

Healthcare Commission – Increasing Action/Prosecution Report

The Healthcare Commission has recently published a report on its performance since its establishment in 2004¹. Although the Commission now has a limited life until it is merged into the new healthcare regulator, the Care Quality Commission, it has acknowledged that there was room for improvement in the way it had acted and has suggested that it needs to move more quickly when issues are identified.

The concept of taking action may be seen in a recent prosecution of a company that runs a private orthopaedic clinic. The Commission brought proceedings for breaches in the conditions of registration namely that the hospital must have an in-patient physiotherapy service provided by a suitably qualified skilled and experienced physiotherapist for all patients who require post

operative physiotherapy. In addition no patients under 18 were to be admitted or consulted in the outpatient department.

It has been reported² that magistrates have fined the company £5,000 under the Care Standards Act 2000 and ordered it to pay £10,000 towards the Healthcare Commission's costs. The Director of the clinic was given a conditional discharge but ordered to pay £5,000 towards costs.

This case provides useful guidance on the level of fines likely to be imposed by the Courts in these circumstances.

It is also perhaps a sign of things to come with increased regulatory action.

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Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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¹ *Making a Difference?*

² Health Service Journal 17th July 2008