

## **FUNDING FOR TREATMENT IN EUROPE**

### **EU DIRECTIVE FUNDING from 1 January 2021**

(Post treatment legacy applications – following EU Exit)

### **Application form – supporting guidance notes**

**PLEASE READ THESE NOTES WHEN COMPLETING YOUR APPLICATION**

## **SECTION 1:**

### **GENERAL SUPPORTING INFORMATION**

## **SECTION 2:**

### **FURTHER INFORMATION TO HELP COMPLETE SPECIFIC APPLICATION FORM SECTIONS**

## SECTION 1 – GENERAL SUPPORTING INFORMATION

### 1: Introduction & EU Exit

- Following the UK's Exit from the EU on 31 December 2020, access to healthcare in EU / EEA / EFTA states has changed.
- This application form is for patients, resident in England, who accessed treatment in Europe, prior to 1 January 2021.
- The eligibility criteria that were in place up to 31 December 2020, must be met, in order for an application to be approved. This means that for any applications received after 1 January 2021, where the treatment is on the "specialised" commissioning list, the application will not be progressed, if prior approval was not sought before 1 January 2021. Find out more on the NHS website at [www.nhs.uk](http://www.nhs.uk) by searching for 'healthcare abroad'.
- The application form can be completed by a person other than the patient, if necessary (e.g. a family member or a clinician). However, all the information provided should be about the patient. Parts 9 and 10 of the form require the applicant to provide their details, if they are applying on behalf of the patient.
- NHS England (NHSE) can only communicate with the patient / applicant about the application, unless we have the written consent from the patient regarding anyone else, they wish us to communicate with.
- The patient / applicant is responsible for providing accurate and complete information within and supporting the application. This will form the basis of the decision making process.
- Incomplete / inaccurate applications cannot be processed and may delay funding decisions.
- Depending on the complexities of the individual case, it may be necessary to request further information for an application in order for it to be assessed fully and correctly.
- NHSE cannot accept responsibility for documents lost or damaged in transit.

### 2: General Guidance on The EU Directive funding route

The EU Directive legacy arrangements cover the following circumstances:

1. The treatment had commenced or been received before 31 December 2020, exit day (and prior approval was not required, i.e. it was not specialised);
  2. A funding application for specialised treatment was submitted before 31 December 2020, but the decision outcome not communicated before 31 December 2020.
  3. A funding application for specialised treatment was submitted and approved before 31 December 2020, but the treatment had not commenced prior to 31 December 2020 (i.e. prior approval had been obtained).
- Provider must be in the EEA (NOT including Switzerland, Northern Ireland, Scotland and Wales).
  - The treatment received can be in either the state or private healthcare system.
  - Claims should be submitted as soon as possible to enable timely processing. Valid claims will be reviewed and paid if received within six years of the date of treatment.
  - A list of specialised treatments, which required prior authorisation, can be found on NHS Choices. <http://www.nhs.uk/NHSEngland/Healthcareabroad/plannedtreatment/Pages/Article56.aspx>
  - The patient must have been ordinarily resident in England and entitled to NHS care at the time treatment was received.
  - The treatment must be available to the patient under the NHS.

- There must be written support from an EEA clinician (which can include a UK clinician), which following their full medical assessment, supports the diagnosis and treatments for which the patient is requesting reimbursement of paid costs.
- Acceptable proof of payment documentation will need to be provided with the completed application.
- If you are eligible for reimbursement, the amount paid will be up to the cost of equivalent treatment on the NHS – in line with the NHS tariff.

### 3: Treatments Available on the NHS (NHS entitlement)

- To be eligible for funding, the treatment must have been available to the patient, on the NHS, in their individual circumstances, at the time that they received their treatment abroad.

### 4: Funding / Reimbursements / Refunds

- Only treatment costs can be assessed for funding / reimbursement / refunds. Reimbursement is up to NHS costs (or lower if the actual cost is less) for eligible treatments only.
- Travel and accommodation costs will not be reimbursed, including those for people / carers who may be accompanying the patient. Translation costs are also not covered.

### 5: Translations

- All medical and financial documentation, which is not in English, will need to be translated in order for it to be understood to progress an application. This is the patient's / applicant's responsibility.
- Translations do not have to be completed by an official translator. Whoever completes the translation must record who they are (their role / relationship to the patient) and sign / date the translated documents.
- Translation costs are not refunded. This is the responsibility of the patient / applicant.

### 6: Contacts / Application Form Submission

- Where possible, please send your application and supporting documentation by email, except for original paper receipts and paper invoices, which will need to be posted in. Please email electronic documents to: [england.europeanhealthcare@nhs.net](mailto:england.europeanhealthcare@nhs.net)
- Please email your documents as a PDF attachment, do not email embedded documents or photographs of documents. Also organise documents into one PDF for each "category" (e.g. application form, proof of residence, medical documentation in 3 separate PDFs). This will enable your application to be assessed more quickly.
- Please also ensure you complete the application form fully and read these application guidance notes to ensure you complete all the necessary forms and include all the necessary documents.

*Paper documents should be sent to the following address:*

**European Cross Border Healthcare Team  
NHS England**

**County Hall  
Leicester Road  
Glenfield  
Leicestershire LE3 8RA**

*Email:* [england.europeanhealthcare@nhs.net](mailto:england.europeanhealthcare@nhs.net)

*Telephone:* 0113 8249653.

**Please note:** It can take up to 20 working days for a fully completed application to be processed and a decision to be made. You will be informed of the outcome of your application once a decision has been reached. If approved, the reimbursement can take up to a further 30 working days to be processed.

## SECTION 2 – FURTHER INFORMATION TO HELP COMPLETE SPECIFIC APPLICATION FORM SECTIONS

### Part 1: EU Directive Funding Route

**Only apply (or contact the team to progress an application) if:**

1. The treatment had commenced or been received before 31 December 2020, exit day (and prior approval was not required, i.e. it was not specialised);
2. A funding application for specialised treatment was submitted before 31 December 2020, but the decision outcome not communicated before 31 December 2020.
3. A funding application for specialised treatment was submitted and approved before 31 December 2020, but the treatment had not commenced prior to 31 December 2020 (i.e. prior approval has been obtained).

The list of specialised treatments can be found on NHS Choices.

<http://www.nhs.uk/NHSEngland/Healthcareabroad/plannedtreatment/Pages/Article56.aspx>

Complete a separate application form for each separate medical condition you have.

- Treatment that was received after 31 December 2021, the end of the transition period, will not be reimbursed, unless there are exceptional circumstances (e.g. covid related delays). These will be reviewed on a case-by-case basis.
- Valid claims will be reviewed and paid if received within six years of the date of treatment.

#### **Treatment basis:**

Check with the treatment provider:

- (1) Whether they are a state sector or private sector provider and
- (2) The basis under which the treatment they are providing to you is under (i.e. either the state or private system).

#### **State Sector – Emergency / Urgent:**

If your treatment was covered under the EHIC / PRC scheme, please apply to the NHS BSA for funding, otherwise provide evidence as to why the NHS BSA could not reimburse you.

### Part 2: Patient Details

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| <b>Permanent / settled address in England</b> | <p>This should be your “settled” residence in England where your post is sent to.</p> <p>If it is different to your current address provide both but provide the required evidence, as detailed below, for the address where you were resident at the time of treatment.</p> <p>Only provide an alternative address if for some reason you are not currently living at your settled residence, the reason for which should be recorded.</p> |
| <b>NHS Patient charge exemptions</b>          | <p>We only need to know about any NHS patient charge exemptions that are relevant to your application and the treatments you are applying for (e.g. prescription / dental / ophthalmic charges). Please therefore only provide evidence for patient charges relevant to your application.</p>   |
| <b>Ordinarily Resident – NHS concept:</b>     | <p>NHSE can only process applications for patients who were ordinarily resident in England and entitled to free NHS care (the UK healthcare entitlement system is a residence based one), at the time of treatment.</p>   |

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|  | <p>A person will be “Ordinarily Resident” in England when that residence is lawful, adopted, voluntary, and for settled purposes as part of the regular order of their life for the time being, whether of short or long duration.</p> <p>A person is not ordinarily resident just because they have a British nationality, hold a British passport, are registered with a GP, have an NHS number, own a property in the UK or have paid / are paying NI contributions and taxes in the UK.</p> <p>The onus is on the patient to prove their Ordinarily Residence status to NHS England and NHS England can request further information until they are happy that the requirement has been satisfied.</p>  |
| <b>Proof of Residency - eligibility documents:</b> | <p>Supporting Proof of Residence documents will need to be provided which are official, dated and with the patient’s name and settled address clearly recorded on them. They will need to cover the treatment period, before and after.</p> <p>Applicants must send in at least 2 appropriate forms of official evidence to show that they are resident at the permanent / settled address recorded on their application form. <u>They must cover the treatment period, before and after, and one of them MUST have been issued within 3 months of the treatment period.</u></p> <p><b>The first</b> should be a bank statement (from the person receiving treatment or the parent if the application is for a child), showing activity / transactions in England, covering transactions before and after the treatment period.</p> <p><b>The second</b> should be an official document, such as:</p> <ul style="list-style-type: none"> <li>• A local authority council tax bill.</li> <li>• Utility bill (e.g. gas, electric, water).</li> <li>• HM Revenue &amp; Customs (Inland Revenue) tax document e.g. tax assessment, statement of account, notice of coding. P45s and P60s are NOT acceptable.</li> <li>• Official statement / letter from a relevant benefits agency confirming the right to benefits or state pension.</li> </ul> <p>If the first piece of evidence is not available, then <b>3 pieces of evidence</b> should be submitted including <u>at least one from the secondary list</u> and two others from the secondary list or from the list below:</p> <ul style="list-style-type: none"> <li>• Driving licence.</li> <li>• Fixed line telephone bill.</li> <li>• Mobile phone bill.</li> <li>• Rent book.</li> <li>• Rental agreement (local authority / private) – if don’t pay utility bills.</li> <li>• Solicitor’s letter confirming recent house purchase or land registry confirmation (in this case, proof of previous address will also be needed).</li> <li>• Payslip (if current address recorded).</li> <li>• NHS letter / appointment card.</li> <li>• Letter from employer.</li> </ul> <p>Contact the team regarding Students (See Section 6, page 3 for contact details).</p> <p>Parents can submit evidence of their residency for their children / dependents.</p> |
| <b>NHS Treatment</b>                               | <p>If you were being treated on the NHS for the medical diagnosis and / or treatment plan, relevant to this application, provide further details.</p>  |

### Part 3: Treating Clinician / Provider Details

Please provide details of the main hospitals / clinics / clinician's etc in Europe where you were treated, in relation to the treatments for which you are applying for EEA funding.

PLEASE DO NOT RECORD THE DETAILS OF THE HOSPITALS OR CLINICIANS THAT HAVE BEEN TREATING YOU UNDER THE NHS IN ENGLAND.

### Part 4: Treatment Details

Provide the supporting eligibility evidence, for the medical treatments, as follows:

- An official EEA clinician's letter / report, confirming the diagnosis and medical need for the treatment(s). This can include being from a UK clinician.
- Written confirmation that the treatment actually took place e.g. a discharge report from the EU clinician/provider.
- Record the specific treatment dates for each element of the care package and cross reference to the relevant receipt.

### Part 5: Post Treatment Costs / Proof of Payment

- Reimbursements will only be made for items / treatments clearly recorded in the PoP table and supported by adequate proof of payment documentation, as detailed below.
- All entries must be covered by a clinician's letter / report (including medication) to confirm that they were medically necessary and assessed as such by a clinician.
- Medication purchased over the counter will not be reimbursed without clinician support.
- You must provide English translations, where these documents are not in English.

**Acceptable Proof of Payment documents - all must be official and issued by the provider:**

- **Cash payments:** Please provide the original invoice (bill for payment due) and the original cash receipt from the provider clearly showing that the payment has been made. Or, provide the original invoice which has been stamped / initialled by the provider clearly showing that it has been paid in cash (if there is not a separate cash receipt). Types of receipts:
  - Cash receipts (should have provider stamp / letterhead – dated / stamped / signed).
  - Cash register / till receipts – must be original.
  - Provider receipts – other e.g. hand written / with provider stamp / signed by provider.
- **Cheque Payments:** Provide both the original invoice (bill) and receipt, and the bank statement (copy) showing that the cheque has been cashed / cleared, otherwise it is just an intent to pay.
- **Credit card payments:** Provide the original invoice (bill) with a supporting credit card statement (copy) clearly showing that the payment has been made to the provider (not just that the payment has been set up / is due). Credit card statements must clearly show name and settled address.
- **On-line transfers / bank card payments:** Provide the original invoice (bill for payment) with a supporting bank statement (copy) clearly showing that the payment has been made to the provider (not just that the payment has been set up / is due). Bank statements to confirm on-line transfers / bank card payments must also clearly show name and settled address.

**Invoices:** An invoice is the bill for the treatment showing that an amount is due and on its own does not necessarily act as proof of payment. Please provide the original copy of the invoice along with any other official receipt showing that payment has been made (original).