

Opening Statement

Seanad Special Select Committee on the Withdrawal of the UK from the EU Monday, 8th March 2021

Good afternoon Chair and Committee Members,

Thank you for inviting me to attend at the Committee today. I am joined by my colleagues Jonathan Patchell from International Unit and Emma-Jane Morgan from the Eligibility Policy Unit in the Department of Health and Catherine Donohoe from the HSE to give an update on the 'Cross Border Healthcare Directive' since the end of the transition period.

As we all know, the UK's withdrawal from the European Union has impacted across many sectors, including health. The Department welcomes the conclusion of the EU-UK Trade and Cooperation Agreement (TCA) in December 2020. The TCA, together with the Withdrawal Agreement (which includes the Protocol on Ireland/Northern Ireland), means that Ireland's key Brexit objectives have been achieved in the area of health and social care. The Agreement provides a new framework for the continuation of access to healthcare for Irish people who are working, visiting, or residing in the UK and vice versa.

The TCA has protected many of the health rights that existed prior to the UK's withdrawal from the EU and which will benefit residents in Ireland. I am also pleased to note that under the TCA patients that require planned (often specialised healthcare), as was provided for under the Treatment Abroad Scheme, will continue to access that care in the UK.

You will be aware that there has been a long history of cultivating and utilising our shared health services to enhance the health outcomes for everyone on this island. It is useful to outline here that North/South co-operation in healthcare continues to be delivered. For example:

- Cross border health services such as the cardiology and cancer treatments in Altnagelvin and paediatric cardiology and related maternity services in Dublin will continue;
- A new EU programme, Peace Plus, is being developed to continue and build on the work of the current PEACE and INTERREG programmes. Both the EU and the UK are committed to funding Peace Plus.
- An MoU signed by the Chief Medical Officers of Ireland and Northern Ireland on 9 November 2020 provides a formal framework to manage the transfer of patients between jurisdictions in cases where critical care capacity has been overwhelmed in either jurisdiction.

EU Cross Border Directive

Notwithstanding the extensive and welcome continuation of access to health services in the UK, one direct consequence of the UK's withdrawal from the EU is that the EU Cross Border Directive - the CBD - no longer applies to the UK.

As you are aware, the CBD provides for the reimbursement to patients of the cost of receiving treatment abroad in another EU Member State, where the patient would be entitled to such treatment in their home Member State.

Since its introduction in 2014, the CBD has provided access to health services in Northern Ireland in particular for persons within this State. In 2020, almost 7,850 cases of CBD reimbursements were in respect of treatments accessed in

the UK, that represents 90% of all treatments accessed by Irish residents under the CBD. Of those cases accessed in the UK, 98% of these treatments reimbursed were accessed in Northern Ireland. These are treatments obtained from private providers.

However, as the CBD is EU legislation, the provisions of the CBD no longer apply to the UK, including Northern Ireland since the 1st of January this year. This outcome was certainly not one that was desired by the Irish Government and therefore mitigating measures have been put in place to address this loss of access.

Firstly, the HSE has put in place transitional arrangements for certain patients who have a legitimate expectation of continuing to access care in the UK under the current provisions of the EU CBD Scheme. This includes provision for reimbursement of healthcare costs by the HSE to persons who fall into certain categories, such as patients who can evidence that they had treatment booked prior to December 2020 for treatment in 2021.

NI Planned Healthcare Scheme

Secondly, the Government approved on 28th December 2020 the implementation of a new Northern Ireland Planned Healthcare Scheme. Persons resident in the State, have since the 1st January 2021, been eligible to be reimbursed for accessing private healthcare in Northern Ireland by the HSE, provided such healthcare is publicly available within Ireland.

It is intended that the new scheme will operate for 12 months on an administrative basis initially and along similar parameters as the CBD, with the drafting of a general scheme planned to place the scheme on a statutory basis.

This important step taken by the Government provides both new and current patients with certainty around their ability to continue to access care in Northern Ireland and to be reimbursed for it by the HSE.

Conclusion

Despite Brexit, the Irish Government has ensured that persons resident in Ireland can continue to access and be reimbursed for the costs of healthcare obtained from private providers in Northern Ireland.

The Northern Ireland Planned Healthcare Scheme will provide certainty for patients that they can continue to access private routine scheduled healthcare in Northern Ireland, particularly in light of the ongoing impact of the COVID-19 Pandemic on access to non-COVID 19 care within the State.

Both the EU-UK TCA and the NI Protocol provide for substantial continuity in the provision of health services between Ireland and the UK. The Government will maintain and build upon existing healthcare cooperation through these frameworks.

Thank You.