

Frequently Asked Questions about the EU cross-border healthcare Directive

1 What is the EU Directive on cross-border healthcare?

The Directive on the application of patients' rights in cross-border healthcare is a legal measure that clarifies patients' rights and entitlements to cross-border healthcare and establishes standard rules for reimbursement of healthcare received in another European Union country. The Directive also facilitates patient choice and access to high-quality and safe healthcare. One of the main achievements of this new Directive is that patients will be able to choose their healthcare provider.

2 Where can I find more information about this new Directive and my rights to seek cross-border healthcare?

Each European Union country has to **establish a National Contact Point to provide information on patients' rights** in cross-border healthcare. These centres will exchange information and should be able to provide the individual with practical information on the conditions and levels of reimbursement, healthcare providers, procedures of prior authorisation etc.

Malta's National Contact Point can be contacted at:

Email address: crossborderhealth@gov.mt or

Telephone number: 00356 21220501

3 What is the difference between the Directive and the European Health Insurance Card?

The European Health Insurance Card (EHIC) covers public **emergency** health care treatment **only**. It is highly recommended that all persons have this card especially before travelling abroad to another EU member state.

The Directive covers **planned** healthcare in EU Member States and does not effect emergency care generally covered by EHIC.

The Directive gives you the right to access planned healthcare in another European Union/ European Economic Area as long as the medically necessary treatment is available under the

publically funded national health package of Malta and providing you meet certain criteria.

The Directive covers treatment abroad both in public and private healthcare service providers. However it does not cover treatment obtained from a local private health care provider.

4 What are the limits of this Directive?

Under the Directive, no Member State is obliged to accept a patient for treatment, however they must be able to explain their decision to refuse to treat the patient. Also a patient who is requesting treatment abroad cannot receive treatment in preference to a patient in that same country who is already on the waiting list for that particular procedure.

Also, no Member State is obliged to fund treatment in another country if that same treatment is available at home within a medically justifiable time period, or if that treatment is not part of the national health care package offered locally.

It is also important to note that the Directive does not mean that you will automatically receive funding for treatment in another EU Member State. As mentioned below (reply to question 9) there are a number of healthcare services which require a pre-authorisation from the Department of Health. These requests will be evaluated by on a case by case basis and may or may not be accepted.

The Directive does not apply to services in the field of long-term care when the purpose of these services is to support people in carrying out routine every day tasks, and long-term services necessary in order to enable the person in need of care to live as full and self-determined a life as possible;

It also does not apply to organ transplantation and public vaccination programmes;

5 What treatments are covered under this Directive?

Under certain conditions you have a right to seek a health care service or treatment in other EU Member States for planned healthcare which forms part of the list of healthcare services offered within your home country. In Malta, this list is called the Register of healthcare and includes all the services offered by the Maltese public healthcare system. To obtain more information as to whether the health care service or treatment in question is offered by the Maltese public health care system please contact Malta's National Contact Point.

6 Am I eligible to receive healthcare under this Directive?

Persons who are eligible must be nationals of a European Union/European Economic Area or a third country national whose primary residence is in Malta and who are entitled to healthcare under the national public health care system.

7 What do I need to do if I wish to seek treatment abroad under this directive?

When starting to consider the possibility of going for treatment abroad within the remit of the Cross-border Directive, it is important that as a first step medical advice is sought and obtained from your caring medical practitioner.

You will then need to obtain further information and practical assistance from the National Contact Point.

Though the National Contact Point will provide you with important information on issues such as reimbursement, documentation needed, whether prior authorisation is needed etc, it is up to you as a patient to choose the health care provider abroad and to organise your travel, accommodation and treatment arrangements. It is important to consider the healthcare standards, language barriers, appropriate qualifications of medical staff and overall quality of facility applicable to the chosen Member State for cross-border treatment.

8 Does my medical practitioner need to provide a ticket of referral?

Yes. As is normally required within our National Health Care System, a ticket of referral from a general practitioner (GP) or specialist is required for healthcare services not requiring 'prior authorisation'. For healthcare services requiring prior authorisation a ticket of referral from a registered specialist in the particular field is required. While your GP or specialist will not be able to refer you directly to a facility outside the Malta National Health Care System they will be able to confirm the treatment that you need and the timescale in which they recommend you receive that treatment.

This is also very important to safeguard the health of the patient and ensure continuity of care and aftercare. It is therefore highly advisable to keep your doctor informed.

9 Do I need to get prior authorisation from local health authorities before going abroad for treatment?

You must obtain prior authorisation by asking for permission in advance from the national health authorities through the National Contact Point if:

- 1) you intend to receive healthcare that involves overnight hospital stay of at least one night;
- 2) the health care involves highly specialised and/or cost-intensive healthcare or medical equipment;
- 3) there are concerns regarding quality and safety of the healthcare provider;
- 4) the treatment carries a particular risk.

Find out what types of **services require prior authorisation** by accessing the Department of Health website or by contacting the Malta National Contact Point.

It is in your best interest to obtain prior approval from the Department of Health as this allows continuity of care and organisation of aftercare on your return.

10 How can I request prior authorisation?

You will need to contact the National Contact Point and submit a referral form.

11 Can my request for prior authorisation be refused?

The National Health Authorities may refuse to grant prior authorisation if:

- ❖ the treatment you intend to receive abroad presents a risk to your health and/or a safety risk;
- ❖ the foreign healthcare provider raises concerns on not having up-to-standard quality and safety of care measures;
- ❖ appropriate and similar healthcare can be provided in Malta within a reasonable time limit. Reasonable time limit is assessed on a case by case basis and may require a medical assessment of your medical condition and treatment needs.
- ❖ Malta may also limit cross border healthcare approval if this presents a risk to their own healthcare provision e.g. in highly specialised, low volume departments which may undermine clinical expertise and experience.

12 What if treatments requiring prior authorisation are refused?

When prior authorisation is refused you are entitled to receive an explanation with the reasons why your application for authorisation was refused.

If you are unhappy with the outcome of your authorisation application, you have the right to request a review of the administrative decision taken on your application for cross-border healthcare. Complaint/redress can be addressed to the Administrative Review Tribunal.

13 Do I need to contact the Malta National Contact Point before seeking treatment abroad which does not require prior authorisation?

For health care services which do not require prior authorisation it is highly advisable that information is sought from the National Contact Point in order to:

- Verify whether the healthcare service/ treatment being sought forms part of the Register of healthcare that includes all the services offered by the Maltese public healthcare system.
- Verify whether you need formal permission/prior authorisation from the Department of Health.
- Verify if the health care service/s being requested are refundable and what the funding will cover.
- Verify what documentation you will need to provide before leaving Malta and on your return to be able to claim re-imburement.
- Plan for continuity of your care which will include the necessary aftercare on your return to Malta.
- Verify the standards and guidelines on quality and safety laid down by the Member State you plan to seek treatment in.
- Verify whether other options for treatment abroad apply.

Health care services not requiring prior authorisation must still be part of the public national health care package offered locally. It may be worth applying for prior authorisation so that you ensure that the service is reimbursable and to know exactly what will be reimbursed on your return. You should always discuss your planned treatment with your doctor who can advise you if the treatment you have planned is appropriate, and allows for continuity of care.

14 Do I need to pay for cross-border treatment abroad upfront?

Yes, for treatment under the cross border Directive you will have to pay the costs upfront. Make sure that before you go abroad, you contact the National Contact Point to find out how much the treatment costs in Malta. It is then important that you check exactly how much the treatment abroad will cost you so that you can see the difference in cost which will have to be borne by yourself if the treatment abroad is more expensive. Then, upon your return home, you can claim reimbursement for the treatment up to the amount, as costed by the Public Health Care System in Malta, or the actual costs of the healthcare service or services received, whichever is the lowest.

No ancillary or related costs e.g. travel and accommodation costs shall be reimbursed.

15 How do I claim a refund?

Keep all the original bills, prescriptions, receipts and all other documents as requested by the Department of Health when applying for reimbursement. For further information contact the National Contact Point.

16 What happens if something goes wrong while receiving healthcare abroad?

It is very important that you are very careful when initially selecting a treatment center abroad. If something goes wrong the Malta health authorities have no legal obligation for your treatment overseas under the cross border directive. In this case your treatment is covered by the legal system of the country where you have been treated, therefore it is important that you research the legal system in the country you are seeking treatment beforehand. The National Contact Point may provide you with information regarding the legal and administrative options available for settling disputes, including those related to harm arising from cross-border healthcare.

It is strongly recommended that **appropriate specialist insurance cover (normal travel insurance is not adequate)** is taken up by the person choosing to go abroad for healthcare to cover potential risks and complications of having an operation abroad as well as any pre-existing medical conditions.

17 Are there other routes to seek treatment abroad?

Yes, these include:

- 1) The 'S2 route' in accordance with Article 20 and 27(3) of Regulation (EC) 883/2004 for planned treatment in another EU member state. Only state funded healthcare will be paid for and prior authorisation is always necessary.
- 2) The National highly specialised overseas referrals programme.

For further information please contact the National Contact point will be able to provide you with more information on your particular case.

18 From where can I obtain information regarding quality and safety standards?

The National Contact Point can provide you with information related to the standards and guidelines on quality and safety laid down by the Member States of treatment.

However it is your responsibility to choose the healthcare facility where you will receive treatment and therefore it is very important that you research carefully the treatment centre abroad. It is important to consider local healthcare standards, language barriers, appropriate qualifications of medical staff and overall quality of facility.

19 How do I obtain contact details of NCPs in other Member States?

Upon request and accordance with established policy the local National Contact Point will provide patients and health care professionals with information related to the contact details of national contact points in other Member States.

20 How can I obtain a copy of my medical records when seeking treatment abroad under this directive?

This is important to allow continuity of care for a person seeking treatment abroad. A person may access his/her medical records by following the procedure as set by the local policy of the Department of Health and Mater Dei Hospital. Please contact the National Contact point for guidance.

21 What about Patients' privacy/data protection rights?

The right to the protection of personal data is a fundamental right recognized by Article 8 of the Charter of Fundamental Rights of the European Union. While ensuring continuity of cross-border healthcare depends on transfer of personal data concerning patients' health, this flow of data from one Member State to another must safeguard the fundamental rights of the individual.

If your question is not answered here or you need more information, please ask your National Contact Point.

For more information and to ensure you do not have any difficulties when claiming back your money, [contact NCP](#) Malta before making any arrangements abroad.