

SPSO decision report

Case: 201302194, A Medical Practice in the Tayside NHS Board area

Sector: health

Subject: lists

Outcome: upheld, recommendations

Summary

Mrs C complained that her medical practice had removed her from their list of patients. She had visited the practice to try to get an emergency appointment. She had a sore throat and had lost her voice so she used a pen and a scrap of paper to communicate with the receptionist. As a suitable appointment was not available she became frustrated and left the practice. The following day, the practice wrote to Mrs C saying that because of her behaviour, and after seeing relevant CCTV footage, they had no option but to immediately remove her from the practice list. Mrs C told us that she disputed the practice's interpretation of her behaviour. We explained that the practice were entitled to act on any concerns they had and that it was not our role to comment on the incident itself. We confirmed that our investigation would focus on the process the practice followed in removing her from their patient list.

We reviewed the relevant regulations and guidance, and discussed the case with one of our medical advisers. In order to remove a patient with immediate effect, the incident must have been reported to the police. Failing this, the practice should send the patient a warning letter. Only where a warning has been issued in the preceding 12 month period can they remove the patient without having involved the police. We upheld the complaint, as we found that in this case, the practice did not issue Mrs C with a warning, nor did they contact the police.

Recommendations

We recommended that the practice:

- review their removal policy to ensure it reflects the terms of the General Medical Services Contracts Regulations and associated guidance, particularly in respect of giving patients relevant prior warning if they are at risk of removal; and
- apologise to Mrs C for not following the proper procedure when removing her from their list of patients.