

# LEGAL HELPDESK

## Q&A NO. 3

How the reimbursement of the costs of sequencing and bioinformatic analysis is managed in the respective health care systems?

By University of Vienna



§ Cost  
reimbursement

Image provided by Med Uni Graz (Biobank Graz)

Question no. 3

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**Subject: Data sharing, Research, Genetic Data, Personal Data, General Data Protection Regulation, Gene Technology Act, Data Protection Act, Health Telematics Act, Research Organisation Act**

## 1. Reimbursement of genetic testing costs in Austria

### COMMENT

The financial structure and services provided by the Austrian health care sector vary substantially for the 9 individual Austrian federal states (Bundesländer). Therefore, there is no uniform Austrian-wide tariff catalogue source for services provided.

It has been reported that:

“Reimbursement of genetic testing costs is primarily a responsibility of the individual Austrian states and as a rule is not centrally regulated (there are some exceptions). This responsibility is further divided between two different types of institutions, depending on whether the patient had been treated in a hospital (inpatient or outpatient) or in private practice (with a service contract with the relevant health insurance fund). In the first case, the hospital bears the costs of any diagnostic test. The hospital, in turn, is indirectly reimbursed by the health fund of the respective state on a DRG (Diagnosis-Related Group) basis. For private practice, the patient’s health insurance covers the costs. Tariffs are calculated by the health insurance agencies and listed in a catalogue, which is updated annually. However, reimbursement is also possible for tests that are not listed in this catalogue upon individual application. In some instances (for example if the costs exceed a certain threshold), testing requires prior authorization by the chief physician of the insurance agency.

Genetic testing abroad is possible as long as the test is strongly indicated for an individual patient and either a) cannot be performed at all within the country, or b) cannot be performed easily. In these cases, prior authorization by the insurance agency (private practice) or the hospital director is obligatory. Other than that, the general rules described above apply.”<sup>1</sup>.

For example, the health insurance institution Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB) – responsible for insuring public servants, railroad and mining workers – states that it offers “[...] genetic family consultation, prenatal diagnosis and cytogenetic examinations at contractual partners specialising in this under certain conditions (for tracing the risk of hereditary diseases)”<sup>2</sup>.

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<sup>1</sup> RD ACTION (Data and Policies for Rare Diseases), State of the Art of Rare Disease - Activities in EU Member States and Other European Countries: Austria Report, available from: [Austria-SoA-Report.pdf \(rd-action.eu\)](#) (accessed: 21/03/2024).

<sup>2</sup> Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (Insurance Company for Public Employees, Railways and Mining), inForm – BVAEB Performance Overview, Edition 12/2023, online version, available from: Brochure "[inForm - BVAEB performance overview](#)" (accessed: 13/03/2024).



Also, genetic testing for different diseases might be subject to different criteria in order to be paid for by the insurance system<sup>3</sup> or, alternatively, it may require prior approval from the insurance officer to assure reimbursement of that expense<sup>4</sup> or even be subject to a co-payment from the patient.

**Disclaimer:** *this commentary aims to provide a summary of the main ethical and legal issues related to the questions put by interested stakeholders and to direct them to the relevant legal provisions that are applicable. It does not, however, preclude from reading the official sources of legislation relating to the subject matters of this document as well as those quoted by the authors and does not constitute legal advice.*

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<sup>3</sup> MARTH, Christian, et al. "AGO Austria recommendations for genetic testing of patients with ovarian cancer." Wiener klinische Wochenschrift 127.15 (2015), pp. 652.

<sup>4</sup> UTERMANN, G. "Genetic services in Austria." European Journal of Human Genetics 5.2 (1997), pp. 31-34.