

Crossing Borders Update



Welcome to the February 2009 Healthcare Professionals Crossing Borders (HPCB) Update. This briefing includes information about the forthcoming HPCB Spring Meeting in Dublin, Ireland, as well as news on the European Commission's Green Paper on the European workforce for health. The European Patients' Forum (EPF) and the European Council of the Liberal Professions (CEPLIS) also share with us their views on the proposed patients' rights Directive. For more information, please visit the HPCB website at www.hpcb.eu or contact us using the details below.

Patients' rights to effective healthcare regulation

HPCB enters 2009 with its spring meeting. The conference will provide an opportunity for European healthcare regulators to discuss Europe-wide regulatory issues.

The event will take place in Dublin on Friday 6th March 2009 and is hosted by the Pharmaceutical Society of Ireland. This is the new date for the postponed winter 2008 meeting, which was due to take place in Budapest.

The conference will focus on the rights patients have to effective healthcare regulation if they travel to another EU member state for

healthcare treatment. Through a combination of presentations, question-and-answer sessions and debates, discussion will focus on the implementation of the HPCB Portugal Agreement in the context of the patients' rights Directive.

The meeting is open to professional healthcare regulators from across Europe. Attendance is by invitation only.

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European Commission adopts Green Paper on the European Workforce for Health

On 10th December 2008, the European Commission adopted a Green Paper on the European Workforce for Health. The Green Paper identifies and highlights the common challenges facing health systems in Europe, such as Europe's ageing population and new and re-emerging threats to health.

It hopes to provide a better basis for considering and identifying further EU action.

At the launch of the Green Paper, the Commission indicated that the most complex issues to solve would be the mobility of health workers and the mutual recognition of professional qualifications across the EU. The document mentions both Healthcare Professionals Crossing Borders (HPCB) and the HPRO Card as initiatives linked to the mobility of health professionals, aimed at improving access to information between EU member states.

The Green Paper identifies a number of influencing factors and possible areas for action arising from the free movement of health professionals. It stresses that the challenges caused by increased mobility should not be addressed through the introduction of legal restrictions on the free movement of students and workers, but 'through appropriate policies and in a coordinated manner with EU authorities and other member states'.

Recommended areas for action include encouraging cross-border agreements on training and staff exchanges and promoting the 'circular' movement of staff (staff moving to another country for training and / or to gain work experience, and then returning to their home countries).

The Green Paper forms the basis of a public consultation, open until 31st March 2009. Stakeholders are invited to give their views on the issues identified in the document, including the mobility of health workers, public health capacity, training and technology. The outcome of the consultation will inform the development of EU policies to support member states in tackling current and future challenges to the health workforce. The first EU legislative proposals on health workforce are expected in 2010.

The Green Paper can be viewed on the European Commission website at http://ec.europa.eu/health/ph_systems/docs/workforce_gp_en.pdf

CEPLIS position on the patients' rights Directive

The European Council of the Liberal Professions (CEPLIS) is the inter-professional organisation representing the liberal professions, including numerous health professions, at Community level.



CEPLIS supports the European Commission's decision to focus on the rights and interests of patients, yet wishes to express concern over the following points:

- Does the definition of cross-border healthcare comprise eHealth?
- The proposal would benefit from a clearer definition of what will be deemed to be 'hospital care'.
- The current text is an addition to systems that are already applying (Regulation 1408/71) and lacks precision on the conditions for the reimbursement of costs incurred for treatments obtained in member states other than that of the patient's origin.
- More precision must be given on the responsibilities of healthcare providers to ensure continuity of care.

- The requirement for health professionals to hold appropriate professional liability insurance needs to be addressed more clearly.
- The text should address the practical difficulties that can occur when a prescription written in one member state must be dispensed if presented at a pharmacy in another member state.
- The Commission should pay particular attention to the question of communication skills.
- The current text may generate conflicts between the interest of patients in cross-border healthcare and the legislation relating to data protection of information about individuals.
- The text should set up a common framework ensuring that a person is in no doubt about the procedure to follow in making a complaint.
- The text could lead to confusion in relation to the provisions relating to the right of a healthcare professional to provide services on a temporary or occasional basis in another member state.
- In the interests of patients, the opportunity should be taken to establish a legal duty on communication between regulators of health professionals between member states.

For additional information, or for a more comprehensive version of this position, please contact the CEPLIS Secretariat on **+32 2 511 44 29** or email **ceplis@scarlet.be**.

EPF position on the patients' rights Directive

The European Patients' Forum (EPF) welcomes the European Commission's draft Directive to facilitate the application of patients' rights in relation to cross-border healthcare.

The Directive is rights-based, value-driven and recognises the right of patients to seek healthcare abroad in accordance with the principles of universality, access to quality care, equity and solidarity.

There are however some elements of concerns, that, in our view, undermine the fundamental vision behind a Directive focussing on patients' rights in cross-border healthcare.

From the patients' perspective, it is not acceptable for patients to be asked to pay up-front for treatment (in their country of affiliation or abroad). This will widen the social inequalities even further and the vast majority of the population will not be able to benefit from this new right if the up-front payment provision is maintained.

EPF believes that appropriate mechanisms should be created to ensure a continuity of care for patients when they are back home. The proposal for the increased use of 'eHealth' should be fully explored to this effect. We would further argue that, as far as possible, it should be medical experience and know-how that travel rather than the patient.

EPF also recommends that patient organisations are involved in cooperating with competent national authorities and, according to the Directive, with national contact points, in the process of providing and disseminating information to patients. They should also be consulted by the Commission when drafting and adopting guidelines on information to patients, which should reflect the quality principles on information to patients adopted recently by the High Level Pharmaceutical Forum.

EPF welcomes the emphasis on member states to define clear quality and safety standards on their territory. We strongly recommend that more action is taken to encourage cooperation between Member states to share experiences and information and thus contribute to better quality of care.

For more information please contact Roxana Radulescu on **+32 2 280 23 36** or email **roxana.radulescu@eu-patient.eu**.



Forthcoming Dates and Events

- 13 February 2009** **European Workforce for Health roundtable, Brussels**
A roundtable organised by the European Health Management Association on the Green Paper on the European Workforce for Health. Registration closes on 10th February 2009. www.ehma.org
- 17 February 2009** **Access to Treatments: Which Rights for Patients? debate, Brussels**
A European Voice health-check debate on the balance between the rights of patients and the sustainability of health systems. www.europeanvoice.com
- 18 – 20 February 2009** **eHealth 2009 conference, Prague**
A conference organised by the Ministry of Health of the Czech Republic, focusing on eHealth for patients and health professionals, society and the economy. www.eu2009.cz
- 25 February 2009** **IMI Awareness-Raising conference, Brussels**
A conference marking the launch of the Internal Market Information System (IMI) Services Directive pilot project, under the theme 'Connecting administrations, building trust'. Registration closes on 11th February 2009. http://ec.europa.eu/internal_market/imi-net/index_en.html
- 6 March 2009** **HPCB spring 2009 meeting, Dublin**
Hosted by the Pharmaceutical Society of Ireland. The theme of the meeting is 'Patients' rights to effective healthcare regulation'. www.hpcb.eu
- 1 – 3 April 2009** **Med-e-Tel forum, Luxembourg**
The international eHealth, telemedicine and health ICT forum for education, networking and business. www.medetel.lu
- 22 April 2009** **EHFCN 2009 General Assembly, Brussels**
The first of two 2009 general assemblies for the European Healthcare Fraud and Corruption Network. www.ehfcn.org

HPCB Portugal Agreement Made in Lisbon, Portugal on 8th October 2007

Agreement 1

Identifying Shared Principles of Regulation:

- a) Competent authorities should ensure that patient safety is of over-riding importance within their model of professional regulation.
- b) The pursuit of safe and high quality practice by health professionals should shape the continued development of health regulation across Europe.
- c) Competent authorities should identify common or shared concepts and values of healthcare regulation through a series of focused European level discussions.

- d) Competent authorities should collectively consider how the five principles of good regulation – accountability, transparency, proportionality, consistency, targeting – may contribute to the effective development of healthcare regulation in Europe, through a series of European level discussions.

Agreement 2

Transparent and Accessible Healthcare Regulation:

- a) Competent authorities should run a website signposted or accessible via the www.healthregulation.org website and/or http://ec.europa.eu/internal_market/qualifications/compauth_en.htm.
- b) Competent authorities will share experience in the development of web-based information and publicly transparent lists of registered professionals and identify good practice.
- c) Competent authorities should work to develop real-time web-based publicly searchable lists of registered professionals.
- d) Competent authorities should work towards making all notifications of disciplinary hearings and decisions public, where legally possible.
- e) Competent authorities will continue to adopt and implement the European template for a Certificate of Current Professional Status, as appropriate, as agreed within the Edinburgh Agreement.
- f) Competent authorities will continue to work towards adopting the HPCB Memorandum of Understanding on Case by Case and Proactive information exchange.
- g) Competent authorities will continue to support the development of the European Commission's Internal Market Information System (IMI) and will utilise this information exchange tool in accordance with the provisions for administrative cooperation contained within Directive 2005/36/EC.

Agreement 3

Competence Assurance of European Healthcare Professionals:

- a) Competent authorities will identify best practice from existing competence assurance and performance enhancement initiatives from across the globe.
- b) Competent authorities will undertake an audit of all existing or proposed competence assurance and performance enhancement initiatives within the EEA.
- c) Competent authorities should, where possible, work to develop appropriate competence assurance and performance enhancement initiatives based on global good practice.
- d) Competent authorities should develop appropriate information exchange tools to provide assurance to other competent authorities of current practitioner performance competence when practitioners seek to practise in other member states.
- e) All competent authorities should take proactive steps to make new registrants familiar with the relevant professional standards, codes and guidance on registration that apply in their jurisdiction.
- f) All competent authorities should make their standards, codes and guidance publicly available.