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D I R E C T I O N S

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**2013 No. 25 (W.25)**

**THE NATIONAL HEALTH  
SERVICE (WALES) ACT 2006**

The National Health Service  
(Reimbursement of the Cost of EEA  
Treatment) (Wales) (Amendment)  
Directions 2013

*Made* 2013

*Coming into force* 25 October 2013

The Welsh Ministers, in exercise of the powers conferred on them by sections 12(1)(b), 12(3), 203(9) and (10) and 204 of the National Health Service (Wales) Act 2006<sup>(1)</sup>, hereby give the following Directions—

**Title, commencement and application**

**1.**—(1) The title of these Directions is The National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) (Amendment) Directions 2013.

(2) These Directions come into force on 25 October 2013.

(3) These Directions are given to Local Health Boards and apply in relation to Wales.

**Amendment to the National Health Service  
(Reimbursement of the Cost of EEA Treatment)  
(Wales) Directions 2010**

**2.** The National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) Directions 2010 <sup>(2)</sup> are amended as follows—

- (a) in direction 1(3)(a) (Title, commencement and application) after the words “ section 6A (reimbursement of cost of services provided in another EEA state) of the NHS (Wales)

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(1) 2006 c.42.

(2) 2010 No. 40 (W.40).

- Act” insert the words “and section 6BA(1) (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013) of the NHS (Wales) Act”;
- (b) in direction 1(3)(b) (Title, commencement and application) after the words “under section 6B (prior authorisation for the purposes of section 6A) of the NHS (Wales) Act” insert the words “and section 6BB(2) (prior authorisation for the purposes of section 6BA) of the NHS (Wales) Act”;
- (c) in direction 2 (Interpretation) insert in the appropriate place in alphabetical order —
- “the Directive” (“y Gyfarwydddeb”) means Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare(3);”
- (d) in direction 3(1) (Exercise of functions under sections 6A and 6B of the NHS (Wales) Act) after the words “section 6A (reimbursement of cost of services provided in another EEA state) of the NHS (Wales) Act” insert the words “and section 6BA (reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013) of the NHS (Wales) Act,”;
- (e) in direction 3(2) (Exercise of functions under sections 6A and 6B of the NHS (Wales) Act) after the words “section 6B (prior authorisation for the purposes of section 6A) of the NHS (Wales) Act” insert the words “and section 6BB (prior authorisation for the purposes of section 6BA) of the NHS (Wales) Act,”;
- (f) in direction 4(1) (Duty to reimburse) after the words “under section 6A” insert the words “or 6BA”;
- (g) in direction 5(2) (Time for determination of an application for reimbursement) for the words “within 20 working days” substitute the words “within 10 working days”;
- (h) in direction 7(1) (Duty to determine applications for prior authorisation) after the words “ section 6B” insert the words “or 6BB”;

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(1) Section 6BA was inserted into the National Health Service (Wales) Act 2006 by S.I. 2013/ 2269

(2) Section 6BB was inserted into the National Health Service (Wales) Act 2006 by S.I. 2013/2269.

(3) O.J. No. L88, 4.4.2011, p.45

- (i) in direction 10 (Duty to publish information about special services subject to prior authorisation) —
- (i) prior to the words “Each Local Health Board must publish information” insert the words “For expenditure that is incurred by a person before 25 October 2013 or for expenditure that is incurred in Iceland, Lichtenstein or Norway before Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross border healthcare<sup>(1)</sup> applies to those states in accordance with the EEA Agreement,” and
- (ii) for the word “Each” substitute the word “each”;
- (j) in direction 11(a) (Duty to publish information on procedures for reimbursement and prior authorisation) for the words “reimbursement under section 6A of the NHS (Wales) Act and for prior authorisation under section 6B of the NHS (Wales) Act ” substitute “reimbursement under section 6A or 6BA of the NHS (Wales) Act and prior authorisation under section 6B or 6BB of the NHS (Wales) Act”; and
- (k) for direction 13 (Advice and assistance), substitute—

“**13.** Where the Directive applies, such advice and assistance is to be provided in accordance with the provisions of direction 6 of The National Health Service (Cross-Border Healthcare) (Wales) Directions 2013<sup>(2)</sup> and, where the Directive does not apply, such advice and assistance is to be limited to guidance about the procedures to be followed and, in either case, is not to include legal or medical advice.”.

Signed by Kevin Flynn, Director of Delivery,  
 Department of Health and Social Services under the  
 authority of the Minister for Health and Social  
 Services, one of the Welsh Ministers

Date 24 October 2013

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(1) OJ No L88, 4.4.2011, p.45.  
 (2) 2013 No. 26

