

Health, Social Care and Sport Committee

9th Meeting, (Session 6), 2 November 2021

Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill

Note by the clerk

Background

1. The Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill was introduced on 23 June 2021 by the Cabinet Secretary for Health and Social Care, Humza Yousaf MSP.
2. The Health, Social Care and Sport Committee was designated as the lead Committee by the Parliamentary Bureau for Stage 1 scrutiny of the Bill. It was referred to the Committee by correspondence on the same day.

Purpose of the Bill

3. The Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill seeks to reimburse people who have paid for private surgery to remove transvaginal mesh from their body. The cost reimbursement is intended to include the costs of removal surgery and reasonable connected expenses.
4. The Bill contains the following sections:
 - Section 1 empowers the Scottish Ministers to reimburse relevant persons for costs relating to transvaginal mesh removal surgery by putting in place a scheme for the making of such reimbursement payments. Section 1 defines “mesh removal surgery” and sets the criteria for mesh removal surgery which qualifies for reimbursement. The provision also sets out what reimbursable costs are incurred in relation to qualifying mesh removal surgery.
 - Section 2 makes further provision about the scheme of reimbursement payments. This includes provision on application and applicant requirements and review processes.
 - Section 3 confers power on the Scottish Ministers to make ancillary provision in relation to the Bill.

- Section 4 provides for commencement, and
- Section 5 sets out the short title of the Bill.

Scrutiny

5. The Committee agreed its approach to Stage 1 scrutiny of the Scottish Government's Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill during its meeting on 31 August 2021.
6. The Committee issued a call for written views on the Bill on 1 September 2021, which ran until 13 October 2021 and received 15 submissions¹.
7. Contracts have been awarded to Mercy Hospital in Missouri America, and the Spire Health Care in Bristol where Dr Veronikis and Professor Hashim respectively perform surgery, to carry out mesh removal where patients wish it to take place outside of the NHS. The Committee wrote to Dr Veronikis² and Professor Hashim³ for more information. Professor Hashim replied on 5 October 2021⁴.
8. The Committee's Stage 1 scrutiny consists of four sessions in October and November over two dates; 26 October and 2 November 2021.

26 October 2021	<ul style="list-style-type: none"> • Private informal roundtable with individuals who have privately paid for transvaginal mesh removal surgery. An anonymous synopsis of the meeting is attached at Annexe A. • Evidence session with the Bill team from the Scottish Government. The Official Report is available here.
2 November 2021	<ul style="list-style-type: none"> • Evidence session with representatives from NHS Greater Glasgow and Clyde, the Complex Mesh National Surgical Service and NHS National Services Scotland. • Evidence session with the Cabinet Secretary for Health and Social Care.

¹ [Transvaginal Mesh Removal \(Cost Reimbursement\) \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

² [Letter to Dr Veronikis from Convener inviting him to give written evidence to the Committee | Scottish Parliament Website](#)

³ [Letter from Convener to Mr Hashim inviting him to give written evidence to the Committee | Scottish Parliament Website](#)

⁴ [Letter from Professor Hashim Hashim in relation to the Transvaginal Mesh Removal \(Cost Reimbursement\) \(Scotland\) Bill - 19/10/21 | Scottish Parliament Website](#)

9. The Public Finance and Administration Committee issued a call for views on the estimated financial implications of the Bill as set out in its accompanying Financial Memorandum (FM). This ran from 14 September 2021 until 15 October 2021 and received 2 submissions⁵.
10. At its meeting on 28 September 2021, the Delegated Powers and Law Reform (DPLR) Committee considered the Bill at Stage 1. The DPLR Committee reported that it was content with the delegated powers provisions contained in the Bill⁶.

Clerks to the Committee

28 October 2021

⁵ [Transvaginal Mesh Removal \(Cost Reimbursement\) \(Scotland\) Bill - financial memorandum - Scottish Parliament - Citizen Space](#)

⁶ [Transvaginal Mesh Removal \(Cost Reimbursement\) \(Scotland\) Bill: Stage 1 Report: DPLR Committee](#)

Annexe A

Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill

Private informal roundtable with individuals who have privately paid for transvaginal mesh removal surgery.

The Committee met with five individuals with experience of having undergone mesh removal surgery on Tuesday 26 October as part of the consideration of the Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Bill. The individuals were supported by the Health and Social Care Alliance.

The Committee heard first-hand accounts of individual experiences of privately arranging, travelling to and undergoing transvaginal mesh removal surgery and views on the Bill.

Below is a synopsis of points raised during the session.

Reimbursement

What is needed for the Bill?

A fair and flexible system for reimbursement is needed that takes individual and exceptional circumstances into account.

What should be included?

Costs for:

- pre and post-operative appointments and support, in addition to removal surgery. This includes ongoing mental health support, physiotherapy and pain relief;
- insurance to travel outwith the UK;
- a travel companion - all individuals agreed it would be impossible to travel and have surgery without a companion;
- incidentals that individuals may not have receipts for, such as taxis, pharmacy pain relief. Some surgeries took place a number of years ago. Evidence of costs for surgery, travel and accommodation can be provided, but what of additional incidentals?;
- additional travel during COVID. A number of women had additional costs due to visa and embassy issues; and
- loan and credit card interest.

There was mixed opinion on the issue of reimbursement where crowdfunding had been used. Some individuals thought crowdfunding should be reimbursed through the individual undergoing surgery, others thought it was the responsibility of donors to apply for reimbursement.

What is needed for mesh services in Scotland?

- Well-developed care pathways and a joined-up approach.

- Ongoing care and support after removal surgery, including for individuals that received private treatment. A number of Individuals have ongoing needs but are no longer in the system in NHS Scotland so have to start the referral process again through primary care.
- Training for primary care staff in management of patients who have experienced mesh and mesh removal services. Good links between primary care teams and other services.
- A specialist nurse, healthcare worker or patient liaison officer who knows and understands the problems relating to mesh.

Outstanding questions

1. How will the NHS manage travel insurance for referrals outwith Scotland in the future?
2. Who will be eligible for reimbursement? What of the 'In-betweeners'?

The introduction of the Bill has caused some confusion and concern for a number of individuals who are in the process of arranging treatment privately outwith Scotland or who are awaiting surgery, arrangements having been made. COVID-19 travel restrictions and requirements have added to anxiety and a number of individuals are seeking reassurance that their costs will be reimbursed if the Bill is passed. Clarity on definitions of what will constitute 'entering into arrangements', and what proof will be required for these individuals to be reimbursed.

3. When will the referral process be in place for surgery outwith Scotland?

A number of individuals have paid for private mesh removal services, but a number of individuals have been unable to do so due to lack of funds. This has created an inequity issue. How can Scottish Government address this?

The referral routes for mesh removal services outwith Scotland are not yet in place and anecdotal evidence suggests some do not have appointments to attend the specialist mesh service until late 2022. How will Scottish Government ensure timely access to removal services for the individuals that have not yet entered into private arrangements, but wish to?