



FÉDÉRATION EUROPÉENNE DES MÉDECINS SALARIÉS
EUROPEAN FEDERATION OF SALARIED DOCTORS

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At its regular meeting, held on 19/01/2013 in Florence, the Board of the European Federation of Salaried Doctors (FEMS) discussed about the future of the EU healthcare.

Official documents of the European Commission expect a significant change in the healthcare workers demography, with, by 2020, a lack of more than 13% of doctors. It means that, due to free circulation, EU doctors will move towards Member States with better working conditions and salaries; on the other side, Member States will make "golden bridges" to attract doctors, in order to be in conditions to let their health structures work.

It will be, therefore, a strong interest of EU Member States to keep their

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doctors inside the National borders through favourable working and salary conditions. This phenomenon has been already present for years in Countries like Germany, France, UK, that attract doctors coming from EU Member States and will be more and more extended.

FEMS is very concerned about the working conditions of doctors, being also aware of their consequences on the citizens' quality of healthcare and we think that EU politicians should share the same concern. It just the case of underlining that "quality" in healthcare means "reduction of costs" for the public finances, and in these times of economical crisis, the best way to save money is not through the cuts to the resources of the health systems, but commit to improve the performance of National Health Systems. EU Commission made a series of recommendations in this direction.

Slovakia is actually following a policy that, in our opinion, goes towards the opposit direction and FEMS has, recently, taken position on the working conditions of Slovak Doctors.

Now we took knowledge of the proposed changes in the Slovak legislation concerning the new law on restrictions imposed on doctors in case of emergency. Inter alia, there is a proposed change in the law by which the Ministry of Health can withdraw physician's licence for the term up to 10 years in an administrative extrajudicial procedure in he fails to perform his labour duty in such emergency cases.

FEMS expresses its strong opposition against declaring a state of emergency in an EU member state in the time of peace and in absence of any objective disaster (force majeure). This legal instrument is provided for as an extraordinary measure in extraordinary circumstances which justify a temporary labour duty to prevent an imminent danger for life or welfare of the population (art. 8 of the International covenant on civil and political rights). Apart from that, the restrictions imposed by the state cannot be discriminatory, i.e. they cannot be imposed upon just a limited group of citizens depending on their personal circumstances. Therefore, the state of emergency cannot justify certain measures be imposed only upon health professionals, but should equally involve all citizens, regardless their profession. In a state of emergency, non-healthcare strictly defined scope. These principles, in our view, would not be sufficiently respected by the Slovak legislature if such proposal would be approved by the Slovak Parliament.



In terms of extrajudicial disciplinary procedures, it is our view that any procedure for a professional misconduct should be held only by a competent independent medical professional authority (like medical chamber) with a possibility to have recourse to an independent court established by law. Administrative procedure, conducted by the ministry as an authority controlled by the executive branch or even by the minister as a political figure, does not meet the guarantees to be processed, found guilty and disciplined only by an independent court instituted by law (art. 14 of the International covenant on civil and political rights). The withdrawal of practice licence in case of misconduct is not a sanction of an administrative, but rather of the penal nature. The sanction of licence withdrawal has the effect "punitur quia peccatum est" (the wrongdoer should be sanctioned because he committed a wrong) and not the effect of controlling the quality of medical services which is the primary scope to regulate the medical profession. A doctor who has committed a wrong is, in most occasions, completely competent to provide medical services, therefore it is not the case to withdraw his licence, that would not be done because of lack of competence, but rather in order to punish him for something that he did, being aware of the responsibilities that had been expected from him. It is, therefore, needed to distinguish between the withdrawal of practice licence because of lack of competence and because of a wrong committed.

Therefore, we urge the Slovak government and the Parliament of the Slovak republic not to support these legislative proposals that are in contrary with ensuring the internationally recognized guarantees as set forward in this statement.

But, mostly, against the interest of a well working Healthacare System, and it would damage not only the Sovak Doctors but all Slovakian Citizens. Therefore, we, once more, solicit the Slovakian Authorities to consider the healthcare workers' conditions as a strategic National interest.

FEMS President:
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Florence January 19th 2013