

13th Annual Conference of the
National HIV Nurses Association (NHVNA)



Sarah Radcliffe

National AIDS Trust

16-17 June 2011, Arena and Convention Centre, Liverpool

**SHAPING ATTITUDES
CHALLENGING INJUSTICE
CHANGING LIVES**

NHVNA: 17 June 2011



HIV & Immigration:

Current policy issues around charging for HIV treatment

Sarah Radcliffe
Senior Policy & Campaigns Officer, NAT

HIV & Immigration

TRANSFORMING
THE UK'S
RESPONSE
TO HIV





NAT's policy work on asylum and immigration:

-  **Dispersal**
-  **Detention**
-  **Removal**
-  **Poverty**
-  **Charging for HIV treatment**

Overview




TRANSFORMING
THE UK'S
RESPONSE
TO HIV



- 1. Charging in secondary care**
 *Current practice*
- 2. Refusing entry or stay to migrants with outstanding NHS debts**
- 3. Charging in primary care?**
 *future plans*

Treatment charges



-  **Entitlement to free NHS treatment usually based on residency status**
-  **BUT some types of care always free:**
 - A&E
 - services at GUM/sexual health clinic
 - treatment for infectious diseases, e.g. TB
-  **HIV is the only infectious disease or STI not exempt from NHS charges**

Immediately necessary treatment






Immediately necessary treatment is that which a patient needs:

- *to save their life, or*
- *to prevent a condition from becoming immediately life-threatening, or*
- *promptly to prevent permanent serious damage from occurring.*

Immediately necessary treatment



-  Immediately necessary treatment should always be provided without delay
-  BHIVA is clear that HIV treatment is immediately necessary
-  As such, HIV treatment will always be provided, even if the patient is chargeable and even if s/he cannot pay.

Charging in secondary care



Framework:

- NHS (Charges to Overseas Visitors) Regulations 1989 + amendments
- Guidance: *Implementing the Overseas Visitors Hospital Charging Regulations*
- New Regulations & Guidance consulted on 2010.
- Ongoing work to remove HIV exemption

Charging in secondary care






Main groups affected by HIV treatment charges:

-  Refused asylum seekers (except s4 & s95)
 -  Visa over-stayers
 -  undocumented migrants
 -  Short-term visa holders
-

Charging in secondary care



Key issues in implementing charging regulations:

-  Identifying chargeable migrants
 -  Role of clinicians
 -  Inability to pay and writing off debts
-




NHS hospital treatment is not free for everyone

British but not permanently resident in the UK?

NHS

If you are visiting the UK, or not living here on a lawful and settled basis, you may have to pay for your healthcare. Please ask reception for details.

NHS

NHS treatment is only automatically free for settled UK residents.
UK citizens who are not currently permanent residents of the UK may have to pay for treatment.
Ask reception for details.

Refusing entry/ stay to NHS debtors



TRANSFORMING THE UK'S RESPONSE TO HIV




Plans to consider unpaid NHS debt in immigration decisions:

-  **NHS to share information on debts with UKBA**
-  **Restrictions on entry, stay and citizenship applications based on unpaid debt**
-  **Impact on access to HIV treatment?**

Charging in primary care?

TRANSFORMING
THE UK'S
RESPONSE
TO HIV





-  At present no limits to primary care based on residency status
 -  Evidence of unlawful exclusions taking place in some PCTs
 -  DH plans to commence another review on the possibility of charging in primary care
-

Next steps

TRANSFORMING
THE UK'S
RESPONSE
TO HIV



-  Introduction of new Regulations/Guidance
 -  Development of DH/UKBA information sharing plans
 -  Review of charging in primary care
 -  Amendment to remove HIV exclusion from the Regulations
-

Thank you

TRANSFORMING
THE UK'S
RESPONSE
TO HIV



Questions?

sarah.radcliffe@nat.org.uk

www.nat.org.uk

TRANSFORMING
THE UK'S
RESPONSE
TO HIV



**SHAPING ATTITUDES
CHALLENGING INJUSTICE
CHANGING LIVES**

National AIDS Trust is a registered charity, number 2972977 and a company limited by guarantee (registered in England and Wales) number 2175938.
Registered office: Cheine+Tait Unit 112, Down Street, West Molesey, Surrey KT8 2TU

© National AIDS Trust 2008. All rights reserved. No part of this publication may be copied or transmitted in any form or by any means without the National AIDS Trust's permission.