

## TRANSPOSITION NOTE

### **Directive 2011/24/EU of the European Parliament and of the Council of 9<sup>th</sup> March 2011 on the application of patient rights in cross- border health care; and Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescription issued in another Member state.**

Directive 2011/24/EU of the European Parliament and of the Council on the application of patient's rights in cross-border healthcare ("the 2011 Directive") clarifies citizens' rights to access health care in another member state of the EEA and sets out the grounds on which they may claim reimbursement of the eligible costs of treatment from their home health care system.

The Scottish Government implemented the 2011 Directive in the National Health Service (Cross-Border Health Care) (Scotland) Regulations 2013 ("the 2013 Regulations"). The 2013 Regulations came into force on the 25<sup>th</sup> October 2013.

The National Health Service (Cross –Border) Health Care) (Scotland) Amendment Regulations 2015 are intended to deal with the transposition of article 11 of the 2011 Directive and the related Implementing Directive 2012/52/EU.

Article 11 of the 2011 Directive requires that the Commission adopts measures to allow the recognition of medical prescriptions issued in a Member State other than the Member State where the prescriptions are dispensed. Commission Implementing Directive 2012/52/EU gives effect to this obligation.

The obligations will be transposed by separate measures in relation to England, Wales and Northern Ireland.

These regulations insert a new regulation 5A and a schedule into the 2013 Regulations which places a duty on the National Contact Point (NHS 24) to ensure that information is made available to patients on the elements required to be included in prescriptions which are issued in one Member State and intended to be dispensed in another Member State. The matters which must be include are set out in the new Schedule

<b>Article of Implementing Directive</b>	<b>Subject Matter</b>	<b>Implementation</b>
Article 4	Article 4 requires Member States to ensure that the national contact point referred to in article 6 of the 2011 Directive informs patients about the matters to be included under this Directive in prescriptions issued in a Member State other than the Member State in which the prescription is dispensed. The content of the prescriptions are listed in the schedule to the Directive (article 3 provides for this).	Regulation 2 of the National Health Service (Cross Border health Care) (Scotland) Amendment Regulations 2015 inserting new regulation 5A and a schedule into the 2013 Regulations.