

## Comments > Flanders

### EU-directive 2011/24: main issues

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# I Definition of hospital care

> Art. 8.2: Listing up healthcare subject to prior authorisation:

*“1) health care subject to planning requirements: hospital care (overnight) or care that requires highly specialised and cost-intensive infrastructure/equipment”*

→ defining which treatments need hospital care = implementation art. 81 Belgian *Hospital Law*  
(hospital care ↔ non-hospital care)



## II Quality and safety standards ?

→ **Directive 2011/24: much attention for quality & safety:**

- “Care in accordance with *quality and safety standards/guidelines laid down by the MS of treatment*” (art. 4.1 b)  
+ inform about it through “*national contact points*” (art. 4, 2 a)
- individual patient right: “information about availability, *quality and safety*, price, registration status, insurance of health professional” (art. 4.2 b)
- cooperation between MS: mutual influence of *quality-safety* policies among MS

→ **Belgium: *legal* standards for quality of care:**

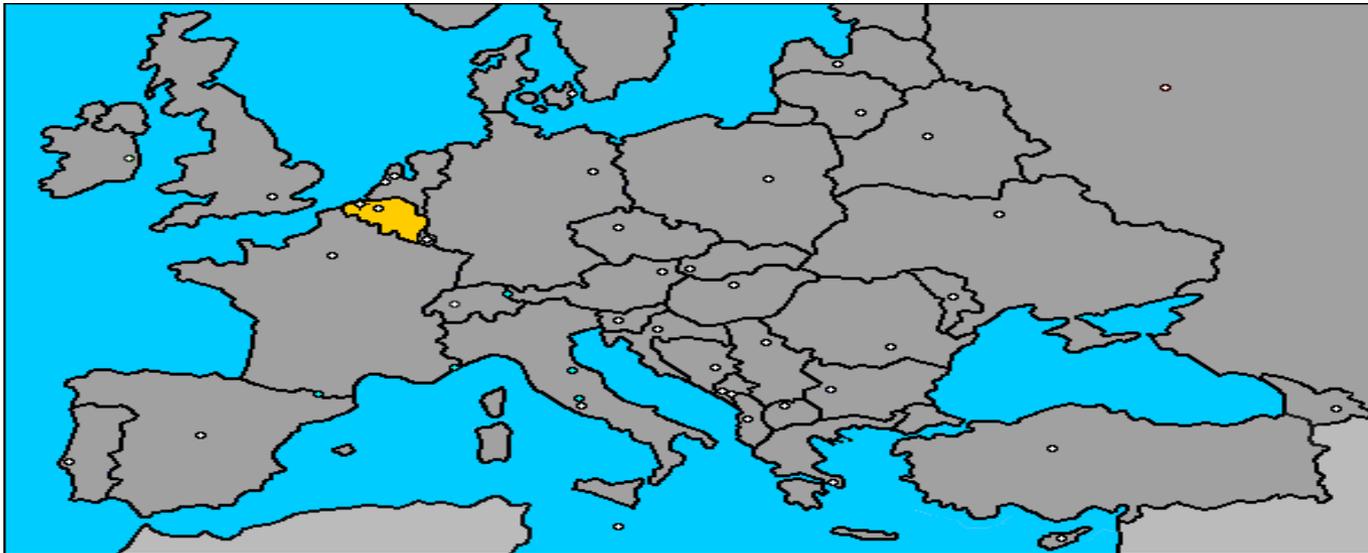
- hospital care: change existing (authorisation) standards ?
- non-hospital care: setting up standards ?



# III Non-discrimination on the basis of nationality

→ Background: Belgium: high inflow of foreign patients:

- geographical central position:



- no (or hardly any) waiting lists:

medical doctors mainly self-employed (paid per service)

- good reputation

- contracting foreign care insurers with hospitals





→ **Directive 2011/24: non-discrimination (on basis of nationality) of patients:**

- **Access (art. 4.3):**

- non-discrimination does not preclude *“measures regarding access to treatment in order to fulfil its responsibility to ensure sufficient and permanent access to health care within its territory”*

- measures: *“justified by overriding reasons of general interest such as planning requirements ...”*

→ **refusing access to foreign patients can be allowed**

- **Price (art. 4.4):** *“apply the same scale of fees for healthcare for patients from other Member States, as for domestic patients in a comparable medical situation”*

→ **applying higher tariffs for foreign patients is NOT allowed (although case Ferlini C-411/98)**





→ **Belgian law/situation: *Law on the promotion of patient mobility (4 June 2007):***

- **Price:** legal ground to set up differentiated prices:

- Belgian tariff for hospital care  $\neq$  cost-covering
- never executed; now debate: reconsidering hospital financing/tariffs for all patients ?

- **Access:** installation of “*Observatory on patient mobility*” (2011):

- gathering data on patient mobility (amount, origin) incl. contracting data
- measuring impact of foreign patients on hospital capacity (measurement of waiting time)



