

2015 NO. (17)

NATIONAL HEALTH SERVICE, WALES

**THE NATIONAL HEALTH SERVICE (CROSS-BORDER
HEALTHCARE) (TELEMEDICINE) (WALES)
DIRECTIONS 2015**

The Welsh Ministers, in exercise of the powers conferred on them by sections 12(3), 19(1) and 203(9) and (10) and 204 of the National Health Service (Wales) Act 2006⁽¹⁾ give the following Directions— .

Application, commencement and interpretation

1.—(1) The title of these Directions is The National Health Service (Cross-Border Healthcare) (Telemedicine) (Wales) Directions 2015.

(2) These Directions apply to Local Health Boards and the Welsh Ambulance Services NHS Trust come into force on 14 July 2015.

(3) These Directions apply to the provision of information to visiting and resident patients and to the consideration of application made by resident patients in the exercise of the rights and entitlements mentioned in Directive 2011/24/EU of the European Parliament and of the Council of 9th March 2011 on the application of patients' rights in cross-border healthcare⁽²⁾.

(4) In these Directions—

“the Cross-Border Healthcare Regulations” means the National Health Service (Cross-Border Healthcare) Regulations 2013 ⁽³⁾;

“the Cross-Border Healthcare Directions” means the National Health Service (Cross-Border Healthcare) (Wales) Direction 2013 ⁽⁴⁾

“the Directive” means Directive 2011/24/EU of the European Parliament and of the Council of 9th March 2011 on the application of patients' rights in cross-border healthcare ;

“Local Health Board” means a body established under section 11 of the NHS (Wales) Act;

“the NCP” means the national contact point for Wales designated by the Welsh Ministers under regulation 2 of the Cross-Border Healthcare Regulations;

“the NHS (Wales) Act” means the National Health Service (Wales) Act 2006;

“Regulation (EC) No. 883/2004” means Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems⁽⁵⁾;

“resident patient” means an individual for whom the United Kingdom is the member State of affiliation within the meaning of Article 3(c) of the Directive (definitions);

(1) 2006 c. 42.

(2) O.J. No L88, 4.4.2011, p45.

(3) S.I. 2013/2269.

(4) 2013 No. 26

(5) OJ No. L 166, 30.4. 2004 p.1-123; corrigenda to the Regulation published in OJ No. L 200, 7.6.2004 p.1-49 and OJ No. L 204, 4.8. 2007, p 30.

Directions to Local Health Boards on telemedicine

2.—(1) Each Local Health Board (“the Board”) in the exercise of its functions and in particular those functions set out in paragraph (2) and where the healthcare in question is provided by telemedicine, the Board must have regard to Article 3(d) of the Directive.

(2) The particular functions of the Board referred to in paragraph (1) are—

- (a) the prior authorisation of and reimbursement of the cost of services provided in another EEA State as set out in Paragraph 3 of the National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) Directions 2010 ⁽¹⁾;
- (b) the provision of information to patients on their rights and entitlements mentioned in Article 5(b) of the Directive as set out in regulation 9 (provision of information on rights and entitlements) of the Cross-Border Healthcare Regulations; and
- (c) the provision of advice and assistance to patients as set out in Direction 6 of the Cross Border Healthcare Directions.

Directions to WAST on telemedicine

3.—(1) In exercising its functions and in particular those functions set out in paragraph (2) and where the healthcare in question is provided by telemedicine, the WAST must have regard to Article 3(d) of the Directive.

(2) The particular functions of WAST referred to in paragraph (1) are

the functions as the designated NCP and in particular its functions in relation to the provision of information about treatment in Wales and treatment in another member State and cross border co-operation as set out in regulations 3 to 5 of the Cross-Border Healthcare Regulations

Signed by Peter Jones, Deputy Director of Digital Health and Care under the authority of the Minister for Health and Social Services, one of the Welsh Ministers.

Date 14 July 2015

(1) 2010 No. 40