

The complaint

Mr C has complained that U K Insurance Limited ('UKI') has unfairly declined to pay for an MRI scan which he says was an emergency.

What happened

Mr C has a travel insurance policy, underwritten by UKI.

He went abroad but unfortunately injured himself whilst skiing. He sought medical advice and attention and called UKI to make a claim.

Mr C had an MRI scan but UKI said it wouldn't cover the cost of this as it wasn't deemed to be emergency medical treatment. Mr C disagreed and complained. He said the MRI was necessary to know the extent of the injury and to decide whether he needed to curtail his trip and return to the UK.

Unhappy with UKI's response, Mr C referred his complaint to the Financial Ombudsman Service.

Our investigator looked into the complaint but didn't think UKI had unfairly rejected the claim. He said there was insufficient evidence to suggest that the MRI was needed on an emergency basis and so he didn't uphold the complaint.

Mr C disagreed and in summary, has said the letter from the hospital advised him to seek a specialist opinion and an MRI as soon as possible and that is what he did. He has repeatedly explained that it was necessary to have an MRI to know the extent of any damage and also to decide whether he was fit to fly home.

And so the case has been passed to me for a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I don't think this complaint should be upheld. I'll explain why.

The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly and shouldn't unreasonably reject a claim.

The policy terms confirm emergency medical costs are covered whilst on a trip.

So the crux of this complaint relates to whether the MRI was an emergency medical cost and this is what I will focus on in my decision.

- The available medical report has been translated and this confirms Mr C should have a check-up in a timely manner and "*planning of an MRI examination*." I don't think this report suggests that an MRI is required immediately, it just says it needs to be

planned.

- The other available evidence includes the phone calls between Mr C and UKI in which he was told that an MRI probably wouldn't be covered and Mr C confirmed he understood this advice. An insurer should provide appropriate advice and guidance and I'm satisfied UKI did this. In addition, Mr C said he would have the MRI anyway. So I'm not satisfied Mr C would have done anything differently had UKI categorically told him the costs of the MRI scan would definitely not be covered.
- Mr C has said the MRI was required to know the extent of the injury, whether he was fit to fly and also for the consultant he saw on his return to the UK. I haven't seen any medical evidence which suggests that the MRI was needed as an emergency or that it was required in order for Mr C to obtain a fit to fly certificate. To curtail the trip or obtain a fit to fly, Mr C needed a medical report – there is no evidence to show that he needed an MRI scan. In relation to the consultant in the UK, an MRI could have been arranged at any time when he returned so I don't think it needed to be done abroad to take to the consultant in the UK.
- The policy is clear that only emergency medical treatment is covered and it is UKI's medical adviser who would review the evidence to decide whether treatment was necessary or not. UKI advised Mr C the MRI was unlikely to be covered so I don't think it has treated him unfairly or declined to pay the cost of the MRI unreasonably. So I won't be asking UKI to do anything further.

My final decision

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 15 September 2023.

Shamaila Hussain
Ombudsman