

## FP 10/05

# PROCEDURE FOR THE IDENTIFICATION AND CHARGING OF OVERSEAS VISITORS FOR NHS TREATMENT

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Brief Summary of Document:	This document is one in a series of financial procedures providing clear process to be followed. This procedure specifically deals with the process of the identification of overseas visitors.
Scope	All HB Staff

To be read in conjunction with:	Standing Orders Standing Financial Instructions Other Financial Procedures
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Owning committee	Sustainable Resource Committee
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Executive Director:	Huw Thomas	Job Title	Director of Finance
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# HYWEL DDA UNIVERSITY HEALTH BOARD

Reviews and updates		
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1	New Procedure	01/10/2009
2	Revised	26/10/2018
3	Revised	21/12/2021

Keywords	Overseas Visitors
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# HYWEL DDA UNIVERSITY HEALTH BOARD

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# HYWEL DDA UNIVERSITY HEALTH BOARD

## 1. INTRODUCTION

This document is intended to give an overview of how all Health Board staff has a statutory duty to identify any overseas visitor accessing Hywel Dda University Health Board services so that all cost of treatment can be recouped.

Hywel Dda University Health Board (UHB) is fully committed to reducing overseas patient hospital charges evasion as NHS primary purpose is to provide healthcare to the residents of the United Kingdom. People who do not normally live in the UK are not automatically entitled to use NHS hospital services free of charge, regardless of their nationality or whether they hold a British passport or have previously lived in the UK and paid National Insurance contributions and taxes previously in the UK.

The Welsh Government Charging Regulations place a legal obligation on Health Boards in Wales to establish if people to whom they are providing NHS hospital services are not normally resident in the UK. If they are not then charges may be applicable for the NHS hospital services provided. When that is the case the UHB must charge the person liable for the costs of NHS hospital services.

## 2. SCOPE

This procedure is Hywel Dda University Health Board wide.

## 3. AIM

This procedure aims to ensure effective Financial Control within Hywel Dda University Health Board.

## 4. OBJECTIVES

The aim of this procedure will be achieved by:

- Outlining the law in Wales
- Detailing the responsibility of Health Board staff
- Definition of an overseas visitor
- Outlining validation and income recovery
- Detailing charging overseas visitors

## 5. THE LAW IN WALES

**The statutory provisions** which enable overseas visitors to be charged for NHS treatment are found in section 121 of the National Health Service Act 1977 (as amended by sections 7(12) and (14) of the Health and Medicines Act 1988). Making such regulations for Wales is devolved to the authority of the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Function) Order 1999. This gives authority to the Assembly to make Regulations concerning charging anyone who is not ordinarily resident in Great Britain for any NHS services provided. They also give the Assembly powers to calculate such charges on any appropriate commercial basis.

**The Regulations** were first introduced in 1982 but were replaced by revised, consolidated Regulations in 1989. The National Health Service (Charges to Overseas Visitors) Regulations 1989 are therefore the baseline from which LHBs should work, taking into account all other amending Regulations made since 1989. The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2004, which came into force on 31st May 2004, make a number of wide ranging changes to the 1989 Regulations.

Refer to <https://gov.wales/docs/dhss/publications/110721overseasen.pdf> for a full list of all the current regulations.

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## 6. RESPONSIBILITIES – ALL HEALTH BOARD STAFF

The success of the charging regime depends on all staff being aware and supportive of the role of the Overseas Visitor Patient Officer. Staff and Management should support the charging regime not only because it is a legal obligation to ensure that those Overseas Visitors who are not exempt from charges pay for their treatment wherever possible, but also because it allows extra income to be raised and protects allocated funds for those entitled to free treatment.

Further, Overseas Visitor Patient Officers are much more likely to receive the support of clinicians when they have a good and transparent relationship with them. It is crucial that clinicians do not feel that following the charging regime means that they cannot diagnose and treat their patients appropriately. This can be helped by Overseas Visitor Patient Officers explaining that their role is not to be involved in any decisions on urgency of treatment, but to inform clinicians when they are dealing with a chargeable overseas patient who cannot pay and to provide details on when the patient can reasonably return home. With this information, clinicians can decide if the treatment that the patient needs can wait until the patient can return home or not.

## 7. IDENTIFICATION OF OVERSEAS VISITORS

To avoid any potential claim for discrimination under Article 14 of the European Convention on Human Rights, which is now incorporated into UK law in the Human Rights Act 1998 HB frontline staff should in practice ask all patients on admission a baseline question to establish where patients have lived in the past 12 months and if it is the UK that they can show that they have the right to live here.

Therefore, it is vitally important that reception staff, ward clerks, medical records appointment officers ensure that Welsh PAS (Patient Administration System) records the overseas patients by following these steps listed below.

- All patients to be asked where their normal place of residence is and if they are have settled or pre-settled status if part of the EU Settlement Scheme
- Overseas home address in addition to the UK temporary address being given for correspondence while the patient is in the UK to be recorded in Welsh PAS
- Where a patient provides a hotel, caravan site or suspected business address staff should alert the overseas visitor patient officer who will investigate the patient status
- GP information should be recorded as “overseas visitor” in Welsh PAS to enable ongoing identification of the patient as an overseas visitor
- Patient/guardian/representative’s telephone contact number and email address should be recorded in Welsh PAS to allow communication with the patient after discharge (this is crucial to assist in recovering the debt)
- If the patient is under 18 years of age the name of the responsible parent/guardian and contact details must be recorded in keynotes/next of kin section in the Welsh PAS
- Staff to ensure that the overseas patient is informed that charges **may** apply for treatment.

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- Staff to ensure that the overseas patient completes and signs the undertaking to pay form (FP2 shown in Appendix 1) and email the undertaking to pay form to the overseas team whilst the patient is still on the ward. [Overseasteam.Finance.HDD@wales.nhs.uk](mailto:Overseasteam.Finance.HDD@wales.nhs.uk)
- Undertaking to pay form to be emailed to [Overseasteam.Finance.HDD@wales.nhs.uk](mailto:Overseasteam.Finance.HDD@wales.nhs.uk)
- The Overseas Visitors team can be contacted by direct line 01267 887173 - happy to assist and support with any queries

## 8. VALIDATION AND INCOME RECOVERY

- The Overseas Team will review the undertaking to pay form and validate the information provided against Welsh Government guidelines and legislation
- If additional information is required to establish the patient's status the Overseas Visitors Team will contact the patient directly
- If the patient's status is chargeable then the invoice will be raised by the Overseas Visitors Team and deal with any subsequent queries
- If the invoice proceeds to formal external debt collection this is undertaken by the Accounts Receivable team

## 9. CHARGING OVERSEAS VISITORS

Welsh Government has advised Health Boards to choose an appropriate costing methodology to recoup charges based on the cost of treatment. HDUHB uses an average local specialty price.

## 10. LOCAL COUNTER FRAUD TEAM

Where dishonesty, evasion of hospital overseas charges by theft or fraud is suspected the Health Board's Local Fraud Management Team will be asked to investigate. Below are examples of potentially fraudulent activity.

- Is the patient from overseas but pretending to be a UK resident?
- Has provided false documentation and false address?
- Is the relative of a UK resident and given their address?

## 11. HOSPITAL STAFF AWARENESS TRAINING

An ongoing staff awareness programme is in place to assist Health Board staff with regard to the identification of overseas patients and the process for completing all paperwork so the UHB can recover the cost of treatment – there is also a rolling overseas awareness session on the Managers Passport Plus programme.

Any department or member of staff that would like this training sooner please contact the Overseas Visitors team on 01267 887173

## 12. HOME OFFICE INVOLVEMENT

The Home Office Immigration Service have amended the immigration rules to allow an unpaid debt of £500.00 or more by a person subject to immigration control to be a reason to refuse a new visa or extension of stay. The Welsh Government set up a project group with Health Boards

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in Wales which implemented the new immigration rules by putting in place with Finance Accounts Receivable departments the necessary system to capture data which is to be sent to the Home Office Immigration service.

The Home Office carry out status checks which assists the UHB to recover overseas patient treatment costs.

### **13. OVERSEAS INTRANET PAGE**

The Overseas Visitors team have developed an intranet page as a reference point for all Health Board staff to access information, documents and posters for information.

<http://howis.wales.nhs.uk/sitesplus/862/page/72941>

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## 14. Appendix 1 – undertaking to pay form



### Appendix 1

<p><b>This form must be completed by the patient /Relative/Guardian as soon as possible on admission to the ward/department.</b></p> <p><b>Please email this completed form to <a href="mailto:Debbie.Greenaway@wales.nhs.uk">Debbie.Greenaway@wales.nhs.uk</a>.</b></p> <p>Any queries contact Debbie Greenaway on 01267 887173.          HDUHB Overseas Intranet page - <a href="http://howis.wales.nhs.uk/sitesplus/862/page/72941">http://howis.wales.nhs.uk/sitesplus/862/page/72941</a></p>	
FP2 - Undertaking To Pay	WelshPAS Hospital Number:
<b>Patient 18 and over - Section A PATIENT TO COMPLETE AND SIGN/DATE</b>	
Family Name:	
Given Names:	Date of Birth:
Permanent overseas address:	
Temporary UK Holiday address:	
Contact Telephone Number:	
Email address	
<b>Patient Under 18 - Section B PARENT/GUARDIAN TO COMPLETE AND SIGN/DATE</b>	
Family Name:	
Given Names:	Date of Birth:
Permanent overseas address:	
Temporary UK Holiday address:	
Contact Telephone Number:	
Email address	
<p><b>Declaration</b> - I understand the reason I have been asked to complete this form as a non ordinarily resident of the UK I undertake to pay Hywel Dda University Health Board the cost of treatment I receive in accordance with the NHS charging Regulations in force in respect of hospital treatment provided. I also understand that failure to pay these costs for NHS treatment may result in future immigration applications may be denied. Hywel Dda University Health Board may share this information with the Counter Fraud Team, The Home Office, The Department of Works and Pensions, The Welsh Government.</p>	
Signature :	Print Name:
	Date:



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Swyddfeydd Corfforaethol, Adeilad Ystwyth,  
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job,  
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

Corporate Offices, Ystwyth Building,  
Hafan Derwen, St Davids Park, Job's Well Road,  
Carmarthen, Carmarthenshire, SA31 3BB

Cadeirydd / Chair  
**Mrs Maria Battie**

Prif Weithredwr/Chief Executive  
**Mr Steve Moore**

Bwrdd Iechyd Prifysgol Hywel Dda yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Hywel Dda.  
Hywel Dda University Health Board is the operational name of Hywel Dda University Local Health Board

Mae Bwrdd Iechyd Prifysgol Hywel Dda yn amgylchedd di-fwg Hywel Dda University Health Board operates a smoke free environment