



Patients' rights in cross-border healthcare

#EUPatientRights #HealthUnion

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Patients' rights in cross-border healthcare Directive

CJEU jurisprudence from 1998

- Healthcare is a **service**
- Patients can **choose** healthcare provider abroad
- Level of **reimbursement** up to cost of treatment at home
- **Prior authorisation** is acceptable

Harmonized minimum Patients' Rights

Information to patients

Cooperation between Member States



Kohll and Decker (1998); Ferlini (2000); Geraets-Smits and Peerbooms (2001); Vanbraekel (2001); Inizan (2003); Müller Fauré and Van Riet (2003); Leichtle (2004); Watts (2006); Stamatelaki (2007); Elchinov (2010); Petru (2014) etc.



What has been achieved?

- Patients' rights to healthcare in another EU country subject to conditions – private or public provider
- Information for patients available via National Contact Points in all EU countries
- Digital healthcare – considerable efforts in European cooperation – European health data space
- EU actions in the area of rare, low prevalence and complex diseases with the establishment of the European Reference Networks





Reports on implementation



EUROPEAN COURT OF AUDITORS
Guardians of the EU finances



European Committee of the Regions

Conclusions

- **Complex systems of reimbursement**
- **Over-use of prior authorisation for planned treatment**
- **Administrative obstacles**
- **Improve information to patients**

EU actions to support better implementation

- Sharing experience
- Good practice workshops
- Non-binding guidance : Manual for Patients, NCP Toolbox
- EU studies



Key figures on patient mobility

- **Regulations coordinating social security systems**

- Necessary (unplanned) healthcare:
 - ± 2 million cases/year
- Planned healthcare:
 - $\pm 55,000$ PA/year

- **Directive 2011/24/EU**

- CB healthcare without prior authorisation:
 - $\pm 200,000$ reimbursement/year
- CB healthcare with prior authorisation:
 - ± 3500 PA/year

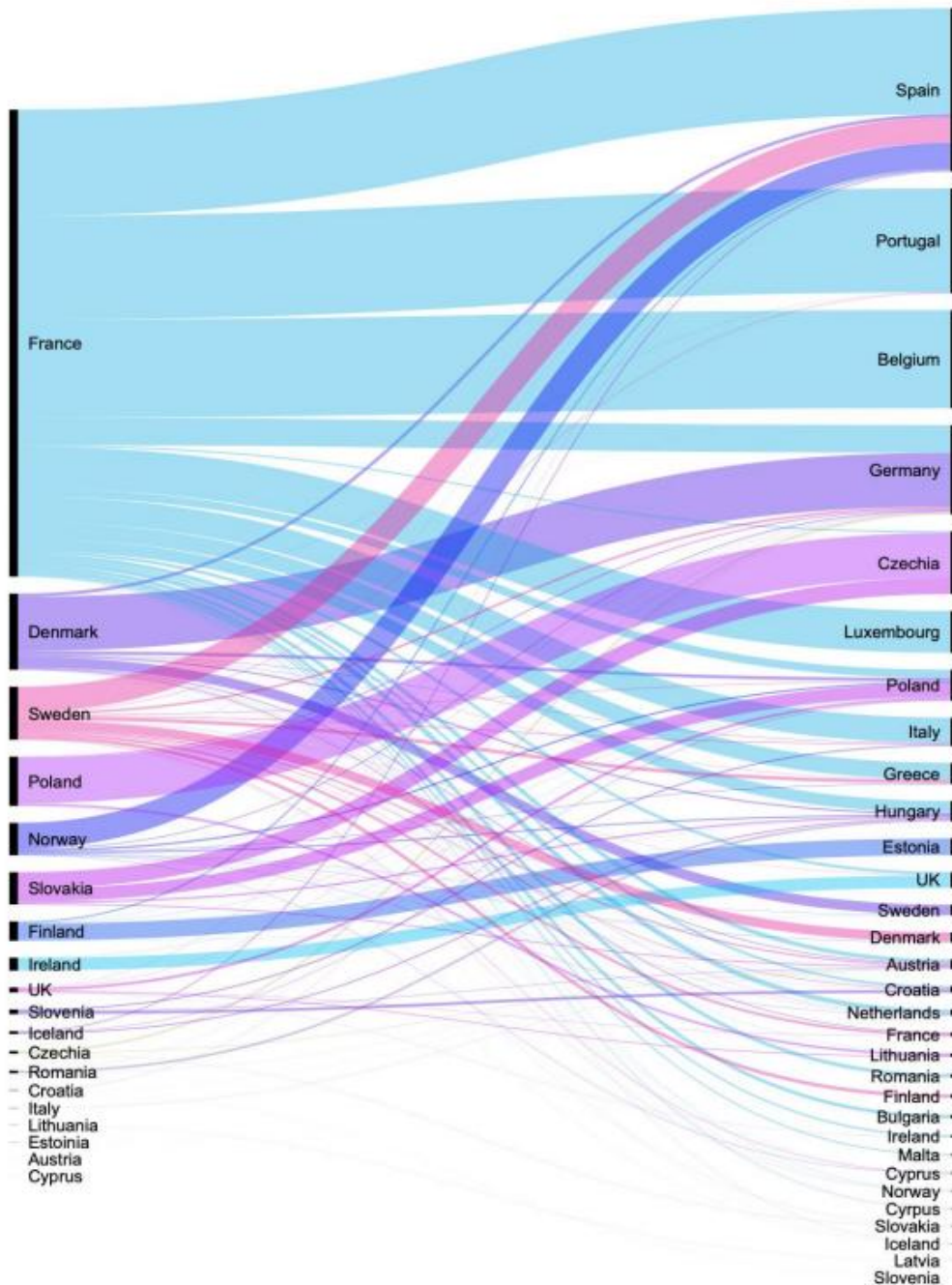
➔ 0.004% of the EU-wide annual healthcare budget



- Bilateral agreements for cross-border healthcare & cross-border contracts between providers and payer – No data

Country of Affiliation

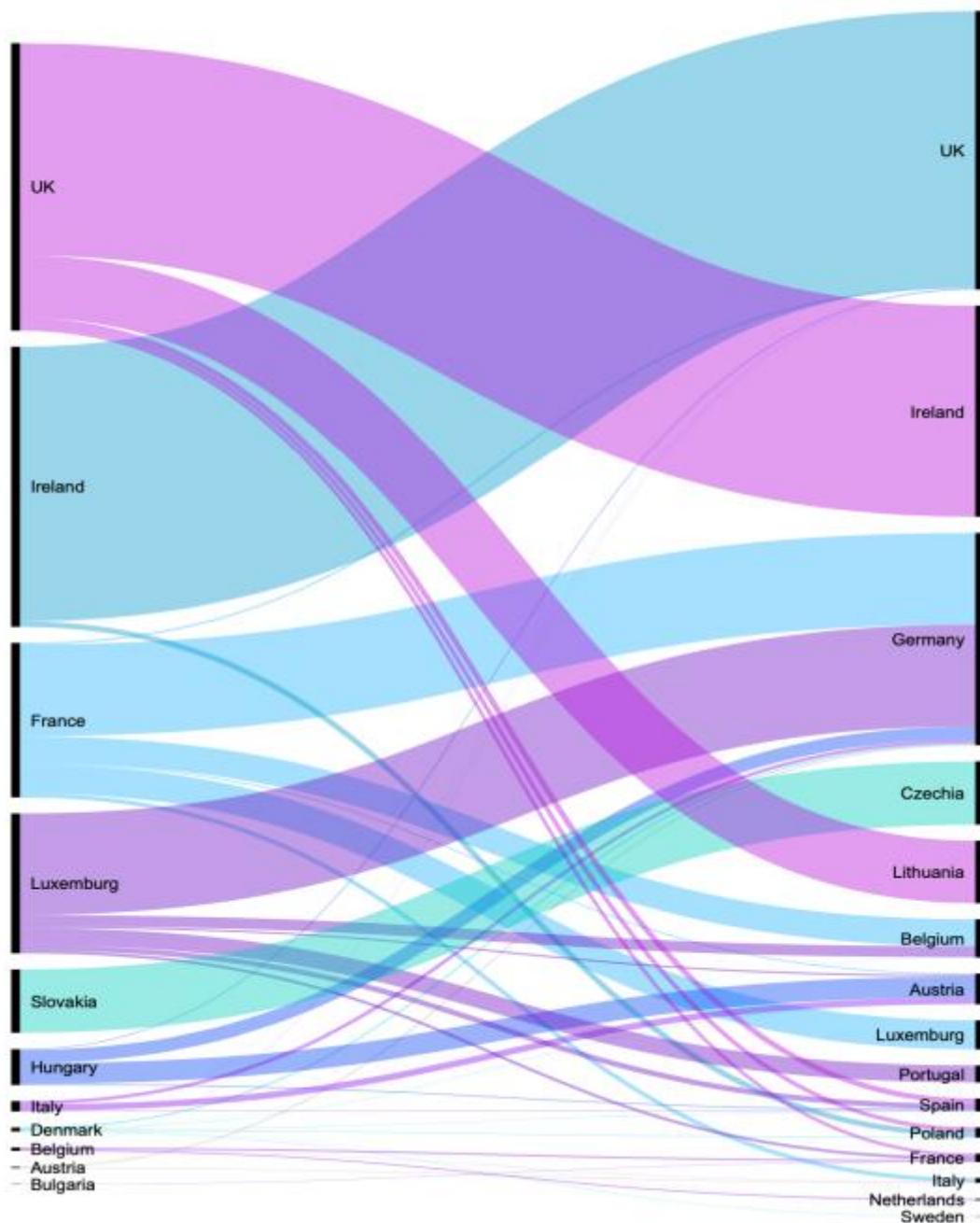
Country of Treatment



Flow Maps of all patient mobility not requiring Prior Authorisation in 2019

Country of Affiliation

Country of Treatment



Flow Map of all patient mobility with Prior Authorisation in Europe in 2019



Patient mobility in selected EU border regions

Association of European Border Regions study funded by DG SANTE:

To improve data & understanding of patient mobility in border regions

- comparatively high patient mobility data based on the quantitative data collected for the purposes of the Directive and the Social Security Coordination Regulations
- where cross-border healthcare cooperation already exist, for example through Interreg or participation in the Committee of Regions.

Case Study Regions

- Meuse-Rhine Region Belgium, Germany and Netherlands
- France Grand-Est – Luxembourg
- Austria, Czechia, Slovakia
- Poland – Czechia





Commission evaluation of the Directive

Patients' rights to cross-border healthcare
→ Have they improved a decade on?

Stakeholder consultation May-July 2021

- Is the Directive working in practice and meeting the objectives?
- Information for patients: doctors, insurers, National Contact Points
- Prior approval for healthcare – which treatments covered?
- Reimbursement of costs – complex?
- Follow-up care back home – any problems?

