

APPENDIX A

Dear Doctor

NAME OF PATIENT:

Date of Birth:/...../..... **Hospital Number:**

We have determined that this patient is an overseas visitor as defined in the National Health Services (Charges to Overseas Visitors) Regulations 2011. As such, the patient is liable for charges as an overseas visitor unless and until there are any applicable changes in their situation.

Government advice to safeguard NHS resources is to obtain payment where possible before treatment is given. In this case, the patient has declared that he/she will not be able to pay prior to receipt of the treatment.

However, relevant NHS bodies must also ensure that treatment which clinicians consider to be immediately necessary is provided to any patient, even if they have not paid in advance. **Failure to do so may be unlawful under the Human Rights Act 1988.** Urgent treatment which clinicians do not consider immediately necessary, but which nevertheless cannot wait until the person can be reasonably expected to return home, should also be provided to any patient, even if deposits have not be secured.

The patient is likely to return home on or around/...../.....
You are asked to provide your considered clinical opinion and tick one of the declarations:

- Having made the appropriate diagnostic investigations, I intend to give treatment which is **immediately necessary** to save the patient's life/prevent a condition from becoming immediately life-threatening or needed promptly to prevent permanent serious damage occurring. All maternity treatment is considered immediately necessary.
- Having made the appropriate diagnostic investigations, I intend to give **urgent** treatment which is not immediately necessary to save the patient's life but cannot wait until the patient returns home. If the patient's ability to return changes I will reconsider my opinion.
- Having made the appropriate diagnostic investigations, I do not intend to provide treatment unless payment is made in advance, since the patient's need is **non-urgent** and it can wait until they return home. If the patient's ability to return changes I will reconsider my opinion.
- I must make further investigations before I can assess urgency.

Where treatment is given (or has been given already), the relevant NHS body is obliged to raise an invoice for the cost of such treatment, and to recover the cost of treatment where possible. Debts are written off by this Hospital as losses where unrecoverable.

Date:/...../..... Signed:(Doctor)

Date:/...../..... Signed:(Overseas Patient Manager)

APPENDIX A (Cont.)

Overseas Visitors – A Guide for Clinicians

The Rules:

The Overseas Visitors Charging Regulations place a legal obligation on NHS trusts in England to establish whether a person is an overseas visitor to whom charges apply or whether they are exempt from charges by virtue of the Charging Regulations for the NHS services provided. When charges apply, a relevant NHS body must charge the person liable (usually the patient) for the costs of the NHS services and recover the cost from them.

In order to be eligible to receive NHS treatment free of charge a person must be deemed to be ordinarily resident in the UK. A person who is not 'ordinarily resident' in the UK falls within the definition of an overseas visitor (regulation 2) and may incur a charge for treatment. These rules apply whether the person has a UK passport, NHS number, has previously lived in the UK or is registered with a GP and none of these factors are relevant when determining a person's entitlement to receive free treatment as access to the NHS is based on being legally resident within the UK.

If the relevant NHS body determines that the patient is chargeable then, again, this regulation requires the relevant NHS body to make and recover a charge for any treatment provided. It is not optional, nor is there the authority to waive the charge on the part of the NHS body. If it has been established that a patient is not eligible for free NHS treatment then this must not be recorded as NHS and charged to the CCG as this constitutes fraud on the part of the NHS Trust.

A relevant NHS body also has human rights obligations, meaning that treatment which is considered by clinicians to be immediately necessary must never be withheld from chargeable overseas visitors pending payment, although charges will still apply (unless the service provided is exempt from charges, e.g. treatment inside an Accident and Emergency Department). Treatment which is not immediately necessary, but is nevertheless classed as urgent by clinicians, since it cannot wait until the overseas visitor can return home, should also be provided, although deposits should be sought in the period ahead of treatment.

What To Do:

- If you have information that a patient may not be resident in the UK or may not qualify for free NHS treatment please ensure that this information is passed to the Private and Overseas Department.
- Be aware that you may be asked to complete a declaration form regarding the urgency for treatment if you decide to go ahead with the treatment as the decision to treat does not change the fact that the patient will need to pay.
- Do not tell a patient that they do not need to pay unless this has been confirmed by the Overseas Team.
- If you have any questions or concerns about a patient's status please contact the Private and Overseas Department on sft.overseaspatients@nhs.net or ext 2420.