

# The challenges of Cross-Border Healthcare Law

*An opportunity or a fallacy?*

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# Patient Rights

- Right to decide where to be treated
- Right to obtain copy of medical records
- Right to privacy
- Non discrimination for cost & treatments on the basis of nationality
- Right to complaint & to seek redress
- Right of appeal on authorization & reimbursement decisions

# Who knows about IT?

*Two pieces of EU legislation in validity*

- **Regulation 883/2004** on the coordination of social security systems
- **Directive 2011/24/EE** on the application of patient rights to cross border healthcare

# Differences between the Regulation & the Directive

- **Regulation**> Only public healthcare providers covered
- **Directive**> covers both public & private healthcare providers for both planned & unplanned care
- **Regulation**> foresees **prior authorization**, which may be required under the Directive
- **Regulation**> covers **all healthcare costs** incurred in another MS,
- **Directive**> **only at the cost same services would have in the country of the patient**
- **Directive**> more support to patients **National Contact Points, European Reference Networks**

# From declaration to reality

## Article 6: National Contact Points for Cross-Border Healthcare

...Member States shall **ensure** that the national contact points **consult** with patient organizations.....

... In order to enable patients to make use of their rights in relation to cross-border healthcare, national contact points in the member state of treatment shall provide them with information concerning **healthcare providers**,.....as well as information **on patients' rights, complaint procedures & mechanisms for seeking remedies**.....



European  
Commission

## Seeking healthcare in another EU Member State: your rights



### Did you know?

You have the right to receive medical treatment in another EU Member State and the right to have your home country cover some or all of the costs.

You have the right to be informed about the treatment options open to you, how other EU countries ensure quality and safety in healthcare, and whether a particular provider is legally entitled to offer services.

Look inside to find out more...

Health and  
Consumers

Does it answer  
**All** the **Questions**  
of European patients  
seeking treatment  
abroad?

# Obligations of the member states

- rules concerning the reimbursement of costs of cross-border healthcare
  - Prior authorization
  - What & how much is reimbursed
- responsibilities of the Member States with regard to cross-border healthcare
  - National Contact Points
  - European Reference Networks
- cooperation between healthcare systems.
  - Interoperability of healthcare systems for the exchange of documents

# Rules on the reimbursement of costs of cross-border healthcare

MS have three instruments to reduce access & re-imbursement

- Prior authorization
- Eligible cost
- Level of re-imbursement



# Responsibilities of MS with regard to cross-border healthcare

- **National Contact Points**
- **European Reference Networks**

# Cooperation between healthcare systems

- Interoperability of European healthcare systems
- e-health – health information technology
- Quality and safety guidelines
- Cross border care in border regions
- Health technology assessment.
- **Need for culture of transparency & collaboration**

# European citizens remarks on the Directive

- Slow, non transparent transposition procedure
- Non involvement of citizen organizations
- Lack of information to patients & citizens on their rights
- Need for multi-language Information about the Directive & health care providers
- Need for user friendly, high quality, effective & in lay language information on NCP websites

# Patient organizations remarks on the Directive

- Great difficulty to decide with support about cross-border care
- Cost key driver for cross border care
- Need of detailed advance information about costs of cross border care
- Language barrier>obstacle in the implementation
- Divergent clinical guidelines among EU MSs

# How patient organisations can help improve the implementation

- **Get well informed**
- **Start a dialogue** with membership & other patient and citizens' organizations
- **Set an appointment** with the Head of the NCPs
- Requested to be consulted by the NCP on issues relevant to your expertise
- **Propose concrete measures** for improving and accelerating patient safety, quality of care, access & reimbursement

# How patient organisations can help improve the implementation

- Keep a record of reported issues by patients who have had cross-border care
- Ask other organizations for similar records
- Send your findings to the Commission
- Commission welcomes feedback from patients to assess effectiveness of implementation

# *Thank for your attention*

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***CHAMPIONING THE INTERESTS OF EUROPEAN CANCER PATIENTS***