

# PRESS RELEASE



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## EU MOVES MUSTN'T PUT GPs AT CATCH-22 RISK, WARNS MDDUS

EU moves to clarify citizens' rights to cross-border healthcare could foist on GPs the responsibility of acting as "gatekeepers" for the NHS, warns the Medical and Dental Defence Union of Scotland (MDDUS) today (Tuesday, 4 November 2008).

And as such doctors could face a GMC hearing or a discrimination tribunal, caught in a Catch-22 that damns them if they act and damns them if they don't, says the MDDUS.

"If GPs are expected to act as gatekeepers who police EU cross-border healthcare, we have a right to expect that they should neither fall foul of the NHS complaints procedure for alleged discrimination nor GMC guidance about deciding on access to medical care," says MDDUS medico legal adviser George Fernie.

The EU consultation on "patient mobility" seeks to "ensure legal certainty" on cross-border healthcare, reconciling "greater individual choice" with the "sustainability of health systems overall". It seeks views on how cross-border healthcare is authorised – which could land GPs with new responsibilities.

GMC guidance on deciding about access to medical care (*Good Medical Practice* [2006], Para 7) warns doctors not to discriminate against patients by allowing their "personal beliefs" to affect the treatment they provide or arrange. "Personal beliefs" explicitly includes views on ethnic or national origin, and economic status.

But under the EU proposals, if a GP believes that a patient effectively has no right to UK healthcare, that leaves them open to a charge of flouting GMC guidelines, and also breaching NHS contractual regulations.

"We at MDDUS have experience of doctors who have had to account for interpreting eligibility criteria for NHS care to asylum seekers," reports Dr Fernie. "There is a potential Catch-22 here: damned if you act, and damned if you don't."

The MDDUS wants to ensure doctors are not vulnerable if this policy is implemented.

Ends

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**Notes to editors**

1. MDDUS is a medical defence organisation providing access to professional indemnity and expert medicolegal advice for doctors, dentists and other healthcare professionals throughout the UK.
2. For further information on MDDUS go to [www.mddus.com](http://www.mddus.com).