

## **Abstract: Reimbursement of planned cross-border healthcare in the European Union and the Czech Republic**

Although the right to reimbursement of planned cross-border healthcare provided in other Member States has been available to European insured persons for many years, its application in practice is still low. One of the obstacles to the free movement of insured persons may be the dualism of the EU acts represented by the entitlements to sickness benefits in kind under the Coordination Regulations and the rights of insured persons under the Directive on the application of patients' rights. The regulation of the EU acts differs in several aspects, including territorial scope, calculation of the amount of costs covered or procedural rules for the insured person's claim.

The first objective of the thesis is to clarify the origin of the current legal binary. For this purpose, the first chapter introduces the relevant policy and legal context and the second chapter then discusses the evolution of the EU reimbursement regulation for planned cross-border healthcare. The primary cause of the current dualism appears to be the as yet unresolved question of the nature of planned cross-border care at the level of primary law. The Directive on the application of patients' rights follows the Court of Justice of the European Union, which has repeatedly held that there is a right to reimbursement for elective cross-border care in cases not covered by the Coordination Regulation. The codification of the case law in the form of a legal regulation was intended to contribute to greater legal certainty for insured persons and other involved subjects. However, in terms of clarification of insured persons' claims, there have been no major changes since the adoption of the Directive on the application of patients' rights. In the light of the trend in the use of planned cross-border care, the current legal binary constitutes an unreasonable obstacle to the planned mobility of insured persons.

The third chapter of the thesis focuses on planned cross-border care in the Czech Republic. Most attention is given to the analysis of the implementation of EU acts. The implementation of the Directive on the application of patients' rights is mostly successful, however, insufficient reflection of the regulation of the Coordination Regulations may be criticised. Furthermore, the thesis deals with the legal position of Czech insured persons when using planned cross-border care. To this end, it compares the basic entitlements of insured persons based on EU regulations, identifies similar legal institutes enshrined in the Czech legal order and defines the procedural regulation, including judicial protection of insured persons. At the very end, specific legislative modifications and other recommendations aimed at increasing the

awareness of insured persons about their rights in the reimbursement of planned cross-border healthcare are proposed.

**Key words:** planned cross-border healthcare, Coordination Regulation, Directive on the application of patients' rights, patient mobility