

## Introduction

Welcome to the December 2007 Update briefing of the Health Professionals Crossing Borders initiative. This briefing includes articles on the newly developed HPCB Portugal Agreement, an update on the French card for health professionals, and a retrospective on the HPCB Autumn Meeting in Lisbon. For more information please contact [cherbert@gmc-uk.org](mailto:cherbert@gmc-uk.org) or [rsmith@gmc-uk.org](mailto:rsmith@gmc-uk.org).

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## Crossing Borders meets in Lisbon for 2007 Autumn Meeting

On 8<sup>th</sup> October over 60 delegates from 20 European countries gathered in Lisbon for the 2007 Autumn meeting of HPCB. The meeting, which was hosted by the Portuguese Order of Nurses, focused on extending the existing collaboration between European healthcare regulators to contribute to patient safety in Europe.

Several HPCB participants delivered presentations that included the consideration of data protection issues for regulators in Europe, a 'case study' presentation on the regulation of healthcare professionals in Portugal, and a review of the implementation of the HPCB Edinburgh Agreement since 2005.

There was also an update on the development of the HPCB Memorandum of Understanding on Case by Case and Proactive Information Sharing. The MOU is the product of the 'case by case and proactive information exchange' working group, and sets out practical steps for greater information exchange between European healthcare regulators.

Delegates also endorsed the spirit of the new Portugal Agreement, a collaborative voluntary framework of action for healthcare regulators over the next two years. The Agreement builds on the work of the Edinburgh Agreement, implemented between 2005-2007. The new agreement works towards increased regulatory transparency, identifying shared regulatory principles amongst the wide range of professional healthcare regulators in Europe, and exploring some practical tools to contribute to assurance of the current competence of healthcare professionals.

The Autumn Crossing Borders meeting was particularly timely in its discussion of transparent, effective regulation, as Professor Pereira Miguel, Coordinator of the Health Task Force of the current Portuguese Presidency of the EU said:

*"There are obvious links between the work of Crossing Borders and healthcare in Europe, specifically with the proposal for a directive on safe, high quality and efficient cross-border healthcare soon to be presented by the European Commission."*

For more information about the event see the Ordem dos Enfermeiros website; <http://www.ordemenfermeiros.pt/index.php?page=417>

## New website for Crossing Borders

The voluntary and informal HPCB partnership has been in place since the UK Presidency of the EU in 2005. Participation by competent authorities in the initiative has grown overtime and the partnership is increasingly becoming recognised as a forum for action and discussion on European professional health regulation issues.

There hasn't though been a dedicated website from which participants can access documents or from which other interested parties, from within and outside Europe, can find out about the initiative – until now!

A website is currently under development and is due to go live in the early part of 2008. It will provide basic background information about Crossing Borders; access to the Portugal and Edinburgh Agreements; and details of current collaborative activities and forthcoming meetings. The working language will be English but some pages will also be available in French. It is hoped the new site will increase awareness of HPCB.

Further details, and the web address, will be available in early 2008.

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## Introducing the Portugal Agreement

The HPCB Portugal Agreement contains three main strands of collaborative activity for European healthcare regulators to work together on over the next two years. Similar to the 2005 Edinburgh Agreement, it is a voluntary and flexible package of actions that regulators can adopt as they are practically and legally able. The document focuses on 3 main strands of activity. Each has accessible information and information exchange as an underlying theme, in the context of professional or patient mobility in the European Single Market. The 3 strands of activity are:

### **Identifying shared principles of regulation**

Despite the often complex differences between regulatory approaches some important shared values do exist between healthcare regulators, as was identified at the 2005 HPCB Consensus Conference in Edinburgh. This work-strand aims to enable competent authorities to further identify where there are common or shared concepts and values of professional healthcare regulation.

### **Transparent and Accessible Healthcare Regulation**

Making more information about regulation and regulated professional more publicly available undoubtedly contributes to good, transparent and accountable healthcare regulation. This work-strand will enable competent authorities to share experience and good practice in making appropriate information more transparent and accessible to the public, healthcare employers and professionals, and adopting similar approaches as appropriate.

### **Competence Assurance of European Healthcare Professionals**

High quality and safe healthcare in Europe relies on the assurance that health professionals are competent to practice. Some professional regulatory jurisdictions within and outside of Europe have developed mechanisms for the on-going competence assurance of healthcare professionals. This work-strand will enable regulators to identify and develop such mechanisms, as appropriate.

## **Delivering on Edinburgh – MOU gets first signatories**

*Per Haugum, Norwegian Registration Authority for Health Personnel*

The HPCB Edinburgh Agreement provided some high level principles for sharing information between regulators in difficult cases, in addition to the Certificate of Current Professional Status/Certificate of Good Standing. On this basis, a small 'Crossing Borders' working group has worked throughout 2007 to develop a Memorandum of Understanding (MoU), that sets out how and when information could be shared on a proactive or case-by-case basis between competent authorities.

The Memorandum covers two types of information sharing in the context of health professionals who are subject to disciplinary sanctions that affects their right to practice. Reactive information, when a competent authority asks another for details of an individual health professional over and above that included on a CCPS. Proactive information, when a competent authority holds information that it needs to communicate to others in the public interest, without waiting to be asked.

The MoU sets out the following provisions for signatories:

- What information will be exchanged.
- The circumstances in which information will be exchanged (reactive/proactive).
- To whom information will be given.
- When (at what stage in proceedings) information will be exchanged.
- How information will be exchanged.
- Confidentiality of information and the delivery standards between regulators.
- Supporting processes and monitoring the effectiveness of the MoU

By signing up to the reactive or proactive aspects of the MOU – or both, competent authorities are agreeing to share information in a particular way. This is, however, not the end of the process. We strongly urge those organisations that have not yet sign up to the MoU, to consider doing so. For a copy of the MOU and to discuss becoming a signatory please contact [peh@safh.no](mailto:peh@safh.no) or [cherbert@gmc-uk.org](mailto:cherbert@gmc-uk.org)

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### **Forthcoming Dates and Events**

<b>Early January 2008</b>	<b>Anticipated revised publication date of draft European Healthcare Directive</b>
<b>21 January 2008</b>	<b>European Council of Dentists/CPME: The Future of Health Services in Europe event.</b> To be held at the Representation of the Free State of Bavaria to the European Union, Brussels
<b>22 January 2008</b>	<b>Healthcare Professionals Crossing Borders: 'The role of professional regulation in high quality European healthcare'.</b> Round table discussion by MEPs, European Parliament, Brussels. Co-hosted by Arlene McCarthy MEP and Linda McAvan MEP and facilitated by HPCB.
<b>25 January 2008</b>	<b>EHMA conference: A proposal for a Directive on cross border healthcare – The Way Forward:</b> An opportunity for consultation and stakeholder debate on proposals for Healthcare Directive <a href="http://www.ehma.org/news/default.asp?NCID=13&amp;NewsID=226">http://www.ehma.org/news/default.asp?NCID=13&amp;NewsID=226</a>
<b>Early 2008</b>	<b>European Commission due to open Public Consultation on Patient Safety in Europe</b> (date yet to be confirmed)
<b>Spring 2008</b>	<b>Healthcare Professionals Crossing Borders – 2008 Spring Meeting.</b> Date and venue to be confirmed.

## Healthcare regulators in dialogue with European Parliament

Healthcare Professionals Crossing Borders is facilitating a round-table discussion between MEPs to be held in the European Parliament on Tuesday 22<sup>nd</sup> January 2008. The event will be co-hosted by Arlene McCarthy MEP, Chair of the Internal Market and Consumer Protection Committee, and Linda McAvan MEP, Member of the Committee on Environment Public Health and Food Safety.

A small panel of speakers, drawn from the Crossing Borders partnership, will open a discussion with MEPs on the role of professional healthcare regulation in high quality and safe healthcare in Europe. Speakers include: Professor Sir Graeme Catto (General Medical Council, UK), Andras Zsigmond (Ministry of Health, Hungary), Lorraine Horgan (Pharmaceutical Society of Ireland) and Jos Van Den Heuvel (former Chief Dental Officer of the Netherlands).

The aim of the discussion is to raise awareness about the role of professional healthcare regulation in Europe, the diverse regulatory structures in existence, and the extent of labour mobility within the healthcare sector in Europe.

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### European Parliament presentation on the proposed European Card for Health Professionals

Patrick Fortuit\*, Ordre National des Pharmaciens de France

The *Hpro working group* has made progress over recent months in developing a European card for health professionals. This group is an initiative of, and led by, the Ordre National des Pharmaciens de France under the chairmanship of Mr Patrick Fortuit. The group met at the European Parliament on 17<sup>th</sup> October 2007 to present a report on its progress so far, and its plans for the future. The working group aims to produce a card that will become a 'key' to regulatory information about individual health professionals. This is in line with references to such a card in the European Directive 2005/36/EC on the Recognition of Professional Qualifications.

The Parliament presentation was attended by numerous delegates including health professionals, national government Ministries, the European Commission and the European Parliament. Patrick Fortuit,

emphasised the purpose of the card to the audience, stating that it should protect patients from the small number of health professionals that put them at risk, and secondly, to facilitate the mobility of health professionals across Europe. The progress of the working group was welcomed by Mrs Bernadette Vergnaud (French MEP) and Mrs. Evelyne Gebhardt (German MEP), who commented that the card would be a real plus for patients and professionals.

This first stage of the project sets out the vision for the card. The group will now enter the second stage to allow the new version of the card to be issued in 2009. The card will contain a microchip that will allow competent authorities in host member states to contact the competent authority of home state, at any time, regarding the registration status of the health professional in question.

- Mr Fortuit is a member of the Bureau of the Ordre National des Pharmaciens de France and Vice-President of the GIP-CPS a public interest group responsible for health professionals' cards in France.

**The Portugal Agreement:  
An Agreement of the Healthcare Professionals Crossing Borders partnership  
made in Lisbon, Portugal on 8 October 2007**

(full version available in January 2008)

**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](http://www.healthregulation.org) website and/or [http://ec.europa.eu/internal\\_market/qualifications/compauth\\_en.htm](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 IMInet system 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.