



15 July 2010

## **Local anaesthetic guidance for hygienists and therapists is confusing, says Dental Protection**

Dental Protection is disappointed that the recent order to amend the *Medicines Act 1968* failed to create a situation that is universally applicable to dental hygienists and therapists (DCPs). Instead it has had the effect of distinguishing between the method of payment applicable to the treatment when it comes to deciding how local anaesthetic and high-content fluoride products (the 'items') should be delivered to a patient during their course of treatment. The creation of a patient-group directive seemed a logical way to allow these items to be delivered as necessary to patients without the DCPs having to refer back to the dentist for a written prescription on each and every occasion.

The patient group directive was primarily designed for use in NHS settings and the Department of Health now advises that they are not valid for treatment that is provided privately. Apart from being confusing to the clinical team involved, the situation seems somewhat illogical. It also flies in the face of the Department's long-held view that there should be no negative comparison drawn between NHS treatment and private treatment.

In this situation there is an almost total disconnect in the nature of the contract between the patient and the clinical team and the ability of the dental hygienists and therapists to safely and legally undertake the supply of the treatment(s) in question. Indeed the only common aspect connecting these two elements is the inability of the regulators of the profession and the Department of Health to ensure that the legislation is suitable for purpose and facilitates the prescription of these items by dental hygienists and therapists regardless of the method of payment adopted by the patient.

Interestingly a Health Service Circular from the NHS Executive dated the 9 August 2000 (HSC 2000/026) makes it clear that the Department was well aware even then of the difficulties in applying patient group directives in the private sector and indicated that further legislation was to be proposed in "due course". It seems that such proposals were never brought forward.

Dental Protection believes that it would be difficult for the GDC or the Department of Health to argue that the current unsatisfactory situation is in the best interests of either patients or members of the profession. At best it is totally confusing and may even act as a barrier to patients receiving treatment that they both need and want. Dental Protection is pressing the Department to immediately bring forward proposals to resolve the issues. DPL also recognises the work of the Standards team at the GDC in highlighting such changes in legislation as they arise.

Until the situation has been resolved by a further amendment to the legislation **Dental Protection advises any dental hygienist or therapist wishing to supply these 'items' to a patient whilst working in a private practices or seeing an NHS patient privately, to continue to use a *patient-specific directive* (written prescription).**

To compound the farcical situation even further, the guidance note *Patient Group Directives* prepared by *UK Medicines Information (UKMI)* was incorrect in suggesting that group patient directives could apply to treatment provided by a private contract provided the establishment had registered with CQC or the devolved equivalent.

Jerry Read (Dental and Eyecare Division, Department of Health) has told Dental Protection that the UKMI guidance note is incorrect. 'Registration of private dental practices with CQC will not automatically make them eligible to use patient group directives. Further regulatory changes would be necessary. In the period before private practices are required to register with CQC in April 2011 we will be considering whether making these additional changes would be appropriate'.

These changes of course are likely to be the same changes that were anticipated in August 2000.

**Ends**

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### **Notes for Editors**

1. Dental Protection Limited (DPL) is an autonomous but wholly owned subsidiary of the Medical Protection Society (MPS), the world's largest professional indemnity organisation for doctors, dentists and other healthcare professionals. Dental Protection has over 55,000 dental members in 70 countries around the globe and it is the only UK based protection organisation to have this international scope.
2. In the UK, 70% of dentists are in membership with DPL, together with a similar proportion of UK hygienists and therapists.
3. MPS is not an insurance company. All benefits of membership are discretionary as set out in the Memorandum and Articles of Association.
4. Dental Protection's position statement 'Use of Local Anaesthetic and Fluoride Varnish by Dental Hygienists and Therapists' is available here

<http://www.dentalprotection.org/uk/newsnevents/positionstatements/la-fluoride-hygienists-therapists/>