Act | 7 |
| 8 Making of charges | 8 |
| 9 Repayment of charges..... | 9 |
| 10 Charges for replacement of appliances | 9 |
| 11 Reduction of remuneration and accounting for charges in relation to providers..... | 10 |
| 12 Revocations..... | 10 |
| SCHEDULE 1 | 11 |
| BAND 1 CHARGES – DIAGNOSIS, TREATMENT PLANNING AND MAINTENANCE | 11 |
| SCHEDULE 2 | 12 |
| BAND 2 CHARGES – TREATMENT | 12 |
| SCHEDULE 3 | 13 |
| BAND 3 CHARGES – PROVISION OF APPLIANCES | 13 |
| SCHEDULE 4 | 14 |
| URGENT TREATMENT UNDER BAND 1 CHARGE | 14 |

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*National Health Service Act 2001*

NATIONAL HEALTH SERVICE (DENTAL CHARGES) REGULATIONS 2015

Approved by Tynwald: 17 march 2015
Coming into Operation: 1 April 2015

The Department of Health and Social Care, after having consulted as required by section 42(5) of the National Health Service Act 2001, makes the following Regulations under section 32(1) of that Act.

1 Title

These Regulations are the National Health Service (Dental Charges) Regulations 2015.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 April 2015¹.

3 Interpretation

In these Regulations —

“**the Act**” means the National Health Service Act 2001 and a reference to a numbered Part or section is to the Part or section of the Act so numbered;

“**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 any treatment to be provided to that patient as a result of that examination and assessment; and
- (b) the provision of the planned treatment (including any treatment planned at a time other than at the time of the initial examination) to the patient up to the date on which —

¹ Tynwald approval is required by section 42(1).

- (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- (ii) the patient either voluntarily withdraws from, or is withdrawn by a provider from treatment,

by one or more providers;

“**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;

“**patient**” means a person to whom relevant dental services are provided and in relation to the payment of a charge, includes a person who pays or undertakes to pay a charge on behalf of that person;

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

“**pensionable age**” has the same meaning as in the rules in paragraph (1) of Schedule 4 to the Pensions Act 1995² as it has effect in the Isle of Man;

“**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;

“**provider**” means a provider of relevant dental services;

“**relevant dental services**” means dental treatment (including urgent treatment and orthodontic treatment) provided and dental appliances and orthodontic appliances supplied, under the Act;

“**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 usually undertakes for a patient and which the patient is willing to undergo, including —

- (a) examination
- (b) diagnosis;
- (c) advice on and planning of treatment;

² 1995 c.26 (of Parliament), see SD 501/97

- (d) preventative care and treatment;
- (e) periodontal treatment;
- (f) conservative treatment;
- (g) surgical treatment;
- (h) the supply and repair of dental appliances and orthodontic appliances;
- (i) orthodontic treatment;
- (j) the taking of radiographs;
- (k) the provision of sedation in connection with such treatment; and
- (l) the supply of listed drugs and the issue of prescriptions whether or not provided on referral to a provider; and

“**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 provider, 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 to address that severe pain,

and “**urgent course of treatment**” is to be construed accordingly.

4 Charges for the provision of dental services

- (1) Subject to paragraph (2), a charge specified in regulation 5 may be made in respect of the provision of relevant dental services.
- (2) No charge is to be made under paragraph (1) if —
 - (a) a person qualifies for an exemption under regulation 7;
 - (b) a written declaration of entitlement of exemption has been completed and submitted on a form provided for that purpose by the Department; and
 - (c) when the Department so requires, evidence to support entitlement of exemption has been supplied by or on behalf of that person.
- (3) The declaration referred to in paragraph (2) must 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 must be made instead by the person who requests the services.

5 Calculation of charges

- (1) Subject to paragraph (5), a Band 1 charge, that is to say a charge of £18.50, may be made in respect of any course of treatment, the entirety of the components of which are set out in Schedule 1.
- (2) Subject to paragraph (5), a Band 2 charge, that is to say a charge of £50.50, may be made in respect of any course of treatment, one or more of the components of which are set out in Schedule 2, irrespective of whether the remainder of the components of the course of treatment are set out in Schedule 1.
- (3) Subject to paragraph (5), a Band 3 charge, that is to say a charge of £219, may be made in respect of any course of treatment, one or more of the components of which are set out in Schedule 3, irrespective of whether the remainder of the components of the course of treatment are set out in Schedules 1 or 2.
- (4) A Band 1 charge, that is to say a charge of £18.50, may be made in respect of any urgent course of treatment, the entirety of the components of which are set out in Schedule 4.
- (5) For the purposes of paragraphs (1) to (4) above, only one charge may be made for any single course of treatment or urgent course of treatment provided, regardless of whether a number of individual treatments may be provided or dental appliances or orthodontic appliances supplied during that single course of treatment or urgent course of treatment.
- (6) If –
 - (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 for that course of treatment is the charge which is payable under paragraphs (1) to (4) of this regulation for the components of the course of treatment which have been completed but not for any components which are incomplete.
- (7) If a dental appliance, an orthodontic appliance or a type of dental treatment is not listed in Schedules 1 to 4, the Department shall determine into which Schedule that appliance or treatment should fall so that the charge can be determined.

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

- (1) Subject to paragraph (2), if a provider 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 5 has been made, or would have been made if the patient was not exempt

from being charged in accordance with regulation 7, and within the relevant period that restoration has to be repaired or replaced to secure oral health, no charge may be made for the repair or replacement of the restoration.

- (2) Paragraph (1) does not apply if –
 - (a) within the relevant period, a person other than the provider 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 despite that advice, the patient insisted on the restoration that was provided; or
 - (c) the repair or replacement is required as a result of trauma.
- (3) Where a provider has completed a 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 as the previous treatment provided by the same provider, no charge may be made in respect of that further treatment.
- (4) In this regulation –
 - (a) **“completed”** means the patient has been provided with each and every component of the course of treatment within the time limits provided in the definition of **“course of treatment”**; and
 - (b) **“the relevant period”** means a 12 month period beginning on the date on which the restoration was provided.

7 Conditions for exemption under the Act

- (1) No charge shall be payable in respect of the provision of relevant dental services by a person of one of the following kinds who has signed a declaration in accordance with regulation 4(2)(b) –
 - (a) a person who is under 16 years of age;
 - (b) a person who is under 19 years of age and receiving qualifying full-time education;
 - (c) a person who has attained pensionable age;
 - (d) a woman who is pregnant or has given birth within the previous 12 months;
 - (e) a person who is receiving one of the following –

- (i) income support under section 124 of the Social Security Contributions and Benefits Act 1992³ as it has effect in the Island (“**the 1992 Act**”);
 - (ii) income-based jobseeker’s allowance under section 3 of the Jobseekers Act 1995⁴ as it has effect in the Island; or
 - (iii) employed person’s allowance under section 128 of the 1992 Act;
 - (f) a person accepted for the award of a war disablement pension;
 - (g) a prisoner; or
 - (h) a person who is severely visually impaired as defined in regulation 12 of the Social Security (Disability Living Allowance) Regulations 1991⁵ as it has effect in the Island.
- (2) An exemption by reference to age is to be determined by reference to the age on the day on which the date of the initial examination and assessment took place.
- (3) A person who wishes to claim entitlement to exemption under paragraph (1) must provide any declaration of entitlement required under regulation 4(2)(c).

8 Making of charges

- (1) A provider may, in accordance with regulation 4, make the appropriate charge –
- (a) on arranging to provide;
 - (b) during; or
 - (c) on completion of,
- a course of treatment or urgent course of treatment.
- (2) A provider must –
- (a) 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 any charge which is made; and
 - (b) on receiving a sum for payment (in full or part) of the charge payable under these Regulations, give a receipt for it.
- (3) Where a provider has commenced a course of treatment or urgent course of treatment and refers a patient to an alternative provider for part or all of the remainder of that treatment, only the original provider may make the charge and must comply with paragraphs (1) and (2) above.

³ 1992 c.4 (of Parliament), see SD 505/94.

⁴ 1995 c.18 (of Parliament), see SD 8/96.

⁵ SI 1991/2890, see GC 129/92.

- (4) If a declaration has been made under regulation 4(2)(b), but the person about whom the declaration has been made is not exempt under regulation 7 on the date of the initial examination and assessment, and in consequence of the declaration, a charge has not been made, the Department may charge the person who made the declaration (whether or not the obligation to pay has been acknowledged).

9 Repayment of charges

- (1) If 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 must —
 - (a) be made to the Department;
 - (b) be made in such form and manner as the Department may determine;
 - (c) be made within 3 months from the date on which the course of treatment or urgent course of treatment was completed; and
 - (d) be accompanied by a receipt for the charge paid and a written declaration as to the grounds for exemption.
- (3) The Department must make arrangements for the repayment of any charge paid under these regulations by a person who is entitled to exemption.

10 Charges for replacement of appliances

- (1) If a provider replaces a dental appliance or orthodontic appliance supplied to a person as part of relevant dental services and it is determined by the provider that the replacement is necessitated by —
 - (a) an act or omission on the part of the person; or
 - (b) if the act or omission occurred when the person was under 16 years of age, an act or omission of the person or of the person having charge of them when the act or omission occurred,the provider may make a charge from the relevant person.
- (2) The amount of the charge to be made and recovered under paragraph (1) is —
 - (a) if the relevant person is exempt under regulation 7, 10% of the Band 3 charge as set out in regulation 5(3); or
 - (b) in any other case, 30% of the Band 3 charge as set out in regulation 5(3).
- (3) If necessary, the amount calculated in accordance with paragraph (2) is to be rounded down to the nearest whole ten pence.

- (4) In this regulation, “**relevant person**” means —
- (a) where paragraph (1)(b) applies, the person having charge of the person when the act or omission occurred; or
 - (b) in any other case, the person supplied.

11 Reduction of remuneration and accounting for charges in relation to providers

Any remuneration which would otherwise be payable by the Department to a provider in respect of the provision of relevant dental services, is to be reduced by the amount of any charges which the provider is authorised to make in accordance with these Regulations.

12 Revocations

The following are revoked —

- (a) The National Health Service (Dental Charges) Regulations 2006⁶;
- (b) National Health Service (Dental Charges) (Amendment) Regulations 2010⁷; and
- (c) National Health Service (Dental Charges) (Amendment) (No. 2) Regulations 2013⁸.

MADE

HOWARD QUAYLE
Minister for Health and Social Care

⁶ SD 100/06

⁷ SD 510/10

⁸ SD 0117/13



SCHEDULE 1**BAND 1 CHARGES – DIAGNOSIS, TREATMENT PLANNING AND
MAINTENANCE**

[Regulation 5]

- a) clinical examination, case assessment and report
- b) 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 preventative measures, sealants and topical fluoride preparations
- 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

SCHEDULE 2**BAND 2 CHARGES – TREATMENT**

[Regulation 5]

- a) non-surgical periodontal treatment, including root planing, 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 planing 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 exostosed 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)

SCHEDULE 3**BAND 3 CHARGES – PROVISION OF APPLIANCES**

[Regulation 5]

- a) laboratory fabricated or composite 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% fine gold or platinum or 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 crown in alloys containing not less than 33% 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

Bridges including any pin or post aids to retention

- i) bridges in alloys containing 60% or more fine gold with or without thermally bonded facings
- j) bridges cast in alloys containing stainless steel, cobalt chromium or nickel chromium, with or without thermally bonded facings
- k) acid etch retained bridges
- l) bridges in other non-metallic materials
- m) 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
- n) orthodontic treatment and appliances
- o) other custom made appliances excluding sports guards

SCHEDULE 4**URGENT TREATMENT UNDER BAND 1 CHARGE**

[Regulation 5]

- a) examination, assessment and advice
- b) 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 or 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
- p) not more than 1 permanent filling in amalgam, composite resin, synthetic resin, glass ionomer, compomers, silicate or silico-phosphate including acid etch retention

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations revoke and replace the National Health Service (Dental Charges) 2006, as amended. They provide for the making of charges for the provision of dental treatment and the supply of dental appliances under the National Health Service Act 2001.

These Regulations provide 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 dental services.
- the replacement, as part of relevant dental services, of a dental or orthodontic appliance lost or damaged by an act or omission of a patient.

Regulation 4 (with regulation 7) sets out a number of circumstances in which no charge may be made for the provision of dental treatment or the supply of dental appliances under the Act.

Regulation 5 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, 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.

These Regulations provide —

- that only one charge for a course of treatment may be made even if provided by more than one provider (regulation 8);
- for circumstances in which charges cannot be made for both treatment provided after a course of treatment is complete and for the repair or replacement of a restoration (regulation 6);
- conditions for statutory exemptions from charges (regulation 7);
- for the procedure for making charges due under Regulations (regulation 8);
- for the repayment of charges which have been paid where a person has the benefit of statutory exemption but has not complied with the conditions in regulation 6 (regulation 9); and
- for a reduction in the remuneration of a provider by the amount of the charges payable under the Regulations (regulation 11).