

Crossing Borders Update



Welcome to the December 2009 Healthcare Professionals Crossing Borders (HPCB) Update. This briefing includes information on a recent HPCB reception in the European Parliament, the introduction of a new regulator for pharmacists in the UK, and the opening to the public of the Dutch BIG-register of healthcare professionals that are unfit to practise. This edition also includes an update on the European Commission's publication of a User Guide and Implementation Scoreboard on Directive 2005/36/EC on the mutual recognition of professional qualifications.

Please contact us if you would like to share news or promote forthcoming events to other European healthcare regulators. For more information, please visit the HPCB website at www.hpcb.eu.

EU Member States fail to reach agreement on Patients' Rights Directive

European Union health ministers, meeting on 1 December 2009 at the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council, failed to reach a political agreement on the European Commission's draft Directive on the application of patients' rights in cross-border healthcare.

The Swedish EU Presidency's draft compromise text, presented earlier this autumn to member states in the Council, was a last effort by the Swedish government to reach political agreement before the Spanish EU Presidency begins on 1 January 2010.

Many member states voiced their

opposition to certain elements of the text, with the focus firmly on the issue of non-contracted healthcare providers and reimbursement for care. Some feared the Directive would pose an increased management burden on national healthcare systems, whilst others called for a re-evaluation of the legal basis of the proposal to include public health protection.

Outgoing EU Health Commissioner Androulla Vassiliou said that the new Commission will now consider whether to drop the proposal altogether.

www.consilium.europa.eu/uedocs/NewsWord/en/lsa/111599.doc

Content

Member States fail on agreement on Patients' Rights Directive

European Parliament reception unveils HPCB survey findings

IMCO Committee takes evidence on Directive 2005/36/EC

MEPs debate Directive 2005/36/EC in plenary

User Guide and Scoreboard published on Directive 2005/36/EC

Establishment of General Pharmaceutical Council

Dutch healthcare professionals register opened to public

New College of Commissioners appointed

Midwifery summit looks to strengthened cooperation

HPCB reception in Brussels

WHPCR survey launched

GMC introduces License to Practise

New address for Slovak Medical Chamber

www.hpcb.eu

For further information please contact:

Chad Jeudy
Healthcare Professionals Crossing Borders (HPCB)
350 Euston Road
London NW1 3JN
UK
Tel: +44 20 7189 5292
Email: hpcb@gmc-uk.org

European Parliament reception unveils HPCB survey findings

Healthcare Professionals Crossing Borders held a well-attended reception in the European Parliament on 2 December to discuss patient safety and high-quality healthcare professional regulation.

The event was co-hosted by British MEPs Arlene McCarthy and Linda McAvan. A number of MEPs and representatives from the European Commission, national governments and national competent authorities were also in attendance.

Per Haugum, Chair of the HPCB Steering Group, presented the main **findings** of the HPCB survey on the Portugal Agreement and the sharing of information between regulators. He highlighted the progress made on the Memorandum of Understanding on case-by-case and proactive information sharing, and on the use

of the HPCB Certificate of Current Professional Status template, but stated that further work was needed on the proactive sharing of information between competent authorities.

The subsequent debate centred on the exchange of information between competent authorities, the Internal Market Information System (IMI) and future action areas for HPCB. Based on the survey findings, the HPCB Steering Group will develop a work programme for the initiative in 2010 and will circulate it to HPCB participants for comments. For more information on the EP reception, please contact Tanja Schubert at hpcb@gmc-uk.org

IMCO Committee takes evidence on Directive 2005/36/EC

The European Parliament's Internal Market and Consumer Protection (IMCO) Committee held a mini-hearing on Directive 2005/36/EC on the mutual recognition of professional qualifications on 16 November 2009.

The meeting was attended by European Commission officials including Jürgen Tiedje, Head of Unit for Professional Qualifications in the Directorate-General for the Internal Market, and was chaired by French MEP Bernadette Vergnaud.

The Committee hearing provided MEPs with an opportunity to discuss the findings of an IMCO commissioned **study** on the transposition of Directive 2005/36/EC into national law. Presenters included Lucia Mestre from the National Reference Point for Vocational Qualifications of the Portuguese Ministry for Employment, and Jens Bjørnavold, Project Manager for the European Qualifications Framework (EQF) at the European Centre for Development of Vocational Training.

Paul Philip, Acting Chief Executive and Registrar of the UK General Medical Council (GMC), was invited to

speak on the implications of Directive 2005/36/EC on patient safety and the regulation of healthcare professionals. He maintained the GMC's support for the principle of freedom of movement. He did however stress that the Directive should take into account patient safety considerations alongside freedom of movement. As the Directive is expected to be reviewed by the European Commission in 2012, the GMC believes that there is an opportunity for more emphasis to be placed on patient safety.

Bernadette Vergnaud MEP closed the hearing by stressing that it would be essential for the Commission to publish the evaluation report on Directive 2005/36/EC before the end of the current parliamentary term in 2014.

Please click [here](#) to view the speakers' contributions to the mini hearing.

MEPs debate Directive 2005/36/EC in plenary

On 17 December 2009, the European Parliament during its plenary session in Strasbourg debated an Oral Question on the implementation of Directive 2005/36/EC on the mutual recognition of professional qualifications.

The question, tabled by seven MEPs in the Internal Market and Consumer Protection (IMCO) Committee, asked the Commission whether certain professions had particular difficulties with implementing the Directive and requested further information about the European Commission's upcoming review in 2012.

Delay with the implementation of the Directive in EU Member States raises questions about the complexity of the mutual recognition instruments.

Leading the debate, IMCO Committee Chair Malcolm Harbour MEP stated that Directive 2005/36/EC was a flagship piece of legislation for his committee. He stressed that it was IMCO's responsibility to investigate, promote and make recommendations on the future review of the Directive, and that the IMCO Committee is considering whether to draft an own-initiative report (opinion report) on this subject in 2010, prior to the expected review of the Directive in 2012.

During the debate some MEPs spoke specifically about the implications of the Directive for the mobility of healthcare professionals. Bernadette Vergnaud MEP recognised the difficulties encountered by some healthcare professionals moving to other jurisdictions where clinical practice, level of competencies and

training differ. Antonia Parvanova MEP stressed that the provision of health services requires appropriate linguistic skills, registration through national regulators and most importantly, the ability to deliver safe and high quality care. She called for better sharing of information between Member States regarding health professionals' registration status. She also mentioned the need for competence assurance systems to be a key element of safe healthcare services provision. Catherine Stihler MEP highlighted the risk to patients of impaired professionals and asked the Commission whether it was considering a legal duty on competent authorities to proactively and effectively share information about struck off professionals to ensure that the mobility of healthcare professionals does not compromise patient safety. She also stated that IMI at the moment only allows for the exchange of information when a competent authority has a specific question of a healthcare professional at the point of registration.

EU Regional Policy Commissioner Pawel Samecki, who attended the debate in lieu of Internal Market Commissioner Charlie McCreevy, stated that the Commission would not delay the review of Directive 2005/36/EC and will closely consult the EP to take its views into account.

User Guide and Implementation Scoreboard published on Directive 2005/36/EC

On 9 December 2009, the European Commission published guidance and an assessment document on Directive 2005/36/EC on the mutual recognition of professional qualifications.

The User Guide, entitled *Directive 2005/36/EC- Everything you need to know about the recognition of professional qualifications*, looks to instruct European citizens on what the legislation on mutual recognition of qualifications means in practice. The *Scoreboard on the Professional Qualifications Directive* tracks the transposition and implementation of the Directive into national law in all EU Member States.

The findings of the scoreboard suggest that, more than two years after the deadline for implementation of the

Directive of 20 October 2007, five member states (Austria, Belgium, France, Greece and Luxembourg) have not carried out full implementation of the legislation.

Outgoing EU Internal Market Commissioner Charlie McCreevy said: "This user's guide gives professionals valuable practical information on how to exercise their Internal Market rights. On implementation, I encourage those member states still lagging behind to ensure that this important Directive is operational as soon as possible."

Please click [here](#) to view the User Guide and the Scoreboard.

Pharmacy Regulation and the establishment of the General Pharmaceutical Council

*Martha Pawluczyk, International Registration Manager
Royal Pharmaceutical Society of Great Britain*

Currently, the Royal Pharmaceutical Society of Great Britain (RPSGB) is the professional and regulatory body for pharmacists in England, Scotland and Wales. It also regulates pharmacy technicians.

The UK government is harmonising the regulation of health professionals according to a set of key principles which were set out in the White Paper; Trust, Assurance and Safety – the Regulation of Health Professionals in the 21st Century, in February 2007. These principles aim to deal with public perception that Regulatory bodies are overly sympathetic to the professionals they regulate. To ensure that this is not the case there is a need for clear separation of regulation from professional leadership.

The government and the RPSGB are now working towards the separation of the RPSGB's regulatory and professional roles, and setting up:

- A new independent regulator – the General Pharmaceutical Council (GPhC) – for pharmacists, pharmacy technicians and pharmacy premises in England, Scotland and Wales; and
- A new professional body for pharmacy.

The two new organisations should be in place by spring 2010 subject to parliamentary process and timetable.

Once the laws establishing the GPhC have been established, a date will be set for the RPSGB's regulatory role to be transferred to GPhC and from then on anyone who wishes to practise as a pharmacist and use the restricted title 'pharmacist' in Great Britain must be registered with the GPhC. This will mean that from that date EEA pharmacists who wish to work in Great Britain will need to make an application to register with the GPhC instead of the RPSGB. A plan is being formulated to communicate information about this change to registrants, applicants, competent authorities and other relevant organisations.

All pharmacists and pharmacy technicians currently on the RPSGB's practising register will be automatically transferred to the GPhC register and will be notified in writing when this occurs. As the GPhC will not have a non-practising register those on the RPSGB's non-practising register will not be transferred and if they wish to work in Great Britain in future will need to

make a new application to register with the GPhC and comply with the GPhC's registration requirements.

The GPhC will be responsible for setting up and keeping the register of pharmacists, pharmacy technicians and pharmacy premises. It will also be responsible for setting standards for pharmacy owners and superintendent pharmacists, standards for the education and training, proficiency, conduct, ethics and performance and continuing professional development of both pharmacists and pharmacy technicians.

Further information on the GPhC can be found at www.pharmacyregulation.org.

Dutch healthcare professionals register opened to public

*Adriaan Duivesteijn, BIG-register
Ministry of Health, Welfare and Sport, The Netherlands*

Patients in the Netherlands wishing to verify if any healthcare professional has lost the right to practise in the country can now check on the website of the Dutch competent authority at www.ribiz.nl. A change in legislation brought about the potential for the BIG-register to start sharing information with the public that was previously undisclosed. This applies to all healthcare professions regulated by the BIG-register, including doctors, nurses, dentists, pharmacists, midwives, psychologists and physiotherapists.

Information on past sanctions or other disciplinary measures against healthcare professionals who are deemed unfit to practice have not been made publicly available on the website. A second list of healthcare professionals whose registration has been suspended for a period of time may be published in the future. The Dutch Ministry of Health, Welfare and Sport advises all regulators to contact the BIG-register if a healthcare professional that appears on the list applies for registration in another country.

For further information, please contact Adriaan Duivesteijn at ag.duivesteijn@minvws.nl or Jurian Luiten at j.luiten@minvws.nl.

European Commission President appoints new College of Commissioners

On 27 November 2009, European Commission President José Manuel Barroso announced his appointments to the new College of Commissioners.

A number of new people have been selected for the College. The Health and Consumer Policy portfolio has gone to John Dalli of Malta, the current Maltese Minister for Social Policy and a member of the centre-right European Peoples' Party (EPP) political group. DG Health and Consumers will also gain new regulatory responsibilities under the new Commission, most notably in the area of pharmaceuticals.

Another key change in relation to healthcare professionals' mobility is the change in leadership of the Commission's DG for Internal Market and Services. Michel Barnier, a former French EU Commissioner (Regional Policy) and national Minister, was nominated as EU Internal Market Commissioner. Other notable appointments include: László Andor (Hungary), Employment, Social Affairs and Inclusion; Viviane Reding (Luxembourg), Justice, Fundamental Rights and Citizenship; Cecilia Malmström (Sweden), Home Affairs. All Commissioners-designate will now undergo formal hearings in the European Parliament from 11-19 January 2010. MEPs will then vote to accept or reject the College of Commissioners as a whole shortly afterwards.

Please click [here](#) to view the full list of appointed European Commissioners.

Second midwifery summit looks to strengthen regulatory cooperation

*Julie-Jeanne Régnault, EU Affairs Adviser
Ordre des sages-femmes de France*

The second summit of European midwifery regulators took place on 20 November 2009 in Brussels. Hosted by the European Economic and Social Committee (EESC), and co-organised by the Ordre des Sages-Femmes de France (French Order of Midwives) and the Nursing and Midwifery Council (UK), the summit aimed to strengthen cooperation between midwifery regulators to improve the care services provided to women.

The event was well attended by representatives from the EU institutions and by 17 midwifery regulators from across Europe. The drive to strengthen cooperation was the result of decisions taken at the inaugural summit in May 2009 where an informal network was established to share information on approaches by competent authorities in the field.

Debate during the meeting focused on the forthcoming review of Directive 2005/36/EC on the mutual recognition of professional qualifications, and on the European Commission's Green Paper on the EU Workforce for Health. Some delegates argued that the review of the Directive should place greater emphasis on the healthcare interests of women and infants. Delegates also exchanged views on fitness to practise and information-sharing between regulators.

For more information, please contact Julie-Jeanne Régnault at jjregnault@ordre-sages-femmes.fr.

HPROcard reception in Brussels presents project findings

The Healthcare Professionals Card (HPROcard) initiative held a reception on 18 November 2009 in the European Parliament in Brussels. The event was an opportunity for the project partners to present the state of play on developments of the HPROcard following 18 months of funding from the European Commission's Directorate-General for Employment and Social Affairs.

The HPROcard project partners believe the card will facilitate the free movement of health professionals in Europe and protect patients from the small number of professionals subject to disciplinary sanctions. The information on healthcare professionals contained on the card could be used to cross-reference against competent authorities' databases.

Speakers at the event included MEPs Bernadette Vergnaud and Evelyne Gebhardt, Jürgen Tiedje, Head of Unit for Professionals Qualifications in the Commission's Directorate-General (DG) for the Internal Market, and Agnès Bradier of DG Employment and Social Affairs who is responsible for employment services and mobility.

The HPROcard project is now seeking additional Commission funding from DG Research to explore the interoperability of healthcare professional registers.

For more information on HPROcard and the event, please click [here](#).

Global survey on Health Professions Regulation launched by WHPCR

The World Health Professions Conference on Regulation (WHPCR) is holding a conference on *Shaping the future* on 18-19 February 2010 in Geneva.

In preparation for this event, a survey has been launched on the regulation of health professions worldwide. The aim of the survey is to provide an overview of the diversity and scope of global regulation models across five professions, including doctors, pharmacists, nurses, dentists and physiotherapists. The survey will also enable the WHPCR to share all contact details of national regulatory bodies with respondents and event participants to facilitate future interaction and best practice sharing amongst regulators.

The WHPCR survey is still open for submissions. Please click [here](#) to access the online version. To register for the conference, or for more information on the programme, please click [here](#).

GMC introduces License to Practise

On 16 November 2009, the General Medical Council introduced the License to Practise. In future, doctors must be registered with a license in order to practise medicine in the UK. Introduction of licensing is the first step towards the introduction of revalidation in the UK, a system requiring doctors to provide evidence periodically that they are up to date and fit to practise. The full requirements of revalidation will not be implemented for some time.

The GMC has been liaising with the British public and patients to ensure that they understand these important changes, and the differences between doctors who hold registration with a license and those who are registered without a license. Crucially, only doctors who are registered with a license have the legal authority to work in the UK's National Health Services (NHS).

The GMC has published a leaflet entitled, *Understanding a doctor's registration: a guide for patients and carers*, that helps outline the changes. The leaflet reassures patients that they are entitled to ask a doctor if he or she is registered with a license. The GMC has also prepared a briefing for international regulators which can be viewed [here](#).

New address for Slovak Medical Chamber

The Slovak Medical Chamber (Slovenská Lekárska Komora) has re-located to new premises in Bratislava. The organisation's new address and contact details are:

Slovenská Lekárska Komora
Račianska 42/A
831 05
Bratislava
The Slovak Republic

Tel: + 421 2 491 143 00
Fax: + 421 2 491 143 01

For more information, please visit the Chamber's website at <http://www.lekom.sk/>.

Forthcoming dates and events

14 December 2009 – 18 January 2010

EHFCN Awareness Campaign 2009 / 2010

The European Healthcare Fraud and Corruption Network (EHFCN) launched its 2009 / 2010 Awareness Campaign on the theme of *Money lost to healthcare fraud and corruption*.

18-19 February 2010, World Health Professions Conference on Regulation, Geneva

The second WHPCR conference will take place on the subject of *The regulation of health professionals – Shaping the future*.

17-19 May 2010, AMEE 14th Ottawa Conference, Miami

The 14th meeting of the Association for Medical Regulation in Europe's (AMEE) Ottawa Conference will discuss competence assessment in the field of medicine and the healthcare professions.

26-29 September 2010, IAMRA Conference on Medical Regulation, Philadelphia

The 12th European Health Forum Gastein (EHFG) entitled 'Financial crisis and health policy'.

www.ehfg.org

Latter half of 2010, Conference on the Review of Directive 2005/36/EC - location TBC

The European Commission is planning a stakeholder conference that will take place in the latter half of 2010 on the future review of Directive 2005/36/EC on the mutual recognition of professional qualifications.

HPCB Portugal Agreement made in Lisbon, Portugal on 8 April 2007

Agreement 1

Identifying Shared Principles of Regulation:

- a) Competent authorities should ensure that patient safety is of over-riding importance within their model of professional regulation.
- b) The pursuit of safe and high quality practice by health professionals should shape the continued development of health regulation across Europe.
- c) Competent authorities should identify common or shared concepts and values of healthcare regulation through a series of focused European level discussions.
- d) Competent authorities should collectively consider how the five principles of good regulation – accountability, transparency, proportionality, consistency, targeting – may contribute to the effective development of healthcare regulation in Europe, through a series of European level discussions.

Agreement 2

Transparent and Accessible Healthcare Regulation:

- a) Competent authorities should run a website signposted or accessible via the **www.healthregulation.org** website and/or **http://ec.europa.eu/internal_market/qualifications/compauth_en.htm**.
- b) Competent authorities will share experience in the development of web-based information and publicly transparent lists of registered professionals and identify good practice.
- c) Competent authorities should work to develop real-time web-based publicly searchable lists of registered professionals.
- d) Competent authorities should work towards making all notifications of disciplinary hearings and decisions public, where legally possible.
- e) Competent authorities will continue to adopt and implement the European template for a Certificate of Current Professional Status, as appropriate, as agreed within the Edinburgh Agreement.
- f) Competent authorities will continue to work towards adopting the HPCB Memorandum of Understanding on Case by Case and Proactive information exchange.
- g) Competent authorities will continue to support the development of the European Commission's Internal Market Information System (IMI) and will utilise this information exchange tool in accordance with the provisions for administrative cooperation contained within Directive 2005/36/EC.

Agreement 3

Competence Assurance of European Healthcare Professionals:

- a) Competent authorities will identify best practice from existing competence assurance and performance enhancement initiatives from across the globe.
- b) Competent authorities will undertake an audit of all existing or proposed competence assurance and performance enhancement initiatives within the EEA.
- c) Competent authorities should, where possible, work to develop appropriate competence assurance and performance enhancement initiatives based on global good practice.
- d) Competent authorities should develop appropriate information exchange tools to provide assurance to other competent authorities of current practitioner performance competence when practitioners seek to practise in other member states.
- e) All competent authorities should take proactive steps to make new registrants familiar with the relevant professional standards, codes and guidance on registration that apply in their jurisdiction.
- f) All competent authorities should make their standards, codes and guidance publicly available.