Hepatitis B and Occupational Health

This is a complex area and one that keep cropping up. If in doubt after reading this then please contact the office.

1. Is there a requirement under the Regulations to prescribe and administer Hepatitis B vaccination for occupational health purposes?

The Regulations requires GPs to manage their patients defines management as:

- Offering consultation and, where appropriate, physical examination for the purpose of identifying the need, if any, for treatment or for further investigation
- The making of such treatment or further investigation as is necessary and appropriate, including the referral of the patient for other services under the Act and liaison with other health care professionals involved in the patient's treatment and care.

It is the employer's duty under Health and Safety Legislation to assess whether the provision of Hepatitis B is necessary and therefore a doctor does not have a duty under the Regulations to conduct an examination to determine whether the vaccination is required.

Secondly, in practise, it would be very difficult for a GP to know whether provision of the vaccination is necessary and appropriate, in the absence of guidance from an appropriate specialist. In the absence of such guidance, it would not be appropriate for the GP to provide the vaccination under the Regulations.

There is therefore no obligation under the regulations governing GP contracts to administer such vaccinations for occupational reasons. Patients should be referred to the Employer's Occupational Health Department.

The same applies for students (including healthcare students) who often request a Hepatitis B immunisation prior to, or on entering, a course. Universities and Medical Schools are legally responsible for providing a full occupational health service to their students (which should include appropriate training e.g. in risk reduction and coping with needle stick injuries). By providing a Hepatitis B immunisation, a GP could place inexperienced healthcare students at risk by providing a false sense of security and potentially exposing them to clinical risk of other blood borne infections including HIV and Hepatitis C before they have received appropriate training. Please see the letter issued by Dr Lawrence Buckman to medical schools clarifying the current position, issued in 2012.

NB A doctor does have a duty to provide Hepatitis B under essential services when treatment is necessary e.g. in the case of bites or post exposure.

2. Does a doctor have a professional duty to administer the Hepatitis B vaccination for occupational health purposes if the patient is clearly at risk?

Under Health and Safety Legislation, it is the employer who has responsibility for undertaking an Occupational Health assessment and taking action as appropriate. It is therefore the employer's duty, to ensure that an 'at risk' employee does not work unless they have been appropriately vaccinated. The GPC view is that it would be very rare for a patient to be at imminent risk as this could be avoided by not working.

See our model letter at the end of this page.
3. Can the patient be charged a fee by the GP for giving the Hepatitis B vaccination?

The Regulations forbids a practice from demanding or accepting a fee from any of its registered patients, including accepted temporary residents, for the provision of any treatment except in certain specific circumstances.

However, Schedule 5 of the GMS Regulations (Schedule 3 for PMS and APMS) lists the circumstances in which a fee can be charged and these clearly state that the only circumstance for immunisation is for an immunisation which is requested in connection with travel abroad.

Workers at risk will be unlikely to request Hepatitis B vaccination solely in connection with travel abroad.

The Regulations only apply to registered patients. Therefore a practice could charge a fee to patients who are not registered at the practice BUT remember you would be providing the vaccination without a full occupational health assessment.

4. Can the GP charge the employer for providing Hepatitis B Vaccination as a private service?

A practice can choose to enter into a private contract with an employer to provide this service either to a group of employees or for a single employee. The practice would need to carefully consider the nature of the service required for the employees e.g. whether a full occupational health assessment would be necessary. This will include necessary blood tests and follow up titres.

This may mean that it would involve treating patients, which are registered with your practice.

If a practice enters into such a contract with an employer, it will not be accepting a fee from the registered patients, but the employer.

5. Who should be charged for blood tests that are necessary to assess immunity status?

Hospital laboratories are likely to charge the practice for any blood tests that are required to assess immunity status.

Practices cannot charge a registered patient for phlebotomy or laboratory fees however if the practice has entered into a contract with the employer to provide this service, any costs for such tests should be charged to the employer or included in the original Contract Service Level Agreement (SLA). If the latter does not apply, the employer should be forewarned of, and agree to pay, these costs (but it would be best to include these costs in the SLA negotiations at the outset.

6. Can the GP issue a certificate to the patient for which they, or their employer, can be charged a reasonable fee?

The certificate would indicate that the patient
(a) has been vaccinated against hepatitis B
(b) has/has not sero converted.

This is permissible as far as the Regulations are concerned, but the purchaser would obviously have to agree to pay for the certificate. There will be no obligation to pay a fee for such a certificate unless the recipient has implicitly agreed to pay by requesting that it be produced.

References & further reading

Please see below link to information on BMA website:-
https://www.bma.org.uk/advice/employment/gp-practices/service-provision/hepatitis-b-immunisations

GPC Letter to Medical Schools re Hep B Immunisations - Dr Laurence Buckman
Model letters which can be provided to patients and employers who request a Hepatitis B vaccination for occupational health purposes.

template letter for your patient (employee) to take to their employer
template letter for outside agencies to advise them of your charging structures
Wessex LMCS explaining Hep B and occupational health to outside agencies
Related guidance...

**Do We Need to See Patients for Travel Advice?**
Travel vaccines are part of additional services of the new GMS contract. When the new contract was introduced in 2004 a number of the...

**Occupational Health for GPs & Practice Staff**
Occupational Health Practices have a legal reasonability under the Health & Safety at Work Act to identify hazards that any employee...

**Travel Vaccinations**
This is taken from and for more detail see: BMA’s Focus on Travel Vaccinations Travel immunisations that must be given as part of NHS...

**Vaccines and Immunisations - Guidance for Practices**
Patient Group Directions PGDs in Dorset, Hampshire and the Isle of Wight (Wessex) All PGDs can be found at:...

**Incapacity Benefit Appeals**
A patient has asked for a report to support his appeal after having his Incapacity Benefit withdrawn. Does the GP have to provide a a...

**Flu Vac 2018/19 - Practice Staff**
As an employer, practices should be encouraging and offering staff with direct patient contact the opportunity to have a flu...