

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

Issue Date: 6 April 2021

STATUS: INFORMATION

CATEGORY: LEGISLATION

Title: The National Health Service (Cross-Border Healthcare) (Wales) (Amendment) Directions 2021 and the National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) (Amendment) Directions 2021

Date of Review: July 2022

For Action by:

All Local Health Boards and WAST.

Action required by: Immediate.

Sender: Chris Wright, Mental Health, Vulnerable Groups & NHS Governance, Health and Social Services Group

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Enclosure(s): None

Purpose

The purpose of this Welsh Health Circular is to inform you of the National Health Service (Cross-Border Healthcare) (Wales) (Amendment) Directions 2021 and the National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) (Amendment) Directions 2021 which were adopted on 25 March 2021.

Background Information

Following the UK-EU Trade and Cooperation Agreement (TCA) reciprocal healthcare arrangements between the UK and the EU under the Cross Border Directive (2011/24/EC) have been discontinued other than for transitional cases in progress on 31 December 2020. Under the Directive, patients were 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.

The Directive can therefore no longer be used by UK citizens to access healthcare treatment in the EU. However the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc) (EU Exit) Regulations 2019 (“the 2019 Regulations”) make provisions for the continuation of transitional cases, which are the cases in progress on Implementation Completion Date (31 December 2020).

To reflect the new provisions, two sets of Directions have been amended:

- the National Health Service (Cross-Border Health Care) (Wales) Directions 2013 (2013 No. 26) (“the Cross-Border Directions”);
- the National Health Service (Reimbursement of Cost of EEA Treatment) (Wales) Directions 2010 (“the Reimbursement Directions”).

The above Directions have been amended by the:

- National Health Service (Cross-Border Healthcare) (Wales) (Amendment) Directions 2021; and the
- National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) (Amendment) Directions 2021.

The amending Directions continue the Cross-Border Directions 2013 and the Reimbursement Directions 2010 for those transitional cases that continue to apply by virtue of the 2019 Regulations.

The amending Directions make it clear that the existing Directions are to continue to apply with modifications for transitional cases.

The amending Directions also make modifications to Local Health Board’s (LHBs) obligations in relation to the provision of information etc. to the public to provide that

LHBs are no longer required to provide information regarding Directive treatments but rather must make reasonable efforts to provide information.

The Directions are published on the Welsh Government website at:

<https://gov.wales/national-health-service-cross-border-healthcare-wales-amendment-directions-2021>

and

<https://gov.wales/national-health-service-reimbursement-cost-eea-treatment-wales-amendment-directions-2021>

Action

We request that you familiarise yourselves with the amending Directions at the links above and act in accordance with them.