

Roles and Responsibilities of a Dental Practitioner in relation to the Employment of an Assistant

The Health & Social Care Board (HSCB) wishes to remind practitioners of the particular roles and responsibilities, under the GDS Terms of Service, on the part of the Employer of an Assistant. These are:

- **On Commencement of Employment of an Assistant**

On commencement of employment the employer must notify the Board of the arrangement within 7 days and each month the Employer must complete and submit to BSO Payments Office a GDS – Assistant Salary form. This must be signed by both the employer and the Assistant.

- **On Cessation of Employment of an Assistant**

On ceasing to employ the assistant, the employer must notify the Board within 7 days of the cessation of that employment.

- **On Withdrawal from the Dental List by the Employer of an Assistant**

If, at any stage, a dental contractor (i.e. an associate or principal) wishes to withdraw his/her name from the dental list, they must give 3 months' notice in writing to the Board and also inform the Board of any Assistant and/or Associate agreements that may be affected by the withdrawal of their name from the list. When removing the Dentist's name from the Dental List, BSO will automatically delete the names of any Assistants working under that dentist's number such that the Assistants will no longer be able to provide GDS dental services at the practice.

The specific paragraphs within the GDS Regulations Northern Ireland (1993) pertaining to the employment of Assistants are as below:

PART V ADDITIONAL TERMS OF SERVICE FOR DENTISTS OTHER THAN SALARIED DENTISTS

Deputies and assistants

35.-(1) Where a dentist is prevented from providing care and treatment by reason of temporary absence through illness or other reasonable cause, such care and treatment may be given by a deputy or assistant.

(2) In the case of 2 or more dentists practising in partnership or as a principal and assistant, care and treatment may at any time be given by a partner or an assistant of the dentist who is responsible for the patient's care and treatment, if reasonable steps are taken to secure continuity of care and treatment.

(3) A dentist shall not employ more than 2 assistants at any one time for the provision of general dental services without the consent of the Board, or on appeal the Department.

(4) Before giving any consent under sub-paragraph (3) the Board shall consult the Local Dental Committee, and any consent given under that sub-paragraph shall be reviewed by the Board in consultation with the Local Dental Committee at least once a year and may be confirmed or withdrawn by the Board.

(5) A dentist shall-

(a) notify the Board of the employment of an assistant within 7 days of the first day of such employment;

(b) forward to the Board such particulars concerning the assistant as the Board may reasonably require; and

(c) on ceasing to employ an assistant, notify the Board within 7 days of the cessation of that employment.

(6) A dentist shall not employ as an assistant any dentist who has the same address in the dental list as any of his own practice premises.

(7) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement under paragraph 26(8) or (9) to submit estimates to the Committee for prior approval in respect of treatment, he shall not allow the assistant to carry out the treatment unless the prior approval of the Board has first been obtained.

(8) If a dentist intends to absent himself from his practice premises for more than 28 consecutive days he shall notify the Board of-

(a) his intended absence; and

(b) the name and address, if different to the practice premises, of the deputy or assistant (if any) responsible for providing general dental services during his absence.

(9) A dentist who intends to be or is absent from his practice premises for more than 2 months-

(a) shall notify the Board in writing; and

(b) shall not employ an assistant for any period of absence in excess of 2 months without the consent of the Board.

(10) A dentist shall not, without the consent of the Department, employ as a deputy or assistant for the purpose of the provision of general dental services any dentist who is disqualified for inclusion in the dental list by virtue of the provisions of Article 61(2A)(a) or Article 65 of the Order.

(10A) A dentist shall not employ as a deputy or assistant for the purpose of the provision of general dental services any dentist -

(a) who, having been disqualified under paragraph 3(b) of Part 1 of Schedule 11 to the Order (or under any corresponding provision in force in England and Wales or Scotland) from inclusion in the dental list (or in England and Wales, the dental list of a Family Health Services Authority or in Scotland the dental list of a Health Board) is also the subject of a declaration under paragraph 3(c) of Part 1 of Schedule 11 to the Order (b) (or any corresponding provision in force in England and Wales or Scotland) that he is not fit to be engaged in any capacity in the provision of general dental services; or

(b) who is suspended by direction of the Tribunal, other than in a case falling within paragraph 8B(3) of Part 1 of Schedule 11 to the Order.

(11) Except as provided in sub-paragraph (12), a dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(12) A dentist, whose name is included in the dental list, when acting as a deputy to another dentist whose name is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the dentist for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.

(13) A deputy may provide general dental services at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of patients.

36. A deputy or assistant who issues a prescription form for listed drugs under paragraph 23, shall, in addition to signing his own name on the prescription form, insert on the form the name of the dentist for whom he is acting.

37. A deputy or assistant who signs a claim for remuneration or an estimate or part thereof on behalf of the dentist for whom he is acting shall do so in his own name and, except where the person who signs is a partner whose name is included in the dental list, shall also insert the name of the dentist for whom he is acting.

37A. Where care and treatment is given by an assistant, the dentist or assistant shall complete a claim for remuneration in respect of that care and treatment which –

(a) is separate from any claim form in respect of care and treatment given by the dentist personally;

(b) identifies the assistant by whom the care and treatment was given and his status as an assistant. The Employer is responsible for all acts and omissions of any dentist acting as their deputy or Assistant.