

COMMISSION OF THE EUROPEAN COMMUNITIES CONSULTATION REGARDING COMMUNITY ACTION ON HEALTH SERVICES

Issue:

This note sets out the NHS Counter Fraud and Security Management Service (CFSMS) comments on the Commission of the European Communities Consultation regarding community action on health services. We are grateful for the opportunity to submit a response.

Background:

The CFSMS is an independent Division of the NHS Business Services Authority. The NHS Counter Fraud Service was established in September 1998 and the NHS Security Management Service was added in 2003 to form CFSMS. The organisation has responsibility for all policy and operational matters relating to the prevention, detection and investigation of fraud and corruption and the management of security in the National Health Service. Therefore, we will focus on the questions directly relevant to our remit.

We wanted to draw your attention to some of the work that CFSMS is currently doing to tackle losses to healthcare fraud and corruption. CFSMS has produced a 12:1 return on investment in counter fraud work through an overall positive financial impact of £811 million to the NHS.

CFSMS is also a member of the European Healthcare Fraud and Corruption Network (EHFCN) which was set up to coordinate and advance work to counter healthcare fraud and corruption. CFSMS has seen the EHFCN's response to this consultation and fully support the views expressed in this document.

Responses to specific consultation questions

Q2. What specific legal clarification and what practical information is required by whom (e.g. authorities, purchasers, providers, patients) to enable safe, high-quality and efficient cross-border healthcare?

CFSMS agrees that clarity is required in order to facilitate the general application of Treaty provisions on free movement to health services for citizens as well as for the health systems overall.

Recently CFSMS was awarded an EU grant to set up a European Healthcare Fraud and Corruption Operational Task Force (EHFCOTF) consisting of operational healthcare fraud and corruption investigation practitioners.

The EHFCOTF will meet regularly over a 20 month period to discuss current and topical operational issues affecting healthcare organisations in Member States and Candidate countries. A total of 12 representatives will be members of the EHFCOTF.

The aim of the EHFCOTF is to discuss the exchange of information, the promotion of expertise, and experiences in investigating fraud and corruption, in order to develop best practice. In particular research will be undertaken in the following areas:

- The examination of methods of detecting and investigating healthcare fraud and corruption.
- The use of forensic investigation techniques such as computer evidence, data recovery, document evidence and forensic accountancy.
- The development of high quality case management systems.
- Whistle blowing and dealing with intelligence and informants.
- Proactive methods of countering healthcare fraud and corruption.
- Identifying methods for the lawful sharing of information on a European level, to tackle cross border fraud and corruption.

- Creating information gateways and establishing operational contact points across Europe to tackle cross border fraud and corruption.

A Manual of Guidance will be created from the above research which will be available to members of the EHFCN. The Manual will consist of examples of fraud and corruption cases for each country, methods of detection and investigation, the application of types of sanctions, case management methods, and a directory of useful contacts in each European country in regards to the investigation of healthcare fraud and corruption.

This is an example of how CFSMS is working with other countries to exchange practical information to facilitate safe, high-quality and efficient cross-border healthcare. We strongly believe that we need to work together with other member states to counter fraud and corruption.

Q9. What tools would be appropriate to tackle the different issues related to health services at EU level? What issues should be addressed through Community Legislation and through non legislative means?

We want to draw your attention to some of the work that CFSMS are currently involved with. Last year CFSMS was awarded funding to set up a Legal Arrangements Sub-Committee in conjunction with legal representatives from across Europe. The EHFCN have since undertaken extensive research to identify the most efficient legal methods and optimum legal arrangements for minimising fraud and corruption.

Information on legal arrangements and sanctions imposed in relation to the detection, investigation, and sanctioning of fraud and corruption in healthcare systems across Europe has been collected and analysed by the EHFCN's Legal Arrangements Sub-Committee.

The database is legally protected and EHFCN members will be able to access information about the legal provisions that exist in 15 member states in relation to detection, investigation, sanction and redress.

This database will assist different member states to tackle the different issues related to health services at EU level. It is an example of a practical structure in place to enable cooperation between the different member states to work in practice.

Conclusion

Overall, CFSMS welcomes the proposals included in the consultation regarding community action on health services and are grateful for the opportunity to submit a response. CFSMS firmly believes that it is essential for member states to cooperate and exchange information including expertise in order to counter fraud and corruption in different healthcare systems.

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