

## **Guidance for GDS Practitioners: Dealing with Practice Changes**

Practices may change ownership or close, dentists may leave, be suspended by the GDC, become ill, retire or die. Changes may be planned or unplanned and there are different responsibilities depending on the circumstances. The first priority is to ensure continuity of care for the patients and comply with legislative requirements.

This guidance aims to set out what action is required and by whom in relation to any change.

### **Unplanned Change/Practice Closure without Transfer of patients**

In the case of an unplanned change where patients have no continuing care arrangements in place the responsibility for providing these usually falls to the Health & Social Care Board (HSCB). The following process will be implemented:

- The HSCB will instigate communication with the dentist with whom the patients were registered, to discuss the management of the patient list.
- The HSCB will contact practices in the area to determine which will accept some or all of the affected patients. Practices will respond in writing.
- The HSCB will write to the affected patients (from a list of registered patients generated by the BSO) explaining the situation and offering a choice of local dentists accepting patients.
- The HSCB letter includes a 'GDS Patient Transfer form' allowing the patient to indicate which local dentist from the list they wish to transfer to.
- The BSO processes all completed and returned GDS Patient Transfer forms. Patients who do not reply are automatically deregistered and are free to make their own arrangements with whichever practice is willing to accept them.
- In the case of a specialist practice, where patients are not registered with the practice, the specialist practitioner(s) should contact the local Health and Social Care Board (HSCB) office for advice on the process to follow.

Note: The above process can be disruptive for patients and must be avoided where possible.

**Storage and Security of Patient Records:** The owner or principal of the practice will in most cases be the Data Controller for the purposes of the Data Protection Act 1998 (DPA) and is therefore legally responsible for adhering to all statutory responsibilities placed on him/her by the Act which cover all aspects of data collection, use, storage, transfer, security (electronic and manual) and disposal.

When a dental practice closes, the Data Controller still has responsibility for the security of the information and the patient's right of access to their information. They should consult the Act for a timeline and a summary of their responsibilities. As the patients right of access to their information remains in force, it is essential that as well as securing any patient information, that the Data Controller also establishes a mechanism by which former Patients can access copies of their Dental Information after the business has ceased to operate from its former site/location if they so wish. For further information, please see HSCB Dental Data Protection Leaflet [http://www.hscbusiness.hscni.net/pdf/HSCB Dental Data Protection Leaflet 2013\(1\).pdf](http://www.hscbusiness.hscni.net/pdf/HSCB_Dental_Data_Protection_Leaflet_2013(1).pdf)

### **Planned Change/Practice Closure/Practice Sale & Transfer of Patients**

A planned change involving all relevant parties is the preferred approach.

There are three key groups who need to be involved in any planned practice change:

1. Dentists and Practice staff
2. HSCB and other bodies (BSO, RQIA, NIMDTA, GDC)
3. Patients

There are a number of actions which need to be taken and these are detailed in Appendix 1 below. In the event of the planned **closure** of a specialist practice, the actions in both Appendices 1 and 2 must be followed. Completion of these actions in a timely and co-ordinated manner should ensure practice changes are implemented smoothly and effectively for all affected parties.

## Appendix 1 : ACTIONS TO BE TAKEN IN THE EVENT OF A PRACTICE CHANGE

Action	Details	Responsible Practitioner(s)
<p><b>1. Notify the HSCB</b></p>	<p>In line with the GDS Regulations NI 1993 (below) a dentist leaving the NI dental list should notify the HSCB. If a dentist is leaving the NI list to work as a dentist in an alternate employing organisation, the new employer will often ask HSCB for a reference. A failure to comply with the GDS Regulations would be mentioned in that reference. Notification should be made to the local HSCB Office by email:</p> <p>South – Andy Gregg <a href="mailto:andrew.gregg@hscni.net">andrew.gregg@hscni.net</a>            Belfast and South East – Seán Woods <a href="mailto:sean.woods@hscni.net">sean.woods@hscni.net</a>            West – Tom Coyle <a href="mailto:tom.coyle@hscni.net">tom.coyle@hscni.net</a>            North – Marlene Drummond <a href="mailto:marlene.drummond@hscni.net">marlene.drummond@hscni.net</a></p> <p>Included in the email should be :</p> <ul style="list-style-type: none"> <li>• The name &amp; contact details of the departing dentist</li> <li>• The name &amp; address of their current place of work</li> <li>• The circumstances, i.e. , leaving practice, transfer of list, resignation from list, EDI change, 24 hour retirement, sale of practice, maternity leave, locum cover,</li> <li>• The anticipated timescales</li> <li>• The arrangements for continuity of care, e.g. block transfer of patients to new dentist, existing associate, locum etc.,</li> <li>• Details of how patients will be informed, e.g. posters, letters, newspaper notice</li> <li>• Details of any trainees/assistants affected.</li> </ul> <p>GDS Regulations NI 1993 Withdrawal from dental list:            10.-(1) Where a dentist wishes to withdraw his name from the dental list-            (a) he shall give 3 months' notice in writing to the Board, or such shorter period as he may agree with the Board, before the date on which he wishes his name to be removed from the dental list; and            (b) subject to paragraph (2), the Board shall remove the dentist's name from the dental list on the expiry of the period of notice given under sub-paragraph (a).</p>	<p>Retiring Dentist/            departing dentist/            Seller of a Practice</p>
<p><b>2. Notify the BSO</b></p>	<p>The same details as per 1. above should be forwarded to the Business Services Organisation (BSO) Dental Team, contactable on 028 9536 3769.</p>	<p>Retiring/            leaving dentist/            Seller of Practice</p>



	<ul style="list-style-type: none"> <li>• For Prior Approval cases the above process should be followed with a declaration in the “Observations” section of both claims for payment that the case was approved through the Prior Approval process. Practitioners should ensure that patients are not charged in excess of the maximum patient charge for the <b>entire</b> course of treatment provided.</li> <li>• For orthodontic cases and other complex cases practitioners are advised to contact the HSCB for further guidance prior to any transfer or handover.</li> <li>• The new DS number makes it much simpler for all the parties involved to differentiate what payments should be allocated to prior and post a transfer/ sale; the BSO are unable to separate payments any other way. This process also allows accurate calculation of superannuation payments.</li> </ul> <p>GDS Regulations 1993 Schedule 2 Part II Para. 11  Termination of a continuing care arrangement or capitation arrangement  11.-(1) Subject to sub-paragraphs (4) and (7) and paragraph 11A, a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.  (2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.  (3) Where a dentist gives notice under sub-paragraph (1), he shall notify the Agency accordingly and give details to the Agency of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.</p>	
<b>5. Manage Trainee/Assistants Arrangements</b>	<p>When a training dentist is leaving a practice where there are dental foundation trainees (DFT) affected, it is important that arrangements are made for the patients to be transferred as BSO will cease the DF1 number at the end of the DFT contract and the patients will therefore be deregistered. The BSO Dental Team should be notified via the email in 2. (above) of any trainees.</p> <p>For the same reasons as for trainees arrangements should be made for assistants to work under another dentist if they have been working under the departing dentists DS number.</p>	Leaving Trainers/ Retiring Trainers/ departing dentist with assistants

<p><b>6. Notify RQIA</b></p>	<p>In the case of a practice sale the current owner, i.e. the responsible person, should notify RQIA of the intended sale and their intention to deregister. See attached FAQ sheet:</p> <p><a href="http://www.rqia.org.uk/cms_resources/Frequently_Asked_Questions_and_Registration_Guidance_for_Dental_Providers.pdf">http://www.rqia.org.uk/cms_resources/Frequently_Asked_Questions_and_Registration_Guidance_for_Dental_Providers.pdf</a></p> <p>The new owner/provider is required to make a full application for registration and to complete the vetting process regardless of whether they are currently registered with the RQIA. Further information can be provided, in confidence, from Lynn Long on: 028 9051 7500 or at Lynn.Long@rqia.org.uk. Postal address is Lynn Long, Senior Inspector, RQIA, Riverside Tower, Lanyon Place, Belfast, BT1 3BT.</p>	<p>Seller of a practice &amp; New practice owner</p>
<p><b>7. Notify Patients</b></p>	<p>Under the Data Protection Act 1998 each patient on a dentist's list is a 'data subject' and their details are 'sensitive personal data'.</p> <p>The 'data controller' (usually the owner/principal dentist), is responsible for all aspects of data use, storage, transfer, security and disposal. When the data controller changes all data subjects should be informed. If a data controller is leaving then they are required to inform all patients of the practice of the changes.</p> <p>Temporary/minor changes within a practice can be communicated to patients informally, e.g. when an associate or assistant leaves only their patients need to be informed.</p> <p>However as the leaving dentist is also the "Data Controller" and patients are being block transferred, all patients of the practice must be informed prior to the transfer and given the opportunity to 'opt in' to the proposed new arrangement. Should they wish to opt in they need take no further action. The list transfer is facilitated by the use of the HS50 form (as per point 4 above). Patients who indicate that they do not wish to 'opt in' should be advised that they may opt out by registering with another practice of their choice.</p> <p>Dental Associates and practice staff should be fully aware of the changes and be able to accurately advise patients of how these will affect their registration and on-going care with the practice.</p>	<p>Seller of a practice/ departing dentist</p>

	<p>Patient communication should ideally be by both the departing and the new dentist, preferably in agreement. Depending on the extent of the change, as many of the following methods as deemed necessary to reach the majority of patients should be adopted.</p> <ul style="list-style-type: none"> <li>• A notice in the waiting area.</li> <li>• Text/email/postal message explaining the proposal and giving patients details on how to opt in.</li> <li>• Verbal explanation by practice staff when patients contact the practice to make appointment.</li> <li>• Notification via local media - in the case of practice closure or new ownership.</li> <li>• Social media/practice website.</li> </ul>	& New practice owner/existing associates/ Dental Team
<b>8. Dispose of Prescription pads</b>	<p>A departing dentist should ensure any unused prescription pads are disposed of in line with HSCB Guidance. This is available at the following link:  <a href="http://www.hscbusiness.hscni.net/pdf/Process_for_disposal_of_Health_Service_prescriptions_HS_21_D_April_2016(2).pdf">http://www.hscbusiness.hscni.net/pdf/Process_for_disposal_of_Health_Service_prescriptions_HS_21_D_April_2016(2).pdf</a></p>	Leaving/ Retiring dentist
<b>9. Notify Out of Hours Provider</b>	<p>A departing dentist who is on any Relief of Dental Pain Rota at Belfast City Hospital, Craigavon Area Hospital or Dalriada Urgent Care (DUC), and is leaving the area should contact DUC for a Leaver's form and provide 3 months notice of their departure from the rota. 028 2566 3502  <a href="mailto:info@dalriadacare.org">info@dalriadacare.org</a></p>	Any dentist withdrawing from OOH rota
<b>10. Notify the GDC</b>	<p>Any practitioner withdrawing from the register must inform the GDC – to avoid appearing on the next calendar year's "GDC Removals due to Non Payment list".  <a href="http://www.gdc-uk.org/Dentalprofessionals/Updatingyourdetails/Pages/default.aspx">http://www.gdc-uk.org/Dentalprofessionals/Updatingyourdetails/Pages/default.aspx</a></p>	Retiring dentists/dentist leaving the UK
<b>11 Other</b>	<p>Practitioners will need to consider the implications of any practice sale or change of ownership on the payment of allowances such as Practice Allowance, Reimbursement of Non-Domestic Rates etc. Such matters should be included in any change of ownership contract and must be consistent with the requirements as set out in the SDR.</p>	Seller of a practice & New practice owner

## **Appendix 2**

### **Actions for specialist practices/practitioners in the case of a practice closure**

#### **Information to be provided to the local HSCB office**

1. Compile a list of all patients currently under assessment/treatment with the contractors in the practice
  - Identify the number of these patients whose treatment will be completed by the date of closure
  - Identify the number of these patients whose treatment will not be completed by the date of closure
  - In the case of an orthodontic specialist practice, identify the number of patients in a period of retention and provide a date for the completion of the retention period.
2. Confirmation that all patients recently discharged have been appropriately returned to the care of the referring general dental practitioner(GDP)
3. A copy of the template letter to all referring dentists informing them of the practice closure, listing the outstanding treatment required for their patient (i.e. active treatment; and in the case of an orthodontic specialist practice to include retention) and outline the agreed arrangements for completion of the patient's care.
4. Confirmation of the date when referrals ceased to be accepted and also confirm that recent referrals have been returned to GDPs with relevant advice.
5. Confirmation that the arrangements for the disposal of all HS21D prescription pads in the practice have been carried out. See Appendix 1 section 8 for details.
6. Confirmation that existing Out of Hours emergency arrangements will remain in place for patients until the date of practice closure; and be available on all usual means of communication with the patients e.g. answering machine, window display, practice website, social media.
7. Confirmation that each patient has received a letter outlining the arrangements to complete active treatment and /or supervise retention for up to a year from completion of active treatment (orthodontic specialist practice). Please provide a copy of the template letter.
8. Confirmation by the practice principal/registered person, the Data Controller, that suitable arrangements are in place for patients to access their information, after the closure of the practice, under the provisions of Section 7 of the Data Protection Act 1998. The contact details of an appropriate person/staff member should be available to patients/parents/guardians if they wish to have access to a copy of their records.
9. Confirmation from the Data Controller, in the case where a transfer of any manual records (from the location where the records currently reside), is necessitated, that this is managed directly to the new location at which the records are to be secured, in a locked vehicle or by secure courier.