

STATES OF JERSEY



DRAFT HEALTH INSURANCE AND INCOME SUPPORT (INFLUENZA) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 12th May 2009
by the Minister for Social Security**

STATES GREFFE



Jersey

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REPORT

Background

Jersey is facing a possible pandemic, following the global spread of the Influenza A (H1N1) virus. This is a highly contagious virus but initial fears of a very rapid spread have somewhat diminished in the short term. It is vital at this stage not to become complacent but to ensure that all preparations are in place for the likely return of the virus, possibly in a more virulent form, within a number of months.

Effective management of a possible pandemic will include more home visits by GPs, to seek to prevent the spread of infection in the early stages and to relieve pressure from hospital services in the most serious phase.

GP services are not provided free in Jersey and the individual makes a co-payment towards the cost of the consultation. Most Jersey residents are covered by the Health Insurance Law which provides a flat rate of £15 benefit towards the cost of each GP consultation. As the gross cost of a home visit is considerably higher than a surgery visit, the co-payment made by the patient is likewise much higher for a home visit.

The aim of these Regulations is to create a set of new medical benefits, which provide for higher benefit rates in respect of home visits at different stages of a pandemic infection. For the purposes of these Regulations, the beginning and end of each stage will be declared by the Minister for Social Security, acting on advice from the Medical Officer of Health.

Reduced lodging period

These Regulations are being lodged with a request for a very early debate, under Standing Order 26(7), which states:

“The States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.”

The Regulations deal specifically with the current threat of pandemic raised by the H1N1 and H5N1 viruses and possible combinations thereof, and the definition of the term “influenza” within the Regulations reflects this specific remit.

Use of Health Insurance Fund and Income Support Special Payments

The Health Insurance Law provide benefits to individuals who have been resident in Jersey for at least six months and have made any relevant Social Security contributions. Individuals who take up residence in Jersey are not covered by the Health Insurance Law for the first six months. During this period, they normally meet the full cost of any GP consultations themselves. These Regulations create a specific Income Support Special Payment to provide the same level of benefit as the benefit created under the Health Insurance Law to ensure that all residents are entitled to the same level of financial assistance.

These Regulations do not apply to individuals who are not resident in Jersey, for example tourists. These individuals should be covered for medical costs under their travel insurance policy.

Containment Phase

A key strategy to manage the spread of the virus is that of “containment”. During this phase, individuals who believe that they may have been infected are strongly advised to seek a home visit from a GP, rather than visit a surgery. This helps to reduce the spread of the infection. These Regulations encourage individuals to take this advice and ensure that there is no cost pressure to avoid a home visit, by seeking a surgery visit instead.

The Island is currently in the containment phase in respect of the Influenza A (H1N1) virus.

During this phase GPs will provide home visits to anyone who reports symptoms compatible with infection with the influenza virus. GPs will act on advice provided by the Medical Officer of Health as to those symptoms which are likely to be associated with influenza. When the GP attends the individual, and confirms that the individual does have symptoms compatible with influenza, the individual will be entitled to the benefit, whether or not the individual actually has the infection. The level of increased benefit is such that the co-payment required from the individual should be no more than the normal cost of a surgery consultation.

Some individuals, once confirmed as infected, will need medical services over and above the first-line treatment. These should also be provided at home, with the patient making a co-payment for the consultation equivalent to the cost of a surgery consultation.

Pressure on Hospital Facilities

During the later stages of the containment phase and throughout the management phase GPs will provide medical services to some individuals who would, in normal circumstances, be treated in hospital. As hospital services are provided free in Jersey, the medical benefit payable in respect of visits to these individuals is set at a higher rate to cover the full cost of the GP consultation, and it is not anticipated that the individual will be charged in addition by the GP. The use of GPs in this way will contribute towards the most effective deployment of available medical resources at each stage of the pandemic.

Management Phase

During the management phase the infection is widely spread throughout the population and the advantages of keeping individuals who may be infected away from GP surgeries no longer apply.

Recovery Phase

The final stage of the pandemic is a recovery phase, where the level of infection decreases. At this stage, the medical benefits provided for in these Regulations fall away. The hospital will return to normal activity levels and there will be no need to encourage patients to seek home visits.

Summary of Benefits Payable

		Day time hours	Out of hours	Additional patient in household
Containment consultation	Benefit payable	£45	£90	£15
	Typical co-payment	£30	£30	£30
Hospital replacement consultation	Benefit payable	£75	£120	£45
	Typical co-payment	£0	£0	£0

Financial and Manpower Implications

These claims will be processed manually, and this will have an impact on other benefit processing tasks. However, given that this benefit is only payable during the course of a pandemic, and the pandemic itself will have a much greater impact on the available manpower, any resource requirements will be met from existing manpower.

It is impossible to make any accurate estimate of the number of GP visits that would be covered by these Regulations. This will depend on the nature of the spread of infection. The following estimates are based on theoretical models and the actual expenditure may be considerably more or less than suggested.

The cost of the medical benefit is almost all to be met from the Health Insurance Fund, which currently contains an accumulated surplus of £72 million. A small proportion of the total expenditure will be met from the Income Support budget.

The containment phase is likely to cease once there are 150 confirmed cases in the Island. Evidence from the UK suggests that there are approximately 5 suspected cases for each confirmed case. This would suggest 750 investigations in the containment phase. Once individuals are confirmed as infected, approximately 30% will require some additional medical support. This would give rise to an additional 45 visits, and a total of approximately 800 visits.

Assuming that 90% of the visits are undertaken in working hours with 10% attracting the higher out of hours rate, the total additional cost would be £28,000. This figure excludes the £15 medical benefit that would be payable if these Regulations were not introduced.

It is estimated that for every 100 patients with flu symptoms, up to four of them may require hospital admission, if there are beds available. The UK government is planning

for an attack rate of up to 50% of the population. Half of these individuals will show symptoms of flu, i.e. approximately 22,500 people in Jersey. If 4% of these individuals require hospital treatment, this would equate to 900 possible admissions, lasting an average of 6 days.

GPs providing medical services to individuals who would otherwise be treated in hospital would have a maximum of 900 individuals to care for. (This would be made up of both flu patients and other patients displaced by flu cases).

Assuming that the GP would visit once per day, this is equivalent to 5,400 visits at a total cost of £453,600.

Explanatory Note

These Regulations confer a right to an enhanced rate of medical benefit for a GP home visit in certain circumstances during an outbreak of influenza. In addition, they confer a right to a special payment under the income support scheme, at the same rate, for a person who is not eligible under the health insurance scheme but is ordinarily resident in Jersey. The rights apply during a containment phase (being a phase when the object is to contain the spread of influenza) and a management phase (being a secondary phase when there is widespread influenza).

Regulation 1 provides for the interpretation of expressions used in the Regulations.

Regulation 2 specifies the circumstances in which the Regulations apply. They are when a medical practitioner approved under the health insurance scheme makes a home visit to a person ordinarily resident in Jersey, and the visit is made during –

- (a) a containment phase declared by the Minister for Social Security (the “Minister”) under *Regulation 7*, in the circumstances described in *Regulation 3*; or
- (b) a containment or management phase declared by the Minister under *Regulation 7*, in the circumstances described in *Regulation 4*.

The enhanced benefit will apply if the visit takes place at the person’s ordinary place of residence or at a place where the person is temporarily resident (for example, if the person is staying with a friend or relative when taken ill).

It would be expected that the Medical Officer of Health would issue guidelines to approved medical practitioners regarding the containment and management of outbreaks of influenza, and it is a requirement that the medical services are provided in accordance with those guidelines.

Regulation 3 provides that the enhanced rate of medical benefit or special payment will be paid, during the containment phase, for a home visit –

- to establish whether a person suspected of having influenza is infected;
- to treat a person for influenza; and
- to treat a person for any illness or condition whilst the results of tests to establish whether the person has influenza are awaited and, if the person has influenza, until such time as he or she is free of transmissible infection.

Regulation 4 provides that the enhanced rate of medical benefit or special payment will be paid, during both the containment phase and the management phase, for a home visit where the person is being treated at home as an alternative to admission to hospital, by reason that the hospital does not have capacity to admit the person.

Regulation 5 sets out the rates of medical benefit which will apply in these cases, instead of the standard rate of £15. Two rates are created. The rate in paragraph (2)(a) which is expected to cover the difference between the cost of an appointment at the practitioner’s surgery and a home visit, will apply in all the containment phase cases described in *Regulation 3*. The rate in paragraph (2)(b), which is expected to cover the

costs of the home visit in full, will apply where, during a containment or management phase, a person is treated at home as an alternative to admission to hospital, as described in *Regulation 4*.

Regulation 6 entitles a person who is not eligible for benefit under the health insurance scheme but is nevertheless ordinarily resident in Jersey to receive an income support special payment in an amount equal to the rate of medical benefit applicable under *Regulation 5*.

Regulation 7 empowers the Minister to declare the start and end of containment phases and management phases. The Minister is deemed to have declared the start of a containment phase on the day these Regulations are lodged.

Regulation 8 provides for the citation and immediate commencement of these Regulations.



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Arrangement

Regulation

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Jersey

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 9 and 36 of the Health Insurance (Jersey) Law 1967¹ and Articles 8 and 18 of the Income Support (Jersey) Law 2007², have made the following Regulations –

1 Interpretation

- (1) In these Regulations –
- “containment phase” shall be construed in accordance with Regulation 7;
 - “influenza” means Influenza A (H1N1) or (H5N1) and variants thereof;
 - “management phase” shall be construed in accordance with Regulation 7;
 - “Medical Officer of Health” means the person appointed under Article 10 of the Loi (1934) sur la Santé Publique³;
 - “public holiday” means Christmas Day, Good Friday or a day appointed to be observed as a public holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951⁴;
 - “special payment” has the same meaning as in the Income Support (Jersey) Law 2007⁵.
- (2) Other expressions used in these Regulations have the same meanings as in the Health Insurance (Jersey) Law 1967⁶.

2 Application: general

These Regulations apply only to medical services provided –

- (a) to a person who is ordinarily resident in Jersey;
- (b) at the person’s place of residence in Jersey (whether the place at which the person is ordinarily resident or a place at which the person is temporarily resident);
- (c) by an approved medical practitioner;

- (d) in accordance with any guidelines issued by the Medical Officer of Health concerning the containment or management of outbreaks of influenza; and
- (e) in accordance with Regulation 3 or 4.

3 Medical services during containment phase

During a containment phase, these Regulations apply –

- (a) to medical services provided to diagnose whether the person has influenza;
- (b) to medical services provided to treat the person for influenza; and
- (c) where medical services have been provided to the person as described in paragraph (a), to any medical services provided to the person during the period commencing with the provision of the first-mentioned medical services and ending with whichever is the earlier of –
 - (i) a diagnosis that the person does not have influenza;
 - (ii) the expiry of the period of 5 days following the day on which the person is first treated with an antiviral drug.

4 Medical services as alternative to hospital admission during containment or management phase

During a containment phase or management phase, these Regulations apply to any medical services provided to the person, as an alternative to treating the person as an in-patient in the General Hospital, by reason that the General Hospital, as a consequence of an influenza outbreak, does not have the capacity to accept the person as an in-patient.

5 Health insurance - alternative rate of medical benefit

- (1) This Regulation applies where the person provided with medical services to which these Regulations apply is an insured person.
- (2) Notwithstanding the Health Insurance (Medical Benefit) (Jersey) Regulations 2005⁷, but subject to paragraph (3) –
 - (a) the rate of medical benefit for medical services to which these Regulations apply, provided as described in Regulation 3, shall be –
 - (i) where the medical services are provided between 8 a.m. and 6 p.m. on a day from Monday to Friday (inclusive) or between 8 a.m. and noon on a Saturday, being in either case a day other than a public holiday, £45,
 - (ii) where the medical services are provided on a day or at a time to which clause (i) does not apply, £90;
 - (b) the rate of medical benefit for medical services to which these Regulations apply, provided as described in Regulation 4, shall be –

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- (i) where the medical services are provided between 8 a.m. and 6 p.m. on a day from Monday to Friday (inclusive) or between 8 a.m. and noon on a Saturday, being in either case a day other than a public holiday, £75,
 - (ii) where the medical services are provided on a day or at a time to which clause (i) does not apply, £120.
 - (3) Where the medical services are provided to the insured person at the same time and place as medical services to which a rate specified in paragraph (2) applies are provided to another person, the rate of medical benefit applicable to the first-mentioned medical services shall be –
 - (a) for medical services described in Regulation 3, £15;
 - (b) for medical services described in Regulation 4, £45.

6 Income support - special payment

- (1) This Regulation applies where the person provided with medical services to which these Regulations apply is not an insured person.
- (2) The person shall be entitled to a special payment in respect of each provision of medical services to which these Regulations apply, in an amount equal to the rate of medical benefit to which the person would have been entitled under Regulation 5, if he or she had been an insured person.

7 Declaration of phases

- (1) The Minister may, for the purposes of these Regulations, and having regard to the advice of the Medical Officer of Health and such other advice as he or she thinks fit, declare the start or end of a containment phase or management phase.
- (2) The Minister shall be taken to have declared the start of a containment phase on the day these Regulations are lodged au Greffe.
- (3) The Minister shall take such steps as he or she thinks necessary to bring any such declaration to the attention of the public.

8 Citation

These Regulations may be cited as the Health Insurance and Income Support (Influenza) (Jersey) Regulations 200- and shall come into force forthwith.

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- 1 *chapter 26.500*
 - 2 *chapter 26.550*
 - 3 *chapter 20.875*
 - 4 *chapter 15.560*
 - 5 *chapter 26.550*
 - 6 *chapter 26.500*
 - 7 *chapter 26.500.18*