

NHS CONTINUING HEALTHCARE RETROSPECTIVE REVIEW POLICY

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1. INTRODUCTION

Continuing care refers to care provided over an extended period of time to a person aged 18 or over to meet physical or mental health needs that have arisen as the result of disability, accident or illness. NHS Continuing Healthcare means a package of continuing care arranged and solely funded by the NHS (Department of Health Guidance: The National Framework and NHS Funded Nursing Care July 2009 (revised)).

The purpose of this policy is to:

- ensure consistency is applied to recommendations made to NHS Central Lancashire by the Local Resolution Panel and Independent Review Panel following a retrospective review of a person's eligibility for NHS Continuing Healthcare
- ensure that robust governance arrangements are in place regarding reimbursement of care funds to patients or their representative following a retrospective NHS Continuing Healthcare review.

1.1 Scope

Patients are entitled to have their care funded by the NHS if their needs meet the NHS Continuing Healthcare Eligibility Criteria.

If funding has been declined, the patient or their representative may submit a request for a review of the decision made by NHS Central Lancashire.

The first stage of the retrospective review process is carried out by the Local Resolution Panel. If the outcome is not accepted by the patient or their representative they will be advised to contact NHS North West to request an Independent Review Panel.

The Local Resolution Panel or the Independent Review Panel will make a recommendation to the Primary Care Trust regarding NHS Continuing Healthcare eligibility following a comprehensive review of the patients' case.

The policy applies to all patients or their representatives who have requested a retrospective review of their eligibility for NHS Continuing Healthcare funding, and are the responsibility of NHS Central Lancashire's as per responsible commissioner guidance

1.2 Principles

The Primary Care Trust is committed to ensuring that the processes in place are fair, consistent and transparent regarding a person's eligibility to receive retrospective NHS Continuing Healthcare funding.

2. NHS CONTINUING HEALTHCARE RETROSPECTIVE REVIEW

2.1 Retrospective Review Requests

All retrospective review requests prior to 1 October 2007 are reviewed using the former Cumbria and Lancashire Strategic Health Authority NHS Funded Continuing Health Eligibility Criteria 1 August 2003.

In response to the Department of Health Chief Executive letter dated 31 July 2007, a request for a retrospective review for eligibility prior to April 2004 will not be undertaken unless exceptional circumstances are found.

2.2 Reimbursement of Costs

The amount of re-imbursement is considered using the Department of Health Guidance; NHS Continuing Healthcare: Continuing Care Redress (March 2007).

3. IMPLEMENTATION

3.1 Recommendations by the Local Resolution Panel or Independent Review Panel.

Local Resolution Panel

The local resolution panel is chaired by NHS Central Lancashire's Medical Director. Recommendations from the panel will be presented to the Commissioning Panel for a decision.

The Head of Collaborative Commissioning will write to the patient or their representative informing them of NHS Central Lancashire's decision.

Independent Review Panel recommendation

Following an SHA independent review a letter is received from the Chief Executive of NHS North West which details the panel's recommendations and provides the rationale behind the recommendations.

The Head of Collaborative Commissioning will provide the Director of Procurement Contracting and Market Management with the panel's letter of recommendation, the notes of the panel and an estimate of the re-imbursement costs.

Director of Director of Procurement Contracting and Market Management will make a decision whether to accept the panel's recommendations or seek further information/advice.

The Head of Collaborative Commissioning will write to the patient or their representative informing them of NHS Central Lancashire's decision.

3.2 Authorisation

The Head of Collaborative Commissioning will provide Finance with evidence of payments. Finance will calculate the interest rate using the Department of

Health Guidance; NHS Continuing Healthcare: Continuing Care Redress March 2007.

Two Directors are required to authorise payment:

- Director of Procurement Contracting and Market Management
- Director of Finance

In the absence of one of the directors, the Medical Director is an authorised signatory.

3.3 Payment of Retrospective Fees

Before payment can be made the Collaborative Commissioning Team will contact the patient or their representative and request:

- evidence of payments
- a copy of the Power of Attorney - If the patient is living but is unable to make decisions
- a copy of the Grant of Probate - If the patient is deceased and has not left a will
- a copy of authorisation of administration - If the patient is deceased and has left a will:

When all the required documentation is received from the patient or their representative a cheque will be sent with an accompanying letter from the Head of Collaborative Commissioning.

3.4 Monitoring and Review

Monitoring of the policy will be under taken using a number of processes which will include:

- Audit of local and independent resolution panel meetings
- Ensuring panel members have received appropriate training in considering continuing healthcare retrospective review evidence.

This policy will be audited at three yearly intervals and reviewed annually

4. REFERENCE DOCUMENTS

The former Cumbria and Lancashire Strategic Health Authority, "Guidance to Primary care Trusts on Local Resolution" (January 2005)

Department of Health, "Minimum data set of information required by Continuing Care Panels" (January 2005)

Department of Health, "Procedure for Review of Decisions in relation to the Provision of NHS Funded Continuing Healthcare" (January 2005)

Department of Health, "NHS Continuing Healthcare: Continuing Care Redress" (March 2007)

Department of Health, "The National Framework and NHS Funded Nursing Care" (June 2007)

Department of Health, "The National Framework and NHS Funded Nursing Care" July 2009 (revised)

5. GLOSSARY

None