

EU: Healthcare - question for short debate - HoL

Cross-bench peer and surgeon Lord Kakkar has outlined his concerns at the impact of EU regulations on the delivery of healthcare in the UK, in a Lords debate on Wednesday.

He told the House of Lords that the wellbeing and safety of patients should remain a primary concern when considering the effects of legislation from Brussels, rather than politics.

It was well-recognised that the working time directive had had a detrimental impact on the training of young doctors, he said, with many feeling that they had insufficient experience at the end of their training:

"there is genuine concern that we may be producing generations of consultants less able to deliver the rigorous and demanding practice that we have always expected and have been fortunate enough to receive in our country."

He also highlighted concerns about language and competence testing of healthcare professionals from overseas.

Lord Kakkar identified anxieties about the impact of the EU clinical trials directive, in terms of reducing the competitiveness of medical research in the UK.

Turning to regulations currently under consideration for inclusion in UK law, he warned that the directive on transplantation would "add bureaucracy to the delivery of transplantation services in our country, resulting in added cost".

A directive relating to energy efficiency that would cost around £70m per year was of considerable concern to the NHS Confederation, he added.

Lord Kakkar warned that EU competition law may be inadvertently applied, and could affect proposals in the Health and Social Care Bill:

"Clinical commissioning groups, in wishing to take forward the development of new services to improve the clinical outcomes and care of our patients, could be disrupted in doing that through the application of European competition law."

Conservative peer Lord Ryder of Wensum agreed that the clinical trials directive had adversely affected the UK.

Speaking as the chairman of the Institute of Cancer Research, explained that the directive lacked harmonisation across - and even within - countries:

"Red tape abounds, inspections are inconsistent and heavy-handed, and high-quality clinical trials are stifled by the directive. It handicaps innovation, causes delays with new trials, obstructs our competitive edge over the USA and other countries, and renders us a less attractive location for trials."

He argued that it had damaged the pharmaceutical industry, "Britain's most successful manufacturing sector".

Turning to the mutual recognition of professional qualifications directive, Baroness Scott of Needham Market (Lib Dem) highlighted concerns by all UK regulators that the current system had resulted in healthcare professionals entering the country who did not meet the standards required of UK or non-EU professionals.

"Professional mobility should never be at the expense of patient safety," she argued.

Crossbench peer Baroness Masham of Ilton asked whether there was a problem of medication being sold to EU countries for a better price than in the UK.

"The UK should maintain adequate supplies of medication so that patients are never left in a situation where they must wait for their treatment," she said.

Tory peer Viscount Bridgeman called for the implementation of a draft directive issued in December, to address problems with language testing of healthcare professionals from the EEA.

Lib Dem peer Lord Clement-Jones called for clarification about the possible impact of EU competition law on the delivery of healthcare in the UK.

Turning to the data protection directive, Labour peer Lord Patel said it had had a major impact on how health data was used in medical research.

Referring to a legislative proposal to replace the data protection directive expected from the EU Commission at the end of January, he warned:

"That is expected to increase the rights of individuals, and it is highly likely that that will have an impact on how we use health data in research, even if that is unintended."

The government must ensure that changes to legislation did not inadvertently hamper plans to enable patients' records to be used in research unless they opted out.

Crossbench peer and member of the BMA, Lord Walton of Detchant, asked what steps were being taken to address the uneven language testing on doctors from the EU.

He also asked if the Human Tissue Authority would be responsible for dealing with the transplantation directive, given that the government was proposing either to abolish or merge it with another organisation.

Lord Lexden (Con) called for the development of a competence-based approach for the recognition of qualifications across the EU.

He welcomed EU proposals for enhancing cross-border access to healthcare, which could reduce waiting times for patients, he said.

The former chief executive of the NHS, Lord Crisp (CB), asked if the government would support the opt-out from the working time directive proposed by surgeons, to allow them to work up to 65 hours a week.

He also asked if it would continue to support the international medical training schemes for people from the Commonwealth.

Baroness Greengross (CB) spoke about the impact on care for older people, highlighting in particular concerns regarding healthcare assistants who were "largely untrained not regulated and do not always have the competences that are needed".

Opposition whip Baroness Wheeler asked how well-equipped the NHS was to deal with the transposition of EU directives, "in its current state of uncertainty and upheaval".

On the issue of European procurement law, she said the report stage consideration of the Health

and Social Care Bill would have to consider "the effect on commissioning and the progressive effect of the EU procurement regime to the point where commissioning decisions and planning become victims of court cases".

Responding, health minister Earl Howe said that the UK did not expect an influx of patients rushing to take advantage of NHS services.

He emphasised that EU legislation regulating medicines and medical devices had reduced burdens on the industry in accessing the whole European market:

"The UK plays a prominent role in shaping the regulatory frameworks for medicines and devices with the Medicines and Healthcare products Regulatory Agency, which is one of the leading regulators in Europe," he said.

He said the government was prioritising the revision of the clinical trials directive, to ensure that the UK remained an attractive place for the conduct of clinical trials. The European Commission was also committed to reforming the directive, he added.

He later added that the new Health Research Authority would be involved in streamlining clinical trials, but would not take over the role of the Medicines and Healthcare products Regulatory Agency in assessing and inspecting trials.

The government was also keen to secure the revision of the directive on the mutual recognition of professional qualifications, he said:

"We have made it clear that we want to stop foreign healthcare professionals working in the NHS unless they have passed robust language and competence tests."

He reiterated that the coalition government was committed to limiting the application of the working time directive in the UK:

"retention of an individual's right to opt out of the limit on weekly working time must be the UK's clear overall priority in any renegotiation of the directive."

On the issue of organ donation, he explained that ministers were working with the European Commission to ensure that any legislative framework would not prove to be a disincentive to donation and transplantation rates.

On the issue of competition law, he emphasised that "commissioners of NHS services would not be subject to competition in respect of their purchasing activities, so under the Health and Social Care Bill clinical commissioning groups would not be constrained by EU competition law in their decisions on how best to improve services".

Turning to the issue of data protection, he reported that the Commission was currently reviewing the directive, and a consultation was expected to be launched by the end of this month.

<http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120111-0002.htm#12011194000986>