

Guidance for GDS Practitioners: Dealing with Practice Changes (Updated September 2022; Links updated March 2024)

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 and regulatory requirements.

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

The General Dental Services Regulations (1993) are available at <https://www.legislation.gov.uk/nisr/1993/326/contents/made>

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 informing patients of their options usually falls to the departing dentist. SPPG will instigate communication with the dentist with whom the patients were registered, to discuss the management of the patient list and communication to patients.

Communication to patients in this instance must include a text / email / postal message explaining the situation to patients and their options going forward.

If the departing dentist is not in a position to communicate with their patients then the Strategic Planning and Performance Group (SPPG) of the Department of Health will provide this support and advice to patients.

In the case of a specialist practice, where patients are not registered with the practice, the specialist practitioner(s) should contact their local SPPG office for advice on the process to follow.

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

Examples of planned changes include dentists leaving the practice, the closure of a practice, the sale of a practice, the transfer of patients within or to a different practice, and the transition of a practice to a private model of care.

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. SPPG 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.

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 2018 and the UK General Data Protection Regulations 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 patient's 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 the Information Commissioner's Office advice at <https://ico.org.uk/for-organisations/guide-to-data-protection/>

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

Action	Details	Responsible Practitioner(s)
<p>1. Notify the SPPG</p>	<p>In line with the GDS Regulations NI 1993 (below) a dentist leaving the NI dental list should notify the SPPG; three months notice is required. If a dentist is leaving the NI list to work as a dentist in an alternate employing organisation, the new employer will often ask SPPG for a reference. A failure to comply with the GDS Regulations would be mentioned in that reference. Notification should be made to the local SPPG Office by email:</p> <p>South – Andy Gregg andrew.gregg@hscni.net Belfast and South East – Michael Burns Michael.burns@hscni.net West – Lisa Moran lisa.moran@hscni.net North – Karen Getty karen.getty@hscni.net</p> <p>Included in the email should be :</p> <ul style="list-style-type: none"> • The name & contact details of the departing dentist • The name & address of their current place of work • The circumstances, i.e. leaving practice, transfer of list, resignation from list, EDI change, 24 hour retirement, sale of practice, maternity leave, locum cover, • The anticipated timescales • The arrangements for continuity of care, e.g. block transfer of patients to new dentist, existing associate, deputy/assistant (aka locum) etc., • Details of how patients will be informed, e.g. posters, e-mails, text message, letters, newspaper notice, social media, • Details of any trainees/assistants affected. <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 Department, or such shorter period as he may agree with the Department, before the date on which he wishes his name to be removed from the dental list; and (b) subject to paragraph (2), the Department 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>2. Notify the BSO</p>	<p>The same details as per section 1 should be forwarded to the BSO Professional Support Team by email at professionalsupportteam@hscni.net</p>	<p>Retiring dentist / Departing dentist / Seller of a Practice</p>
<p>3. Obtain a new DS Number/Complete an HS48 application form</p>	<p>The new principal/owner/dentist* to a practice should apply for a new DS number by completing an HS48 form. An FAQ advice sheet also summarises the requirements depending on the applicant's circumstances. These can be downloaded from the BSO website at https://bso.hscni.net/directorates/operations/family-practitioner-services/dental-services/contractor-information/new-entrants-to-the-ni-dental-list/</p> <p>One requirement for new entrants to the NI Dental List, and those returning after two years off the List, is to attend a New Starts Session. This should be booked in advance. The dates and booking details are available at the link above. Other practitioners may be required to re-review the New Starts presentation and make a declaration to this effect.</p> <p>* If a practice is being bought over, all existing associates/principals must apply for a new number. Any assistants will also require a new number applied through the Assistant Application Form.</p>	<p>New owner / New Principal / New Associate</p>
<p>4. Ensure Continuity of Patient Care</p> <p>- Transfer of Patients</p>	<p>In line with the GDS Regulations (below) a departing/retiring dentist must make arrangements for the continuing care of his/her registered patients.</p> <p>Transfer of Patients: Under a short-term** arrangement the continuing care of patients may be provided by existing associates or other arrangements. In these circumstances you should discuss these changes with your local SPPG office.</p> <p>However, if a block transfer of the registered patients to another practitioner is to be made an HS50 form should be completed and forwarded to the BSO. The HS50 is available on the BSO website at: https://bso.hscni.net/directorates/operations/family-practitioner-services/dental-services/contractor-information/forms-library/</p> <p>Part 1 of the HS50 should be completed by the practitioner with whom the patients are registered. Part 2 of the form is completed by the dentist accepting the registered patients.</p>	<p>Retiring dentist / Departing dentist / Seller of a Practice & New practice owner / Accepting Associate</p>

- Patient Treatments

While specialist referral practices will not generally have registered patient lists, they will be required to communicate with referring practices and patients. They should contact their local SPPG office for further information. In the event of the **closure** of a specialist practice, please follow the advice detailed in Appendix 2. **less than 28 days

Patient Treatments

- As many of the courses of treatment as possible should be completed prior to transfer of the patients.
- Any incomplete treatments should be submitted for payment prior to the closure of the existing DS number. "Treatment Incomplete" should be selected on the dental claim form or EDI equivalent and a declaration made in the "Observations" section outlining the reason for the incomplete claim and the plan for the outstanding treatment. The dentist who subsequently completes the treatment should submit their claim for payment and make a declaration in the "Observations" section that they are completing a previous course of treatment.
- 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 **entire** course of treatment provided.
- For orthodontic cases and other complex cases practitioners should contact the SPPG for further guidance prior to any transfer or handover.
- 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.

GDS Regulations 1993 Schedule 2. 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.

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>5. Manage Trainee / Assistants Arrangements</p>	<p>When an Educational Supervisor is leaving a practice where there are Foundation Dentists (FDs) affected they should inform NIMDTA. It is important that arrangements are made for the patients to be transferred as BSO will close the FD DS number and the patients will therefore be deregistered. The BSO Dental Team should be notified via the email in section 2 of any FDs.</p> <p>It is also important that patients are transferred at the end of an FD's training year to another dentist in the practice. Failure to do so will result in the patients being deregistered upon closure of the FD DS number.</p> <p>When a dentist is leaving a practice where they have employed assistants they should inform SPPG and BSO. The Assistant DS number will be closed at the same time as the departing dentist's DS number. The patients of the departing dentist and their assistant should be transferred to another dentist in the practice. Failure to do so will result in the patients being deregistered upon closure of the DS numbers.</p> <p>If the assistant intends to remain in the practice arrangements should be made for them to work as an assistant under another dentist in the practice. An application form is available at https://bso.hscni.net/directorates/operations/family-practitioner-services/dental-services/contractor-information/new-entrants-to-the-ni-dental-list/ Alternatively the assistant could apply for their own DS number as an associate dentist.</p>	<p>Leaving Trainers / Retiring Trainers / Departing dentist with assistants</p>
<p>6. Notify RQIA</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. 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.</p> <p>Further advice is available at https://www.rqia.org.uk/guidance/guidance-for-service-providers/guidance-for-regulated-service-providers/</p>	<p>Seller of a practice & New practice owner</p>

7. Notify Patients

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. Communication to patients in this instance may include:

- A notice in the waiting area
- Text / email / postal message explaining the change
- Verbal explanation by practice staff when patients contact the practice to make appointments
- Social media / practice website

Under the Data Protection Act 2018 and the UK General Data Protection Regulations each patient on a dentist’s list is a “data subject” and their details are ‘special category data’ as defined in the legislation. 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, for example as part of a change of practice ownership or the transfer of records from one practice to another, all data subjects must be informed of this change. The change of data controller should be clearly recorded with any transfer of patient records (digital or hard copies) completed securely.

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, on-going care with the practice, and access to their clinical records.

Communication to patients in this instance must include a text / email / postal message explaining the changes and ideally should come from the previous and new data controllers. Other communication methods as outlined above could be used as a complement to any text / email / postal message.

Further guidance is available from the Information Commissioner’s Ombudsman and **should be reviewed prior to any transfer of data:**
<https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/data-sharing-a-code-of-practice/due-diligence/>

Seller of a practice /
Departing dentist
&
New practice owner /
existing associate /
dental team.

8. Dispose of Prescription pads	A departing dentist should ensure any unused prescription pads are disposed of in line with SPPG Guidance. This is available at the following link: https://bso.hscni.net/wp-content/uploads/2022/06/Process-for-disposal-of-Health-Service-prescriptions-HS21D-April-2016.pdf	Leaving dentist / Retiring dentist
9. Notify Out of Hours Provider	A departing dentist who is on any Emergency Dental Clinic rota managed by Dalriada Urgent Care and is leaving the area should contact DUC for a Leaver's form and provide 3 months notice of their departure from the rota. Email edc@duc.hscni.net	Any dentist withdrawing from OOH rota
10. Notify the GDC	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". Further info is available at https://www.gdc-uk.org/registration/your-registration/leaving-the-register	Retiring dentists / dentist leaving the UK
11. Termination of a Continuing Care or Capitation Arrangement	<p>Under Schedule 2, paragraph 11 and 11A of the GDS Regulations (NI) 1993, dental practitioners have the right to withdraw from continuing care and capitation arrangements with a patient. This must be carried out at an individual patient level as there is no facility for the block deregistration of dental patients. This process is currently under review.</p> <p>The WCA966 form must be completed for each patient for whom a dentist wishes to terminate the continuing care or capitation arrangement. The form can be downloaded on the BSO website at https://bso.hscni.net/directorates/operations/family-practitioner-services/dental-services/contractor-information/forms-library/ with further information and guidance available at https://bso.hscni.net/wp-content/uploads/2023/10/Patient_deregistration_letter_25_May_2023.pdf</p> <p>Communication to patients in this instance must include a text / email / postal message explaining the situation to patients and their options going forward. In the case of a violent patient the responsibility to inform the patient sits with the BSO.</p> <p>Further advice should be sought from SPPG if a dentist or practice is intending to withdraw from a large number of continuing care or capitation arrangements.</p>	Dentist with whom the patients are registered

12 Other	Practitioners will need to consider the implications of any practice sale, change of ownership, or withdrawing from continuing care or capitation arrangements on the payment of allowances such as Practice Allowance, Reimbursement of Non-Domestic Rates, Revenue Grant Scheme payments 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. Further advice is available from the BSO Dental Finance team at dentalfinance.bso@hscni.net	Seller of a practice & New practice Owner
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Appendix 2

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

Specialist practitioners are required to follow the same advice as GDPs as outlined in Appendix 1.

1. Due to the nature of specialist treatment the following is also required:

1. Practitioners should endeavour to complete as much treatment as possible prior to the practice closure.
2. Make arrangements for patients in the middle of treatment to have their treatment completed by another specialist practitioner.
3. Make arrangements for patients who have completed treatment to access any further advice and treatment should problems arise.
4. Make arrangements for patients on waiting lists to be referred to another specialist practitioner or re-referred back to the GDP.
5. Inform patients of the above arrangements.
 - a. Communication to patients in this instance must include a text / email / postal message explaining the situation to patients and their options going forward.
 - b. Communication to patients may be required at an individual level outlining treatment that has already been received and summarising what further treatment is required.
6. Inform referring practices of the above arrangements and to cease referrals to the practice.
7. Confirm the above arrangements with SPPG.
 - a. It is recommended that any patient communication is shared with SPPG prior to issuing
8. Contact the SPPG for advice in relation to the submission of claims for payment.

Particular care must be taken in regards to the clinical records as per section 7 of Appendix 1.