Belgium - Creation of New Commission for Reimbursement of Pharmaceutical Products and Benefits

The Belgian Official Journal published on 9 March 2020 the Law of 13 February 2020 modifying the Consolidated Laws of 14 July 1994 on insurance for health care and benefits to establish a commission for the reimbursement of pharmaceutical products and benefits *(Wet tot wijziging van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen gecoördineerd op 14 juli 1994, wat betreft de oprichting van een commissie voor terugbetaling van farmaceutische producten en verstrekkingen (1)/Loi modifiant la loi relative à l'assurance obligatoire soins de santé et indemnités coordonnée le 14 juillet 1994, en ce qui concerne la création d'une commission de remboursement des produits et des prestations pharmaceutiques (1) – the* ***Law****).*

The Law modifies the structure of the National Institute for Health and Invalidity Insurance *(Rijksinstituut voor Ziekte- en Invaliditeitsverzekering – RIZIV/Institut national d'assurance maladie-invalidité – INAMI).* It removes the technical pharmaceutical council and the technical council for diagnostic resources and care products and creates, as noted, a new commission for the reimbursement of pharmaceutical products and benefits.

According to the preparatory parliamentary documents, the amendments intend to remove an obstacle from the procedure governing the modification of the list of reimbursable benefits set in Article 34, indent 1, 5°, a), 19°, 20° and 20° bis. These benefits include the supply of medicines, breast milk, and dietary food for special medical purposes, parenteral nutrition, medical devices and capillary prosthesis. A Law of 26 June 2006 provided that the modification of the list and the establishment of the conditions of reimbursement could be made on the basis of an opinion of the technical pharmaceutical council. However, it appeared that, in practice, that council only issued opinions with regard to Article 34, indent 1, 5°, which relate to the supply of medicines.

The Law adds further modifications to the reimbursement procedure of pharmaceutical benefits. It establishes specific deadlines within which the minister of finance must issue his or her decision when approving reimbursable benefits. Except in specific circumstances, if the minister fails to take a position, he or she will be presumed to have authorised the reimbursement.

A Royal Decree will implement the Law and provide detailed rules governing the composition and the functioning of the Commission. If as is hoped the Commission for the Reimbursement of Medicines will serve as a model, this will bode well for concrete changes of the procedure applying to the pharmaceutical products and benefits covered by the Law.

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