

Erasmus
School of
Law

Mobility of Health Professionals in the EU

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Outline

- Defining Professional Mobility
- Facts
- Legal Framework
- Latest Developments
- Remaining issues
- Conclusions

Defining Professional Mobility

- “any intentional change of country after graduation with the purpose and effect of delivering health-related services, including during training periods”

(PromeTheus2009)

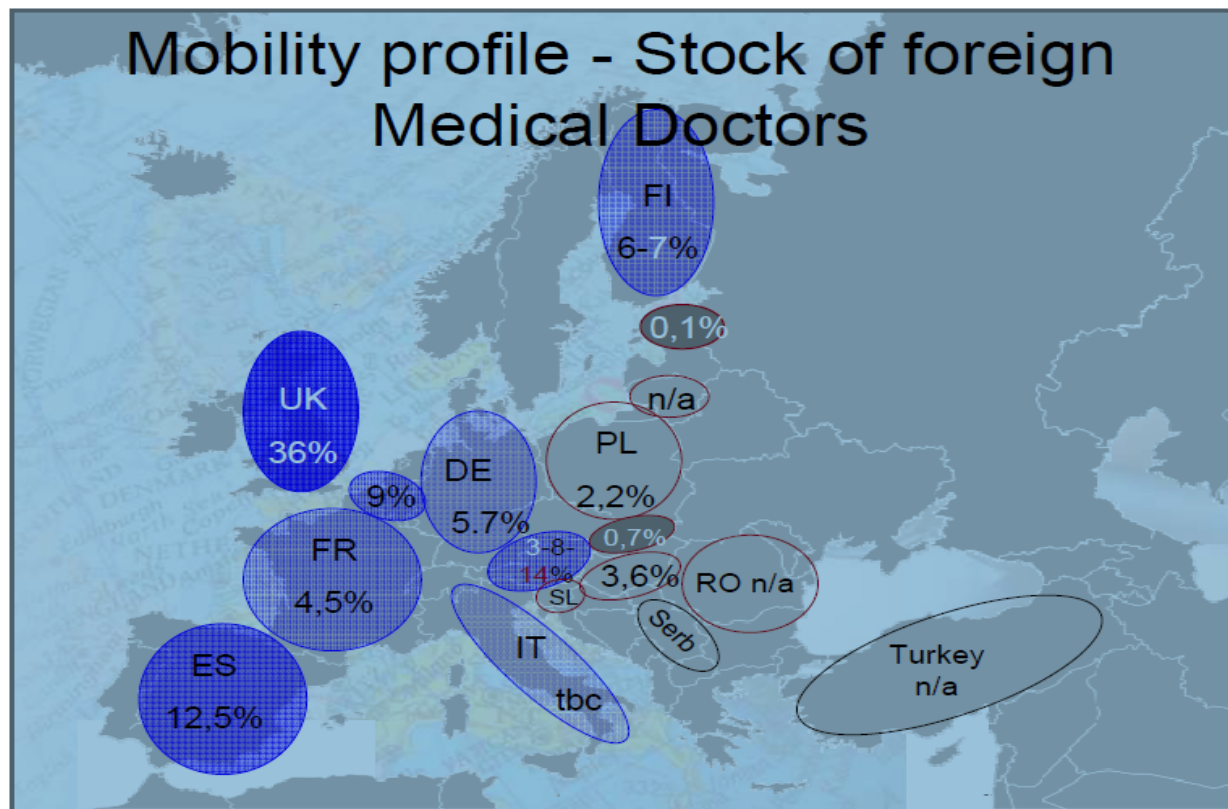
Facts

	Foreign trained	Foreign born	Foreign nationality
Poland	2.2%	2.9	0.6
Malta	17.4	9.0	8.9
Denmark	6.0	n.a.	6.1
Ireland	20.1	n.a.	33.0
Sweden	31.6	37.3	n.s.
Slovenia	3.2	11.2	8.1

PromeTheus 2008

The Erasmus logo, featuring the word "Erasmus" in a stylized, cursive script.

Mobility profile - Stock of foreign Medical Doctors



General: what motivates mobility?

- Occasion mobility
- Risks?
- Call for legislation

Legal Framework: 'old'

- Art. 53 TFEU
- Sectoral approach: 6 health professions; General Directive: other professions
- Principe: mutual recognition professional qualifications
 - Trust
 - Minimum level
 - Automatic recognition regulated professions
- Effect: practising profession/access profession abroad

Shortcomings

- Safeguarding Quality
- *Decker & Kohll-ruling*: assumed quality level
- Practice: Differences in content education and competences; new professions
- Language requirement and assessment
- Exchange Information 'problem doctors'

Legal Framework: 'new'

- Directive 2005/36/EC
- Scope: establishment & temporary stay
- Underlying principles
 - Automatic recognition (AR) regulated professions; alternative regimes
 - Mutual trust
 - Language requirement
 - Mutual assistance MS/ National contact points
- 'Third country diplomas': compensatory measures
- Exchange information 'Problem doctors'
- Excluded: CB telemedicine: 'country of origin principle'; licensing

Dutch 'Dentist of Horror'

- Alleged 'dentist of horror' goes on trial in France for mutilating mouths
- Sentenced to 8 years in jail and life-time ban
- 26 April 2016



Bad apples travelling?

- Public media from EU member A found a male doctor from that country working in EU member B, even though the doctor, by order of the regulator of A, had been stricken from the register.
- It is unclear how and when the physician could register in country B but possibly he had done so already before legal measures were taken in country A.
- Even more unclear is why the employing hospital had not checked the register.
- How do registers communicate?

Latest changes: Directive 2013/55/EU

- European Professional Card (2016)
- Alert mechanism

What remains.....

- Diversity in requirements for continuing professional development (permanent education)
- Diversity in disciplinary/professional standards assessing “fitness to practice”
- Freedom to establish (*Hartlauer* C-169/07 and others)
- Free movement of students: Quota (75:20:5) (seminar)
- Managing the ‘Brain drain’ (seminar)

To Conclude

- Facilitate mobility health professionals, simultaneously protecting consumers and public health
- Modernising Dir. 2013/55/EU
- Consolidation in qualifications not completed
- Quality review by permanent education
- Language review potential barrier