

North West of England Public Health Community
Position Paper
Response to the Consultation regarding Community Action on health services
January 2007

Community Framework for safe, high quality and efficient health services

The European Commission opened a consultation in September 2006 offering stakeholders the opportunity to comment on how to ensure safe, efficient and high quality health services in the EU. This consultation response is provided on behalf of the North West of England Public Health Community which includes many health stakeholders from across the North West including Primary Care Trusts, the Strategic Health Authority, the NW regional Public Health Team, the three North West Public Health Networks, the North West Health Brussels Office and other relevant health stakeholders.

In response to the eight questions posed by the paper, the North West of England Public Health Community believes the following:

Question 1: What is the current impact (local, regional, national) of cross-border healthcare on accessibility, quality and financial sustainability of healthcare systems, and how might this evolve?

- There is still relatively little impact of cross border healthcare in the United Kingdom but it is growing
- Border countries such as Belgium, Luxembourg, France, Netherlands have more experience of cross border healthcare issues
- If quality and accountability measures at EU level were clarified this could increase cross border healthcare from and to the UK. This may impact both positively and negatively on NHS hospitals and services
- The possible effects on financial sustainability of health systems, caused by unregulated cross border healthcare systems must be addressed.
- Patient mobility should be cost neutral. If the economic impact of cross-border healthcare on health systems is considerable, there will be a need to balance individual patient choice against financial sustainability for the health system overall. Healthcare provider bodies wherever possible, need to be able to plan for cost assumptions of cross border healthcare.
- The North West of England Public Health Community feels that managed cross border healthcare is essential and that prior approval must be sought in order to ensure equity and not increase health inequalities.

Question 2: What specific legal clarification and what practical information is required by whom (e.g. authorities, purchasers, providers, patients) to enable safe, high-quality and efficient cross-border healthcare?

- Patients should be able to make more informed choices concerning the health services that they use
- Accountability and responsibility need to be clarified in order to ensure safe and high quality health services, given the differences between the systems operating in member states.
- Clarification is required on how / which complaint and compensation systems will work across borders in each type of cross-border health service.

- Regular coordination and sharing of information is required between healthcare organisations across EU member states in order to provide more and better information concerning the quality of health services.
- There are currently vast differences between EU member states concerning the quality of and access to information on health services. Data from different member states is often not comparable. Measures could be taken at EU level to ensure that in future data on quality of health services is available and comparable. Interoperability standards need development for electronic medical records.
- This consultation is being seen in many countries and by a number of interest groups as an opportunity to raise the general standards of health services and to ensure a minimum level of care. EU data on minimum standards is needed to ensure health service performance can be compared. Systems should be put in place at EU level to ensure that patients and professional have access to this EU data. The financial implications of minimum standards for health systems need consideration.

Question 3: Which issues (e.g. clinical oversight, financial responsibility) should be the responsibility of the authorities of which country? Are these different for the different kinds of cross-border healthcare described in section 2.2 above?

- In order to ensure safe and high quality health services, healthcare purchasers and providers must agree in advance how any potential problems should be dealt with. Clarity needed on who is responsible for ensuring patient safety, how patients will be compensated when they suffer harm, whose liability rules apply and how errors will be followed up.
- The member state that is providing the service will in most cases be responsible and accountable

Question 4: Who should be responsible for ensuring safety in the case of cross-border healthcare? If patients suffer harm, how should redress for patients be ensured?

- There are many different systems of legal support for healthcare complaints and compensation in the EU. This can cause confusion and may create barriers to patients wishing to cross borders for healthcare purposes
- As cross border healthcare increases, so will the number of complaints and queries concerning redress. Therefore the accountability and responsibility agreements must be clear
- A certain element of accountability must be attributable to the patient if they are seeking treatment abroad, however in general terms, the accountability and responsibility should be located in the country of treatment.
- In the short term, a data set of the legal differences and rights to compensation in each EU member state could be compiled at an EU level, giving patients and professionals access to this information, thus informing their choices

Question 5: What action is needed to ensure that treating patients from other Member States is compatible with the provision of a balanced medical and hospital services accessible to all (for example, by means of financial compensation for their treatment in 'receiving' countries)?

- All EU citizens should be entitled to safe, efficient and high quality healthcare. Measures must be taken to ensure that accessibility to healthcare is not only to those who can afford it but to all citizens. For this reason it is essential that cross border healthcare must be managed.
- Ensuring fair and equal access to health services across Europe would be aided by

clear, concise statements on patients rights when crossing borders and on exact entitlements to seek healthcare in member countries and under what circumstances they can be financially compensated for their treatment in other states.

- The financial sustainability of healthcare systems is paramount. Individual patient mobility entitlements need to be reconciled with the sustainability of healthcare systems and the need to assume costs for planned treatment in other Member States wherever possible.

Question 6: Are there further issues to be addressed in the specific context of health services regarding movement of health professionals or establishment of healthcare providers not already addressed by Community legislation?

- The growth of cross border healthcare will require increased cooperation between all levels of governance, local, regional, national and European. This cooperation must be aided by action at the European level if Europe wishes to have safe, efficient and high quality health services

Question 7: Are there other issues where legal certainty should also be improved in the context of each specific health or social protection system? In particular, what improvements do stakeholders directly involved in receiving patients from other Member States - such as healthcare providers and social security institutions - suggest in order to facilitate cross-border healthcare?

- Increased awareness of patient rights should be encouraged and facilitated at all levels including the European level
- Further development of the European health card could facilitate cross border healthcare in cases where a medical treatment becomes necessary during a stay in another Member State.
- Cross border patients have special needs and it is important that there is legal clarity as to who has the legal responsibility for those needs

Question 8: In what ways should European action help support the health systems of the Member States and the different actors within them? Are there areas not identified above?

- Collection and dissemination of relevant, comparable information from across Europe through a central, accessible European point would allow patients and professionals to make more informed choices on cross border healthcare
- Further development of EU Health systems impact assessment
- Shared evidence bases from across Europe
- Further development of European Networks of Centres of Reference
- The issue of responsibility concerning continuity of care could be further clarified

Question 9: What tools would be appropriate to tackle the different issues related to health services at EU level? What issues should be addressed through Community legislation and what through non-legislative means?

- The public, patients, healthcare providers and commissioners all require legal certainty and clarity concerning their rights and responsibilities on the issue of cross border healthcare
- Discussions on this issue should be open and transparent

- Agreements on issues such as professional standards, accountability and information provision could be reached by voluntary methods such as the Open Method of Coordination
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In conclusion, the North West of England Public Health Community supports the efforts of the European Commission in addressing the issues surrounding cross border healthcare. We support the attempts by the Commission to ensure safe, efficient and high quality health services across Europe.

The North West of England Public Health Community feels that the following issues are of particular importance in this consultation:

- Ensuring the financial sustainability of member state healthcare systems
- Prior approval of treatments
- Ensuring that health inequalities in Europe are not accentuated
- Clear and concise information to patients, professionals, providers and commissioners on their rights and entitlements
- Ensuring high standards of care across the EU and ensuring that the issues of responsibility and liability are clear.

The North West of England Public Health Community also supports the issues around equity as raised in the consultation response by the Thames Valley Priority Setting Unit.

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