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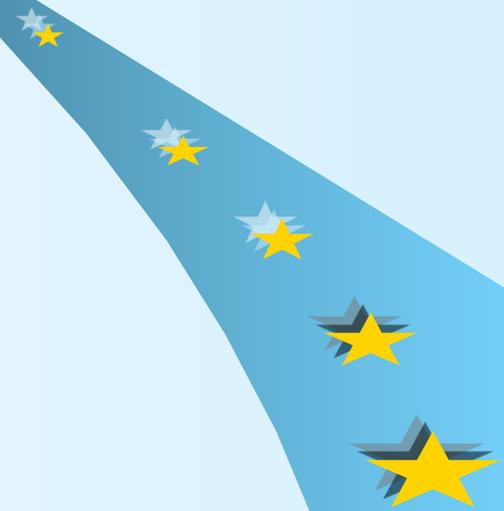
# Social Security Co-ordination Training course

Sarajevo March 2010

# Coordination of health care benefits

An overview of the main rules

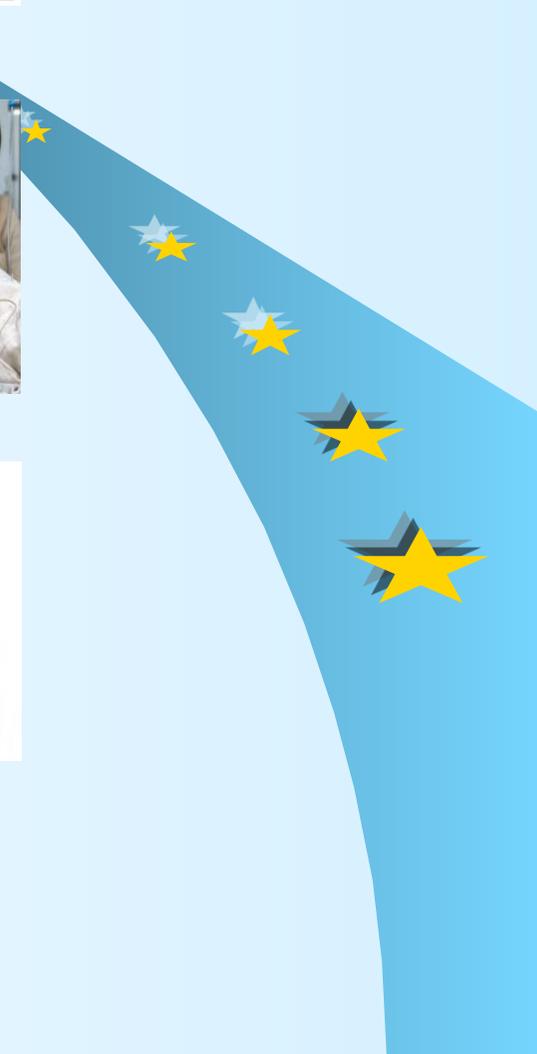
by  
Francis Kessler



# What benefits ?

Only benefits in kind

- Medical care
  - Doctor, dentist...
  - Hospital care
- Pharmaceutical products,
- Medical appliances



# Why is there a problem ?

## Different systems

- Different systems
  - Social insurance (*indirect system*)
  - National health systems (*direct system*)
- Different levels of prices of the
  - Medical and para medical services
  - Drugs



# Why healthcare abroad?



- Patients prefer to be treated as close to home as possible;
- Sometimes patients have better access to healthcare abroad
  - closer to home (in border regions)
  - lack of capacity
  - specialised care

# Social security coordination

- EC Regulations 1408/71 and 574/72:  
recently modernised by EC Regulation 883/2004
  - Care which become necessary on medical grounds during their stay ( **EHIC** ), taking into account
    - the nature of the benefits
    - and the expected length of the stay.
  - Prior authorisation

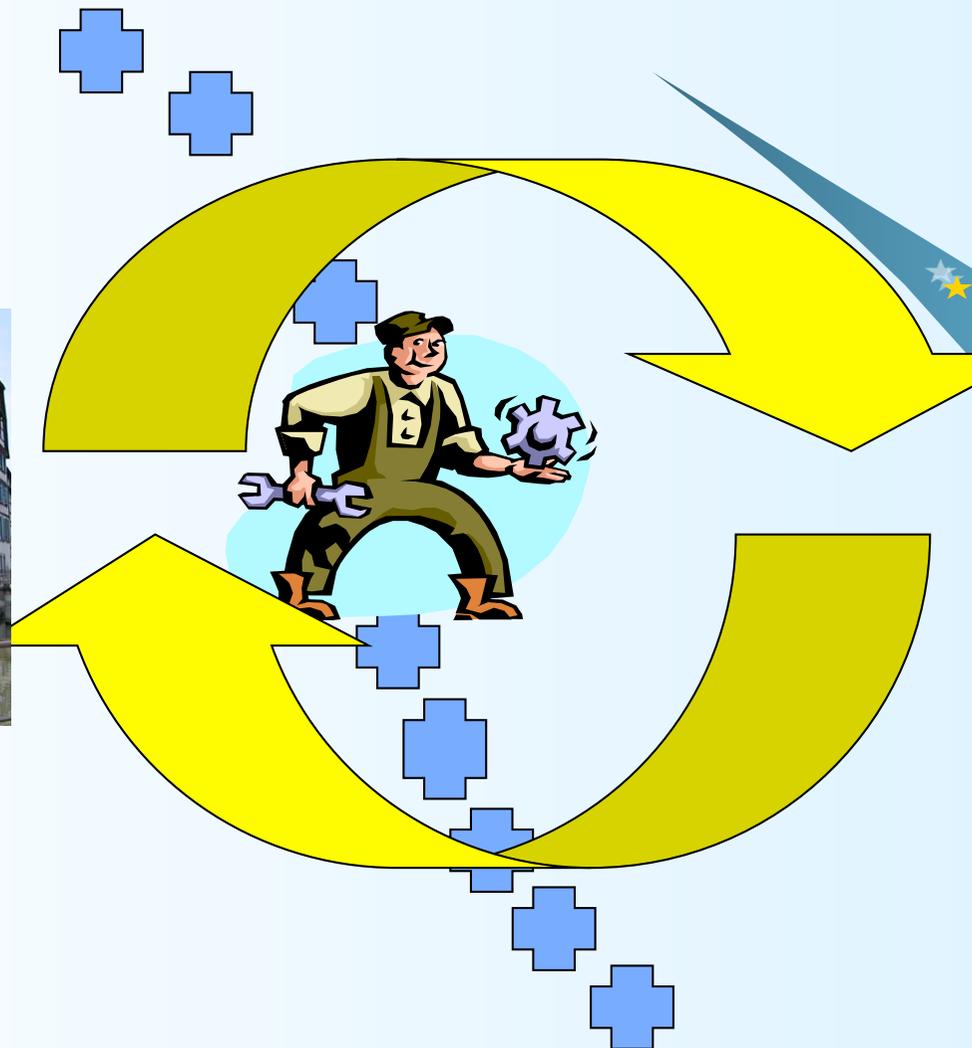
# Regulation (EC) 883/2004

## Two main situations covered

1. Ordinary residence abroad
2. Temporary stay abroad (holidays, posting...)



# Ordinary residence abroad



# Ordinary residence abroad

## All benefits are taken in charge

- ◆ In accordance with legislation of country of residence



- ◆ At the expense of the competent institution



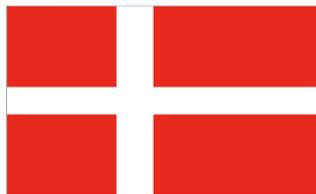
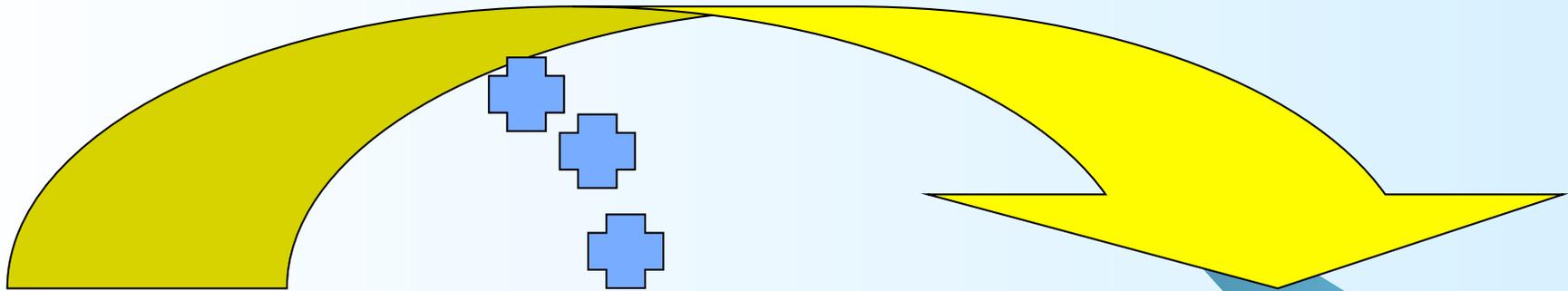
# Ordinary residence abroad

## Solution: PD S.. SED

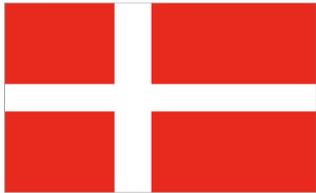
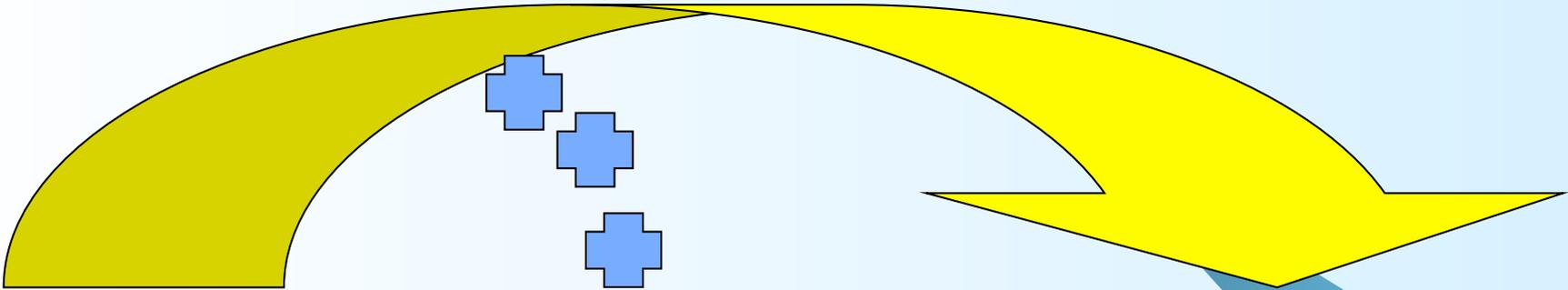
- Insurance in the country of work
- Patients presents PD to a sickness insurance fund in country of residence
- Sickness fund in Italy will reimburse France



# Temporary stay abroad



# Temporary stay abroad





# Coordination rules differ

Health care

*Illness or  
accident  
while abroad*  
***EHIC***

*Going abroad  
to get a  
treatment*  
***Authorization***



# *Illness or accident while abroad*

- Benefits in kind which become **necessary** on medical grounds during a stay in the territory of another Member State
  - Legislation of the Member State of stay
  - Taking into account the nature of the care and the duration of the stay
  - Be able to continue your stay as planned



# Necessary medical care



- to invoke the right to medical care in the Member State of stay: present EHIC
- medical decision, not administrative
- treatment as if the patient was a patient insured in the national system of the Member State of stay



# European Health Insurance Card (EHIC)



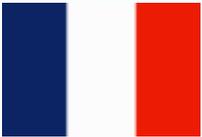
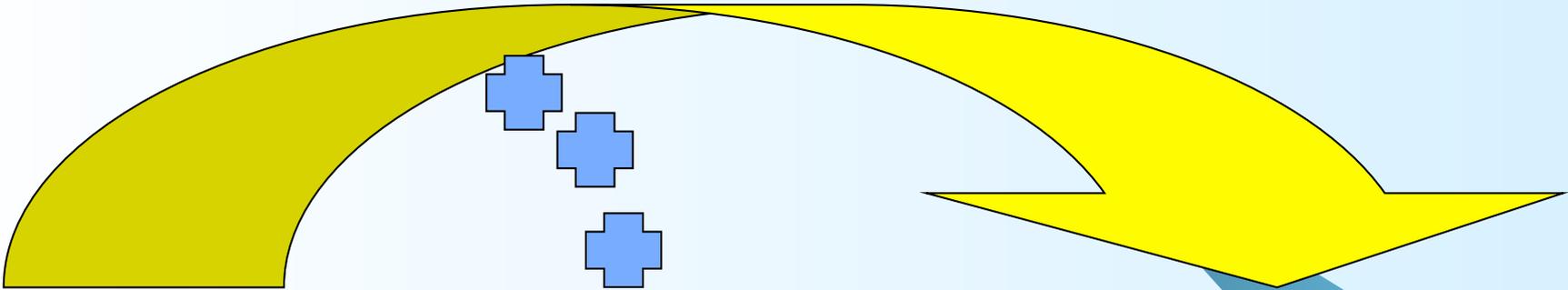
# Another Example

- Insured in Finland
- Holidays in Slovakia
- Ski accident
- Visit to the doctor ...;



What to do ?

# Temporary stay abroad



# *Going abroad to get a treatment*

## **A. Authorized care**



# Authorized care

- The right to travel to another Member State to receive medical treatment is subordinated to prior authorisation by the medical service of the competent institution.
- Legislation of the Member State where the care is administered



# Authorized care

- Authorisation *must be accorded* (ECJ case law)
- where the treatment in question is among the benefits *provided for by the legislation* of the Member State where the person involved resides,
- and where he *cannot be given* such treatment within a time-limit which is medically justifiable,
- taking account of his current state of health and the probable course of the illness



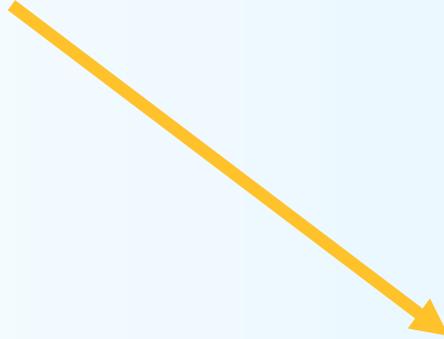
## B. Without authorization





# Coordination rules differ

Health care



Non  
hospital  
care

Hospital Care



# I. Non hospital care

ECJ rulings of 28 April 1998 in the cases  
**Kohll/Decker**

the disputed national rules  
on authorization for non-  
hospital care were tested  
against the ECT provisions  
on services and free  
movement of goods



# The Kohll/Decker solution

- Social security provisions are not exempt from the application of the basic principle of free movement
- Person have the right to use medical services (dentist, GP, optician....) by providers established in another Member State 
- Reimbursement by the legislation of the competent State 

# Hospital care

Smits-Perebooms

Van Braekel

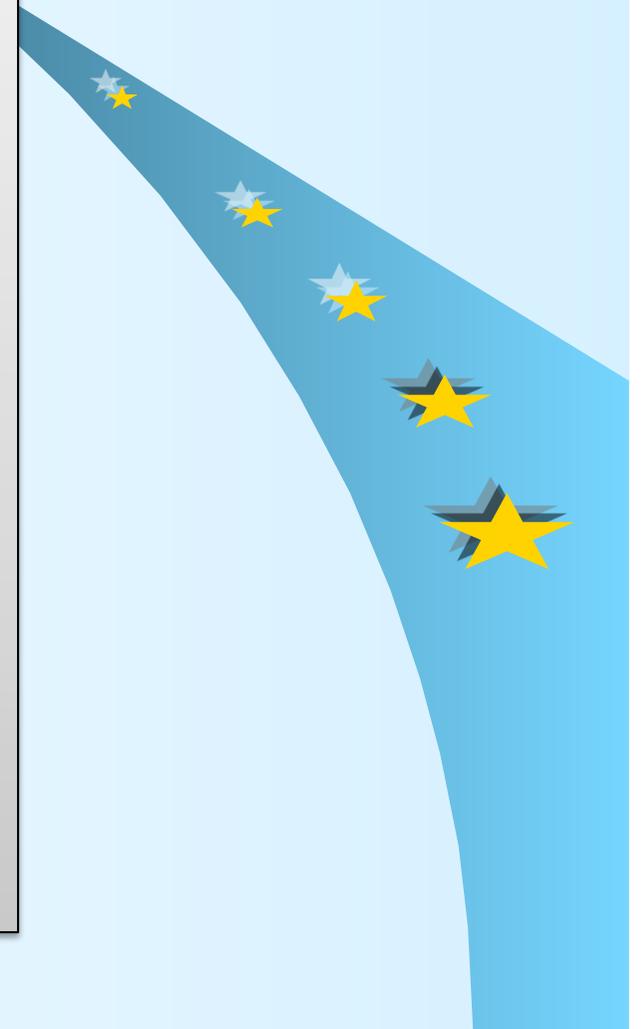
Van Riet Fauré

the disputed national rules on authorization for hospital care were tested against the ECT provisions on services.



# Hospital care

- **Prior authorisation is justified:**
  - importance of hospital planning to guarantee rationalised, stable, balanced and accessible supply of quality care
- **Can only be refused** if same or equally effective treatment is available without undue delay in a contracted establishment
- **Undue delay:** take into account actual medical condition (incl. degree of pain and nature of disability) and medical history



# The impact for the EU

- For every patient treated earlier, a gain in EU-wide healthcare **efficiency**, AND of EU-wide **well-being**
- **Patient-mobility** remains limited (currently 1%); but impact for individual patients is high



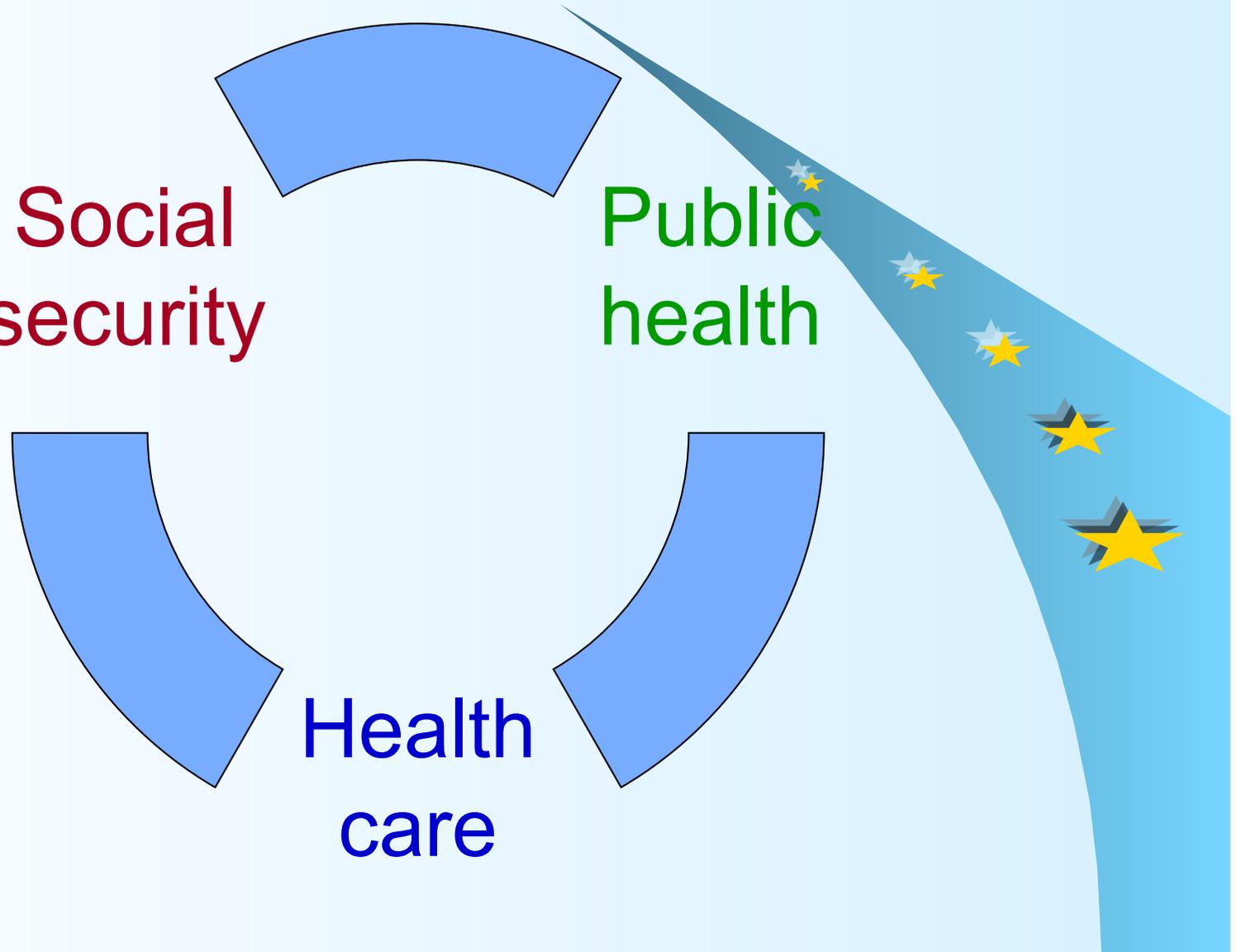
- **No significant impact on national budgets.**
- **Quality and safety** of cross-border care improves

# Health systems and EU law

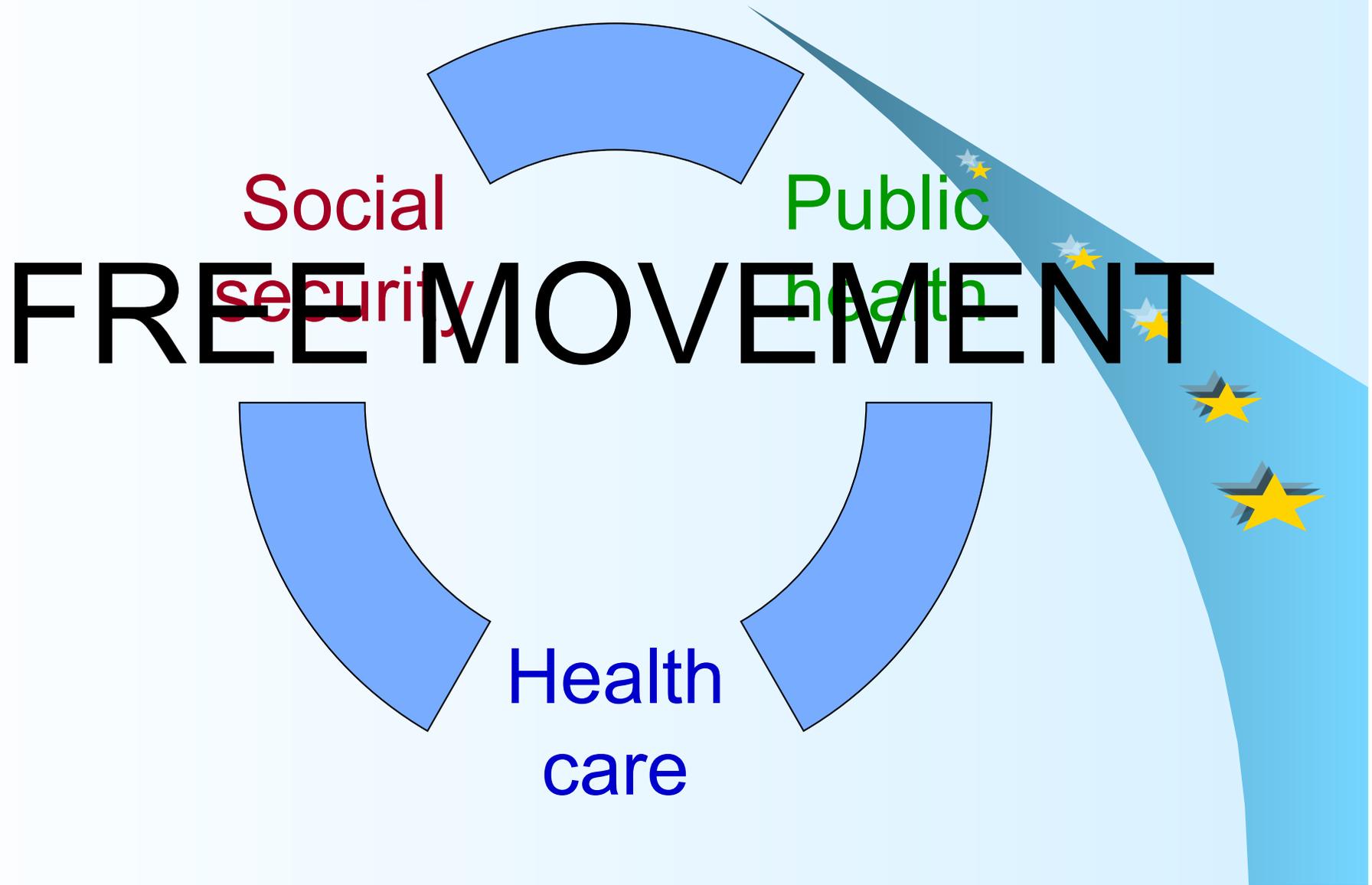
Social  
security

Public  
health

Health  
care



# Health systems and EU law



# Health systems and EU law

Social security  
coordination

Social  
security

Public  
health

FREE MOVEMENT

Health  
care



# Health systems and EU

Social security coordination

Social security

Public health

limitations justified on grounds of public policy, public security or public health

FREE MOVEMENT

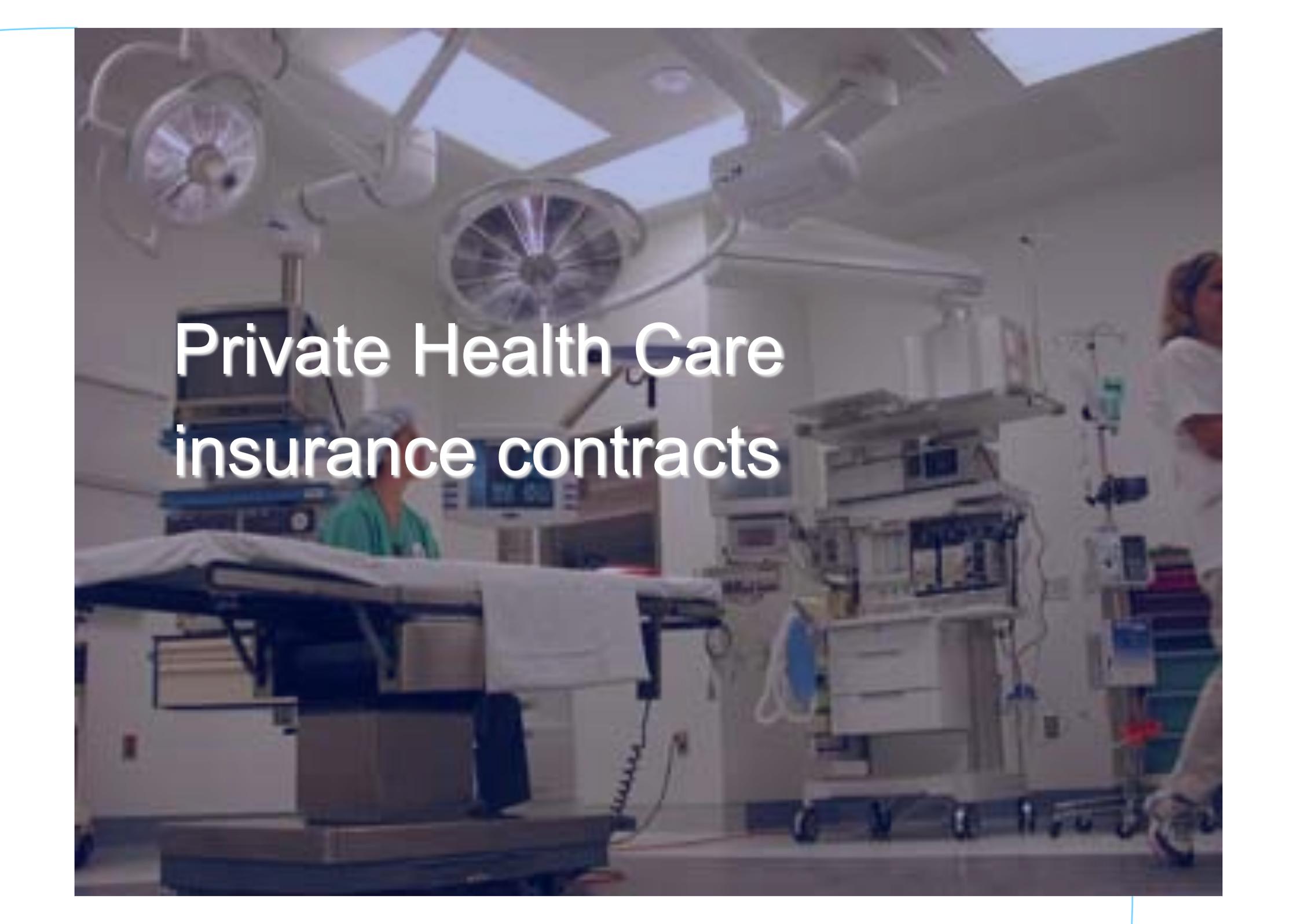
Free movement of medical goods

Health care

Free provision of healthcare services

limitations justified on grounds of public policy, public security or public health



A photograph of an operating room with surgical lights and medical equipment. The text "Private Health Care insurance contracts" is overlaid in white. The room contains a surgical table, various monitors, and medical carts. A person in green scrubs is visible in the background.

# Private Health Care insurance contracts

Thank you for  
your  
attention

**Time for questions !**

