

## Guidance for Hospital Consultants Referring Public Patients for Funding under the HSE Treatment Abroad Scheme

Dear Colleagues

This guidance is issued in connection with access to and the operation of the Treatment Abroad Scheme (TAS), also referred to as the E112 Scheme. Appendix 1 below is an information document developed by the TAS office for your perusal. The operation of the TAS was centralised into a national office located St Canice's Hospital, Dublin Road, Kilkenny since 2012 and the office is contactable at 056 778 4551.

The purpose of this document is to provide advice, support and guidance to consultants in relation to the completing and submitting of an application form for funding for a treatment that is not available in Ireland. This guidance is not intended to provide a comprehensive response to all such possible questions but seeks to address the more common queries.

All consultants initiating a referral to the TAS are bound by the duties of care for the patient when making a referral to a service abroad. In the case of E112, and in fulfilment of those duties, applications should only be filled out for a patient in the following instances:

- The consultant must have reviewed the patient in the immediately preceding time frame (circa 2 weeks).
- The decision to refer a patient abroad must be that of the treating consultant. The referral should not be on the basis of a third party request (e.g. a patient, a parent, an advocate, a hospital abroad etc), but is being recommended by the consultant in his/her provision of care to that patient.
- The treatment being sought is a proven treatment.
- The treatment must not be part of a clinical trial.
- The treatment being sought is provided for under Irish legislation.
- The treatment being sought is unavailable in Ireland. (Every effort should be made by the referring consultant to ascertain if the treatment is in fact available in Ireland. One of the most common reasons for decline of an application is that the treatment or an equivalent treatment is available in Ireland.)
- There is no equivalent treatment available for the specific condition in Ireland.
- That all options for treatment up to and including referral to a tertiary centre within Ireland have been utilised in the first instance.
- The referring consultant must specify the specific treatment: describing the patient's condition does not suffice for the purposes of applying to the TAS even in the case of a rare disease. The referring consultant must identify the specific treatment and affirm as to the suitability of the treatment for the patient.

When completing a TAS application form the consultant must also enclose a copy of his/her letter of referral to the service abroad and ensure the following criteria are met:

- That the service the patient is being referred to is a public facility and thus will accept Model Form E112.
- That the form is signed by the consultant and not pp'ed (per persona) by a secretary or junior doctor on his/her behalf.
- That the specific treatment being requested is clearly specified.

It is the responsibility of the referring consultant to identify the facility and appropriate clinician to whom he/she is referring his/her patient.

Applications for second or specialist opinions will only be processed where evidence is provided that same has been accessed in the relevant speciality here in Ireland and/or through advice from the HSE Clinical Leads in the first instance.

When a patient is referred abroad the E112 is issued on the basis that the patient is referred for the treatment on the application form only, unless otherwise amended. The patient may only avail of the approved treatment. When the episode of care abroad is completed, the treating facility is required to provide the referring consultant with an appropriate medical report for the patient to ensure the smooth transfer of the patient's care back to the referring consultant. The patient's care immediately reverts to the Irish based referring consultant. In general any additional or subsequent treatments will require a new application (there are exceptions to this rule e.g. organ transplants etc).

An application form may specify more than one episode of care if same can reasonably be justified. For example in the case of an organ transplant patient it is expected the application may include an assessment, the surgery and a specified number of follow up visits for the patient. An application form may not be open ended and does not transfer the care of the patient abroad indefinitely.

The purpose of this guide is to provide guidance on the issues most frequently raised with us by Consultants. However, if you have further specific questions which you wish to have addressed please feel free to contact Ms Catherine Donohoe at [catherinet.donohoe@hse.ie](mailto:catherinet.donohoe@hse.ie) or [treatmentabroad.scheme@hse.ie](mailto:treatmentabroad.scheme@hse.ie).

Please be aware that applications are just that, an application and the decision on the application may result in an approval or a decline.

## Appendix 1

# TREATMENT ABROAD SCHEME (E112)

## Introduction

The HSE operates a Treatment Abroad Scheme (TAS), for persons entitled to treatment in another EU/EEA member state or Switzerland under EU Regulation 1408/71, as per the procedures set out in EU Regulation 574/72, and in accordance with Department of Health and Children Guidelines. Within these governing EU Regulations and the Department of Health and Children's Guidelines, the TAS provides for the cost of approved treatments in another EU/EEA member state or Switzerland through the issue of form E112 (IE).

The TAS allows for an Irish based Consultant to refer a patient that is normally resident in Ireland for treatment in another EU member state or Switzerland, where the treatment in question meets the following criteria:

- (a) *The application to refer a patient abroad has been assessed and a determination given before that patient goes abroad.*
- (b) *Following clinical assessment, the referring Consultant certifies the following:*
  - *They recommend the patient be treated in another EU/EEA country or Switzerland;*
  - *The treatment is medically necessary and will meet the patient's needs;*
  - *The treatment is a proven form of medical treatment and is not experimental or test treatment;*

- *The treatment is in a recognised hospital or other institution and is under the control of a registered medical practitioner;*
- *The hospital outside the state will accept EU/EEA form E112 (IE).*

## **Background**

The TAS is administered by a team of staff located at St. Canice's Hospital, Kilkenny, (see Appendix 1). In an effort to standardise access to and implementation of the Scheme the HSE has committed to introducing national policies on its operation. This document aims to clarify the criteria and the protocols for accessing the Scheme.

## **Accessing the Scheme**

A person may be entitled to access the scheme and ultimately avail of treatment in the public healthcare system of another EU/EEA member state (see Appendix 1.2) or Switzerland where the conditions, criteria and procedures set out below are all adhered to.

## **Conditions and Criteria**

A person ordinarily resident in the Republic of Ireland may be referred abroad by an Irish based consultant for treatment that is:

- Among the benefits provided for by Irish legislation.
- Not available in Ireland.
- Not available within the time normally necessary for obtaining it in Ireland, taking account of his/her current state of health and the probable course of the disease.

**N.B. Self referrals or referrals by a G.P. are not acceptable. Being recalled by a consultant abroad is not acceptable. For the purposes of a TAS application you must be referred by your current treating Irish consultant.**

An application form must be fully completed by both the patient and the patient's referring Consultant. The completed application form must be submitted to the HSE for assessment and a decision must be given by the HSE prior to the patient travelling abroad or blood samples being sent abroad. The HSE will not be responsible for any costs associated with a treatment or consultation abroad where prior approval was not given and an E112 was not issued.

Following clinical assessment, medical evidence must be provided by the referring hospital Consultant, giving details of the patient's medical condition, the type of treatment envisaged and the proposed provider of the treatment abroad. A copy of the referral letter to the Consultant outside the state may be sufficient.

It is not possible for a Consultant to “transfer” a patient’s care abroad. Each application is for a specific episode of care so there should be no misunderstanding that your care is being transferred on an ongoing or indefinite basis to a service/consultant abroad. On the application for the Consultant specifies the treatment the patient is being referred for. In certain circumstances the Consultant can identify a number of episodes of care. A typical example of this is where a patient is being referred for a surgical intervention and the Consultant may decide to specify on the application form an assessment with a view to the specific surgery, the surgery and one follow up visit. In this case only one application will be need and an approved applicant then notifies the TAS of the appointments as they are informed of same and the TAS will issue the E112 forms. In the case described the TAS would in fact issue three E112s against the single application form. But remember this is specific to the description on the approved application form.

The referring Consultant having reviewed the patient in the immediately previous two weeks must certify the following:

- They recommend the patient be treated in another EU/EEA country;
- The treatment is medically necessary and will meet the patient’s needs;
- The treatment is a proven form of medical treatment and is not experimental or test treatment;
- The treatment is in a recognised hospital or other institution and is under the control of a registered medical practitioner;
- The hospital or other institution accepts form E112 (IE);
- The treatment is not available in Ireland.
- Not available within the time normally necessary for obtaining it in Ireland, taking account of his/her current state of health and the probable course of the disease.

## **Procedures**

The application and referral letter must be submitted to the HSE TAS Office in sufficient time as to allow assessment and decision prior to the patient travelling abroad. The decision making process is estimated at 15 to 20 working days following the receipt of a fully completed application and suitable referral letter. Only information pertaining to the estimated date for issue of a decision can be provided by TAS office staff. TAS office staff are not permitted to give confirmation of a decision in advance of the issuing of the decision letter to the applicant.

Approval, where granted, is for specific medical treatment as per the referring Consultant’s evidence provided and the submission of a completed application form. Requests for additional treatments or associated examinations or consultations which may arise while visiting the foreign facility will not be considered or included in the payment to be made by the HSE. Any costs associated with any such additional treatment, or associated examination or consultation availed of, will be the responsibility of the applicant.

In some cases patients may require subsequent visits to the accepting hospital abroad.

Treatments subsequent to that specified in the initial approval will require submission of a new fully completed application form to be processed as outlined above.

Where the decision has been made to decline an application, the patient/applicant is informed of the decision rationale and provided with a copy of the appeals process.

## **Responsibilities**

### The Patient:

The patient/applicant must submit a fully completed application form accompanied by the appropriate referring Consultant's letter in sufficient time to allow the HSE assess and make a decision on same. The onus is on the patient to submit a fully completed application form and to provide the necessary information from the referring Consultant. Incomplete applications will be returned to the patient/applicant for provision of the appropriate information prior to re-submitting to the TAS office.

If approved, the patient/applicant must provide confirmation of every appointment they are due to attend to allow the issue of the E112 form to cover the cost of their visit. Failure to produce the document at their appointment may result in them being charged for their hospital visit. Reimbursement of any fees incurred due to the failure to produce the documents at an appointment will not be reimbursable by the HSE.

### The Consultant:

The Consultant must fully complete the application form and provide sufficient information, giving details of the patient's medical condition, the type of treatment envisaged and the provider of treatment abroad.

Referrals must be on the basis of medical necessity confirmed by a clinical review of the patient, to the public healthcare system of another EU/EEA member state or Switzerland through the issue of model form E112 (IE). Therefore the consultant must be currently treating the patient and be filling in the application form on the basis of his/her medical opinion and not at the request of another member of his/her team or the patient.

Should a Consultant wish to make a referral abroad that is outside the TAS qualifying criteria, this will be a matter for the Consultant and the referring Hospital. In this case the CEO of the referring Hospital should be notified in consideration of the implications this may have from a hospital budget perspective.

### The TAS Office:

The TAS office will return any incomplete applications to the patient/applicant outlining information needed.

The TAS office will aim to provide a decision on an application within 15 to 20 working days.

The TAS office will notify the patient/applicant and the Consultant on decision without undue delay by letter.

### **Travel Policy**

The Treatment Abroad Scheme as provided for in EU Regulations and Department of Health and Children Guidelines, does not include a provision for Travel and or Subsistence expenses for patients or their relatives travelling abroad to avail of approved treatments. However, the HSE and specifically the TAS may provide assistance towards reasonable economic air or sea travel fares for patients, and a travelling companion where appropriate. The HSE Treatment Abroad Scheme National Travel Policy was implemented in November 2009 to standardise and provide equity to the provision of entitlements relating to travel expenses. This policy supersedes all previous arrangements on the provision of travel and subsistence expenses regardless of the date of approval granted or the value of coverage provided previously.