

POLICY NOTE

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/70

1. The above instrument was made in exercise of the powers conferred by section 98 and 105 of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Policy Objectives

Commonwealth Games

2. As part of the Scottish Government's preparation for the XX Commonwealth Games 2014 an amendment is required to Regulation 5 of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989. This will fulfil a commitment to exempt certain categories of overseas visitors, the Games Family, who are taking part or are involved in the Commonwealth Games from the requirement to pay for NHS treatment, the need for which arose, during the period from 7 July to 7 August 2014 inclusive, in the event of illness or accident.

HIV Treatment - Exemption from Charges

3. In 2012 the UK Government took the decision, on the strength of the House of Lords Report - No Vaccine, No Cure: HIV and AIDS in the United Kingdom, that it would amend the English NHS Charges to Overseas Visitors Regulations to exempt overseas visitors, including asylum seekers, from charges for all HIV treatment. Previously only testing and counselling was provided at no cost to overseas visitors.

4. In Scotland, asylum seekers are already exempt from all charges for NHS treatment, regardless of the status of their application for asylum, and the very small cohort of patients to whom charges could apply already receive HIV treatment without charge in the interest of public health. Nevertheless, in 2012 it was agreed by Scottish Ministers that this arrangement should be placed on a legal footing when an appropriate opportunity arose. The Commonwealth Games amendment presents the opportunity to amend Regulation 3 and Schedule 1 of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 to exempt all HIV treatment from charges.

Amendment of Schedule 2 - Reciprocal Healthcare Countries

5. The opportunity is also taken to update the list of countries with which the UK, and therefore Scotland, has entered reciprocal healthcare agreements. This is simply a matter of

removing and adding certain countries and regions to a list, mostly to reflect constitutional changes in Europe in recent years.

Consultation

6. A consultation is not deemed to be necessary on this occasion. The Games amendment will only cover the short period between 7 July and 7 August; the NHS healthcare that the Games Family will be entitled to access whilst in Scotland will be limited to necessary treatment in the event of illness or accident; the numbers involved will be small; and any necessary treatment is likely to be provided within Greater Glasgow & Clyde's and its neighbouring NHS Boards' catchment areas, who will be prepared for any influx.

7. The decision to exempt a very small cohort of patients from charges for HIV treatment is in the best interests of public health as evidenced by sexual health clinicians and organisations, who support this measure. This amendment simply places what happens now on a legal footing.

Impact Assessments and Financial Effects

8. An equality impact assessment has not been completed for these relatively minor amendments. NHS Boards have a duty to comply with the Equality Act 2010 in the provision of NHS care and services.

9. The Cabinet Secretary for Health and Wellbeing confirms that a Business and Regulatory Impact Assessment is not necessary on this occasion as the instrument has no, or negligible, financial effects on the Scottish Government, local government or on business.

10. NHS Boards will, however, be asked to record and monitor the number of overseas visitors accessing HIV treatment to ensure that the formal exemption from charges has no adverse impact on service delivery.

The Scottish Government Health
and Social Care Directorates

Chief Nursing Officer, Patients, Public
and Health Professions Directorate

Care, Support & Rights Division

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