

John Spencer

From: "John Spencer" <sortinghouse@btinternet.com>
To: <info.public@bma.org.uk>
Sent: 12 May 2008 15:33
Subject: Fw: Virgin Healthcare

Dear BMA - **CONFIDENTIAL**

I used to work for Virgin Healthcare (VHC) as their Head of Therapies until I resigned on 20th February.

There was a subsequent article in The Guardian newspaper (<http://www.guardian.co.uk/society/2008/apr/09/nhs.health2>).

In this article it was admitted that the NHS GP at the heart of VHC's new centres would receive 10% of profits generated (to some extent) by NHS patients on that GPs list attending private clinicians in the employ of VHC.

"Virgin Healthcare says there is no conflict of interest. "We are saying to doctors they are not allowed to refer," said Mark Adams, chief executive of Virgin Healthcare. "But clearly if you have 20,000 patients visiting who see what else is there, that doesn't harm us."

Does this conflict with BMA advice from your website?

"May GP practices receive payment for work with private companies?"

Practices may receive a fee for services provided or for work done by them, but it is important to note that, other than payment that the practice receives for rent (as detailed above), *there must be a clear purpose for this and that purpose must not be in connection with any medical treatment to their own registered patients.* If this is in connection with the provision of medical treatment to registered patients the practices could be deemed in breach of their general medical services (GMS) or personal medical services (PMS) contract for breaking regulation 24 in relation to fees and charges, as they are receiving an indirect fee for their involvement in letting the private company treat and charge their patients. *If, for example, the practice was receiving an administrative fee to help promote the provision of medical services to their registered patients privately, this would be deemed to be in breach of the regulations.*

May GPs recommend and/or promote a private service?

By all means a GP is entitled to discuss a patient's private options in the privacy of an individual consultation although any personal financial interest must be clear, and may be inappropriate (see Good Medical Practice). However, these options should be presented along with NHS alternatives where applicable. Within a consultation, it is not for GP practices to advertise or promote any particular private service as this would be deemed inappropriate.

If a practice rents out space to a private provider of physiotherapy for example, the practice should not promote or encourage that service against any other service. *Independence must be maintained between the two entities.* (My italics)

Please treat this enquiry in confidence. As I am involved in a protracted dispute with Virgin regarding Public Interest Disclosures I made as an employee I would be grateful for your discretion in not contacting VHC or Virgin about this issue as of yet.

I am in privileged communications with several MPs about these issues and may be sued by Virgin if I irritate them any more so please bear this in mind.

Yours

John Spencer