ICU MANAGEMENT & PRACTICE

ICU Volume 10 - Issue 3 - Autumn 2010 - EU News

Council Agrees on New Rules for Patients' Rights in Cross-Border Healthcare

The Council in charge of Employment, Social Policy, Health and Consumer Affairs has agreed on a draft directive concerning the application of patients' rights in cross-border healthcare.

The draft directive aims to facilitate the access to safe and high-quality cross-border healthcare and to promote cooperation on healthcare between member states. The compromise reflects the Council's intention to fully respect the case law of the European Court of Justice on patients' rights in crossborder healthcare while preserving member states' rights to organise their own healthcare systems. The draft directive provides clarity about the rights of patients who seek healthcare in another member state and supplements the rights that patients already have at the EU level through the legislation on the coordination of social security schemes.

The draft directive contains the following provisions:
• As a general rule, patients will be allowed to receive healthcare in another member state and be reimbursed up to the level of reimbursement applicable for the same or similar treatment in their national health system if the patients are entitled to this treatment in their country of affiliation;
• In case of overriding reasons of general interest a member state of affiliation may limit the application of the rules on reimbursement for cross-border healthcare; member states may manage the outgoing flows of patients also by asking a prior authorisation for certain healthcare or via the application of the "gate-keeping principle", for example by the attending physician;
• In order to manage ingoing flows of patients and ensuring sufficient and permanent access to healthcare within its territory a member state of treatment may adopt measures concerning the access to treatment where this is justified by overriding reasons;
• Member states of treatment will have to ensure, via national contact points, that patients from other EU countries receive on request information on safety and quality standards on their territory in order to enable patients to make an informed choice;
• The cooperation between member states in the field of healthcare is strengthened, for example in the field of e-health and through the development of European reference networks which will bring together, on a voluntary basis, specialised centres in different member states;
• The recognition of prescriptions issued in another member state is improved; as a general rule, if a product is authorised to be marketed on its territory, a member state must ensure that prescriptions issued for such a product in another member state can be dispensed in its territory in compliance with its national legislation; and
• Sales of medicinal products and medical devices via internet, long-term care services provided in residential homes and the access and allocation of organs for the purpose of transplantation fall outside the scope of the draft directive.

Published on : Tue, 30 Nov 2010