

The Newcastle upon Tyne Hospitals NHS Foundation Trust

Category 2/Medical Legal Patients Policy

Effective: November 2010

Review: November 2012

1. Introduction

Category 2 or medical legal work is distinct from private practice, however it is still non NHS work and outlined in 'Terms and conditions for Hospital Medical and Dental Staff'. This Policy should be viewed with the Private Patient Policy.

There are a number of occasions when category 2 or medical legal reports as they are sometimes known as will be requested, and they will be commissioned by employers, courts, solicitors, Department of Work and Pensions etc, the report may include radiological opinion and bloods. This work is commissioned direct with the consultant and not with the Trust and the responsibility lies with the Consultant.

- 1.1 The Trust charges the Consultant for the facilities used by the Consultant to undertake the report plus any tests etc in line with the private tariff.
- 1.2 All patients regardless of status must be registered on the Patient Administration System.
- 1.3 A category 2 form must be completed and sent to the Private Patient Business Office who will raise the charges to the Consultant.
- 1.4 If the client is seen in the private outpatient consulting rooms (the Lodge) the Business Office will register the patient on PAS, however at all other locations it will be done by the person facilitating the appointment (e.g. secretary or outpatient clerk)
- 1.5 Existing notes should be retrieved from medical records if requested by the Consultant.
- 1.6 Category 2 reports and correspondence are not part of the medical record and must not be filed in the notes for legal reasons.

2. Charges

- 2.1 An invoice will be raised monthly to the Consultant listing the names of the patients, and dates of the consultations that took place plus the cost of any x rays, scans or blood tests etc that were carried out. These will be charged at the Trusts Private Patient rate currently in force.

3. Limits to Category 2 work

- 3.1 Category 2 work is permitted in the Trust provided it does not, in the opinion of the Trust interfere adversely with NHS hospital activities or with the proper discharge of the practitioner's NHS contractual duties.

- 3.2 Category 2 work should normally be undertaken outside of the practitioners contracted NHS hours/session, although it is accepted this may not always be practical due to the need to undertake x-rays, scans etc.
- 3.3 Whenever Category 2 work is undertaken during NHS hours/sessions, practitioners are advised to alert their Directorate Manager and Clinical Director and record when the NHS time has been made up.
- 3.4 If there should be concerns that such activity by a Consultant is impacting on NHS activity this should be raised in the first instance with either the Private Patient Manager or the Lead Clinician responsible for Private Patients, who would clarify the nature of the concern. Should further action be required, the Human Resources Department and the Trust's Counter Fraud Specialist would be informed.
- 3.3 The Trust recognises that on occasion there will be a requirement for some staff to be involved with the patient's journey (e.g. outpatient registration clerk, radiographer) as part of their NHS work. It is expected that this should be a minimal input and the fees charged by the Trust covers the cost.
- 3.4 The Trust expects that Consultant will make a private arrangement for secretarial support such as report typing, and this must not take place within NHS paid time.

4. Collection of Fees

- 4.1 The Consultant is responsible for any amounts due to the Trust and the account must be paid to terms.
- 4.2 It is the Consultants responsibility to bill the third party for all costs incurred.
- 4.3 The Consultant is responsible to HM Customs and Revenue to declare for tax purposes all category 2 income earned. The Trust has no obligation in this respect.
- 4.4 Any Category 2 work undertaken for consultants by medical secretaries for which the secretary is receiving additional income from the Consultant, must not impact on NHS work and must be done out of hours.
- 4.5 Consultants should be aware of their duty to inform their secretaries that such income is subject to taxation and must be declared to the Inland Revenue. It is strongly recommended that Consultants keep accurate records of income and payment.

THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
IMPACT ASSESSMENT – SCREENING FORM A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Policy Title:	Category 2 or Medical Legal Patients	Policy Author:	Lesley Waugh
		Yes/No?	You must provide evidence to support your response:
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of the following: (* denotes protected characteristics under the Equality Act 2010)		
	• Race *	No	The policy covers all category 2/medical legal patients
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender *	No	
	• Culture	No	
	• Religion or belief *	No	
	• Sexual orientation including lesbian, gay and bisexual people *	No	
	• Age *	No	
	• Disability – learning difficulties, physical disability, sensory impairment and mental health problems *	No	
	• Gender reassignment *	No	
	• Marriage and civil partnership *	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination which can include associative discrimination i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic, are any exceptions valid, legal and/or justifiable?		
4(a).	Is the impact of the policy/guidance likely to be negative? (If “yes”, please answer sections 4(b) to 4(d)).	No	
4(b).	If so can the impact be avoided?	Not applicable	
4(c).	What alternatives are there to achieving the policy/guidance without the impact?		
4(d).	Can we reduce the impact by taking different action?		

Comments:	Action Plan due (or Not Applicable):
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Name and Designation of Person responsible for completion of this form: Lesley Waugh... Date: 11.01.2011

Names & Designations of those involved in the impact assessment screening process: Lesley Waugh, Private and International Patient Business Manager

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)