# GPs to seek legal advice over smartphone appointment service

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GPs’ representatives are to seek legal advice in a bid to challenge the rollout of a service offering “virtual” GP consultations to patients by smartphone.

An emergency motion passed by England’s local medical committees has demanded that the BMA’s General Practitioners Committee seek “urgent legal advice regarding the options available and the potential for a judicial review” to challenge the introduction of the GP at Hand service, which is being piloted in west London.

The motion, passed at last week’s annual conference of LMCs, which represent GPs locally, said that it “deplores” the use of public funds to promote “inequitable access to NHS branded services.” It also called on the GPC to seek urgent negotiations with the health secretary, Jeremy Hunt, to compensate practices for the loss of income they will incur if their patients re-register and switch to services such as GP at Hand.

The GP at Hand service, launched by a group of GPs and the private healthcare company Babylon, is offering NHS patients in London the opportunity to receive “virtual” GP consultations 24 hours a day through a video link on their smartphones. But the scheme has been accused of “cherry picking” healthy, younger patients, as its website suggests that the service may not be appropriate for older people and patients with more complex health needs.

The new service makes use of the NHS’s patient choice policy, which permits patients who live outside a practice area to register with it. Patients registering with GP at Hand have to de-register at their existing practice, which GPs argue risks destabilising existing practices by leaving them with the most vulnerable patients.

Susie Bayley, of Derbyshire LMC, who proposed the motion, said that it was “unacceptable” for the NHS to permit the rollout of a “contractually and morally questionable” service. “We cannot allow public monies to be used to commission a service that favours patients with no complex problems, and only if they have access to certain technology,” she said. “This will lead to huge inequity.”

But Mobasher Butt, a GP and medical director of Babylon Health, said that the vote sent out “a poor message” to patients. He said that critics had misunderstood what the service offered and insisted that it was not excluding specific groups of patients.

Butt told The BMJ, “This is an NHS service available for everyone. NHS England makes it very clear that any practice registering patients outside of the practice area should decide if it’s clinically appropriate for that patient. They [NHS England] provided a list of situations where it might be helpful for a patient to have a discussion with us beforehand. It’s not a list of exclusions. To suggest this is inequitable or cherry picking is completely disingenuous.”

Jane Barnacle, director of patients and information at NHS England’s London region, said, “GP practices are right to carefully test innovative new technologies that can improve free NHS services for their patients while also freeing up staff time.”

## Footnotes

* bmj.com **Margaret McCartney** General practice can’t just exclude sick people doi:[10.1136/bmj.j5190](http://www.bmj.com/lookup/doi/10.1136/bmj.j5190)