

The Swedish experience of the EU directive on patients' rights in cross-border healthcare

The Swedish government is very much in favor of the Directive 2011/24/EU regarding the application of patient's rights in cross border healthcare.

Today Sweden has Europe's most liberal rules regarding patients' rights in this aspect. For Swedish citizens there is no requirement for prior authorization to reimburse the costs for hospital care in other countries.

Also for the future the government will not require any prior authorization and will cover the costs for care given according to internationally recognized medical science and good medical practices.

This means that today Swedish patients can go abroad to any other EU-country and seek healthcare according to the directive.

The Swedish government is not afraid of the economic consequences. The government also sees opportunities for Swedish hospitals to be competitive players on the field to deliver highly specialized healthcare in Europe.

The total costs for Swedish patients seeking healthcare abroad today are negligible. In 2010; 770 patients visited another EU country with the purpose to receive hospital care without prior authorization. Out of the 770 patients; 595 were granted economic compensation to a total cost of 1.5 million Euros.

Another 272 patients asked for prior authorization. Only 55 or 20% were allowed economic compensation.

The patients were treated in the following specialities;

So Swedish patients have two choices, either to get the treatment, pay by themselves and send the bill to the authorities for social insurance refund or ask for prior authorization. In the second case the patients will know beforehand whether the care will be paid for or not.

The disadvantage is that when a patient asks for prior authorization

Swedish health providers can argue that the care can be given in Sweden within reasonable time.

This is the reason why 80% of patients are denied compensation and due to this only 20% will get their healthcare abroad after prior authorization, compared to 70% for those who can afford to pay the bill and take a chance and don't apply.

Even though the Swedish government is very liberal in its view is the reality for Swedish patients not always as generous. The Swedish Social Insurance Agency, the authority responsible for decisions about individual patients' rights to financial compensation for cross-border healthcare, has interpreted EU-court decisions like Smits and Peerbooms to justify a refusal of reimbursement to save money.

So if you as a patient are denied economic compensation you have to go to court to claim your right. One important case in Sweden is the Jelinek case from 2004. The Swedish citizen Susanne Jelinek received medical care in Kiel in Germany with a treatment method not in use in Sweden. The Swedish Supreme Court decided, in spite of the method not being accepted in Sweden, that she should have her hospital bill paid. However the Swedish Social Insurance Agency came to another conclusion and claimed limited rights to economic compensation arguing that the treatment method must be established within the country.

This problem has been observed by the Association of Swedish Hospital Physicians and our Magazine. After criticism and lobbying by the magazine for some years and with help from the Judgment of the European court C-173/09, GEORGI IVANOV ELCHINOV versus the Bulgarian government, the Swedish Social Insurance Agency has been forced to reevaluate their application of law and give compensation for healthcare if in accordance with internationally recognized medical science and good medical practices and not as before restricted to methods and practice in Sweden.

What will happen in Sweden?

It is quite clear that the Swedish government will keep its liberal opinion regarding cross border healthcare. There will be no requests for prior

authorization. The Ministry of Health and Social Affairs is preparing a proposal for a new Swedish law for implementing the EU directive on cross border healthcare. This work will be presented in January 2012. The government tries to solve the problem regarding who will pay the bill. Today the government pays for healthcare provided in other EU countries. However for healthcare in Sweden the costs are carried by the County Councils with the right to tax the citizen's.

Finally what is the opinion of the Association of Senior Hospital Physicians in Sweden?

We are in favor for the directive of cross border medicine.

We demand that the Swedish Government establish an authority which protects the patients' rights regarding cross border healthcare. It is not ethical or human that sick people are forced to go to court to claim their right if Swedish authorities, often with a lack of knowledge, don't follow the directives of the European Union.