Legal Framework related to patient mobility and national implementation

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Overview of the two methods of “individual” patient mobility (1)

- Article 22 of Regulation 1408/71
- “as if he were insured in the State of treatment”
  - 22(1)(a): occasional care
  - 22(1)(c): planned care
Overview of the two methods of “individual” patient mobility (2)

- Article 49 ECT, as interpreted by the Court of Justice
  - Qualification as an economic service
  - Restriction
  - Justification
  - “Voucher system”
Occasional Care

- Introduction of EHIC and amendment of Article 22(1)(a)
- Implementation problems
  - Potential abuse by insured persons
  - Poor acceptance of the EHIC
The ECT-based procedure (1)

- Benefit packages
  - Geraets-Smits and Peerbooms
  - Framework established by the Dutch Health Care Insurance Board
  - Wider implications?
The ECT-based procedure (2)

- Authorisation requirements and contracting
  - Foreign providers to be treated as domestic contracted/public providers
The ECT-based procedure (3)

- The foreign provider
- Professional rules and mutual recognition
- Tariffs
- Liability
Undue delay

- Medical condition of the patient: the absolute yardstick
- Distinction planning-related / abnormal waiting times?