

To: Regional General Managers

Copy: District General Managers
FHSA General Managers
SHA General Managers
Unit General Managers
NHS Trust Chief Executives

Department of Health
Richmond House
79 Whitehall
London SW1A 2NS
Telephone 071-210 3000

EL(92)20

23 March 1992

Dear Colleague,

Provision of equipment by the NHS.

1. Recent enquiries have suggested that some hospitals have been charging NHS patients for powered nebulisers and other equipment.
2. I am writing to ask you to remind all your staff that, under Section 1 of the NHS Act 1977, services and equipment must not be charged for except where the legislation expressly indicates that a charge should be made. In all other cases, where an authority (taking account of resources, needs and clinical priorities locally) decides that a piece of equipment should be provided as part of NHS treatment, it should be provided *free of charge*. This applies whether the equipment is supplied on a permanent basis or on loan. It is also the responsibility of the health authority to check and maintain NHS equipment where necessary, and this should also be free.
3. Where authorities do not provide equipment, a consultant may advise a patient that such equipment could be used on an optional basis if the patient wishes. In such cases, the health authority has no responsibility for supplying or maintaining the equipment, and the patient should make their own arrangements to obtain it.
4. I would be grateful if you would bring these requirements to the attention of all health authorities, and ask them to ensure their approach is fully consistent with their statutory responsibilities. They should also ensure that the information is explained to patients in a clear and comprehensible way. Any patients who have erroneously been required to pay for equipment which should have been provided free should be appropriately recompensed. We shall refer cases which have been raised by Members of Parliament to the Chairmen of District Health Authorities concerned for investigation.
5. Please contact Mr. F. A. Lindsay, Room 520, Eileen House, Newington Causeway, London SE1 6EF (Telephone: 071-972 2744) if you require further guidance on this subject.

Yours sincerely,



Andrew Foster.
Deputy Chief Executive

This letter will be cancelled on 31 March 1993

