

Case 200800093: A Medical Practice, Lothian NHS Board

Summary of Investigation

Category

Health: General Practice

Overview

The complainant (Mrs C) raised a number of concerns about the services relating to travel provided to her daughter by her GP practice (the Practice).

Specific complaint and conclusion

The complaint which has been investigated is that the Practice failed to provide services relating to travel in accordance with the relevant regulations from February 2008 to date (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Practice:

- (i) ceases immediately its policy for charging for all travel advice;
- (ii) as far as possible, refunds patients it has charged wrongly; and
- (iii) amends its policy in light of the regulations.

The Practice have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 8 April 2008 the Ombudsman received a complaint from the complainant (Mrs C) about services her GP practice (the Practice) provided to her daughter (Ms A) who was intending to travel abroad. The Practice failed to provide Ms A with immunisations that were available on the NHS causing Mrs C avoidable expense and inconvenience.

2. The complaint from Mrs C which I have investigated is that the Practice failed to provide services relating to travel in accordance with the relevant regulations from February 2008 to date.

Investigation

3. In writing this report I have had access to the documents provided by Mrs C and correspondence relating to the complaint from the Practice. I have also considered the relevant regulations and the policy of the Practice on their travel services. The investigation manager and the Ombudsman's professional advisor on general practice met the Practice to discuss its charges for services relating to travel.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. An explanation of the abbreviations used in this report is contained in Annex 1. Mrs C and the Practice were given an opportunity to comment on a draft of this report.

Complaint: The Practice failed to provide services relating to travel in accordance with the relevant regulations from February 2008 to date

5. Ms A had an appointment with the Practice Nurse to discuss her vaccination requirements for a trip to Borneo for which Ms A had been charged £20. At the appointment, the Practice Nurse refunded the £20 fee charged and advised Ms A to attend a travel clinic.

6. The Practice Manager later wrote to Ms A saying the Practice provided a service under their NHS contract to provide certain vaccines and apologised for the failure by the Practice Nurse to provide these vaccines to Ms A at her appointment. However, to enable her to provide the vaccines, the Practice Nurse must seek advice from an Internet resource for health professionals,

which is a private service provided by the Practice and for which they charged £20.

7. The Practice later provided Ms A with the vaccines available under the NHS and did not charge her the travel consultation fee as a gesture of goodwill.

8. The policy of the Practice in place at the time of the complaint about its services relating to travel is at Annex 3. It states patients will be charged £20 per visit abroad for all travel advice and includes a list of vaccinations available under the NHS.

9. At the meeting with the Practice, it explained it has changed the way it charges for services relating to travel. The Practice still charges £20 to patients attending the travel clinic, but will refund the money if NHS services alone are provided. The Practice Manager had identified cases where vaccinations available under NHS only had been provided, although not those cases where advice available under the NHS only had been provided. The Practice agreed it would refund the money to all these cases, regardless of the advice given. The Practice agreed it should not charge for an NHS service.

10. In response to enquiries made by the Ombudsman's office, the Scottish Government Health Department said the statutory rules for general practice (except for those practices where the general practitioners are employed by the health board) are set out in the NHS (General Medical Services Contracts) (Scotland) Regulations 2004 and the NHS (Primary Medical Services) (Scotland) Regulations 2004. These generally provide that a general practitioner cannot take payment from one of their NHS patients. There are exceptions where a general practitioner may charge including immunisations for which no fee is payable under the contract, the provision of drugs etc which might become necessary when abroad and prescribing or providing drugs to prevent malaria. Under essential NHS services, general practitioners must provide advice in connection with the patient's health. This might cover advice on which immunisations the patient requires for foreign travel and which will often be available under NHS arrangements unless it is exempt, in which case advice may be part of the service the general practitioner may charge for. The vaccinations and immunisations which may be given under NHS arrangements to those going abroad are smallpox, typhoid, paratyphoid, cholera, polio and infectious hepatitis.

11. The British Medical Association's advice to its members is not to separate the fee for advice from the fee for the administration of the vaccine because charging for giving travel advice in administering vaccines available on the NHS would be charging patients for an NHS service.

Conclusion

12. Mrs C complained that the Practice failed to provide Ms A with travel injections available on the NHS. These were eventually made available to Ms A and the consultation fee was waived. There was no resulting injustice to Ms A other than the time and trouble she went through to obtain an NHS service. However, the travel consultation fee is applied by the Practice to every patient seeking an appointment relating to travel, although it refunds this fee to those patients who receive travel vaccinations available under the NHS.

13. I accept that the Practice have acted in good faith and that they have discussed this issue with NHS Lothian. I welcome the changes the Practice have made, which has arisen from recognition that it should not charge for an NHS service. Nonetheless, I remain concerned that its current practice in separating the fee for advice from the fee for the administration of the vaccine, contrary to BMA advice, still amounts to a charge for access to an NHS service. The Practice could not identify cases where advice available under the NHS only had been provided; general practitioners may only charge for advice relating to the travel vaccines administered by them that are unavailable under NHS. I uphold the complaint.

Recommendations

14. I recommend that the Practice ceases immediately to charge for all travel advice, that it refunds patients it has charged wrongly for providing advice and it amends its policy in light of the regulations.

15. The Practice have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Practice notify her when the recommendations have been implemented.

16. The Ombudsman recognises that this issue may also affect patients in other GP practices and so she will draw this matter to the attention of the Scottish Government.

Explanation of abbreviations used

Mrs C	The complainant
The Practice	Ms A's GP practice
Ms A	Mrs C's daughter

List of legislation and policies considered

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

The National Health Service (Primary Medical Services) (Scotland) Regulations 2004

The policy of the Practice on its services relating to travel

Vaccinations

Overseas travel may expose travellers to a range of infectious diseases. All travel advice provided by the practice will be charged at £20.00 per visit abroad as the service is not covered under the NHS, although the NHS provides free access to vaccinations for patients against diseases that could pose a public risk if imported to the UK. These are:

- Hepatitis A
- Typhoid
- Poliomyelitis
- Typhoid/Hepatitis Combination
- Smallpox
- Cholera

Other vaccinations that may be required will be prescribed on a private prescription. The Pharmacy will charge the patient the full cost of the drugs/vaccinations prescribed.