

L'ORDRE DES MEDECINS

French Medical Council

Listening to physicians
Helping to improve the quality of healthcare

LISTENING TO DOCTORS HELPING TO IMPROVE THE QUALITY OF HEALTHCARE

Set up by a Government edict in 1945, the French Medical Council is:

- a private professional body;
- in charge of “missions of public interest” ;
- financed solely by doctors’ contributions.

Its main missions:

- Upholding medical ethics and physicians’ professional independence
- Advising doctors
- Working in partnership with others healthcare stakeholders
- Responsible for self-regulation of the profession

THE ORDRE DES MEDECINS HELPING TO IMPROVE THE QUALITY OF HEALTHCARE

1 – Upholding medical ethics

- Responsible for the code of ethics : drawing up the code, adapting it to changing needs and situation of the healthcare system.
- Ensuring compliance with the principles and rules of medical practice laid down in the code of ethics.
- Overseeing physicians' essential rights and duties: medical confidentiality, the doctor-patient privilege, patients' freedom to choose their doctor, **professional independence**.

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2 - Advising doctors

- An administrative role: managing doctors' registration and authorisation to practise, vetting degrees and qualifications, implementing Directive 2005-36 on the recognition of professional qualifications.
- An increasingly important role in advising doctors on all aspects of their professional life: contracts, locums, relationships with industry, organisation of stand-by duties, setting up in private practice, hospital and salaried work .
- Supporting doctors in distress: assistance to physicians and their families at moments of hardship (death, accident, etc.)

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3 - Working in partnership with others healthcare stakeholders

- An advisory role: both for doctors and government authorities. Providing input on prospective healthcare legislation, regulations and decrees which could affect medical ethics.
- Contributing to public debate on the healthcare system : several reports on medical practice, public health, changes in society and the healthcare sector are published every year.
- Liaising between various players in the healthcare system: as a mediator and opinion former on various proposals and suggested solutions.

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4 - Responsible for self-regulation of the profession

- A mainstay of healthcare quality : disciplinary powers as a guarantee of the highest standards of medical ethics;
- An open and transparent procedure based on mediation and conciliation. Disciplinary proceedings are held in public;
- Scaled disciplinary sanctions : ranging from a simple warning to temporary suspension. The deterrent aspect of this disciplinary function is highly effective and a major contributing factor to the quality of the healthcare system.

THE ORDRE DES MEDECINS

Representing the profession throughout France

- A democratic organisation:
 - Counsellors are directly elected by physicians.
 - Organized at three institutional levels:
 - The National Council;
 - The Regional Councils and the first instance disciplinary chambers;
 - the “Departmental” Councils.
- One fundamental principle:
 - Ensuring respect for ethical principles and safeguarding the competence of physicians in the best interests of patients and physicians.

DEPARTMENTAL COUNCILS

A GRASS ROOTS ORGANISATION

- **Administrative powers:**
 - Managing doctors' registration
 - Vetting of medical qualifications
 - Checking contracts and formal conditions for medical practice
 - Hardship support at “departmental” level
- **A jurisdictional role:**
 - Right of referral to a court of law
 - Enforcement of its rulings
- **A mediating and conciliating role:**
 - Between physicians and patients
 - Between physicians themselves

THE REGIONAL COUNCIL

The Regional or Interregional Council, under the supervision of the National Council:

- represents the profession in the region;
- coordinates the “Departmental” Councils;
- considers drafts, proposals or requests for opinion submitted in particular by the competent authorities on healthcare matters affecting the regional administrative unit;
- can decide on the temporary suspension of a physician in the event of illness or other factor making him unfit to practice.

THE DISCIPLINARY CHAMBERS OF FIRST INSTANCE

- 9 regular members and an equal number of substitutes (with some exceptions) elected by the “Departmental” Councils for 9 years and renewable per third every 3 years.
- Are present in an advisory capacity: a legal expert, the local Director of Public Health (DAS) , a Professor of Medicine, a medical officer from the national health care insurance system (Sécurité sociale), a representative of the salaried doctors.

THE DISCIPLINARY CHAMBERS OF FIRST INSTANCE

- The disciplinary chambers have disciplinary powers in the first instance (appeals go to the disciplinary section of the National Council, ultimately to the *Conseil d'Etat*). The chambers have two sections:
- the **disciplinary section**, responsible for disciplinary matters, temporary suspensions, disputes, elections and registration.
- The **social insurance section**, responsible for hearing disputes over healthcare insurance claims.

THE DISCIPLINARY CHAMBERS OF FIRST INSTANCE

- The following bodies can submit a case to a chamber:
 - The “Departmental” Councils;
 - The Minister, the “Departmental” Director of Health; the Prefect, the public prosecutor;
 - Doctors' associations;
 - An individual doctor.
- Possible sanctions:
 - Warning, censure, temporary or permanent suspension from a public medical post, temporary suspension or erasure from the Register.

THE NATIONAL COUNCIL ACTION AND REFLECTION

- Membership
 - a total of 40 full-members and 4 substitutes elected by the “Departmental Councils”
 - One-third come up for re-appointment every 2 years
 - Others members :
 - with voting rights : 1 member of the Conseil d’Etat, appointed by the Minister of Justice, 1 representative of the *Académie Nationale de Médecine*.
 - in an advisory capacity : 3 physicians representing the Ministries of Health, Education and Labour
 - The Bureau (Executive Board) is responsible for implementing Council decisions.

THE NATIONAL COUNCIL ACTION AND REFLECTION

- Powers:

Carries out Council missions at national level:

- Ensures compliance by all members with professional duties and rules laid down in the code of ethics;
- Considers issues and projects referred to it by the government;
- Fixes the amount of doctors' contributions;
- Manages the Council's assets and oversees the "Departmental" and Regional Councils.

A disciplinary section, made up of 8 full members and substitutes and including a *Conseiller d'Etat*, acts as a court of appeal for rulings made by first instance disciplinary chambers.

THE NATIONAL COUNCIL ACTION AND REFLECTION

- Establishes close working relationships with:
 - è government authorities,
 - as the consultative body for the public authorities on any reform affecting the healthcare sector.
 - è doctors, as a genuine partner,
 - defending the independence of the medical profession,
 - providing doctors with the information and services necessary for sound and effective medical practice.