

Patients visiting England from Abroad and Eligibility for NHS treatment

Within England, free NHS hospital treatment is provided on the basis of someone being 'ordinarily resident'. It is not dependent upon nationality, payment of UK taxes, national insurance contributions, being registered with a GP, having an NHS number or owning property in the UK. The changes which came into effect from April 2015 affect visitors and former UK residents differently, depending on where they now live.

The department of health has issued the following ordinary resident assessment guideline in order to determine if a person is properly settled in the UK in order to establish if they are ordinary resident here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430967/OR_Tool_1_.pdf

NB – Non-EEA nationals who are subject to immigration control (the vast majority) cannot pass the ordinary residence test unless they also have indefinite leave to remain, so it not necessary to consider if they are properly settled here with this tool.

Exemptions – groups of people

- UK Crown servants, British Council or Commonwealth War Graves staff and those working in UK government-funded posts overseas are exempt from charging if they were ordinarily resident prior to leaving the UK for that purpose, as are their spouses/civil partners and children under 18. Those who were not ordinarily resident in the UK before taking up such a post will be charged, unless they were recruited in the UK and are in the UK for the purpose of this employment.
- There is also no charge for armed forces members, war pensioners and armed forces compensation scheme recipients and their families, who are not required to have formerly been an ordinary resident of the UK.
- Furthermore, people will be entitled to free care if, on all the facts, they remain ordinarily resident in the UK despite spending time outside the UK.

Exemptions that apply to everybody:

- GP will provide emergency treatment and immediately necessary treatment free of charge
- Accident and emergency services – not including emergency treatment if admitted to hospital
- Family planning services – this does not include termination of pregnancy or infertility treatment
- Treatment for most infectious diseases, including sexually transmitted infections (STIs)
- Treatment required for a physical or mental condition caused by torture, female genital mutilation (FGM), domestic violence or sexual violence – this does not apply if you have come to England for the purpose of seeking that treatment.

Holders of a valid UK Pensioner S1 form living in an EEA country or Switzerland

If you are in receipt of a UK state pension and have registered a valid UK S1 form with the relevant authorities in your country of residence, and your healthcare is paid for by the UK by virtue that S1 form, then you are now entitled to return to England to receive free NHS hospital treatment, just like someone who is ordinarily resident in England.

Treatment at GP (Doctors) Surgeries

- Any member of the public may register with a GP surgery to access a consultation free of charge.
- A GP will provide emergency treatment and immediately necessary treatment for up to 14 days. This includes treatment for new conditions and pre-existing conditions that have become worse during a stay in England subject to the GP's clinical judgement. Treatment will be prescribed in the same way as for UK residents and prescription charges may be applicable.
- There is no definition of immediately necessary treatment in primary medical services contract regulations.
- Registering patients – If they are in the area between 24 hours and 3 months, then they are a temporary resident. More than three months, they can be registered as a permanent resident.
- If a patient needs referring to a hospital (excluding A&E), the referral letter must state that:
 - the patient is an overseas visitor
 - if they hold an European Health Insurance Card (EHIC)
 - or if they are chargeable for treatment (refer to the tables below for countries covered)

Hospital treatment for patients visiting from an EEA country

EEA (European Economic Area) countries ; Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Liechtenstein, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and UK.

- To receive treatment in England, patients will need a valid EHIC that has been issued from the country they are living in. If they cannot provide this, they may be charged for their treatment.
- If the patient has an EHIC, they are covered for emergency treatment, treatment of pre-existing medical conditions that becomes necessary during their stay until their return to their country for free of charge.

Hospital treatment for patients visiting from non EEA countries

Countries WITH reciprocal healthcare agreement	Countries WITHOUT reciprocal healthcare agreement
<ul style="list-style-type: none"> • The patient may still be eligible for free treatment from the NHS. The level of cover they are entitled to can be found on the NHS choices website using the link below. <p>Non EEA (European Economic Area) countries with reciprocal healthcare agreements ; Anguilla, Australia, Bosnia and Herzegovina, British Virgin Islands, Falkland Islands, Gibraltar, Isle of Man, Jersey, Kosovo, Macedonia, Montenegro, Montserrat, New Zealand, St Helena, Serbia, Turks and Caicos Islands</p> <p>http://www.nhs.uk/NHSEngland/AboutNHSservices/uk-visitors/Documents/reciprocal-healthcare-agreements-table.pdf</p>	<ul style="list-style-type: none"> • The patient will need to pay for all NHS treatment, including former UK residents. • Patients are advised to make sure they are covered by personal health insurance, unless an exemption applies to them. Anyone who does not have insurance will be charged at 150% of the NHS national tariff for any care they receive.

Exceptions do apply – if the patient can prove one of the following applies:

- *They have been granted refugee status in the UK*
- *They are seeking asylum or temporary or humanitarian protection until your application (including appeals) is decided*
- *They are receiving support from the Home Office under [section 95](#) of the Immigration and Asylum Act 1999*
- *They are a failed asylum seeker and receive support from the Home Office under [section 4\(2\)](#) of the Immigration and Asylum Act 1999 or from a local authority under [section 21](#) of the National Assistance Act 1948 or Part 1 (care and support) of [the Care Act 2014](#)*
- *They are a child looked after by a local authority*
- *They have been/are formally identified, or suspected of being, a victim of modern slavery or human trafficking – this includes your spouse or civil partner and any children under 18, as long as they are lawfully present in the UK*
- *They are receiving compulsory psychiatric treatment or treatment imposed by a court order*
- *They are detained in prison or by the immigration authorities in the UK*
- *They are employed on a ship registered in the UK*
- *They are NATO personnel and the service cannot be provided by armed forces medical services. This will include spouses or civil partners and any children under 18 as long as they are lawfully present in the UK*

Title	Policy on eligibility for NHS services
Document reference	EligibilityNHSServicesfromAbroadGUI201704V2.0FINAL
Author	Medicines Management Team Mid Essex CCG
References	<p>Department of Health. Summary of changes made to the way the NHS charges overseas visitors for NHS hospital care https://www.gov.uk/government/publications/guidance-on-overseas-visitors-hospital-charging-regulations/summary-of-changes-made-to-the-way-the-nhs-charges-overseas-visitors-for-nhs-hospital-care</p> <p>British Medical Association. Patient registration for GP practices. August 2016 https://www.bma.org.uk/advice/employment/gp-practices/service-provision/patient-registration-for-gp-practices</p> <p>British Medical Association Patient registration for GP practices FAQ. August 2016 https://www.bma.org.uk/advice/employment/gp-practices/service-provision/patient-registration-for-gp-practices/patient-registration-for-gp-practices-faqs</p> <p>NHS Choices website. Visitors from the EEA or Switzerland. August 2015 http://www.nhs.uk/NHSEngland/AboutNHSServices/uk-visitors/visiting-england/Pages/visitors-from-the-eea.aspx</p>
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Previous version	Summary of changes
Eligibility for NHS prescriptions and living abroad April 2015	Guidance separated to Policy on Medicine Supply for British Nationals Going Abroad and Eligibility for NHS services. Information on the ordinary resident assessment guidelines Exemption categories added in (people and treatment)