



# Continua

HEALTH ALLIANCE

Brussels, 30<sup>th</sup> January 2007

## **Response to Consultation regarding Community action on health services**

The Continua Alliance<sup>1</sup> welcomes the present consultation on health services and recognizes the importance of promoting the debate. We note that better regulation and more legal certainty in the area of cross-border healthcare services will lead to improvements in access to high quality health services for all through, *inter alia*, improved economies of scale for the healthcare industry in Europe.

The Continua Alliance notes the many important issues raised in the Consultation but chooses herein to comment only on aspects relating to cross-border provision health-care using telemedicine, remote care, remote diagnosis and other health related ICT mediated services (hereinafter referred to as *Connected Health*).

The Continua Alliance argues that in a number of circumstances, *Connected Health* services provide the most convenient solution to ensuring that European citizens have access to the best quality healthcare wherever they are in the European Union. Through *Connected Health* patients and healthcare professionals can gain access to care and specific medical expertise from within remote regions whilst containing travel costs and allowing as well as ensuring efficient use of medical resources.

**Any Community action on health services must explicitly deal with the cross-border provision of *connected health* services on an equal footing with the "traditional" methods of health services delivery.**

The cross-border provision of health services, as the Commission Communication rightly points out, raises the bar for Member States' cooperation in areas where traditionally States act wholly individually.

Furthermore, cross-border health services, whether provided by traditional or *Connected Health* means require that both patient and professional can be identified regardless of their State of

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<sup>1</sup> Continua is an alliance of almost 100 companies fostering independence through establishing a system of interoperable personal telehealth solutions that empower people and organizations to better manage health and wellness. Full details may be found at [www.contiunaalliance.org](http://www.contiunaalliance.org)

registration or residence. Accordingly it is a prerequisite of cross-border health services provision that EU wide interoperable systems of strong Healthcare Practitioner and Patient identification and authentication, as well as portability of patient information, are established.

Continua therefore calls upon the European Commission to support the Member States in achieving some level of harmonization in Patient and Professional Identification as well as in the representation and in the exchange of a patient's medical condition, since otherwise a safe and effective health service cannot happen.

**Any Community action on health services must address the harmonisation of identification of health practitioners and patients, as well as patients' medical records and medical terminology**

Cross-border healthcare and particularly cross-border *connected care* raises important challenges from the legal and information-sharing point of view. Accordingly we believe that the EU needs to clarify the legal position of cross border care, whether provided by traditional or *Connect Health* means, in order to eliminate the current uncertainty.

Accordingly we urge the Commission to consider the full legal and technological implications of using Connected Health services across European borders and to ensure that European policy and regulations do not form a barrier to its use

In particular we urge the Commission to consider the legal questions concerning applicable jurisdiction for liability, licensure and patient access in both traditional and *Connect Health* cross border health services delivery.

The Commission should also ensure that technology standards are open and support pan-European interoperability to promote a single internal market in connected health services and products, and as appropriate should encourage such interoperability to be addressed beyond Europe also.

**As much as possible, cross-border *connected health* services must be considered as no different to the "traditional" methods of healthcare delivery. The Commission should seek to ensure that European regulation facilitates as much as possible the exploitation of Connected Health across EU borders.**

We consider that further Community intervention is needed to promote the debate on the use of Connected Health. Accordingly we urge the Commission to set up the appropriate committees, working parties and *ad hoc* bodies to promote cross-border collaboration on key matters of Connected Health which still need to be addressed at EU level before its true potential can be exploited to increase the availability, accessibility, quality and safety of cross-border health services. The Commission should consider the following areas of work

- ***Connected Health Standards of care***: while traditional medical practice and malpractice finds its references on widely international accepted standards, cross-border *connected health* services are relatively new and the absence of accepted practice standards is the current reality. European agreement on protocols and guidelines needs to be sought.
- ***Connected Health Reimbursement***: Member States' approaches to *connected health* services vary significantly, from its non-recognition to its selective reimbursement. This

fact raises uncertainty regarding to their reimbursement when these services are provided to patients where the same type of service is not recognized as such in the patient's home country.

- *Connected Health* liability: healthcare practitioner's responsibility on a cross-border *connected health* mediated environment requires further clarification and guidance as well as that of the telecommunication intermediaries - that may span several countries - in the service delivery chain.

The Commission High Level Group on Health Services and Medical Care and the i2010 Subgroup on eHealth should initiate a working task to address standards of care, reimbursement and liability in cross-border *Connected Health* services.

The Continua Alliance is ready to support the Commission in its initiatives on Cross-border Healthcare Services using both traditional and *Connected Health* systems.

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