



EUROPEAN COMMISSION

OPENING THE DOOR TO BETTER HEALTHCARE ACROSS EUROPE

Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare

Presented by the European Commission on 2 July 2008

Solidarity



Equity



Access to good quality care



Universality



HELPING PEOPLE WITH THEIR RIGHT TO ACCESS CROSS-BORDER HEALTHCARE

When needed, using healthcare in another Member State will be made easier with clearer rules on reimbursements, procedural guarantees and information for patients. This will ensure more effective access to cross-border healthcare.



Clear access, greater choice for patients

People in general prefer to receive healthcare close to where they live. Currently, only 1% of healthcare budgets are spent on cross-border healthcare.

However, in certain circumstances, it can be beneficial to receive healthcare in another EU country, notably in border regions, where the nearest healthcare facility may be in another country, or when there is more expertise available, or a particular care or treatment can be provided faster.

Whatever the reason, under certain conditions, patients have the right to receive healthcare in another Member State, as ruled by the European Court of Justice. This right derives from the Treaty itself. But it is essential to clarify how this right can be exercised. Providing such a legal framework is one of the objectives of this draft directive.

What does the proposed Directive mean for healthcare?

- Patients may seek medical treatment in another EU country. In this case, they will have their costs reimbursed by their national health insurer or health authority as long as they have a right to such a treatment at home, and up to the level of reimbursement for the same or similar treatment in their national health system.

For hospital care however, under certain circumstances, a Member State may decide to introduce a system in which patients require an administrative prior authorisation before seeking care abroad.

- Patients will benefit from transparent and quick procedures, including for the actual reimbursement of costs, and will have the right to ask for a review of any administrative decision regarding cross-border healthcare.
- Patients will have easier access to relevant information about cross-border healthcare, in particular through national contact points, before they decide to seek treatment in another EU country. This will enable them to make informed decisions about using cross-border healthcare.

Helping patients to use their right to cross-border care

A Eurobarometer survey¹ revealed that many citizens are unaware of the possibilities of receiving care in another Member State. Indeed, the same survey showed that 30% of the EU population does not know that it is possible, under certain conditions, to receive healthcare abroad and to have the costs of the treatment reimbursed by their national health system or health insurer.



¹ Flash Eurobarometer Series "Cross-border health services in the EU, Analytical report," conducted by The Gallup Organization upon request of the European Commission, the Health and Consumer Protection Directorate-General (DG SANCO), 2007.

ENSURING ALL PATIENTS SAFE AND HIGH QUALITY HEALTHCARE

Member States are responsible for ensuring the quality and safety of all healthcare provided on their territory. They will define clear standards based on common values and principles and ensure their correct and continuing application.



EU Member States share values and principles

As defined in the Council conclusions on *Common values and principles in European Union Health Systems*², universality, access to good quality care, equity and solidarity are common principles for healthcare in the European Union. It is important to determine who is responsible for ensuring that these principles are met for cross-border care. This clarity is crucial for patients and for the professionals who treat them.

Clear and effective quality and safety of healthcare abroad

Quality and safety standards in medical care are of a very high level in Europe. Citizens trust their medical services at home. When patients travel for treatment within the EU, they need the same confidence in the health service. However, they are not always provided with the necessary information and guarantees. The proposed Directive addresses precisely these issues.

What does the proposed Directive mean for healthcare?

- The country where treatment is provided is responsible for clinical oversight. Cross border patients should be more confident if the quality and safety standards of the treatment they receive in another Member State are regularly monitored and based on the same good medical practices and international medical science.
- Information on all relevant aspects of care (including availability, prices, insurance coverage, etc) will be made available to patients to allow them to make an informed choice about cross-border healthcare.
- Patients will have access to their medical records and the protection of their personal data will also be guaranteed in the cross-border healthcare setting.
- If patients suffer harm from the healthcare they receive, they will be well informed on how they can seek redress and compensation. Assistance will be provided, if necessary, by national contact points for cross-border healthcare.
- Patients coming from another EU country to benefit from cross-border healthcare will enjoy equal treatment with the nationals of the country in which they are treated. They should be treated in a non discriminatory way on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Safety and quality of healthcare

According to a Eurobarometer survey³, citizens say they would need information about quality and safety of healthcare in another Member State before taking their decision to travel abroad to seek treatment.

² Council Conclusions, Luxembourg, 1-2 June 2006

³ Flash Eurobarometer Series "Cross-border health services in the EU, Analytical report," conducted by The Gallup Organization upon request of the European Commission, the Health and Consumer Protection Directorate-General (DG SANCO), 2007.

FOSTERING COOPERATION BETWEEN HEALTHCARE SYSTEMS TO ACHIEVE BETTER HEALTHCARE FOR ALL

The European Union will support Member States in working together to achieve increased sharing of information, expertise and innovation.



Together for a better healthcare

As all Member States face the same challenges in relation to their healthcare systems, more cooperation will bring benefits. It will allow them to share experiences and ideas about solutions to provide patients with the best possible care. Working together at the practical level increases the quality of care and the efficient use of resources. This proposal provides a solid basis for further cooperation.

What does the proposed Directive mean for healthcare?

- It will be easier to have prescriptions issued abroad recognised in local pharmacies. This will ensure continuity of care and benefit patients who have been treated in another Member State
- With increased cooperation in fields such as European reference networks to share expertise and innovation, patients will have access to highly specialised healthcare that they otherwise may not have access to. This is particularly true for people with a rare condition or requiring a high level of expertise for diagnosis and/or treatment.
- By pooling analysis and evaluations undertaken on the effectiveness of new health technologies, Member States will save time and money. With these shared health technology assessments tools, the best and more efficient technologies can be made available more rapidly to health professionals and patients for better diagnosis and therapies.
- Through improved interoperability (compatibility of systems), more efficient and effective information technologies in the health sector (e-Health) will benefit everyone. Healthcare providers will be able to work together rapidly and easily. Patients will have the opportunity to benefit from services from abroad while staying in their own country, for example through the use of telemedicine. With gains generated in terms of productivity and efficiency, e-Health can also contribute to an increased financial sustainability of healthcare systems throughout Europe.
- Policy makers, stakeholders and citizens across Europe will benefit from an increase of available data and information about cross-border care.



WHY PROPOSE THIS LEGISLATION?

Health is essential for everyone's well being and European countries devote great attention and resources to ensure a high level of health for their citizens. High quality healthcare systems are a vital part of our societies.

Yet despite all their strengths, our healthcare systems face considerable challenges. Our society is ageing. Inequalities between regions and groups of citizens are large. It is crucial that high-quality care continues to be accessible for all. Member States have a primary and essential role to ensure this happens, but initiatives at European level can support their actions through the development of synergies, cooperation and coordination.

In recent years, the European Court of Justice (ECJ) clarified that even though Member States are responsible for organising and delivering health services, the free circulation of goods, services and persons in the internal market also applies to health products and healthcare services. But uncertainty has remained over how to apply these principles in an horizontal way.

The Commission's proposal for a services directive in the internal market presented in 2004 included provisions codifying the rulings of the ECJ in applying free movement principles to health services. The European Parliament and the Council however, considered this approach inappropriate, hence the eventual exclusion of health services from the scope of the Directive in 2006. Both institutions stressed then the importance of addressing this issue in a specific legal instrument on health taking into account patients' needs, commonly agreed principles on the provision of healthcare and finally the specificities of medical science and techniques.

The Commission is making a proposal for a **Directive on the application of patients' rights in cross-border healthcare** to contribute to the efforts of the Member States to improve health systems in the EU and open the door to better healthcare for patients across Europe.

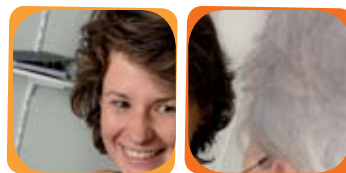
Three reasons to act

1. Clarify the right to seek cross-border healthcare
2. Make cross-border healthcare safer and better quality
3. Boost cooperation to tackle common challenges together, prepare the future, and make better health systems for their patients and professionals



What is cross-border healthcare?

- healthcare a patient receives in a Member State different from the Member State in which he or she is insured, or,
- healthcare a health professional provides in a Member State different from the Member State in which he or she normally resides or works.



Concretely, cross-border healthcare occurs in many different ways. Health professionals train and practice abroad, citizens travel abroad to receive care - for example patients living in border regions or requiring very specialised treatment. This can also be patients receiving services from abroad while staying in their own country, for example through the use of telemedicine (for specialised surgery support, radiology diagnosis, etc).

Does this draft legislation affect the existing coordination of social security in Europe?

No. This initiative shall not affect the benefits offered to citizens through the EU Regulation on coordination of social security⁴.

- Citizens needing urgent care abroad will continue to receive it. If they hold the European Health Insurance Card, they can benefit from a simplified procedure for receiving any necessary medical assistance.
- For planned care, rules remain unchanged: patients who receive authorisation according to the conditions foreseen in the Regulation on coordination of social security can seek healthcare abroad with costs covered at whichever rate is higher – the State where they are insured or the State where they are receiving treatment.

The added value of this initiative is to clarify new options opened by the European Court of Justice to patients in relation to planned care in addition to the conditions of the Regulation on coordination of social security. Indeed, for most of non hospital care, patients will be able to seek healthcare abroad without prior authorisation. The difference will be in relation to the reimbursement. Patients will pay up front and will be reimbursed at home as they would have been for the same or similar treatment in their national health system or social security schemes.

What about citizens used to systems in which care is provided for free? Will they get reimbursement for care received abroad?

Yes. All EU citizens will have the same entitlements to cross-border care whatever their home health system. Citizens who usually do not make up front payments for domestic care will be reimbursed by their home system when they pay for care in another EU country. However the proposal does not prevent Member States from extending the benefits-in-kind system to healthcare received abroad.

Useful links

Patients' rights in cross-border healthcare:

http://ec.europa.eu/health/ph_overview/co_operation/healthcare/cross-border_healthcare_en.htm

EU Health Portal:

http://ec.europa.eu/health-eu/index_en.htm

Coordination of Social Security:

http://ec.europa.eu/employment_social/social_security_schemes/healthcare/index_en.htm

Directorate General for Health and Consumers:

http://ec.europa.eu/dgs/health_consumer/index_en.htm



⁴ Council Regulation (EC) No 1408/71 of 14 June 1971 (OJ L 149, 5.7.1971, p. 2) (Consolidated version: OJ No L 28, 30. 1. 1997, p. 1)



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Directorate-General for Health and Consumers
European Commission – B-1049 Brussels
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