

## Providing treatment to visitors from other EU countries: key points for NHS providers

Discussions are ongoing in Europe on possible new EU legislation on patients' rights to seek planned healthcare outside their home system, but there is already extensive EU law providing for visitors from European countries (EU, EEA and Switzerland) to be treated by the NHS, and it is important that providers are aware of the current situation.

Three key points to note are:

- **EU visitors to the UK who require emergency or immediately necessary treatment can receive this free of charge under the NHS, provided they can show a European Health Insurance Card (EHIC)**  
The EHIC scheme allows the NHS to reclaim the costs of providing care to EU visitors from their home systems. If the patient can't present a valid EHIC or Provisional Replacement Certificate (PRC), they should normally be charged the costs of their treatment as an NHS charged patient.
- **An EHIC doesn't entitle an EU visitor to receive planned care free of charge from the NHS**  
The EHIC covers only emergency and immediately necessary treatment. If an EU visitor is seeking planned NHS treatment, they should either present a valid E112 referral or pay for their treatment.
- **It is essential that EU visitors' EHIC/E112 information is captured and submitted through the Overseas Visitor Treatment (OVT) Portal**  
Without this information, the UK can't recover the costs of the treatment provided to EU visitors, and therefore major income is lost that could be invested back into the NHS. New arrangements for recording and reporting data about overseas visitors have recently been introduced. More information is available on the DH website at:  
[www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH\\_103356](http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_103356)

The right to request **planned treatment** abroad is not new: patients have been able to apply under the **E112 referral** process since the 1970s. The situation has, though, become more complicated recently following a series of European Court (ECJ) judgements which established that EU patients have the right to seek health services outside their home system, with some conditions. This is sometimes called the **Article 49** route, referring to the section of the European Treaty which sets out the principle that citizens should be free to access services anywhere in Europe. Different rules apply to the two routes:

<b>E112 referral</b>	<b>Article 49</b>
Patients must always get prior authorisation before getting planned treatment abroad. The NHS provider should ask for a valid E112 referral before providing treatment to ensure that care will be paid for.	Prior authorisation systems can be used, but in some cases, patients will be able to seek treatment abroad and be reimbursed by the home system without prior authorisation. In either case, the NHS provider does not need any proof of authorisation as the patient must pay upfront.
The patient's home system reimburses the UK directly for the costs of care.	The patient pays the full costs of care up front, and then seeks reimbursement from their home system.
The patient's home system pays the full NHS cost, even if this is greater than cost of the same care in the home country.	Reimbursement is limited to the amount the patient would receive in their home country. The patient pays the difference if NHS care is more expensive.
Limited to public sector providers only.	Treatment can be in either public or private sector.