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The Directive on Cross-border Healthcare finally adopted by the European Commission

The European Commission's Directive on 'the application of patients' rights in cross-border healthcare' has been finally adopted on July the 2nd by the College of Commissioners, and will, according to Article 95 of the Treaty of the European Union, be submitted for adoption to the European Parliament and the Council.

This adoption by the European Commission puts a term on several months of internal consultations and repeated delays (*see previous issues of FEPI News from Brussels*) as well as to a lot of speculation.

Overall, the European Commission's Directive proposal is set **to clarify all the questions related to the right of patients to seek health care in another EU Member-State while being reimbursed by their own national system.**

The stated aims of the proposal in question are:

- Helping patients exercise their rights to access cross-border care;
- Providing guarantees on safety and quality of cross border care, and;
- Assisting national health systems to cooperate in order to achieve economies of scale.

According to the European Commission, the Directive proposal, when adopted, will give EU citizens the right to seek **non-hospital care**, such as dental care, visits to the optician or medical consultations, in another Member-State without prior authorization. Patients would need to first pay for these services and then seek reimbursement from their national health system. This reimbursement will

be calculated on costs of care which, had they been provided on national territory, would have been paid for by the social security system.

As for **hospital care**, - defined by the European Commission as at least one night of hospitalization - , Member-States may put in place a system of prior authorization for reimbursement in two cases. First, if the care in question could have been easily provided and reimbursed in the home country and second, if the outflow of patients is such that it puts in risk either the finances of the national social security systems or the planning of hospital capacity.

In early drafts of the proposal, patients did not need prior authorization from their national systems neither for hospital or non-hospital care. However, the European Commission felt that such a proposal would not gather enough support from the Council to be finally adopted.

The Directive proposal asks Member-States to establish **national contact points** for cross-border healthcare and provide citizens with information on their right to seek care abroad. It also states that non-nationals shall enjoy the same rights regarding access to care as nationals and thus **prohibits any discrimination based on nationality** or indeed any other grounds.

Regarding the enhancement of cooperation between EU-27 national health systems, the Directive proposes mutual recognition of prescriptions issued in another Member-State and the establishment of European reference networks of care providers in order to allow access to specialized care for all and develop economies of scale. Member-States are also expected to enhance cooperation on **eHealth** by adopting measures to make healthcare ICT systems interoperable and share their efforts regarding the management of new health technologies, including **health technology assessment** (HTA).

The text of the European Commission's Directive proposal on 'the application of patients' rights in cross-border healthcare' can be consulted at http://ec.europa.eu/health/ph_overview/co_operation/healthcare/docs/COM_en.pdf.

The Executive Board of FEPI is currently studying the proposal in question. It would be very helpful for the drafting of a common FEPI position if you would kindly let our Secretariat have your first appreciation/comments on the text at your earliest convenience.

At the time these lines were written, our British member, the NMC was already publishing their reaction to the Directive's proposal in their website (<http://www.nmc-uk.org/aArticle.aspx?ArticleID=3230>). We re-produce this reaction here for your information .

“The Nursing and Midwifery Council (NMC), the regulator for all nurses and midwives in the United Kingdom, has responded to the adoption of the EU Directive on the application of patients’ rights in cross border healthcare. The draft Directive clarifies the circumstances under which EU patients can expect to be reimbursed, by their home country, for healthcare sought in another Member State.

The NMC welcomes the publication of this proposal, and stresses that in order for patient safety to be assured, regulators and healthcare providers across the EU must co-operate more closely in future.

The NMC therefore urges the Commission to take an active role in establishing formal systems of co-operation between regulators. We are particularly concerned that the Commission establishes a clear system of redress for patients who have received unsatisfactory care in another Member State.

The NMC would also like to see the Commission taking further steps to compel competent authorities to share information about nurses and midwives who are, or have been, subject to disciplinary proceedings. We would like all regulators to be required to inform their EU colleagues proactively when professionals have been struck off – especially in cases where there is reason to believe that a nurse or midwife may be planning to relocate to another EU country.

We urge the Commission to put patient safety above all other considerations when drafting legislation regarding healthcare.

Finally, the NMC would welcome clarification from the Commission that this new proposal will compel relevant authorities in other EU Member States to recognise prescriptions signed by authorised prescribers on the NMC’s register. The UK is among only a small number of EU countries to train nurse and midwife prescribers.

Kathy George, NMC Assistant Registrar and Director of Standards and Registrations, said:

“Patients must be assured that the care they receive from nurses and midwives, whether at home or abroad is safe, professional and competent at all times. The European Commission plays a key role in making sure this will be the case in future”. “

EU pilot project to remove linguistic barriers to healthcare abroad

A European Commission Recommendation on the interoperability of electronic health records, aimed at ensuring that EU healthcare staff can have access to vital information on patients' medical data, wherever such information may be located, opens the door to a large-scale EU pilot project.

Following the 2007 stakeholder consultation on the issue, the Commission's Recommendation was adopted on 2 July 2008 and outlines the steps that Member-States should take to establish an Electronic Health Records (EHR) system compatible with those in other member states.

EHRs are records of a patient's health information on, for example, past medical history, treatment progress, medications or laboratory data. As patients become more mobile within Europe, EHRs that are readable by health professionals in different settings and languages would enable both safer treatments and reduce the overall cost of health care.

A key objective of the Recommendation, according to the Commission, is "to allow patients to choose to access his/her important information stored in electronic health record systems anywhere at any time".

The text invites Member-States to undertake action relating to:

- The overall **political level** to set up the necessary regulatory and financial environment to make eHealth infrastructure and services interoperable;
- The **organisational level** to create, for example, a common domain accompanied by the necessary interfaces that enable the national domains to interact;
- The **technical level** to promote use of technical standards and to establish common interoperability platforms;
- The **semantic level** to agree on common priorities and specific applications, and;
- The level of **education and awareness raising** to monitor and consider all intended and related developments.

The Recommendation in question will be implemented by the Smart Open Services project (S.O.S.), also launched on 2 July.

This project is a three-year €22 million joint initiative by the European Commission and 12 Member-States and their industry players aiming at demonstrating the benefits of interoperable EHR and electronic prescriptions. The stated objective is "*to remove linguistic, administrative and technical barriers within the EU*" by making essential information on the medical

and medication history of a patient available for a doctors treating the patient far from home.

The S.O.S. will first examine the participating countries' level of maturity and deployment of patient summaries and ePrescriptions, consider legal questions and develop technical specifications for a secure use of personal health data. After his step, solutions will be defined, test and validate in real-life situations.

The project will build on national initiatives of Austria, Czech Republic, Germany, Denmark, France, Greece, Italy, the Netherlands, Spain, Slovakia, Sweden and the United Kingdom. The information collected is said to include "*a summary of essential information*" such as blood group, allergies, medical conditions or ongoing medication. The records are said to be purely voluntary, "*created only at the citizen's request, respecting his/her right to privacy*".

Experiences and lessons learned from the project will be used to update the Commission's Recommendation on the interoperability of EHR.

New Evolutions regarding the setting up of a Belgian and French Regulatory Body for Nursing

In Belgium, the establishment of a national Regulatory Body for Nursing has been officially added to the legislative agenda of the Senate. As you may know, times is still difficult for the Belgian Government and all the political Parties are waiting for a crucial summer political deadline before getting more involved in the normal legislative affairs of the Kingdom. Despite all these delays, FEPI is in daily contact with **Mr. Yves Mengal**, from the Belgian Federation of Nurses (FNIB), one of the pioneers of this project.

An official declaration from the Belgian Federation of Nurses will be distributed, along with an official FEPI supporting letter signed by President Sasso by the end of August to all the Belgian Senators from both parts of the country. This declaration will also include formal supporting letter from the ICN and from the main Nursing associations of Belgium.

The only opposition existing for the moment is coming from the Flemish Catholic Nurses Association, which is very much against the establishment of a Belgian Regulatory Body for Nursing and uses its close links with the Flemish Trade Union to lobby against this project. Mr.Mengal's association, along with most of the other Belgian Nursing organizations and with support from FEPI, hopes to counter this opposition.

According to the current agenda of the Belgian Senate, the vote on the adoption of the law establishment of a Belgian Regulatory Body for Nursing should begin in January 2009, if everything goes well at the Federal Government level.

In France, as you have read in previous FEPI News from Brussels, the April election has suffered from small participation of voting nurses. However, local delegates have been elected and the procedure continues its ordinary way.

According to the electoral agenda, the next step will be the election of the regional (at the department level) delegates on the 25th of this July. This time, the regional delegates will be designated by the local delegates (elected last April) and thus, the probability of a poor participation is drastically diminished.

As it was discussed during the last FEPI General Assembly, contacts have been established between the Executive Board of the French Nurses Association (one of the pioneers of the project for the creation of a regulatory body), ANFIIDE its Vice-President **Mrs. Brigitte Lecointre** will meet FEPI President **Prof. Sasso** and Senior Policy Advisor, **Dr. Koutroubas**, in Paris in the framework of the CEPLIS General Assembly meeting on the 17th of this July.

Mrs. Lecointre is a nurse, working in Nice and elected Secretary-General of the region Provence-Alpes-Côtes d'Azur. FEPI Board Member **Mrs. Dragica Simunec** and FEPI Policy and Press Officer **Mr. Laurent Louette** have already met her during the last national congress of the Belgian Nurses Association in Charleroi, Belgium. **Mrs. Lecointre** is very dedicated to her profession and she has very credible chances to become member of the future Executive Board of the French Regulatory Body for Nursing.

We will of course keep you updated regarding this meeting between FEPI and ANFIIDE as well as on all evolutions relating to the organization of the profession in Belgium and in France.

Conferences to come:

- **The European Council of the Liberal Professions (CEPLIS) will hold its Permanent Committee meeting on July the 17th, between 14.00PM and 17.00PM.**

The meeting will take place at 'Maison de l'Europe', 35-37 rue des Francs-Bourgeois, 75004 Paris and will be honoured by the presence of Mr. Othmar Karas, MEP; Mrs. Pamela Brumter-Coret from the European Commission's DG MARKT; and a representative from Commissioner Vassiliou's cabinet.