

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

Issue Date: 30 July 2015

STATUS: INFORMATION

CATEGORY: POLICY

Title: The National Health Service (Cross-Border Healthcare) (Telemedicine) (Wales) Directions 2015

Date of Expiry / Review N/A

For Action by:
All Local Health Boards and WAST - for
information only

Action required by: N/A

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Enclosure(s): None

The National Health Service (Cross-Border Healthcare) (Telemedicine) (Wales) Directions 2015

Dear Colleague,

The purpose of this Welsh Health Circular is to inform you of the Telemedicine Directions 2015 No 17 that were adopted on 14 July 2015.

Background information

Cross-border healthcare

The EU Directive 2011/24/EC on patients' rights in cross-border healthcare was adopted in April 2011 after nearly three years of negotiations at European level. The Directive codifies case law on patient mobility in Europe. The transposition (implementation) deadline into national legislation for all EU Member States was 25 October 2013.

Under the Directive, patients are entitled to seek reimbursement for payment they make for health care from state or private providers within other parts of the EEA if it is the same as or equivalent to a service that would have been available to a patient in their circumstances within their Local Health Board area.

On behalf of Wales, Scotland, Gibraltar and England, on 24 October 2013, the Department of Health submitted a partial notification to the European Commission on the implementation of the Cross-border Directive. Northern Ireland's implementing legislation came into operation on 27 December 2013.

The two remaining measures, which are UK-wide, were implemented separately:

- An Order requiring all healthcare providers to have indemnity cover – This came into force on 17 July 2014. The delay in implementation was due to ongoing negotiations with Independent Midwives UK.
- Work to bring in requirements on recognition of cross-border prescriptions – this was implemented on 31 March 2014.

Background to the Telemedicine Directions

The UK received an Article 258 Reasoned Opinion Letter from the European Commission on 10 July 2014. The explanation in the letter stated that 'failure to notify measures for the transposition into national law' triggered the Reasoned Opinion. The Commission, therefore, wanted to verify that we had implemented all measures necessary to transpose the Directive.

The letter itself raised 17 separate points where the Commission said there was a failure to notify. One UK-wide point was about transposing the principle for establishing where an act of telemedicine is considered to be provided in a cross-border context.

Despite the UK meeting the Directive's requirements with regard to establishing in which EEA country an act of telemedicine is considered to be provided, the Commission concluded that we had not notified them to that effect. In the UK's response to the Reasoned Opinion letter, England, Scotland, Wales and Northern Ireland, therefore, undertook to make Directions requiring the relevant public authorities to apply the principle for establishing where an act of telemedicine takes place.

The Directions are published on the [Welsh Government website](#). Scotland, England and Northern Ireland are making their own Directions. Gibraltar has already implemented this requirement.

Guidance on cross-border healthcare and patient mobility can also be found on the Welsh Government website:

<http://gov.wales/topics/health/publications/health/guidance/guidance/?lang=en>

We request that you familiarise yourselves with the new Telemedicine Directions and the supporting guidance document at the links above.

If colleagues have any queries regarding this circular, they should contact Mike Thomas, Head of Digital Development at:

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Yours sincerely,



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