



Charging Fees to Registered NHS Patients

Contracts and Regulations

Can I charge private fees to my registered patients?

Generally speaking you may not charge fees to your NHS registered patients. The Regulations [24 of the NHS (GMS Contracts) Regulations 2004 - SI 2004 No 291 and Regulation 15 of the NHS (PMS Agreements) Regulations 2004 - SI 2004 No 627] preclude you from charging patients.

However, Schedule 5 (GMS) Schedule 3 (PMS) sets out the circumstance in which you may charge patients for certain services. The regulation and schedule are reproduced below for reference.

24.[15 PMS] - (1) The contract must contain terms relating to fees and charges which have the same effect as those set out in paragraphs (2) to (4). (2) The contractor shall not, either itself or through any other person, demand or accept from any patient of its a fee or other remuneration, for its own or another's benefit, for –

(a) the provision of any treatment whether under the contract or otherwise; or (b) any prescription or repeatable prescription for any drug, medicine or appliance,

except in the circumstances set out in Schedule 5 [3 in PMS]

SCHEDULE 5 [3 PMS]

FEES AND CHARGES

1. The contractor may demand or accept a fee or other remuneration –

(a) from any statutory body for services rendered for the purposes of that body's statutory functions;

(b) from any body, employer or school for a routine medical examination of persons for whose welfare the body, employer or school is responsible, or an examination of such persons for the purpose of advising the body, employer or school of any administrative action they might take;

(c) for treatment which is not primary medical services or otherwise required to be provided under the contract and which is given -

- (i) pursuant to the provisions of section 65 of the Act (accommodation and services for private patients), or
- (ii) in a registered nursing home which is not providing services under that Act,

if, in either case, the person administering the treatment is serving on the staff of a hospital providing services under the Act as a specialist providing treatment of the kind the patient requires and if, within 7 days of giving the treatment, the contractor or the person providing the treatment supplies NHS England Area Team, on a form provided by it for the purpose, with such information about the treatment as it may require;

(d) under section 158 of the Road Traffic Act 1988 (payment for emergency treatment of traffic casualties)

(e) when it treats a patient under regulation 24(3), in which case it shall be entitled to demand and accept a reasonable fee (recoverable in certain circumstances under regulation 24(4)) for any treatment given, if it gives the patient a receipt;

- (f) for attending and examining (but not otherwise treating) a patient -
- (i) at his request at a police station in connection with possible criminal proceedings against him,
 - (ii) at the request of a commercial, educational or not-for-profit organisation for the purpose of creating a medical report or certificate,
 - (iii) for the purpose of creating a medical report required in connection with an actual or potential claim for compensation by the patient;
- (g) for treatment consisting of an immunisation for which no remuneration is payable by NHS England Area Team and which is requested in connection with travel abroad;
- (h) for prescribing or providing drugs, medicines or appliances (including a collection of such drugs, medicines or appliances in the form of a travel kit) which a patient requires to have in his possession solely in anticipation of the onset of an ailment or occurrence of an injury while he is outside the United Kingdom but for which he is not requiring treatment when the medicine is prescribed;
- (i) for a medical examination -
- (i) to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt, or
 - (ii) for the purpose of creating a report -
 - (aa) relating to a road traffic accident or criminal assault, or
 - (bb) that offers an opinion as to whether a patient is fit to travel;
- (j) for testing the sight of a person to whom none of paragraphs (a), (b) or (c) of section 38(1) of the Act (arrangements for general ophthalmic services) applies (including by reason of regulations under section 38(6) of that Act);
- (k) where it is a contractor which is authorised or required by a NHS England Area Team under regulation 20 of the Pharmaceutical Regulations or paragraphs 47 or 49 of Schedule 6 to provide drugs, medicines or appliances to a patient and provides for that patient, otherwise than by way of pharmaceutical services or dispensing services, any Scheduled drug;
- (l) for prescribing or providing drugs or medicines for malaria chemoprophylaxis.



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