

February 2006

GPC

General Practitioners
Committee

Patients presenting with dental problems: GP responsibilities

Guidance for GPs

BMA 

Patients presenting with dental problems: GP responsibilities

Introduction

This guidance has been amended (superseding 1998 guidance) to take account of changes to the General Medical Services regulations.¹ It informs primary medical service contractors in the UK of their obligations in respect of patients either requesting emergency dental treatment or asking for an NHS prescription for drugs recommended by private or NHS dentists.

Emergency dental services

General dental practitioners have an ethical responsibility to provide reasonable access to advice and emergency treatment for their patients, including those who are seen under a private contract. This does not however mean that a dentist has to be personally available to see patients 24 hours a day. From April 2006 NHS dentists in England and Wales will no longer have a registered list of patients and will lose the continuing care responsibility together with the obligation to provide emergency dental care. A dentist's immediate responsibility will be to patients who are currently undergoing or have recently completed a course of dental treatment with them. These changes are due to follow in Northern Ireland from April 2007. In Scotland, however, NHS dentists will continue to hold a list of, and have continuing care responsibility for, registered patients.

The General Dental Council's principles are that dental professionals are responsible for putting patients' interests first and that they must cooperate with other members of the dental team and other healthcare colleagues in the interests of patients. A dentist working in any branch of dentistry would therefore have an ethical responsibility to make appropriate arrangements to ensure that patients for whom responsibility has been accepted have access to emergency treatment outside normal working hours and that such arrangements are made known to patients.

Now that Primary Care Organisations (PCOs) are responsible for the provision of out of hours care in England and Wales, most will provide emergency out of hours dental treatment for patients. From April 2006 PCOs may also buy in-hours open access emergency sessions from dentists.

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.

¹ The National Health Service (General Medical Services Contracts) Regulations 2004
[\[www.opsi.gov.uk/si/si2004/20040291.htm\]](http://www.opsi.gov.uk/si/si2004/20040291.htm)

The NHS (General Medical Services Contracts) (Scotland) Regulations 2004
[\[www.opsi.gov.uk/legislation/scotland/si2004/20040115.htm\]](http://www.opsi.gov.uk/legislation/scotland/si2004/20040115.htm)

The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004
[\[www.opsi.gov.uk/legislation/wales/wsi2004/20040478e.htm\]](http://www.opsi.gov.uk/legislation/wales/wsi2004/20040478e.htm)

The Standard General Medical Services Contract (NI) 2004
[\[www.dhsspsni.gov.uk/hss/gp_contracts/documents/ni_contract_mar04.pdf\]](http://www.dhsspsni.gov.uk/hss/gp_contracts/documents/ni_contract_mar04.pdf)

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 (England only)
- NHS Direct (or Scotland NHS 24) 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 PCOs 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 the GMS and PMS (Section 17C in Scotland) regulations.² This obligation entails making available treatment or further investigation as is appropriate, including referral of the patient for other services 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.

² Regulation 15(4)(b) of the GMS regulations in England and Wales and Scotland, clause 47 of the Standard General Medical Services Contract in Northern Ireland
Schedule 5, part 1, paragraph 1 of the National Health Service (Personal Medical Services Agreements) Regulations 2004 in England [www.opsi.gov.uk/si/si2004/20040627.htm]
Schedule 2, part 1. 1(3)(b)(ii) of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 in Scotland [www.hmsso.gov.uk/legislation/scotland/ssi2004/20040116.htm]

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 (BNF) and allows prescription of a limited range of drugs³. 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. 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.

GMC guidance states that if a patient asks a GP to supply an NHS prescription the GP must refuse unless they are sure they are able to accept responsibility for that prescribing decision. If a legitimate need for an NHS prescription cannot be established 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.

Recommendations for local arrangements

LMCs and Local Dental Committees (LDCs) should establish local links. This could be achieved by, for example, ensuring effective cross-representation or by arranging for LMC and LDC officers to meet regularly.

LMCs should liaise with PCOs and local out of hours providers to ascertain local arrangements for emergency dental treatment. Out of hours providers may have local protocols for dealing with dental problems.

GPs should ensure that any patients presenting with dental problems know how to obtain emergency dental care. Arrangements for this care could be publicised in posters and leaflets at doctors' and dentists' surgeries.

Dentists normally prescribe both NHS and private prescriptions from the Dental Formulary and GPs should not expect to prescribe for dental conditions. Dentists should be encouraged to tell their patients that a private prescription should be dispensed privately and to advise them against approaching their NHS GP. GPs should not convert private dental prescriptions into NHS prescriptions (this is set out in Health Circular EL(91)127 in England]

GPs can raise local problems with their LMC who can liaise with the LDC. If good LMC/LDC relations are established, the LDC can be apprised of any difficulties with emergency arrangements.

³ NB - The BNF Dental Formulary is only restrictive for dentists prescribing within the NHS. The whole formulary is available for dentists prescribing privately.