



For immediate release November 2014

Expense-sharers and the CQC

Dentists who are in an expense-sharing arrangement are encouraged to reflect carefully on their business status to avoid any risk of legal proceedings from the Care Quality Commission (CQC). If you think you registered as a partnership but are in an informal expense-sharing arrangement, you may be at risk.

The advice comes from Andrew Lockhart-Mirams, Chairman of the NASDAL Lawyers' Group. He has been prompted by a number of cases where dentists in expense-sharing arrangements using a single shared registration have been told they should have individual registrations.

He warned: "The danger is that if you are operating a regulatory activity and you are not correctly registered, you are committing a criminal offence."

"The question you need to ask yourselves is who is running the business? If you each operate your own business around your patients but share the costs of the receptionist, you need an individual registration."

"If on the other hand, you are both jointly and severally liable for all the costs of one business, then you have a partnership and a single registration is required."

Andrew pointed out that an individual registration carried the additional advantage of protecting you from liability of litigation against other partners. By contrast, when you are in a partnership, liability is shared.

Chris Davies, who is also a member of the NASDAL Lawyers' Group said he was asked for advice by a client who appeared to be trading as a partnership with two other dentists. This dentist had bought out the two senior dentists and they all practised together in the shared premises.

Said Chris: "After the buyout they initially continued with one CQC registration but my client didn't want to expose himself to potential litigation and I advised him to obtain his own CQC registration. Having an individual registration can have its advantages."

Note to editors: For further information, contact Caroline Holland on 020 8679 9595/07974 73139