

POLICY NOTE

THE NATIONAL HEALTH SERVICE (CROSS-BORDER HEALTH CARE) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/91

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objective

Transposition of Article 4 of Directive 2012/52

2. We need to amend the principal Regulations, The National Health Service (Cross-border Healthcare) (Scotland) regulations 2013, in order to transpose Article 4 of Commission Implementing Directive 2012/52/EU, which lays down measures to facilitate the recognition of medical prescriptions issued in another Member State.

3. Article 4 of the Implementing Directive sets out the following provision:

Member States shall ensure that the national contact points referred to in Article 6 of Directive 2011/24/EU inform patients about the elements to be included, pursuant to this Directive, in prescriptions issued in a Member State other than the Member State where they are dispensed.

4. The UK Government leads on European health matters at Member State level and transposition of Article 4 follows discussion between the European Commission and Department of Health towards the end of last year. England and the other Devolved Administrations are also in the process of introducing domestic amendment regulations on prescription recognition.

5. In support of this amendment we have already updated Scotland's European Cross-border Healthcare Nation Contact Point (maintained by NHS inform) webpages:

<http://www.nhsinform.co.uk/rights/europe/treatmentandpricing/>

The regulations will be notified to the European Commission once made.

Consultation

6. A consultation is not necessary on this relatively minor amendment, which transposes existing European legislation, providing greater choice to European Economic Area residents on where they have their prescriptions dispensed when travelling in Europe.

Impact Assessments and Financial Effects

7. An Equality Impact Assessment has not been completed for this relatively minor amendment. The Cabinet Secretary for Health and Wellbeing confirms that a business and Regulatory Impact Assessment is not necessary on this occasion as the instrument has no, or

negligible, financial effects on the Scottish Government, NHS Scotland, local Government or business.

Care Support & Rights Division
Population Health Improvement Directorate
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25 February 2015