



Dental Patients and GPs' Obligations

Contracts and Regulations

GPs' Obligations

Because many dentists do not accept NHS patients, and despite the fact that most PCOs now provide emergency dental services, dental patients often contact their GPs when they require emergency dental treatment. When this occurs, NHS GPs should be aware of the following legal and contractual obligations.

Before refusing to treat a patient asking for emergency dental treatment, a GP must ascertain that the condition requires only dental treatment. As always, GPs must put themselves in a proper position to judge the nature of the patient's condition by undertaking reasonable enquiries.

Having established an apparent dental problem, GPs should refer a patient for any further treatment, if necessary, to a dentist or local emergency service. If the patient has no usual dentist, or there is no response from the usual dentist, the patient should contact:

- the local Patient Advice and Liaison Service (PALS) in normal hours
- NHS 111 out of hours

PCOs may cooperate with each other in some areas to provide emergency out of hours provision. This service is likely to be similar to those services that PCTs currently provide for non-registered (dental) patients and may take the form of a fixed OOH clinic, an on-call service or a combination of the two models.

The GP's obligation to refer is set out in regulation 15(4)(b) [Essential services] of the GMS Regulations and in schedule 5, part 1, paragraph 1 of the National Health Service (Personal Medical Services Agreements) Regulations 2004.

Regulation 15(4)(b) Essential services

'Management' includes the making available of such treatment or further investigation as is necessary and appropriate, including the referral of the patient for other services under the Act and liaison with other health care professionals involved in the patient's treatment and care.

If GPs choose to treat a patient themselves such treatment would be provided under general medical services and the level of skill and degree of care the GP would be expected to exercise is that of a general medical practitioner. The determination of a complaint by a PCO against a GP would take this into account. GPs should not, however, attempt to manage a condition requiring dental skills unless they have the appropriate training and expertise. Both the civil courts and the GMC require doctors to have appropriate skills for any treatment they offer.

Even in cases where the patient is not registered with a dentist, and the GP is unable to contact a local emergency dental service, the treatment of dental problems is not the responsibility of GPs. In such circumstances, the patient

should be referred to the nearest accident and emergency department.

Prescribing

Dentists treating patients under the NHS are obliged to prescribe from the dental practitioners' formulary, which is published as part of the British National Formulary and allows prescription of a limited range of drugs. Any dentist who refuses to issue an NHS prescription to an NHS patient or refuses to supply the appropriate drug, having determined a need, could be found either in breach of his or her NHS terms of service, or guilty of serious professional misconduct.

If, after seeing a dentist, a patient asks their GP for an NHS prescription, the GP should make a reasonable investigation into the patient's condition and accept responsibility for that aspect of a patient's condition before issuing an NHS prescription [see paragraph 39 of the NHS (GMS Contracts) Regulations 2004 below]. GPs should be cautious about accepting a patient's understanding of dental advice and, although they may take a dentist's advice into consideration, GPs should satisfy themselves that what they prescribe is appropriate to the patient's condition.

If a patient asks a GP to supply an NHS prescription the GP must refuse unless they are sure they are able to accept sole responsibility for that prescribing decision (see health circular EL(91)127). If a legitimate need for an NHS prescription cannot be established, under paragraph 39(1) of contractual terms, it should not be provided. This guidance would apply to patients seeking an NHS prescription following the issue of a private prescription, or recommendation of a drug, by a dentist.

Paragraph 39 (1) [PMS paragraph 38 (1)] – Prescribing

Subject to paragraphs 42 and 43 [PMS paragraph 39 and 40], a prescriber shall order any drugs, medicines or appliances which are needed for the treatment of any patient who is receiving treatment under the contract [PMS agreement] by issuing to that patient a prescription form or a repeatable prescription and such a prescription form or repeatable prescription shall not be used in any other circumstances.

Paragraph 42 (1) [PMS paragraph 41(1)] – Restrictions on prescribing by medical practitioners

In the course of treating a patient to whom he is providing treatment under the contract, a medical practitioner shall not order on a prescription form or repeatable prescription a drug, medicine or other substance specified in any directions given by the Secretary of State under section 28U of the Act (GMS contracts: prescription of drugs etc) (a) as being drugs, medicines or other substances which may not be ordered for patients in the provision of medical services under the contract but may, subject to regulation 24(2)(b), [PMS 15(2)(b)] prescribe such a drug, medicine or other substance for that patient in the course of that treatment under a private arrangement.



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