Cross-border health care and European Union law



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This book examines the Cross-Border Care Directive by exploring its rationale and its impact on solidarity and equal access in the Member States; explaining legal issues regulated by the directive, such as quality of care (what is quality of care?), reimbursement issues (diversity in national reimbursement rules, as well as legal uncertainties due to parallel reimbursement regimes), the use of internet and health care, as well as examining the broader context, i.e., the relationship with professional mobility and even the global setting of patient mobility. The outcomes show that patient mobility, and the CBC Directive in particular, raises important legal questions addressing both EU law and national health law, reflecting different concepts or interests (economic versus human rights law), which may result in different outcomes. Secondly, the directive covers a wide range of related topics facilitating patients seeking health care abroad (e.g. rare diseases, eHealth, health technology assessment).

Despite its laudable motive, the directive has its limitations. These can largely be explained by Member States’ unwillingness (legitimate or not) to regulate key issues of cross-border health care at European level. Such limitations require alternative action in order to realise an internal market for patient care, and simultaneously, respecting national values and traditions in how to organise and finance health care systems. At best, aiming at (indirect) convergence of national health systems by means of “soft-law” mechanisms, seems the highest attainable objective so far.

*Chapters and List of Contributors*

Introduction

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1. The politics of the Cross Border Care Directive

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2. Patient mobility, Solidarity, and Equal access

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3. Convergence and divergence in patients’ rights

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4. Reimbursement and authorisation issues

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5. Standards on quality and safety in cross-border healthcare

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6. Information for patients and health system cooperation by means of the National Contact Points for cross-border healthcare

*Timo Clemens*

7. eHealth challenges under EU law

*André den Exter*

8. Mutual recognition of cross-border prescriptions at EU level: concerns and challenges

*Joaquin Cayón-De Las Cuevas*

9. Patient mobility and Health SPAs in the EU: legal implications and future challenges for patients and users

*Alceste Santuari*

10. Cross-border reproductive care: low expectations from European (Union) law

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11. Rare diseases policies, European reference centers, and cooperation initiatives

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12. Health Technology Assessment (HTA) and its relevance to cross-border healthcare in Europe

*Verena Stühlinger, Petra Schnell-Inderst, Uwe Siebert*

13. EU Charter

*Anniek*

14. Data protection and patient mobility in Europe

*Jean Herveg*

15. The relevance of Directive 2005/36 on the recognition of profession qualifications

*Miek Peeters*

16. Comparing the American and European experiences with medical tourism: legal and ethical issues

*Ariel Teshuva and Glenn Cohen*