

UK Parliament SIs 2000-2009/2008/1801-1850/General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008 (SI 2008/1822)

2008 No 1822

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008

Made 4th July 2008

Coming into force 1st August 2008

At the Council Chamber, Whitehall, the 4th day of July 2008
By the Lords of Her Majesty's Most Honourable Privy Council

The General Dental Council have made the General Dental Council (Continuing Professional Development) (Dentists) Rules 2008 as set out in the Schedule to this Order.

In accordance with section 50C(2) and (3) of the Dentists Act 1984, such rules shall not come into force until approved by order of the Privy Council.

Having considered the rules, their Lordships approve them.

This Order may be cited as the General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008 and shall come into force on 1st August 2008.

SCHEDULE The General Dental Council (Continuing Professional Development) (Dentists) Rules 2008

EXPLANATORY NOTE

Document information

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Judith Simpson

Clerk of the Privy Council

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04/07/2008

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SCHEDULE

THE GENERAL DENTAL COUNCIL (CONTINUING PROFESSIONAL DEVELOPMENT) (DENTISTS) RULES 2008

The General Dental Council make the following rules in exercise of the powers conferred by sections 34A(1) and (4), 34B, 50A and 50C(5) and (6) of the Dentists Act 1984.

Citation and commencement

1

These rules may be cited as the General Dental Council (Continuing Professional Development) (Dentists) Rules 2008 and shall come into force on 1st August 2008.

Interpretation

2

In these rules--

"the Act" means the Dentists Act 1984;

"CPD" means continuing professional development which--

- (a) comprises lectures, seminars, courses, individual study or other activities undertaken by a dentist or an applicant for restoration to the register under rule 11;
- (b) can reasonably be expected to advance a person's professional development as a dentist; and
- (c) is relevant to the person's practice or intended practice;

"CPD cycle" means a period of five years beginning:

- (a) in the case of a dentist who is first registered on or after 1st January 2002, on the next occurring 1st January;
- (b) in the case of a dentist who is first registered during the period 1st January 1990 to 31st December 2001 and is on the register at 31st December 2001, on 1st January 2002;
- (c) in the case of a dentist who is first registered during the period 1st January 1990 to 31st December 2001 and is not on the register at 31st December 2001, on 1st January 2003;
- (d) in the case of a dentist who is first registered during the period 1st January 1980 to 31st December 1989, on 1st January 2003; and
- (e) in the case of a dentist who is first registered on or before 31st December 1979, on 1st January 2004;

and each subsequent period of five years;

"CPD requirement" means the requirement that every dentist shall complete at least 250 hours of CPD during a CPD cycle, of which at least 75 hours shall be verifiable CPD;

"CPD year" means a period of 12 months beginning on 1st January in any calendar year;

"dentist" means a registered dentist;

"period of grace" means a period of six months, after the end of a CPD cycle, during which a dentist may complete any outstanding CPD due in respect of the previous CPD cycle in accordance with an undertaking given under rule 8(1) or (3);

"register" has the meaning given in section 53 of the Act and "registered" shall be construed accordingly;

"verifiable CPD" means CPD for which there is documentary evidence that--

- (a) the dentist has undertaken the CPD; and
- (b) the CPD has--
 - (i) concise educational aims and objectives;
 - (ii) clear anticipated outcomes; and
 - (iii) quality controls.

CPD requirement for dentists

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- (1) Subject to paragraph (2), every dentist shall comply with the CPD requirement.
- (2) This rule shall not apply to a person ("P") referred to in section 34AA(1) of the Act.
- (3) Any CPD which a person is required to undertake pursuant to these rules may be undertaken outside the United Kingdom.

CPD record

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- (1) A dentist shall keep an up-to-date record of CPD completed during a CPD cycle ("CPD record").
- (2) A CPD record shall contain--
 - (a) a description of each item of CPD completed by the dentist, indicating whether the item constitutes verifiable CPD;
 - (b) the number of CPD hours attributed to each item of CPD; and
 - (c) the documentary evidence in respect of each item of verifiable CPD completed by the dentist.
- (3) A dentist shall retain a CPD record for at least five years after the end of the CPD cycle to which it relates.
- (4) At any time within the period of five years after the end of a CPD cycle, the registrar may send a dentist a notice requiring the dentist to deliver to the registrar the dentist's CPD record for that CPD cycle.
- (5) The notice must--
 - (a) specify a date, not less than 28 days after the date on which the notice is sent, by which the dentist must comply with the notice; and
 - (b) state that if, by the date specified in the notice, the dentist does not--

- (i) complete the CPD record to the satisfaction of the registrar, including the provision of the information specified in paragraph (2); and
- (ii) deliver the CPD record to the registrar,

the dentist's name may be erased from the register.

Delivery of CPD statement to the registrar at end of CPD cycle

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(1) A dentist shall, within 28 days of the end of a CPD cycle, deliver to the registrar a statement ("CPD statement") containing--

- (a) the total number of hours of CPD completed by the dentist during the CPD cycle; and
- (b) the number of hours of verifiable CPD completed by the dentist during the CPD cycle.

(2) Where the registrar does not receive a dentist's CPD statement by the date specified in paragraph (1), or it is received but it does not contain the information specified in paragraph (1), the registrar may send the dentist a notice requiring the dentist to deliver to the registrar the dentist's CPD record for that CPD cycle.

(3) The notice must--

- (a) specify a date, not less than 28 days after the date on which the notice is sent, by which the dentist must comply with the notice; and
- (b) state that if, by the date specified in the notice, the dentist does not--
 - (i) complete the CPD record to the satisfaction of the registrar, including the provision of the information specified in rule 4(2); and
 - (ii) deliver the CPD record to the registrar,

the dentist's name may be erased from the register.

Final notice to deliver CPD record to the registrar

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(1) Where the registrar does not receive a dentist's CPD record by the date specified in a notice sent under rule 4(4) or 5(2), or it is received but does not contain the information specified in rule 4(2), the registrar may send the dentist a final notice requiring the dentist to deliver the dentist's CPD record to the registrar.

(2) The final notice must--

- (a) specify a date, not less than 14 days after the date on which the notice is sent, by which the dentist must comply with the notice; and
- (b) state that if, by the date specified in the notice, the dentist does not--
 - (i) complete the CPD record to the satisfaction of the registrar, including the provision of the information specified in rule 4(2); and
 - (ii) deliver the CPD record to the registrar,

the dentist's name may be erased from the register.

Erasure from the register for failure to provide CPD record

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- (1) Where a dentist does not comply with a final notice sent under rule 6(1), the registrar may erase the dentist's name from the register.
- (2) When the registrar erases a dentist's name from the register under this rule, the registrar shall notify the dentist in accordance with paragraph 3(1) of Schedule 2A to the Act.

Completion of CPD requirement during period of grace

8

- (1) Where a dentist delivers a CPD statement or CPD record to the registrar under rules 4, 5 or 6 but the registrar is not satisfied that the dentist has complied with the CPD requirement during the CPD cycle to which the CPD statement or CPD record relates, the registrar shall send a notice to the dentist which shall--
 - (a) state the reasons why the registrar is not satisfied that the dentist has complied with the CPD requirement; and
 - (b) invite the dentist to--
 - (i) make written representations or submit written evidence to the registrar on the matters specified in the notice; or
 - (ii) give an undertaking to the registrar to complete the outstanding CPD in respect of the CPD cycle within a period of grace.

(2) A notice sent under paragraph (1) must specify a date, not less than 28 days after the date on which the notice is sent, by which the dentist must comply with the notice.

(3) Where, after considering any written representations made or written evidence submitted by a dentist in response to a notice sent under paragraph (1), the registrar is not satisfied the dentist has complied with the CPD requirement, the registrar shall send a notice to the dentist inviting the dentist to give an undertaking to complete the outstanding CPD in respect of the CPD cycle within a period of grace.

(4) A notice sent under paragraph (3) must specify a date, not less than 7 days after the date on which the notice is sent, by which the dentist must give the required undertaking.

(5) Where a dentist has provided an undertaking in response to a notice sent under paragraph (1) or (3), the dentist shall send written evidence of completion of the outstanding CPD to the registrar within 7 days of the end of the period of grace.

CPD undertaken in a period of grace

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- (1) A period of grace shall begin on the date on which a notice is sent under rule 8(1) or (3).
- (2) Any outstanding CPD undertaken during a period of grace shall not be counted as CPD for the CPD cycle in which it is undertaken for the purpose of determining the dentist's compliance with the CPD requirement in respect of that CPD cycle.

Erasure from the register for failure to comply with the CPD requirement

10

(1) Where a dentist to whom the registrar has sent a notice under rule 8(1) or (3) does not make written representations, submit written evidence or give an undertaking by the date specified in the notice, the registrar may erase the dentist's name from the register.

(2) Where a dentist gives an undertaking in response to a notice sent under rule 8(1) or (3) and--

- (a) the dentist does not send to the registrar written evidence of completion of the outstanding CPD within 7 days of the end of the period of grace; or
- (b) the registrar is not satisfied that the dentist has completed the outstanding CPD,

the registrar may erase the dentist's name from the register.

(3) When the registrar erases a dentist's name from the register under paragraph (1) or (2), the registrar shall notify the dentist in accordance with paragraph 3(1) of Schedule 2A to the Act.

Restoration to the register: evidence required in different circumstances**11**

(1) This rule applies to an application for restoration to the register made by a person ("the applicant") who was previously registered and whose name was erased from the register for any reason.

(2) Where the applicant's application is received by the registrar--

- (a) no more than one year after the date on which the applicant's name was erased; and
- (b) after the end of the CPD cycle during which the applicant's name was erased,

the application shall be accompanied by written evidence that the applicant has complied with the CPD requirement for the CPD cycle during which the applicant's name was erased from the register.

(3) Where the applicant's application is received by the registrar--

- (a) more than one year after the date on which the applicant's name was erased; and
- (b) before the end of the CPD cycle during which the applicant's name was erased,

the application shall be accompanied by written evidence that the applicant has completed at least 50 hours of CPD, of which at least 15 hours shall be verifiable CPD, for each whole CPD year that has elapsed since the beginning of the CPD cycle during which the applicant's name was erased from the register until the date of the applicant's application under this rule.

(4) Where the applicant's application is received by the registrar--

- (a) more than one year after the date on which the applicant's name was erased; and
- (b) after the end of the CPD cycle during which the applicant's name was erased,

the application shall be accompanied by the evidence referred to in paragraph (5).

(5) The evidence referred to in paragraph (4) is written evidence that the applicant has--

- (a) complied with the CPD requirement for the CPD cycle during which the applicant's name was erased; and

(b) completed at least 50 hours of CPD, of which at least 15 hours shall be verifiable CPD, for each whole CPD year that has elapsed since the end of the CPD cycle during which the applicant's name was erased from the register until the date of the applicant's application under this rule.

(6) Where the applicant's name was erased from the register as a result of the applicant having not complied with the CPD requirement for a particular CPD cycle, the applicant's application shall be accompanied by written evidence that the applicant has undertaken an amount of CPD equal to the outstanding balance for that CPD cycle.

(7) The evidence required under paragraph (6) shall be provided in addition to any evidence the applicant may be required to provide under paragraph (2), (3) or (4).

(8) The maximum amount of CPD for which an applicant shall be required to provide evidence to the registrar under this rule shall be 250 hours, of which at least 75 hours must be verifiable CPD.

(9) Where an applicant is required to produce evidence of the maximum amount of CPD referred to in paragraph (8), the CPD shall have been undertaken during the five year period immediately preceding the application.

Restoration to the register: procedure

12

(1) Where the registrar receives an application to which rule 11 applies and the application complies with the relevant paragraph or paragraphs of that rule, the registrar may restore the applicant's name to the register.

(2) Where the registrar receives an application to which rule 11 applies and the registrar is not satisfied that the application complies with the relevant paragraph or paragraphs of that rule, the registrar shall send a notice to the applicant which shall--

(a) state the reasons why the registrar is not satisfied that the application complies with the relevant paragraph or paragraphs; and

(b) invite the applicant to make written representations or submit written evidence to the registrar on the matters specified in the notice.

(3) The notice must specify a date, not less than 28 days after the date on which the notice is sent, by which the dentist must comply with the notice.

(4) Where, after considering written representations made or written evidence submitted by an applicant in response to the notice, the registrar is not satisfied that the application complies with the relevant paragraph or paragraphs of rule 11, the registrar may decide not to restore the applicant's name to the register.

(5) Where the registrar receives an application to which rule 11 applies, the registrar shall notify the applicant of a decision in respect of the application in accordance with paragraph 3(1) of Schedule 2A to the Act.

Service of notices by electronic communication

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Any notification to be sent by the registrar under these rules may be served on a person by an electronic communication, but only if--

(a) the person consents in writing to the receipt of such notifications by electronic communication; and

- (b) the communication is sent to the number or address specified by that person when giving consent.

Transitional provisions

14

- (1) Where a dentist's CPD cycle began before 1st August 2008 and is due to end after that date--
 - (a) these rules shall apply to that cycle from 1st August 2008 until that cycle ends; and
 - (b) CPD undertaken by the dentist from the beginning of that cycle until 31st July 2008 shall be treated as if it were undertaken after 1st August 2008 when determining whether the dentist has complied with the CPD requirement for that cycle.
- (2) A notice under rule 4(1) of the General Dental Council Continuing Professional Development Rules 2003 which specifies a date after 1st August 2008 as the date for compliance with the notice shall be treated as if it were a notice sent under rule 8(1).
- (3) A notice under rule 15(1) of the General Dental Council Continuing Professional Development Rules 2003 which specifies a date after 1st August 2008 as the date for compliance with the notice shall be treated as if it were a notice sent under rule 12(2).

Revocations

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The General Dental Council Continuing Professional Development Rules 2003 are revoked.

The Common Seal of the General Dental Council was affixed hereto on the 5th day of June 2008 in the presence of

Hew Byrne Mathewson

President

Duncan Hugh Rudkin

Registrar

NOTES

Initial Commencement

Specified date

Specified date: 1 August 2008: see Preamble.

Document information

General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008

Date made

04/07/2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Dentists Act 1984, approves rules made by the General Dental Council setting out the requirements in respect of post-registration training which have to be met by registered dentists. In particular, rule 3 provides that all registered dentists must undertake a specified amount of post-registration training. Rule 10 sets out the circumstances in which a dentist may be erased from the register for non-compliance with these rules, and rule 11 makes provision regarding applications for restoration to the register following such erasure.

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