

SPSO decision report

Case: 201403076, Tayside NHS Board
Sector: health
Subject: policy / administration
Outcome: not upheld, recommendations

Summary

Mrs C said her son was admitted to Ninewells Hospital with a suspected infectious disease and was kept in hospital for two nights. Mrs C said she was told that her son's treatment would be free, but during the discharge process she was advised she would have to pay for his treatment as they were visitors to the UK. Mrs C complained that it was unreasonable that she was charged for his care and treatment. Her concerns included that her son's treatment was not immediately necessary and the board's actions were contrary to Scottish Government Guidance CEL 09 (2010) (Overseas Visitors' Liability to Pay Charges for NHS Care and Services) as she was not given the opportunity to make an informed decision about whether, or to what extent, to proceed with treatment.

We obtained independent medical advice on the complaint from one of our medical advisers, a consultant in general medicine. The evidence showed that the initial impression provided to Mrs C by the board was that her son's treatment would be free. The board failed to follow the Scottish Government guidance with sufficient accuracy, and there were opportunities that should have been taken to discuss the likely charges with Mrs C at the time of her son's admission to hospital.

However, the type of treatment her son received was chargeable. It seemed unlikely that, had Mrs C been presented with the 'undertaking to pay' form at the time of her son's admission to hospital, she would have refused to sign the form, as he was clearly very unwell and in need of medical treatment. We also noted that Mrs C signed the 'undertaking to pay' form at the time of her son's discharge. We therefore considered that, on balance, it was reasonable that Mrs C was charged for her son's care and treatment.

Recommendations

We recommended that the board:

- ensure that hospital staff receive training on when to discuss charging for NHS care and services with overseas visitors requiring treatment; and
- provide Mrs C with a written apology for failing to discuss the likely charges for her son's treatment with her at the time of his admission to hospital.