

THE FRENCH MEDICAL COUNCIL

**AT THE HEART OF
THE DOCTOR/PATIENT
RELATIONSHIP**



ORDRE NATIONAL DES MEDECINS

Through its moral,
administrative, consultative, mediation
and jurisdictional roles,
the French Medical Council contributes
to building trust
in the doctor/patient relationship.

THE DOCTOR/PATIENT RELATIONSHIP

AT THE HEART OF SOCIETY AND PUBLIC HEALTH

The progress of medicine, advances in prevention, the increasing number of health professionals of all kinds are changing the face of modern medical practice. Against this changing background however, one thing must remain unchanged and that is the doctor/patient relationship, a unique interpersonal chemistry underpinned by competence and guaranteeing the quality of care.

The French Medical Council considers that above all else, the doctor/patient relationship is the key to good medical practice. It is the essential link in the chain of health care events, as it alone can guarantee :

- the respect for medical ethics

- which are fundamental to the practice of medicine;
- a sound diagnosis, empathy towards patients and sensitivity to their individual circumstances;
- the choice of treatment appropriate to each patient's condition;
- the cost-effectiveness of the health care system as a whole, while preserving the patient's interests;
- the health of the individual and that of the whole of society.

The French Medical Council is convinced that its overriding mission is to preserve the sanctity of the doctor/patient relationship, while paying due regard to economic concerns, so as to ensure the sustainability of the health care system

and the future of medicine. It considers that the underlying purpose of its activities is to maintain and enhance this unique and crucial relationship. The Council is also responsible for ensuring that doctors are properly qualified when they start practicing and maintain their competence throughout their medical career.

It also guarantees the overall quality of medical treatment and contributes particularly to ensuring that every member of society is able to benefit from high quality medical care.

By taking on a moral, administrative, consultative, mediation and jurisdictional role, the French Medical Council is the guarantor of the doctor/patient relationship.

THE FRENCH MEDICAL COUNCIL CLOSE TO PATIENTS, IN TUNE WITH HEALTH CARE CHALLENGES

«At the service of doctors in the interest of patients”: this is the commitment of the French Medical Council in its everyday activities and in conjunction with other health professionals. It makes its expertise available, articulates its own vision and monitors compliance with ethical rules for the benefit of all doctors.

AN INSTITUTION FOR ALL DOCTORS

The Council defends the honour, protects the independence and represents the medical profession vis à vis the general public, administrations and central government.

It is the only body that brings together all doctors whatever their speciality and whatever their mode of practice : in private practice, as hospital or salaried doctors, junior doctors or students. It carries out its duties through Departmental Councils, Regional Councils and the National Medical Council.

The Council is also a partner to central government and medical associations in defending the interests of the medical profession and upholding the respect for fundamental ethical rules. In particular, it scrutinises the provisions of each negotiated agreement between the health care authorities and the profession.

As the wellbeing of patients is the Council's core concern, it has established long-standing, close and on-going relationships with patients' associations as stakeholders in the health care system.

These relationships play an important role in major public debates on health policy, in which the Council expresses its own views and engages debate with other stakeholders. On issues like ethics or the role of information technology in health care, the Council guarantees the respect for fundamental principles, like trust, confidentiality of personal medical records and patients' freedom of choice.



A PRESENCE THROUGHOUT FRANCE

To be able to fully meet the needs of doctors, the general public and public authorities, the French Medical Council has offices all over France. **Departmental Councils** carry out all the Council's duties at local level, keeping the medical register up to date, liaising with public authorities and health care administrations, providing advice and assistance to doctors, organising out-of-hours services, mediating in disputes involving a doctor, dealing with complaints. **Regional Councils** liaise with regional health authorities, particularly the regional health agencies established by Statute in 2009. **The National Council** coordinates the work of the local and regional councils. In its administrative and jurisdictional roles, it liaises with central government ministries and national health care authorities.


KEY FIGURES

271,970

DOCTORS
ON THE REGISTER

51.6

IS THE AVERAGE AGE
OF DOCTORS PRACTISING
MEDICINE ON A REGULAR
BASIS

3,710

ELECTED REPRESENTATIVES
TO THE COUNCILS'
DELEGATE BODIES



A DEMOCRATIC ORGANISATION

Council representatives at all three levels are elected by doctors for a six-year term, and half the members are renewed every three years. As soon as a doctor is on the medical register, he can vote in these elections and stand for office. Departmental Councils elect the members of the Regional Councils and of the National Council.

The National Council is made up of 54 members (four of whom are alternate members) elected by the Departmental Councils, a member appointed by the Academy of Medicine, and a Councillor of State appointed by the Minister of Justice. Among these members, the Council elects:

- a President, elected at the first session of a newly elected Council. His job is to represent the Council and oversee the implementation of its policies;
- a Secretary General who has the executive power to administer the Council and implement its policies, with the assistance of three deputies;

- a Treasurer and a Deputy Treasurer;
- four Vice-Presidents in charge of specific policy areas;
- the Presidents of the Council's four sections (ethics, professional practice, medical training and competence, public health and medical demography);
- a Delegate for Internal Relations, whose job is to support and supervise the Departmental and Regional Councils;
- a Delegate for European and International Affairs and a Delegate for Public Affairs;
- five standing committees.

Decisions on policy matters are taken in full Council sessions, the main task of which is to review and approve the work of the various sections.

The National Council meets at least five times a year in ordinary session. In a similar procedure to that followed by the National Council, each Departmental and Regional Council democratically elects its own officers and committees.

KEY FIGURES

15

COMMITTEES
REPORTING
TO THE NATIONAL
COUNCIL

57

PERMANENT
REPRESENTATIVES
ON MINISTERIAL AND
INSTITUTIONAL BODIES

10

MEMBERSHIPS
OF EUROPEAN AND
INTERNATIONAL MEDICAL
ORGANISATIONS



**ETHICS AND GOOD
MEDICAL PRACTICE**

One of the Council's duties is to draft and update the Code of Medical Ethics, which is an integral part of the French National Code of Public Health. The explanatory notes to the Code, drafted by the Council, enable doctors to apply its principles to their everyday medical practice. While the Council actively supports underlying changes in medicine, it does so only on the strict condition that as medical practice evolves, it remains in harmony with fundamental ethical principles.



**RELATIONS
WITH OTHER HEALTH PROFESSIONALS**

At a time when health care systems are undergoing major changes, doctors are having to redefine their role and forge new types of relationship with other health professions, including recently established ones, as well as with the increasing number of patients who resort to self-medication. The Council has to ensure that patients receive the best quality of treatment at all times, and is therefore, with the regulatory bodies of the other health

professions, a guarantor of patients' rights. At the same time, it is specifically accountable for the roles and responsibilities of all doctors - GPs, other specialists, hospital and other salaried doctors, doctors in private practice. It must also guarantee the professional independence of all its members in their relations with the pharmaceutical and biomedical industries by a prior review of 90,000 agreements every year.



AN ADVISOR TO PUBLIC AUTHORITIES AND PARTNERS

The Council regularly advises French MPs on legislation in preparation, as well as sharing its recognised expertise on good medical practice with government ministries and local and regional

health authorities. As such, it is an indispensable partner in shaping medical policies. The Council is also a valued partner at local and regional level in every part of France.

In Brussels, the Council is an active member of numerous European organisations and engages with MEPs and professional bodies.

THE FRENCH MEDICAL COUNCIL

A COMMITMENT TO SUPPORT NEW DEVELOPMENTS IN MEDICAL PRACTICE

Since its foundation, the Council has kept pace with advances in medicine, in the interests of patients and public health. The constant aim of its policies is to meet the multiple challenges of medicine today and tomorrow.

THINKING AHEAD

Members of the National Council meet in four different sections:

- ethics and good medical practice;
- professional practice;
- medical training and competence;
- public health and medical demography.

Each of these sections makes a big contribution to the formulation of the Council's policy stance on the continuous changes and new challenges in medicine. In parallel, the sections respond to enquiries from all beneficiaries of the health care system, particularly patients, wishing to obtain information or clarifications, as well as from doctors about their medical practice, Departmental and Regional Councils and health authorities. On issues that are the

subject of wide-ranging public debate, the National Council is thus able to contribute its carefully considered ideas and proposals.

DEVELOPMENT OF NEW TECHNOLOGIES

New technologies have become a permanent feature of doctors' surgeries and are revolutionising medical practice : telemedicine, personal medical records, secure exchange of treatment related information, identification procedures, best practices on the Internet. For several years now, the Council has helped promote these developments and contributed to their wide-ranging adoption by doctors...while ensuring full respect for ethical principles.

MEDICAL DEMOGRAPHY

Every year, the National Council aggregates the data from local medical registers and publishes a national atlas of the French health care system. It contains a considerable amount of data, including medical density, regional breakdown, specialties,

modes of practice and migratory flows. In 2013, the publication of this data for each region and conurbation as well as additional surveys on locums, recently established doctors and retired and active doctors, have provided an even more complete picture. The quality of these publications has earned the French Medical Council a well-deserved reputation as an expert on medical demography.

NEW MODES OF PRACTICE

As a keen observer of medical demography, the National Council is aware of the shortage of doctors in certain rural or urban areas and has encouraged new modes of medical practice, like joint medical practices on a self-employed or salaried basis. This type of solution makes it easier for young doctors to take their first steps in the profession without taking on the considerable administrative burden and financial risk of establishing their own practice at the start of their career. Similarly, the Council can authorise doctors to practice medicine outside their usual professional domicile.

THE FRENCH MEDICAL COUNCIL RESPONSIBLE FOR THE QUALITY OF MEDICAL CARE

The quality of medical care is based on a trusting relationship between doctors and their patients. The Council guarantees the underlying foundations of this trust.

A PERMANENT ADMINISTRATIVE ROLE

«The Council shall ensure that doctors uphold the principles of decency, integrity, competence and devotion which are essential to the practice of medicine and that all its members observe the rules of good medical practice enshrined in the Code of Ethics”.

Article L.4121-2 of the French Code of Public Health defines in these terms the role of the Council in promoting individual and public health. By establishing and maintaining an official register of doctors and their qualifications, the Council plays a crucial role in the doctor/patient relationship. Registration on the official medical register is the principal gateway to the profession and in maintaining it,

the Council provides a public service : the registration of doctors that enables them to provide items of medical service in accordance with articles L.4111-1 and L.4121-1 of the French Code of Public Health. More generally, the Council monitors conditions of doctors’ practice, particularly in terms of safety, and therefore guarantees sound professional conduct. The Council also plays a role in the process through which doctors obtain their qualifications and in the monitoring of professional contracts, in which it is empowered to insert so-called mandatory clauses (in the authorisation to practices in several places, for instance). The French Council of State ensures that the Council’s administrative decisions are compliant with administrative law.

MAINTAINING THE REGISTER

The national medical register is the database of all doctors practising medicine in France. This data is in a constant state of flux as newly

qualified doctors join the register and others leave it. The National Council manages this national register that contains data transmitted by the 103 Departmental Councils. All the data transmitted by the Departmental Councils are incorporated into the national register on an on-going basis and forms the basis for the Shared Register of Health Care Professionals (RPPS). New registrations or qualifications recorded in departmental registers are systematically transmitted to the National Council which checks that the entries are in order and can appeal a decision taken by a Departmental Council if it considers it non-compliant. On the basis of the national register, the National Council posts the register of all doctors authorised to practice in France on its website. The Council carries out all of these duties as a private body charged with a public service obligation, as restated recently by the Council of State (Decision N° 329070 of April 7, 2011).

KEY FIGURES

(AT 31/12/2012)

175,262

VISITORS TO THE
NATIONAL COUNCIL'S
WEBSITE EVERY MONTH

6 Million

PAGES OF THE ON-LINE
REGISTER CONSULTED

34,375

SPECIALIST
QUALIFICATIONS
IN GENERAL PRACTICE

2,880

QUALIFICATIONS
IN OTHER SPECIALITIES**INDEPENDENCE**

The French Medical Council is funded solely by doctors' contributions, which guarantees its financial independence and non-subordination in discharging its duties.

**REGULATION, MEDIATION
AND JURISDICTIONAL ROLE**

The legislator has entrusted the Council with the task of maintaining the competence and integrity of the medical profession. In addition to managing the register of doctors who are authorised to practice, the Council carries out other regulatory duties on a routine basis: checking doctors' professional plates, their entries in the telephone directory and on their prescription sheets, contracts between doctors, locums, doctors practising in more than one place. The Council must also carry out and supervise the duties assigned to it by law. For instance, it acts as a disciplinary body, after attempting mediation, in cases

where doctors have infringed ethical rules. Increasing cooperation between doctors requires numerous contracts and memorandums, which can lead to disputes about their application. In addition to its preventive and advisory role in the drafting of such documents, the Council also contributes to their smooth implementation. Moreover, the Council has set up an arbitration chamber, which enables a rapid settlement of disputes between doctors without resorting to the normal courts.

**RELATIONS BETWEEN DOCTORS AND
INDUSTRY: GUARANTEEING INDEPENDENCE**

In order to guarantee doctors' professional independence, particularly in their prescribing behaviour, the Council has been entrusted by law with the duty of drafting a prior opinion on all agreements between doctors and the pharmaceutical and biomedical industry. The National Council's department on Doctor/industry relations, as well as the Departmental Councils, review more than 90,000 such agreements every year.



6334
NEWLY REGISTERED
DOCTORS EVERY YEAR

798
INCIDENTS REPORTED
TO THE OBSERVATORY
OF MEDICAL SAFETY

+

SUPPORTING JUNIOR DOCTORS

The Council has a Junior Doctors Committee that reports to its Public Health and Medical Demography section. Its task is to gather feedback, views and proposals from the various representative bodies of medical students, interns and junior doctors and ensure that there is an on-going dialogue between these bodies and the National Council.

This committee has contributed to drafting a proposal for a new article on mentoring, for inclusion in the code of professional conduct. It sets out the obligations of doctors towards interns, students and future colleagues. The committee prepares an annual report on the basis of its discussions with medical students and submits it for approval to a session of the National Council.

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CONTINUOUS PROFESSIONAL DEVELOPMENT

The Training and Competence section ensures that medical practitioners meet the necessary standards of competence. Together with the French Ministry of Health, the Council is a Competent Authority and plays a role in the migration of doctors within Europe.

The Council is entrusted with recording doctors' qualifications. It manages the medical register, which contains the official recognition of doctors' qualifications and their authorisation to practice in France. The constant progress of medical science and practice makes it incumbent on doctors to update their skills and knowledge throughout their career.

By law, they are obliged to submit to a process of continuous professional development (CPD), which the Council has a pivotal role in organising and vetting. National qualification committees have been established under its supervision and it is empowered to approve applications for new qualifications. A doctor who has gathered knowledge and experience in a specialised field can apply to have it recognised under this procedure.

The National Council also manages the committees that review applications to practice medicine in France from doctors outside the EU as well as from doctors wishing to migrate from other EU member states under the common European procedure.

THE FRENCH MEDICAL COUNCIL ASSISTING DOCTORS

The French Medical Council is at the service of all doctors, whatever their mode of practice or their speciality and assists them in their everyday medical practice. It provides a wide range of services, from information and advice on the practical aspects of their profession to underwriting their qualifications and supporting them in difficulty.

ADVISORY SERVICES

As legislation and society become increasingly complex, the Council plays an important role in advising doctors who wish to establish themselves in practice, assists them in choosing an appropriate professional status and, in general, helps them throughout their career to be comfortable in their everyday practice.

PROFESSIONAL DOCUMENTATION

Standard contracts, model articles of association, practical guides, professional documentation in various formats, the Council

produces a whole range of practical aids for doctors. The Council's website, which is regularly updated, is also a precious source of information for medical practitioners.

LEGAL ADVICE

The Council also acts as a legal advisor to doctors, particularly in the drafting of contracts and articles of association. All professional contracts entered into by doctors must be submitted to their Departmental Council, which checks that they are not contrary to the rules of professional conduct, (professional independence, confidentiality, patients' free choice, payment appropriate to the mode of practice). 140,000 such contracts are reviewed every year. The Council regularly assists in the prevention and management of conflicts that may occur between patients and doctors or between doctors. Departmental Councils also advise on insurance matters (professional liability, personal protection, retirement provision).



HELP AND SUPPORT FOR DOCTORS IN DIFFICULTY

One of the expressions of the Council's commitment to helping doctors is a support fund for distressed doctors or their families.

Financial assistance can not only be provided to doctors themselves but also to orphans of doctors to enable them to continue their studies.

The Council has contributed to the setting up of an association devoted to caring for carers (the APPS) and, through this association, supports doctors suffering from ill health, including addiction and burn-out.

If a doctor's practice experiences financial difficulties, the Council becomes a party to bankruptcy procedures (receivership, liquidation).



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To learn more, please consult our
publication on the international relations
of the French Medical Council.



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