

# **PAYMENT POLICY**

## **Claiming Medical Fees for MHA assessment**

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| <b>Policy Folder &amp; Policy Number</b>         | Commissioning   |
| <b>Version:</b>                                  | V1.0  |
| <b>Ratified by:</b>                              | Governing Bodies  |
| <b>Date ratified:</b>                            | November 2019   |
| <b>Name of originator/author:</b>                | Nicola Bucknall   |
| <b>Name of responsible committee/individual:</b> | Finance & Performance Committee   |
| <b>Date approved by Committee:</b>               | 27 <sup>th</sup> August 2019  |
| <b>Date issued:</b>                              | December 2019   |
| <b>Review date:</b>                              | January 2021  |
| <b>Date of first issue</b>                       | December 2019   |
| <b>Target audience:</b>                          | GPs / clinicians S12 approved to carry out MHA assessments, finance, commissioning managers, mental health trusts |

## CONSULTATION SCHEDULE

| Name and Title of Individual | Groups consulted  | Date Consulted             |
|------------------------------|---|----------------------------|
|                              | Staffordshire Clinical Leaders Meeting  | 25 <sup>th</sup> June 2019 |
|                              | AMHP Leads for Staffordshire and Stoke-on-Trent   | May – June 2019            |
| Dr Waheed Abbasi             | Clinical Director - Mental Health & Specialist Groups, NHS Stoke on Trent & NHS North Staffs CCGs | April – June 2019          |

## RATIFICATION SCHEDULE

| Name of Committee approving Policy | Date                          |
|------------------------------------|-------------------------------|
| Governing Board Meeting            | 7 <sup>th</sup> November 2019 |
| Finance & Performance Committee    | 27 <sup>th</sup> August 2019  |
|                                    |                               |

## VERSION CONTROL

| Version | Version/Description of amendments | Date   | Author/amended by |
|---------|-----------------------------------|--------|-------------------|
| 1       | New policy                        | 1.8.19 | N. Bucknall       |
| 2       |                                   |        |                   |
| 3       |                                   |        |                   |
| 4       |                                   |        |                   |

## Impact Assessments – available on request

|                            | Stage | Complete | Comments |
|----------------------------|-------|----------|----------|
| Equality Impact Assessment | N/A   |          |          |
| Quality Impact Assessment  | N/A   |          |          |
| Privacy Impact Assessment  | N/A   |          |          |

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## 1. Background

- 1.1 The **Mental Health Act 1983** (c.20) is an Act of the Parliament of the United Kingdom which applies to people in England and Wales. It covers the reception, care and treatment of mentally disordered persons, the management of their property and other related matters. In particular, it provides the legislation by which people diagnosed with a mental disorder can be detained in hospital or police custody and have their disorder assessed or treated against their wishes, informally known as "sectioning".
- 1.2 A section 12 approved doctor is a medically qualified doctor who has been recognised under section 12(2) of the Act. They have specific expertise in mental disorder and have additionally received training in the application of the Act. They are usually psychiatrists, although some are general practitioners (GPs) who have a special interest in psychiatry.
- 1.3 The NHS Act 2006 (Section 236) clearly states that under certain terms, the Secretary of State must pay a fee to a medical practitioner who undertakes a medical examination of any person with a view to applying to admit him or her to hospital for assessment, or for treatment under Part 2 of the Mental Health Act 1983.
- 1.4 This includes the work undertaken including the examination, the report and any expenses reasonably incurred in doing the work.

## 2. Scope

- 2.1 This policy sets out to ensure that there are standard and fair rules for the payment of medical examinations undertaken under the Mental Health Act 1983 by doctors approved under Section 12 of the same Act and that patients are examined and assessed promptly

## 3. Definitions

|                               |   |
|-------------------------------|---|
| <b>“Section 12(2) Doctor”</b> | a Registered Medical Practitioner who has expertise in the diagnosis of mental disorder within the meaning of the Mental Health Act 1983 and who has been approved under Section 12(2) of the MHA by the Secretary of State for Health and Social Care. |
| <b>“Section 12 Payment”</b>   | is the payment made to a doctor approved under Section 12 of the Mental Health Act 1983 after a medical examination has been carried out under the same Act.  |
| <b>“Section 12 Work”</b>      | is the medical examination undertaken by a doctor approved under Section 12 of the Mental   |

#### **4. Equality**

This policy has been reviewed in relation to having due regard to the public sector equality duty (PSED) of the Equality Act 2010 to: eliminate discrimination, harassment victimisation; advance equality of opportunity; and foster good relations”.

#### **5. Principles**

**5.1** An underlying principle of all three contracts is that doctors should not be paid twice for the work they do; as work undertaken during Programmed Activities (PAs) will not attract additional fees.

**5.2** This principle applies in equal measure when remunerated by an on-call supplement as part of PA work.

**5.3** The doctor undertaking fee-paying work can keep the fee owed if they are doing the work in their own time.

**5.4** The underlying rules covering Section 12 payments are that:

- A GP / psychiatrist cannot claim payment for Section 12 work which is carried out on patients for whom they have responsibility.
- Consultants, and therefore Specialist Registrars (SpRs) as they are under the supervision of the Consultant, cannot claim for S12 work carried out on patients who are currently under their care as inpatients, outpatients or community patients within the CPA system either at an enhanced or standard level.
- Consultants have continuing responsibility for their patients, which is delegated to the on-call Consultant. Thus the on-call Consultant has delegated responsibility for the consultants’ patients and cannot claim under these rules.

#### **5.5 Eligibility Criteria**

The CCGS in Staffordshire will fund MHA assessments by section 12 approved doctors in the following circumstances:

- Patients presenting through the AMHP service (not already known to MH services).

- Patients requiring MHA assessment in the community (e.g. public places, persons own home) out of hours.
- Patients requiring special examination at a place (other than a hospital or NHS clinic) following a request from the police, social services or prison service
- Fees for patients detained under Section 136 of the Mental Health Act 1983 can be claimed only if the assessment takes place in a location 'other than a hospital or clinic administered by an NHS organisation'.
- Under the Terms and Conditions a doctor cannot be paid twice for PA sessions. However a doctor may claim a fee for carrying out an assessment in PA time for patients not on their caseload **if their normal NHS duties are not affected i.e. planned work is still carried out and overtime is not claimed.**

## 5.6 Exclusion Criteria

Section 12 fees will not be paid for MHA assessments carried out in the following circumstances:

- Assessments for Section 136 detained patients brought to an NHS ward or Emergency Department, for example, as a designated 'place of safety' these are not eligible for a fee. The exception would be hospitals that do not have a commissioned 24/7 liaison psychiatry service .
- Patients examined in an mental health trust outpatient clinic or following a GP request for a domiciliary consultation between the hours of 9am – 5pm If the doctor is a member of staff at the Trust where the person is an inpatient
- Mental Health Trust inpatients that present out of hours to the on-call Consultant or Specialist Registrar
- Patients under the current caseload of the community mental health team Consultant or a S12 doctor within the Consultant's team. This includes, day patients, outpatients and patients on community team caseloads, **during weekdays 9am-5pm**. This would include patients that are being covered by another consultant because of leave.
- Reassessments of MHA status for patients not registered with local GPs – these assessment fees should be charged to the responsible CCG

**Please refer to Appendix 1**

## 6. Fees

For completed assessments £173.37  
Call out fee for failed assessments (e.g. unable to complete assessment - patient is not at the address) – 25% of the full fee

Mileage - the Reserve rate will be paid in line with National Policy.

NHS Terms & Conditions Handbook

<https://www.nhsemployers.org/tchandbook/annex-11-to-15/annex-12-motoring-costs>

Fees will only be paid on receipt of the **Claim form for Medical Fees for MHA assessment**, this will be in paper form until such time that an electronic system is in place

Prices will be reviewed at least annually and revised where necessary in line with new national guidance / legislation

## 7. Monitoring & Audit arrangements

The following aspect of this policy will be monitored and audited:

- Fee paid in relation to eligible S12 work only

Audits will also be undertaken when concerns have been raised via internal or external assurance sources e.g. reported incident, legal claim, complaint.

The local mental health trusts may be asked to participate in audits to ensure payments are being requested appropriately in line with the policy

- Summary of evidence/rationale Mental Health Act 1983 updated 2007
- BMA guidance  
<https://www.bma.org.uk/advice/employment/fees/mental-health>
- Terms of conditions and Service – Consultant, speciality doctors

## Appendix 1: BMA guidance – Mental Health Assessment Fees – Flowcharts



chargingfeesforment  
alhealthwork.pdf

## Appendix 2: Claim form for Medical Fees for MHA assessment - Staffordshire



Claim form for  
medical fees for MHA