
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to Scotland, implement the requirements for national contact points and the reimbursement of charges set out in the Directive 2011/24/EU of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare ("the Directive"). The Regulations amend the National Health Service (Scotland) Act 1978 ("the NHS Act") to insert new sections 75BA and 75BB which will apply to the reimbursement of the cost of EEA treatment incurred on and after 25th October 2013.

The EEA (European Economic Area) consists of the member states of the European Union together with Norway, Iceland and Liechtenstein.

Regulation 3 designates NHS 24 as the national contact point for the purposes of the Directive.

Regulation 4 requires the national contact point to make specified information available or accessible to patients from another Member State seeking to purchase a healthcare service in Scotland ("a visiting patient"). Regulation 5 requires the national contact point to make specified information about the rights and entitlements to obtain a healthcare service in another Member State available or accessible to NHS patients ("resident patients").

Regulation 6 requires the national contact point to cooperate with national contact points and the Commission of the EU.

Regulation 7 requires the national contact point to consult patients, health providers and insurers.

Regulation 8 amends the NHS Act by inserting new sections 75BA and 75BB.

The new section 75BA of the NHS Act sets out the conditions for reimbursement for qualifying EEA expenditure (defined in subsection (3)) incurred on or after 25th October 2013, the services subject to the conditions of prior authorisation, limitations that may be imposed on the reimbursement and the NHS charges that may be deducted. Subsection (14) provides that section 75BA does not apply where expenditure is incurred on the provision of a service provided by an authorised provider in Iceland, Liechtenstein or Norway before the Directive applies to those states in accordance with the EEA Agreement. The new section 75BB of the NHS Act provides for an application for prior authorisation and sets out when authorisation must be granted and when it may be refused.

Regulation 9 requires a Health Board to ensure that information about their rights and entitlements is available to patients.

Regulation 10 implements article 7(2)(b) of the Directive by requiring a Health Board to provide healthcare, except healthcare which is subject to a condition of prior authorisation, to an individual ("the insured person") who is in receipt of a pension under the legislation of the United Kingdom and resides in another EU Member State and to the family member of that insured person.

Regulation 11 makes provision for the charges where NHS service is provided to a visiting patient.