



The Scottish Parliament  
Pàrlamaid na h-Alba

Jane Davidson  
Chief Executive  
NHS Borders

Via email only

[Also copied to Finance contact]

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Dear Chief Executive

### **Anticipated UK Healthcare (International Arrangements) Bill – Legislative Consent Memorandum**

The Health and Sport Committee is writing to request information on how European Economic Area (EEA) and non-EEA individuals treated in the NHS in Scotland are managed for debt and recovery purposes.

We are keen to establish how NHS boards identify, charge and recover costs from individuals and the Department for Work and Pensions. We request answers to the following questions:

1. How do you identify (non-UK) EEA citizens using NHS services in your board area (on behalf of the DWP)?
2. How much does it cost the board to provide treatment for (non-UK) EEA individuals?
3. How many (non-UK) EEA individuals using NHS services of the board were reported to DWP in the last five years?
4. What costs to the boards were reported to the DWP incurred by (non-UK) EEA individuals in the last five years?
5. What means does the board use to identify and recover costs for non EEA citizens who are not eligible for NHS treatment?
6. In the last five financial years, how much did treatment cost for these (non EEA) individuals and how much was recovered?

The Committee is conducting work on this issue as it is expecting to be referred a Legislative Consent Memorandum (LCM) in respect of the [UK Government Healthcare \(International Arrangements\) Bill](#).

The LCM process is the mechanism for the Scottish Parliament to give its consent to the UK Government to legislate in the UK Parliament on matters which are within the legislative competence of the Scottish Parliament. Further information on this procedure is available in a short [Video on Legislative Consent](#).

The Bill is one of a series of “Brexit Bills” intended to adjust UK legislation for Brexit. The Bill is intended to allow the UK to maintain reciprocal healthcare arrangements with the EU and its member states after Brexit, in the event of either a Brexit deal or no deal scenario. However, the provisions of the Bill are not limited to arrangements with the EU; and the UK Government states that the Bill would also allow the UK to strengthen existing reciprocal healthcare agreements with countries outside the EU, or implement new ones.

The Bill establishes the legal basis for the Secretary of State for Health and Social Care to fund and implement reciprocal healthcare schemes and share necessary data after the UK leaves the EU. Further information on the Bill is available in the [Commons Library Briefing Paper for Healthcare \(International Arrangements\) Bill](#).

Following receipt of your response to our questions the Committee has invited Paul Gray, Director-General for Health and Social Care and Chief Executive of NHS Scotland to give oral evidence to the Committee on this issue at its meeting on 11 December.

The Committee has a very tight timescale to conduct this scrutiny. Unfortunately, this results in a tight deadline for responding to this correspondence. To assist our work a response by **5pm on Tuesday 4 December** would be much appreciated.

Yours sincerely



Lewis Macdonald

Convener, Health and Sport Committee