

DRAFT: The regulation of doctors in France: a summary

Who does what?

QA of higher education	National Committee on Health Studies promotes good practice but no accreditation process
Registration and licensure	Departmental Councils of the National Order of Doctors
Standards	National Order of Doctors
Non-adherence to standards	Regional Chamber of the National Order of Doctors

1. Introduction

There are three main levels of government in France – national, regional and departmental. There are 27 regions of France (22 in metropolitan France and 5 overseas) and 101 departments (96 on the mainland and 5 overseas). The French National Order of Doctors is an independent body financed by doctors' subscriptions, and which has Councils at each level operating different regulatory functions. Although it does not report to the Government, representatives from both the Ministry of Health and the Ministry of Higher Education and Research sit on the Council of the National Order. The Ministry of Health has a particular remit to ensure that the training options and career options available to students of medicine in France are aligned to the country's workforce needs. It works closely with the Ministry of Higher Education and Research.

2. Quality assurance of higher education

There is no accreditation based system for assuring the quality of medical education and training in France. The general framework which governs medical education and training is set by the MHER, but within this broad framework, individual faculties have considerable latitude to innovate with respect to teaching methods, curriculum content and student assessment. Another indirect mechanism used to ensure the quality of education is through national competitive examinations which determine the appointment of clinical teaching staff to medical faculties.

Recently, the National Committee on Health Studies was created under the auspices of the Ministry of Higher Education and Research, tasked with promoting good practice in health education (including medical education), and to make recommendations to the MHER regarding the quality of health education.

Continuing professional development

According to new framework, devised in 2009, CPD for all health professional is co-ordinated by a national institution, the *National Board*, in which all health professionals will be represented by their respective professional organisations. The tasks of the Board will be, amongst others, to accredit the institutions delivering CPD to doctors and other health professionals, to set criteria to assess the quality of CPD, and to set the priorities of CPD programmes.

For doctors who work for public hospitals, the hospital's medical committee will be responsible for advertising available accredited programmes. Public hospitals will be able to directly offer CPD programmes to their staff provided that they have been registered and accredited as CPD providers by the National Board.

Doctors are required to demonstrate annually that they have met the CPD requirements. The Departmental Councils of the National Order of Doctors are in charge of verifying that doctors in a Department have complied with CPD requirements.

3. Registration and Licensure

In France, registration is a precursor to licensure, but both are managed by the Departmental Council of the National Order of Doctors in the Department where the doctors plans to practise medicine. In order to register a doctor must proof to the Departmental Council that the full medical degree (the State Diploma of Doctor of Medicine) and that they fulfil citizenship requirements. Once registered, a doctor can practise anywhere in France, but they cannot be registered with two different departments of the National Order at the same time.

After initial registration and licensure, doctors can apply to be registered as specialists – *specialist status* is indicated on the register. The first stage is assessment of the application by the Departmental Council. A qualifications Committee decides of the candidate has the relevant experience and knowledge and makes a recommendation to the Council. An appeals mechanism allows doctors to challenge a negative decision by the Committee.

Professional mobility

For doctors who are already registered in the European Union, and wish to practise in France, the provision of the Professional Qualifications Directive, 2005/36/EC apply.

Doctors from non-EU countries are referred to as PADHUE (practiciens a diplome hors Europeenne). The National Centre of Administration (Centre National de Gestion) administers the Procedure to Authorise Practice (Procedure d'Autorisation d'Exercice). A quota of positions available for PADHUE is determined each year by the Ministry of Health. The first stage is an examination and a language test. The second stage is an evaluation of professional practice in a hospital setting, where a PADHUE has to work for three years as an Associate Assistant. After this period, doctors may proceed to the third stage, an oral exam in front of a Committee which then makes a recommendation to the Ministry of Health. Only when a positive recommendation has been made by the Committee can the doctor then proceed to registration with a Departmental Order.

For PADHUE who wish to study in a medical specialty in France, as opposed to achieving registration to work, there are two main options – the Diploma of Specialised Education or the Diploma of Advanced Specialised Education (DFMS or DFMSA – *Diplome de formation medicale specialisee* and *diplome de formation medicale specialisee approfondie*). The former programme lasts between 1-2 semesters and the latter for 2-6 semesters. The Ministry of Health sets the quota every year by specialty and by French region. There is a competitive process to which doctors can apply via the French Embassy in their home country.

A special relationship

In 2010 France and the Canadian province of Quebec signed an agreement on the mutual recognition of professional qualifications for 100 professions including medicine. If medical doctors from Quebec wish to work in France they must fulfil the following conditions:

- Must possess a medical doctorate delivered by one of the four medical schools of Quebec
- Must have completed a postgraduate degree in general practice or one of the specialties listed in the agreement
- Must hold a certificate of general medicine or specialty delivered by one of the four medical schools in Quebec
- Must be registered with the Order of Doctors of Quebec with no restriction on the authorisation to practise

Successful applicants must register with a Departmental Council.

4. Standards of practice

The National Order of Doctors produces the medical Code of Ethics. The Code is part of a broader Code of Public Health, and following review by the Government, is published in the Official Journal of the French Republic with the signature of the Prime Minister. In recent years, greater emphasis has been placed on aspects of the doctor-patient relationship in ethical medical practice, such as: issues of confidentiality, the importance of explaining the options for treatment and the risks involved, and gaining informed consent.

5. Non-adherence to standards

The National Order of Doctors is responsible for dealing with complaints against doctors which relate to their conduct and competence, in which case the Disciplinary Chamber of first instance is at the *regional* level. The Chamber has six months to make a decision about a case, or two months in more serious cases. The Chamber holds a public hearing, although the President has discretion to restrict access. The range of possible sanctions is wide and includes warning, temporary suspension and permanent erasure from the register, although it should be noted that permanent erasure is extremely rare. The doctor has 30 days after the Chamber's decision in which to make an appeal to the Council of the National Order of Doctors.

This process (disciplinary liability) is one of three which a complainant can pursue about health services, the others being to allege *criminal liability*, and *civil and administrative liability*. These are

essentially court proceedings, although the Departmental Council of the Order may have a role in receiving complaints,. All three forms of liability can be pursued at the same time.

CHRE August 2012

DRAFT