

Department of Health and Social Care:
Dental Hygienists and dental therapists

September 2023

Dental Protection submission to the Department of Health and Social Care on enabling dental hygienists and dental therapists to supply and administer specific medicines

Opening remarks

Dental Protection welcomes the opportunity to make a submission to the Department of Health and Social Care on the proposal to enable dental hygienists and dental therapists to supply and administer specific medicines under exemptions.

About Dental Protection

Dental Protection, as part of the Medical Protection Society (MPS) has over 300,000 members around the world. Our inhouse experts assist members with a wide range of legal and ethical issues that can arise from their professional practice, including clinical negligence claims, complaints, and General Dental Council investigations.

Submission

While we acknowledge the efforts to improve delivery of dental care in England, we believe that there are additional points need to be addressed and reflected in the proposal.

Below we outline why we believe the Department of Health and Social Care needs to take two specific actions following this consultation:

1. Explicitly state the requirement for appropriate indemnity arrangements in the proposal.
2. Review the regulations concerning the administration of controlled drugs and dental hygienist and therapists with the aim of aligning them with GDC and CQC guidance to ensure patient safety.

1. Indemnity Arrangements

The proposal enables dental hygienists and dental therapists to administer certain medicines without a need for a prescription. However, it is important that these registrants ensure they have appropriate indemnity arrangements in place, should they do so. The proposal does not explicitly reference the need for appropriate indemnity arrangements and, whilst it may be implicit that registrants must have adequate indemnity, the direct supply and administration of prescription only medicines may not automatically be included in existing indemnity arrangements. We strongly recommend that the

proposal explicitly state the necessity for dental hygienists and therapists to have adequate and appropriate indemnity arrangements in place that includes prescribing if they undertake this.

2. Controlled Drugs Administration

Our second concern pertains to the administration of controlled drugs in emergency situations by dental hygienists and dental therapists. We have previously raised this in October 2022 in a letter to the then Minister for Patient Safety and Primary Care, Robert Jenrick, where we highlighted the restriction that prevents dental hygienists and therapists from administering controlled drugs, specifically Midazolam, under a patient group direction (PGD). Midazolam forms part of the emergency drugs kit that dental practices must hold. It is used in the management of epileptic seizures.

The Specialist Pharmacy Service (SPS) update and Q&A page confirms that dental hygienists and therapists “cannot supply or administer controlled drugs under a PGD”. Although hygienists and therapists were added to the PGD legislation, the Misuse of Drugs Regulations were not amended. Controlled drugs are regulated under the Misuse of Drugs Act 1971, and not all professions listed in the PGD legislation can administer controlled drugs under a PGD. Therefore, dental hygienists and therapists cannot administer or supply any controlled drugs.

The professional regulator for dentists and dental care professionals, the General Dental Council (GDC) advise under medical emergencies that:

“Dental hygienists and therapists: the Human Medicines Regulations 2012 permit dental hygienists and therapists to hold emergency drugs on their premises, but not to purchase the medicines directly. A dental hygienist/therapist practice needs to ensure that they hold emergency drugs on site. Hygienist/therapist practices without an on-site dentist can obtain an emergency kit through a prescribing dentist or doctor under a patient-group directive”.

The GDC also advises that dental settings staffed by dentists, hygienists and therapists are to have an emergency drugs kit. Guidance on what should be contained within the kit is detailed in the British National Formulary and includes the controlled administration of drug Midazolam. However, the Misuse of Drugs Act 1971 prevents dental hygienists and therapists from administering Midazolam. Therefore, they are compromised in their ability to provide emergency medical care to a dental patient in accordance with the GDC and CQC guidance which could lead to that patient suffering avoidable harm.

We would request that as part of the review of ability for dental hygienists and dental therapists to supply and prescribe medicines, additional consideration is given to the specific issue of administration of Midazolam to treat a medical as the GDC guidance and legislation do not align – with the Misuse of Drugs Regulations being more restrictive than the GDC and CQC guidance on management of medical emergencies. As you can understand, this has significant consequences in terms of a hygienist or therapist being able to respond to a medical emergency. Hygienist or therapist led practices will be unsure where they stand in terms of ensuring they have the full recommended emergency drugs kit. Those working alongside a dentist will be unsure of their position if working in the absence of the dentist being present and an emergency arises that could be addressed using buccal midazolam.

Contact

Should you require further information about any aspects of our response to this consultation, please do not hesitate to contact us.

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