

BMA briefing on Government's review of NHS overseas visitor charging

About the BMA

The BMA (British Medical Association) is a professional association and independent trade union, representing doctors and medical students from all branches of medicine across the UK and supporting them to deliver the highest standards of patient care.

Overview

The BMA recognises that in certain cases it may be appropriate to charge overseas visitors for the use of certain NHS services. However, it is vital that this system is cost-effective, practicable and does not unduly burden NHS workers. Access to urgent treatment must also always be prioritised over administrative concerns and safeguards must be in place to protect vulnerable populations, mitigate any public health risks, and ensure that patients are not deterred from seeking care. It is our view that existing overseas charging regulations fail to meet these criteria and have had a negative impact on both NHS staff and patients, including the most vulnerable.

The BMA welcomes the Health and Social Care Committee evidence session on the Government's review of NHS overseas visitor charging. We ask that at its upcoming meeting, on 25 June, with Stephen Hammond MP, Minister of State for Health, the Committee underlines the importance of publishing the findings from the DHSC review of the regulations and requests that the Minister addresses the BMA's many outstanding concerns regarding both the National Health Service (Charges to Overseas Visitors) Regulations 2015 and those amendments introduced in 2017 set out in this briefing paper.

BMA key points

- The 2018 DHSC review of the regulations was too early in the implementation stage of the regulations, severely limiting stakeholder's capacity to gather evidence of their impact and undermining its eventual findings.
- Calls for the findings of the review to be made public have been repeatedly declined and a BMA FOI request for those findings was subsequently refused.
- BMA research has found clear evidence of the charging regulations' negative impact on vulnerable groups, public health and the workload of frontline doctors.
- **The BMA believes it is essential that the full findings of the DHSC review are released and that a further, independent review of the regulations is conducted now that the regulations have had time to become more established.**

Background

In 2015, the UK Government introduced new rules governing the charging of 'overseas visitors' accessing NHS services in England, with the stated intention of ensuring NHS bodies did not lose income by providing care to those not eligible for free treatment. This introduced a charge of 150% of the national tariff for overseas visitors using NHS services, alongside powers for trusts to recover charges from chargeable patients.

The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2017 updated these rules, expanding charging to community services, introducing upfront charging for non-urgent care, and requiring NHS services to record patients' eligibility for free treatment. **When the**

regulations passed through Parliament, the BMA raised our strong and longstanding concern that they risked deterring vulnerable patients from seeking care, endangering public health, and increasing the workload of doctors and other NHS staff.

Department of Health and Social Care review

In December 2017, the Government launched a review of the regulations, focusing on their impact on vulnerable groups and public health. **The review was launched less than two months after the regulations came into force in October 2017, meaning that stakeholders were severely limited in their capacity to collect and assess evidence of their impact.** Moreover, many trusts and community services had not fully implemented the regulations at the time of the review. This concern was raised by BMA and other stakeholders in our responses to the initial review.

The Minister of State for Health announced the completion of the review in December 2018, stating that no evidence had been found of the regulations deterring overseas visitors from accessing treatment, or that they had impacted on public health. However, the [Government later revealed](#) in response to a written parliamentary question, dated 22 January 2019, that the review had received evidence of a number of cases in which patients had been wrongly required to pay before they could receive NHS treatment that should have been considered urgent or immediately necessary.

The Government has subsequently declined to make the findings of the review available to stakeholders or the public. In January 2019, BMA submitted an FOI request in an attempt to access the findings of the review. Following numerous delays, **a final response was received in May 2019 stating that none of the material would be released. This is deeply disappointing and has raised further concerns regarding the transparency of the review, reflected again by the Committee's own difficulties in accessing its findings.**

BMA Research

In contrast to the Government's assessment of the regulations, research carried out by the BMA has presented clear evidence that the new regulations have impacted negatively on patients, particularly those from vulnerable groups, public health and the medical workforce. Following the launch of the DHSC review of the regulations, we undertook a survey of our members' experience of the regulations. This research, published in our paper [Delayed, deterred, and distressed](#), found that:

- The regulations, and particularly upfront charging, are deterring patients from seeking care, including for treatments that are not chargeable
- Based on their experiences thus far, our members have reported that the regulations are negatively impacting public health
- Many doctors have faced pressure from OVMs (Overseas Visitors Managers) when making clinical judgements regarding a patient's need for care
- The regulations have increased workload for doctors and wider teams, taking time away from patient care.

On the basis of our research and our standing concerns regarding the overseas visitor charging regulations, we believe that urgent action is needed, including:

- A full and independent review into the impact of the regulations on individual and public health
- The full publication of the findings of the DHSC review of the regulations
- Simplification of charging criteria and exemptions to improve clarity for patients and providers and reduce instances of their misapplication
- The introduction of safeguards to ensure that vulnerable populations are not deterred from seeking care, are able to access the care they are entitled to and that necessary treatment is not denied due to difficulty or delay in proving eligibility
- An investigation into OVM performance and action in cases of interference with clinical decision making
- Rigorous testing of the cost-effectiveness of the regulations.