**NHS Services Whilst Abroad Protocol**

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# Introduction

## Protocol statement

There will be occasions when patients who have travelled abroad for holiday or work become injured or ill and require access to healthcare and/or their healthcare records. Staff and patients must be aware of the services accessible to patients who are contacting the organisation from abroad for advice or assistance.

This protocol highlights the GP practice services that are not available to registered patients who contact the surgery whilst abroad.

A poster to highlight the limitations for patients when abroad can be found [here](https://practiceindex.co.uk/gp/forum/resources/travelling-abroad-poster.1402/).

## Status

The organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the [Equality Act 2010](https://www.gov.uk/guidance/equality-act-2010-guidance). Consideration has been given to the impact this policy might have regarding the individual protected characteristics of those to whom it applies.

This document applies to all employees of the organisation and other individuals performing functions in relation to the practice, such as agency workers, locums and contractors. Furthermore, this document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

# Policy

## Services to patients who are abroad

Most organisations will have several patients travelling overseas at any point in time. Some may be on long-term trips or on holiday or some may be travelling to see family they have left behind upon making the UK their home. The following advice is provided by [MDDUS](https://www.mddus.com/resources/resource-library/risk-alerts/2014/august/advice-to-patients-travelling-overseas).

Patients who are abroad may contact their practice or GP for several reasons, including:

* An urgent request for faxed medical records due to an emergency admission
* A deterioration in an ongoing condition
* The contraction of an illness whilst abroad
* A request to change an appointment time which has been scheduled (perhaps their trip has been delayed)
* A request for a repeat prescription to be prepared in time for their return (perhaps they are due to run out)

If a patient contacts the practice whilst abroad, it is important to understand the risks associated with responding to requests for medical advice.

## Establishing the patient’s location

With electronic communication methods, such as email or practice online consultation services, we may not know where the patient is at the time they seek advice. It would therefore be unreasonable to refuse to speak to any patient just because they are abroad as, by doing so, this may lead to a complaint or other medico-legal issues.

At Sheerwater Health Centre, we will establish the location of the patient so as to provide appropriate advice. It may only be possible to establish this by speaking directly to the patient or by asking them via electronic means.

The [MPS](https://www.medicalprotection.org/uk/articles/providing-care-to-patients-who-are-abroad) advises adding an entry into the patient’s medical record as to how the location of the patient was established.

## Remote consultations with a patient who is abroad

At Sheerwater Health Centre, should any member of staff be contacted by a registered patient who is out of the country and unable to return for quarantine or restricted travel reasons, then the patient is to be advised to follow the most appropriate alternative route for assistance. This may involve seeking local medical care or contacting their travel insurance company.

If the patient is calling about a pre-existing condition, then a reasoned decision on the safest course of action is to be taken for the patient. This may include consulting remotely or advising the patient to seek medical assistance locally. If the patient is presenting with a new condition, then the clinician should recommend the patient seeks medical assistance locally where this is practically possible[[1]](#footnote-1).

## Medical indemnity

It should be noted that medical indemnifiers would not normally represent the organisation if action was taken against them in another country where harm had arisen as a result of providing advice.

This organisation has contacted both [insert defence union provider and [NHS Resolution](https://resolution.nhs.uk/services/claims-management/clinical-schemes/general-practice-indemnity/)] (for state indemnity cover) and it has been confirmed that providing treatment to a patient whilst abroad [is/is not] covered should the patient subsequently raise any claim.

It has also been confirmed that this applies to all methods of consultation, including remotely via online services or email, by video consultation or by telephone. [Delete as appropriate].

Should there ever be any doubt, then either the clinician or the practice manager should contact [insert defence union].

## Administrative requests

Where the request is administrative, such as for a repeat prescription or to book, cancel or reschedule an appointment, there is no reason not to respond in the usual way although this is subject to the above provisions.

## Urgent requests for the transfer of medical records or information abroad

For urgent requests for medical records or information to be sent abroad where the patient can consent, it is reasonable for an email to be sent with the relevant information. The decision as to what information to share should be made by a clinician following discussions with either the patient or the clinician who is treating the patient overseas.

At Sheerwater Health Centre, all staff are to take steps to minimise the risks associated with the transfer of information including double-checking and verifying any email address(es) provided before sending any information. Staff are also to take steps to ensure that the information will be received by the appropriate individual and confirm that it has been received by said individual. Where the patient cannot consent, it is important that the clinician is reassured that the transfer of relevant information is in the patient’s best interest, based on the information available to them at the time.

Further reading can be found in the [Access to Medical Records Policy](https://practiceindex.co.uk/gp/forum/resources/access-to-medical-records-policy.1702/). Additionally, it may be helpful to suggest to the requestor that they complete a Subject Access Request form as detailed at Annex B of that policy.

## Data protection

Where consent has not been obtained, this organisation will consider the requirements of the [Data Protection Act 2018](https://www.gov.uk/data-protection), specifically if the patient is requesting this information from outside of the EEA.

The [ICO](https://ico.org.uk/media/for-organisations/documents/1566/international_transfers_legal_guidance.pdf) detail that the eighth principle of the DPA states:

*“Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.”*

The Information Commissioner provides guidance to data controllers on assessing the adequacy of non-EEA countries and these should be considered before any decision to transfer personal data is made.

There are exemptions to the principle, the main one being where consent has been obtained from the patient. However, the same general consent rules apply in that it must have been given freely and clearly, and that it may also be withdrawn at any time.

Further information can be sought from the [UK GDPR Policy](https://practiceindex.co.uk/gp/forum/resources/uk-gdpr-policy.1703/) and the [Confidentiality and data protection handbook](https://practiceindex.co.uk/gp/forum/resources/confidentiality-and-data-protection-handbook-ms-word-version.1901/).

[UK General Data Protection Regulation (GDPR)](https://hub.practiceindex.co.uk/courses?sort=name_asc&name=data&showpublished=1&shownotpublished=1&mandatory=&search=1&tableview=0&src=hub#collapse_1050) and [Information Governance and Data Security](https://hub.practiceindex.co.uk/courses?sort=name_asc&name=data&showpublished=1&shownotpublished=1&mandatory=&search=1&tableview=0&src=hub#collapse_1067) are e-Learning courses on [HUB](https://hub.practiceindex.co.uk/).

# Summary

In circumstances where a patient is requesting medical advice, it is important for staff to be aware that, along with the risks associated with not being able to assess the patient properly to make a proper diagnosis, there are increased risks associated with treating patients who are abroad, particularly relating to medical indemnity.

Due to this, Sheerwater Health Centre will not offer medical advice to a patient who is known to be abroad but they do encourage that patient to seek medical assistance locally.

1. [MPS](https://www.medicalprotection.org/uk/articles/covid-19-and-remote-consultations-how-we-can-help)  [↑](#footnote-ref-1)