

# STANSTED

## Policy and Procedure for Removal of Patient from List

### INTRODUCTION

This policy sets out the Practice's policy for removing patients from its list.

Under the new GMS Contract, if the contractor (ie the Practice) wishes to have a patient removed from its list, Regulation 20 (NHS Regulation 2004) would apply and must be adhered to.

- **Purpose**

The Surgery aims to provide the best possible health care for its patients. However there may be circumstances when it would be considered reasonable (not relating to the patient's race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition), or in the best interests of the patient, to remove patients from the list.

The purpose of this policy, therefore, is to define the practice guidelines for when it is reasonable to remove a patient from the practice list and to ensure that any concerns about removing patients from the list are dealt with fairly.

The Practice is committed to providing high quality care to our patients. The relationship between the patients and those working in the surgery is important. Therefore, in order to protect both the staff and other patients the following inappropriate behaviour will not be tolerated:

- **Shouting**
- **Swearing**
- **Threatening, aggressive or abusive behaviour**
- **Drunkenness**
- **Verbal/physical abuse**

Such behaviour has a serious effect on staff and other patients and where it is observed, we reserve the right to withhold treatment from the offender and to ensure that person's removal from the premises. This type of behaviour may lead to a patient being removed from the Practice register and, where relevant to a prosecution.

- **Warning Letters**

Patients or their carers that behave in any of the above ways should be warned in writing to explain why the behaviour is unacceptable and that this is part of the zero tolerance to abuse in the NHS. It should be made clear what the behaviour that was unacceptable, when it occurred and that behaviour should it recur may result in them being removed from the list.

The purpose here is to be very clear about the relationship required to ensure the patient gets the appropriate care they require and staff do not feel intimidated, insulted or threatened at work.

For example, the practice includes behaviour that results in staff breaking down in tears as a result of an interaction with a patient as abusive behaviour.

A template letter is attached.



Patient warning  
letter- template.doc

A patient warning letter can only be written if an incident form has been completed by a member of staff. The event must be corroborated and documented as such.

On rare occasions it may be a carer and not the patient that carries out unacceptable behaviours. In this instance the patient should still be written to explaining the situation and the potential consequences. The letter must however highlight that the practice will do everything in its power to ensure the patient's health does not suffer as a result.

## **SITUATIONS WHICH JUSTIFY REMOVAL**

### **1. Violence and Abuse**

When a patient:-

- Is physically violent or threatening towards practice staff or other patients on the practice premises.
- Causes physical damage to practice premises or other patient's property.
- Gives verbal abuse, behaves aggressively or makes threats towards the practice staff or other patients.
- Gives racist abuse, orally or physically.
- Is violent or uses or condones threatening behaviour to doctors (or some other members of the primary health care team) while visiting the patient's home. Such behaviour may involve the patient, a relative, a household member, or pets (such as unchained dogs).

### **2. Crime & Deception**

Where a patient:-

- Fraudulently obtains drugs for non-medical reasons.
- Deliberately lies to the doctor or other member of the primary health care team (e.g. by giving a false name or false medical history) in order to obtain a service or benefit by deception.
- Attempts to use the doctor to conceal or aid any criminal activity.
- Steals from practice premises.

### **3. Embarkation**

- Where a patient has moved abroad for a period of 3 months or more.

### **4. Failure to attend pre-booked appointments**

- Where a patient fails to attend pre-booked appointments on a number of occasions (TBA) during a given period.

### **5. Irretrievable Breakdown of the Doctor-Patient Relationship**

- Where a patient's behaviour falls outside of that which is normally considered reasonable and leads to an irretrievable breakdown of the doctor-patient relationship. This will include repeatedly (three times) behaving in any of the following ways:
  - **Shouting**
  - **Swearing**
  - **Threatening, aggressive or abusive behaviour**
  - **Drunkenness**
  - **Insulting and demeaning behaviour**

## **PROCEDURE FOR REMOVAL**

If the Practice has reasonable grounds for wishing a patient to be removed from its list, it shall:

- Notify Contractor Services in writing that it wishes to have the patient removed.
- Notify the patient of its specific reasons for requesting removal

If, in the reasonable opinion of the Practice, the circumstances of the removal are such that it is not appropriate for a more specific reason to be given, and there has been an irrevocable breakdown in the relationship between the patient and the Practice, the Practice can state this as the reason when informing the Contractor Services and the patient.

The Practice may only request a removal of a patient from its list if, within the period of 12 months prior to the date of its request to Contractor Services, it has warned the patient that they are at risk of removal and explained to them the reasons for this. This must be adhered to except in the following circumstances:

- The reason for removal relates to a change of address
- The contractor has reasonable grounds for believing that the issue of such a warning would be harmful to the physical or mental health of the patient
- It is, in the opinion of the Practice, not otherwise reasonable or practical for a warning to be given.
- The Practice has reasonable grounds for believing that the issue of such a warning could put at risk the safety of one or more of the following persons:
  1. The Practice, where it is an individual medical practitioner
  2. In the case of a contract with two or more individuals practicing in partnership, a partner in that partnership
  3. In the case of a contract with a company, a legal and beneficial owner of shares in that company.
  4. A member of the Practice's staff
  5. A person engaged by the Practice to perform or assist in the performance of service under the contractor
  6. Any other person present on the premises or in the place where the service is being provided to the patient under the contract

The Practice must record in writing, the date of any warning and the reasons for giving such a warning as explained to the patient, or the reason why no such warning was given. The Practice must also keep a written record of removals and include the following details:

- The reason for removal given to the patient
- The circumstances of the removal (In cases where it is not appropriate for a specific reason to be given, this record should be available to Contractor Services on request.)

## **1. Crime and Deception**

Any incident involving violence, crime or deception will be reported to the practice manager, who will complete an incident report and bring to the attention of the practice partners.

Each individual case will be discussed at a Practice Meeting and a majority agreement will be reached.

Following agreement, the practice manager will write to the patient and explain the reasons for removal.

## **2. Violence**

Any incident involving violence will be reported to the practice manager, who will complete an incident report and bring to the attention of the practice partners.

Each individual case will be discussed at a Practice Meeting and a majority agreement will be reached.

It should be noted, however, that the Practice may remove a patient from its list from immediate effect on the grounds that the patient has committed an act of violence against any of the persons specified above or behaved in such a way that any such person has feared for his safety.

In order to remove the patient with immediate effect, the incident must be reported to the police, and notification given to the CCG by any means, including telephone or fax. If the CCG are not informed in writing at the time of the incident, the contractor must confirm in writing within the next seven days. The CCG will then acknowledge in writing receipt of the request to remove the patient.

A request to have a violent patient removed from the list will take effect at the time that the Practice makes the telephone call to the CCG or sends or delivers the notification to the CCG.

Under the CCG's Violent Patient Scheme, if a Practice does need to remove a patient, the removing Practice will need to:

- (i) Complete a proforma (attached)
- (ii) Refer the patient for a mental health assessment. A copy of the referral letter and assessment will need to be sent to the Practice and copied to the CCG.

*For further details, the Practice should refer to the Uttlesford CCG's Violent Patient Scheme Policy.*

The Practice should then inform the patient concerned unless it is not reasonably practicable for it to do so, or it has reasonable grounds to believe that it would be harmful to the physical or mental health of the patient or endanger any of the persons mentioned in the list above.

Where a patient is removed from the Practice's list of patients, the Practice shall record in the patient's medical records that the patient has been removed and the circumstances leading to his removal.

### **3. Failure to attend pre-booked appointments**

If a patient fails to attend a pre-booked appointment on more than one occasion in the last year, a warning letter will be sent to the patient, advising them that a further occurrence could risk removal from the practice.

If the patient fails to attend another appointment, the matter will be discussed at a Practice Meeting and a majority agreement will be reached as to whether the patient will be removed from the practice list.

Following agreement, the practice manager will write to the patient and explain the reasons for removal.

### **4. Guidance on Removing patients due to irretrievable breakdown of the doctor-patient relationship**

Occasionally patients persistently act inconsiderately and their behaviour falls outside that which is normally considered to be reasonable. In such circumstances there may be a complete breakdown in the doctor-patient relationship.

#### **Steps to be taken within the practice**

- Inform all appropriate members of the practice about the problem.
- The patient and possible reasons for the patient's behaviour (e.g. disagreeableness, cultural differences, mental illness, personality disorder) will be discussed at a Practice Meeting.

#### **Steps to be taken with the patient**

- Inform the patient, either personally or in writing, that there is a problem.
- Explain the nature of the problem to the patient.
- Obtain the patient's perspective and interpretation of the situation.
- Obtain advice of a Medical Defence Society.

#### **Steps to be taken if discussion fails to resolve the problem**

- Suggest that another GP within the practice might better fit with the patient's needs and expectations.

## **Steps to be taken in actually removing the patient**

- Inform the CCG/Consortium in writing of the decision.
- Inform the patient in writing of the decision and the reason for removal from the list.
- Explain to the patient that he or she will not be left without a GP.
- Give the patient information on how to begin the process of registering with another GP.

## **Family Members**

When a decision is made to remove a patient from the practice list, the removal may well be extended to other members of the family or household.

The practice manager will write to the family/household offering an explanation for the removal. They will be allowed 4 weeks to re-register rather than being removed from the practice list immediately.

## **TIMESCALE**

A removal requested in accordance with Regulation 20 will take effect from the date on which Contractor Services receives notification of the person being registered with another provider of essential services (or their equivalent). Alternatively, it will take effect on the eighth day after Contractor Services receives the notice that the Practice has reasonable grounds to remove the patient from the list. (Whichever is the sooner)

Where, on the date on which the removal would take effect, the Practice is treating the patient at intervals of less than seven days, the Practice shall notify Contractor Services in writing of the fact and the removal shall take effect on:

- The eighth day after Contractor Services receives notification from the contractor that the person no longer needs such treatment; or
- On the date on which Contractor Services receives notification of the registration of the person with another provider of essential services (or their equivalent). (Whichever is the sooner)

## **CONDITIONS (TO BE FULFILLED BY CONTRACTOR SERVICES)**

Once the above criteria has been fulfilled, Contractor Services will notify in writing the patient and the contractor, that the patient's name has been or will be removed from the list of patients on the date in which the removal would take effect.

### **Responsibility**

Responsibility for implementing and monitoring the policy rests with the practice partners/practice manager.

The Partners at The Surgery re-affirm their commitment to do everything possible to protect staff, patients and visitors from unacceptable behaviour and their zero tolerance of any incident that causes hurt, alarm, damage or distress.

### **Patient Information on how to begin the process of Registering with another GP**

Advise patients that their neighbours may recommend another GP in the area, if not telephone PALS – the telephone number is on the PALS leaflet, and ask them for a list of GP's in the area.

When they have chosen a GP, they should go along to the surgery and ask to be registered.

Advise patient of their local CCG address:-

West Essex CCG  
St Margaret's Hospital  
EPPING  
Essex

### **REFERENCE**

The National Health Service (General Medical Services Contracts) Regulations 2004, Regulation 20