



Access to Treatment

Joe Murray

Policy Officer

National AIDS Trust

Overview



- 🎗️ Policy context
- 🎗️ Frequently asked questions
- 🎗️ Key resources for further information
- 🎗️ Cases for discussion

Situation before April 2004



- Ⓡ NHS treatment available free of charge to anyone who could show they had been in the UK for more than 12 months
- Ⓡ Also available free to anyone applying for asylum or for leave to remain
- Ⓡ Regulations governing NHS charging (and exemptions) enshrined in the NHS Act 1977 and NHS (Charges to Overseas Visitors) Regulations 1989
- Ⓡ Exemptions included universal free treatment for a range of conditions on public health grounds (including TB and all STIs except for HIV)

Situation after April 2004



- Ⓡ New restrictions imposed on all hospital services (after consultation but without any research or evidence base)
- Ⓡ Some genuinely beneficial changes (e.g., long stay students can access NHS services without charge after six months)
- Ⓡ Treatment for HIV (or for anything else not exempted in the 1989 Regulations) is chargeable for certain people (e.g., long stay visitors, undocumented individuals, refused asylum seekers)

Who gets free NHS treatment?



- ⓧ Those lawfully living in the UK for the last 12 months before treatment
- ⓧ A refugee or an asylum seeker with a current application ongoing
- ⓧ A member of the UK armed forces
- ⓧ Those who have come to live in the UK permanently (if they are currently applying for permanent residence, they will be charged until it is granted)
- ⓧ Those in prison or in immigration detention
- ⓧ Those from one of the countries with a bilateral healthcare agreement with the UK (e.g., European Economic Area, many Central European and Central Asian countries, some British dependencies and Commonwealth countries)

Who may be charged for NHS treatment?



- Ⓡ Those who are undocumented (entered the country without proper papers or permission)
- Ⓡ Those whose asylum appeal has had a final refusal and are awaiting deportation
- Ⓡ Those on a visitor visa
- Ⓡ Those who have overstayed any kind of visa
- Ⓡ Those with a British passport but who do not usually live in the UK

If they cannot pay for treatment, will they be refused even though they need it?



- ⦿ If the treatment is for a life-threatening condition, or to prevent a condition from becoming life-threatening, they should not be refused
- ⦿ Decision officially up to the doctor
- ⦿ If they have HIV, they should be able to use NHS care for HIV regardless of their ability to pay
- ⦿ Anyone completely refused HIV or maternity treatment because they cannot pay should contact a local HIV support service

What happens if they are chargeable?



- ⦿ They will be interviewed by a hospital administrator (who may be a dedicated Overseas Payments Officer)
- ⦿ If chargeable, then after they begin treatment they will start to receive bills
- ⦿ If they believe the hospital has made a wrong decision to charge for treatment, they should seek help immediately from a local HIV support service

What if they get the treatment but cannot pay the bills?



- Ⓡ It is extremely important that they tell the hospital honestly that they will have trouble paying
- Ⓡ Hospitals can write off debt if they realise someone simply cannot pay (e.g., if they have no right to work and thus no income)
- Ⓡ If they are working but not earning very much, the hospital may settle for a 'token' amount (e.g., a few pounds a month)
- Ⓡ If they ignore the bills and do not speak with the hospital, the hospital is much more likely to hand the debt over to debt collectors

They think they have an STI. Can they use the NHS?



- 🎗️ Everyone can use the NHS and for most STIs the service is completely free
- 🎗️ They should not be charged for any tests in a sexual health clinic nor for any treatment they need for most STIs
- 🎗️ For HIV the situation is different – the HIV test is free, but they may be charged for any other HIV treatment and hospital care if they do not meet the criteria for free treatment

What if they are pregnant and have HIV?



- ⦿ It is very important that they get the right care to prevent passing on the virus to their unborn child
- ⦿ No hospital should refuse to treat them, though they may be billed
- ⦿ Sometimes this frightens women into not getting medical treatment until the baby is already on the way, but this can seriously damage both the mother and the baby's health

Will their details be passed on to immigration authorities if they are not in the UK legally?



- Ⓡ This should not happen – the NHS is supposed to provide treatment in confidence
- Ⓡ The hospital may ask permission to contact the Home Office to get proof that they should not be charged (if they refuse and cannot provide proof that they are in one of the categories entitled to free treatment, they may be charged)
- Ⓡ If anyone threatens to pass along their details to someone outside the NHS without their permission, they should seek advice from a local support service

What happens if their asylum claim is refused or visa expires while receiving free treatment?



- ⦿ If they are already getting free NHS care for HIV, or any other condition, they still have a right while in the UK to continue treatment free of charge
- ⦿ They should seek advice from a local support service should any NHS staff misunderstand this rule

Key Resources



🎗 Will I have to pay?

www.nat.org.uk/document/253

🎗 NHS charging regulations in full
www.dh.gov.uk/overseasvisitors

🎗 Terrence Higgins Trust Direct
0845 122 1200

🎗 African AIDS Helpline
0800 0967 500

Contact



Email: joe.murray@nat.org.uk

Telephone: 020 7814 6767

Direct Telephone: 020 7814 6756

Points to consider



- ⦿ Interruption of treatment
- ⦿ Confusion over entitlement
- ⦿ Disappearance from care
- ⦿ Inability to pay
- ⦿ Mental health
- ⦿ What went right
- ⦿ What went wrong
- ⦿ How you can make a difference