

Charging patients

April 2008

May GPs charge their own patients?

The GMS contract prevents contractors from charging their patients for most services. There are however instances where charges may be made. Schedule 5 of the National Health Service (General Medical Services Contracts) Regulations 2004 lists the strictly limited circumstances in which GPs may charge fees for providing treatment to their NHS patients. Similar arrangements apply to the other contractual options.

Further guidance can be found at:

www.bma.org.uk/ap.nsf/Content/chargestonhspats?OpenDocument&Highlight=2,charges.to.nhs.patients

May GPs charge for non-essential services?

Practices that opt out of the provision of additional, enhanced or out-of-hours services, may not charge any of their registered patients for supplying a similar service privately. To this end, under their NHS contract, GPs may not charge a patient in their practice for seeing them out-of-hours even though the patient may have requested it and may be happy to pay for it. If the patient is a registered patient they may not be charged.

May GPs work for or hold shares in an organisation which charges their practice patients for treatment?

It may be possible for GPs to work for such an organisation, or hold shares in such an organisation, but this would need to be completely separate from the existing practice the GP works in or the contract held. Any GP working for such an organisation must make it clear to a patient that they have a financial interest in the company providing the service.

Can a GP set up a separate company to charge their registered patients?

It should be made very clear that only under very specific circumstances could charges to patients potentially be made. Please be aware that this is a very new area of enterprise and has not yet been tested, so we can only give very general advice and our interpretation of regulations.

In terms of setting up private companies to charge patients for services, the GPC guidance '*Charges to NHS patients*' makes it clear that our legal advice sees the prohibition of charging patients as lying with the 'contractor'. This means that if a partnership holds a GMS contract and wishes to be involved in setting up a company to provide non-NHS medical services to patients registered with their practice, were that company to be made up solely of those members of the practice who are currently the partners in the contract, it may be difficult to show that the organisations are different and that it is not the contractor who is charging.

Therefore it may be advisable/necessary to ensure that the company includes non-contractor members. Additionally any money the private company makes must be kept quite separate from practice accounts – i.e. money cannot be redirected back into the existing GMS practice, however the Directors of the company, share holders etc. can receive payments from the company.

However again it is important to realise that none of this has been tested in law to date as it is an area of new and private enterprise. As such, the BMA cannot give advice on whether proposed business models set up for this purpose are acceptable, nor accept any liability for such companies being set up.

Practices that choose to do this should also be aware of the potential ethical and professional issues with having a company offering private services so close at hand to its NHS patients. It would be essential for the practice to be absolutely transparent about what it was doing its own

financial interest. The practice/GP in question would need to ensure that any patient who chose to use the private services was aware they are equally entitled to an NHS referral where the service is provided on the NHS. The patient should be aware there are other choices as well as the private service offered. We would also suggest that the PCT is made aware of what is happening for the sake of transparency.

May GPs charge non-registered patients privately?

GPs are permitted to charge patients not registered with them for services they otherwise provide as NHS or non-NHS services. Practices may advise patients if they are aware of other local practices willing to provide such services to non registered patients.

However, practices should be aware that the making of a reciprocal arrangement is a restrictive practice. To set up such an arrangement could be deemed price fixing and hence fall foul of competition law. A patient wishing to purchase a private service is free to use any practice and not be tied to any advice from their registered practice. This should be made clear if the practice is not providing the service itself.

May GPs charge for Hepatitis B vaccinations in connection with travel?

Immunisation against infectious Hepatitis (Hepatitis A) is available free of charge on the NHS in connection with travel abroad for patients travelling outside "Northern Europe". However Hepatitis B is not routinely available free of charge and therefore GPs may charge patients for this vaccination when requested in connection with travel abroad. If a patient needs a Hepatitis Vaccine for treatment of a condition, e.g. post human bite, no fee may be charged.

May GPs charge for Hepatitis B vaccinations on the grounds of occupational health reasons?

GPs increasingly face patients requesting Hepatitis B for occupational reasons because they are dental nurses or about to enter medical school. In order to determine the need for, and advise patients about the risk, some knowledge of occupational health is required. GPs may not, under Schedule 5, charge a patient for Hepatitis B in these circumstances, but a fee may be chargeable to a third party. However, a GP need not provide Hepatitis B immunisation for occupational reasons under essential or additional services. Such patients may either seek vaccination privately (e.g. through an independent travel clinic) or, as would be most suitable for those about to embark on training/work within the NHS, through an occupational health service including an Hepatitis B Local Enhanced Service where this can be negotiated with the PCT.

May GPs charge for issuing a private prescription?

GPs may write private prescriptions for patients which they may wish to do particularly in relation to drugs not available through the Drug Tariff. However GPs may not normally charge for providing such a prescription, but a dispensing doctor may charge for dispensing the prescription. The only occasion when a doctor may charge for a private prescription is in relation to travel overseas.

May GPs charge for dispensing a private prescription for 'black/grey listed' drugs?

Prescribing doctors may not charge. Dispensing doctors can supply 'black/grey' listed drugs and make a charge for the supply of the drug as set out in schedule 5, section 24.

May GPs sell OTC drugs such as aspirin?

No. GPs are under obligation to provide NHS patients any drugs or appliances needed for their treatment without charge.