

## Information for people seeking free NHS Hospital Treatment

You may not be aware but the law requires every NHS Hospital to check all patients who are newly referred or have been admitted to the hospital to determine whether they are entitled to free NHS hospital treatment.

You will be asked for documented proof to establish your eligibility for free NHS hospital treatment. Failure to respond may lead to the Overseas Visitors Manager sharing your non clinical information with the Home Office to ascertain your immigration status. The recent high court judgement confirmed that the NHS does not have to obtain a person's consent to do this.

### Definition of an Overseas Visitor

- An Overseas Visitor is any person of any nationality not "ordinarily resident" in the United Kingdom and therefore potentially liable to be charged for NHS hospital treatment. Ordinarily residence means, broadly, living lawfully and on a properly settled basis in the UK for the time being.

### The Trust will:

- Ensure that patients who are not ordinarily resident in the United Kingdom are identified.  
**NB:** A person is not "ordinarily resident" in the UK simply by:
  - having British nationality: holding a British passport
  - being registered with a GP
  - having an NHS number
  - owning property in the UK
  - Having paid (or currently paying) National Insurance contributions and taxes in this country.

The trust will charge those liable to pay in accordance with the Charging Regulations: and recover charges from those liable to pay.

### Treatment which is free to all visitors

- No charge will be made for Accident and Emergency treatment up until the point an overseas visitor is discharged from A&E and admitted as an inpatient or given an outpatient appointment, this includes the **CDU, Observation Unit and Ambulatory care** – including further emergency treatment – it is then necessary to charge the patient unless they are exempt from charge.
- Certain diseases where treatment is necessary to protect the wider public health.

### Family Doctor Referrals

If you are an Overseas Visitor and have been referred by a Family Doctor (General Practitioner (GP) to a NHS hospital and you do not qualify for exemption for medical treatment received, you will be charged for the NHS hospital treatment you receive.

### European Economic Area

Overseas Visitors who are resident in an EEA Country/Switzerland must have a valid European Health Insurance Card (EHIC)/ Provisional Replacement Certificate or S1 certificate to receive free necessary medical care during their visit. Failure to provide either of these will mean there is normally a charge for NHS hospital treatment.

### Other Bilateral Healthcare Agreements

Several countries and territories outside the EEA also have bilateral healthcare agreements with the UK. Patients who can show they are lawfully resident in one of those countries (and a national of that country if necessary) are exempt from charges providing *the need for treatment arose during their visit to the UK. Some treatment may be limited.*

### **No Healthcare Agreement**

If you are not ordinarily resident in the UK and you are not resident in a country within the European Economic Area with a valid EHIC and your country of residence does not have a reciprocal/bilateral health care agreement with the UK, you will be personally liable for your treatment including medicines, x-rays and blood tests unless you satisfy certain other criteria for exemption.

### **Other Exemption Categories**

Some visitors are fully or partially exempt from charges even when they are not visiting from the EEA or a bilateral healthcare agreement country. These include most workers and students, Some UK state pensioners who have a valid S1 certificate registered in their EU country of residence, refugees and asylum seekers and victims of human trafficking.

### **Communications**

If a patient does not have English as a first language and does not have a friend or relative with them who is able, when appropriate, to act as interpreter when they come for an appointment, they can request interpreting facilities, however this may take the form of telephone services.

### **Treatment Costs – Implications of Failure to Pay**

No power has been given, in the charging regulations or otherwise for any person, including a relevant NHS body's Chief Executive or Government Minister, to waive charges which are due. Usually a deposit payment will be required until you have been discharged from hospital and we can establish total costs to treatment provided. **The OSV team are the only department able to determine if you are chargeable not the doctor treating you.**

**If you fail to pay for NHS treatment for which charges have been levied, it may result in a future immigration application to enter or remain in the UK being denied. Necessary (non-medical) personal information may be passed via the Department of Health to the Home Office for this purpose.**

### **Urgent and Immediately Necessary Treatment**

No-one will be refused urgent or immediately necessary treatment because they cannot pay, however treatment is not made free of charge by virtue of being provided on an immediately necessary or urgent basis and charges found to apply cannot be waived. **Elective treatment must be paid for prior to appointment being given or appointment will be cancelled.**

### **Further Information**

Information can be found on the NHS Choices website by searching for "Overseas Visitors". If you need to know anything further or wish for advice, please do not hesitate to contact the Overseas Visitors Team at Epsom & St Helier NHS Trust to discuss your individual needs.

### **Overseas Visitors Team**

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