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ЕВРОПЕЙСКА АСОЦИАЦИЯ НА СТАРШИТЕ БОЛНИЧНИ ЛЕКАРИ**

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Attempts to Liquidate the Czech Medical Chamber

Introduction:

The Czech Medical Chamber (CMC) was abolished in 1950 through an act of the Communist totalitarian power. Following forty years of suppression, the Czech Medical Chamber was re-established by a law in 1991 as professional self-administration of physicians independent of state power.

The CMC provides inter alia for:

- ensuring that its members perform their vocation professionally, in accordance with its ethics and in a manner laid down by the rules of the chambers,
- guaranteeing the professionalism of its members and confirming of fulfilling the conditions for performance of the profession of physician pursuant to the special regulations,
- evaluating and defending the rights and professional, social and economic interests of its members,
- protecting the professional honour of its members.

Every physician who performs the profession of physician in the territory of the Czech Republic must be a member of the CMC.

The CMC not only guarantees the professionalism of its members and provides them with services, but the law also imposes the obligation of implementing disciplinary competence in relation to its members.

Positions in the bodies of the CMC and district associations are honorary and compensation is made for this performance for loss of time and payment of out-of-pocket expenses. The elected functionaries of the Chamber must be performing physicians.

Attempts to Liquidate the Czech Medical Chamber

On September 26, 2007, a group of 22 Members of Parliament of the strongest governmental political party – the right-wing Civic Democratic Party – submitted a proposal for a fundamental change in the law establishing the CMC.

The following most important changes are proposed:

1) A reduction in the competence of the CMC, so that the Chamber cannot defend the rights of physicians.

For example, the Chamber would no longer be able to attend negotiations on the price list for medical performance or on the prices of drugs.

The Chamber would lose its representatives in competition commissions for occupying managerial positions in health care. It would not be able to attend specialized examinations of physicians.

The Chamber would no longer be able to stipulate qualification conditions for performance of private medical practice or for the performance of the positions of head physicians. The Chamber would no longer be able to issue licenses to its members as certificates of suitable qualification.

The CMC would retain only three competences, i.e.: keeping lists of members, issuing binding standpoints on professional subjects for physicians and disciplinary competence. However, even the performance of this repressive function against physicians would be only illusory as physicians would, in the future, not have to be members of the Chamber. Simultaneously, compulsory membership would not be replaced by compulsory registration. Every physician who would be culpable of wrongdoing and would be in danger of disciplinary action on the part of the Chamber would simply withdraw from the CMC, ensuring that he would not be punished and could continue to work as a physician without membership in the Chamber.

2) Subordinating the CMC to the Ministry of Health.

The Ministry of Health would have the right to suspend the validity of professional rules adopted by the Chamber until a court decision in legal force was issued. As this process could even last several years, the Minister could arbitrarily paralyze the activities of the Chamber. Thus, the CMC would not be able to play its irreplaceable role as the guarantor of the quality of medical care for the citizens, independent of the state.

3) Premature termination of the term of office of the elected bodies of the CMC

The term of office of all the bodies democratically elected to date by physicians, with the exception of the Honorary Board (the highest medical court) would end prematurely at the latest 9 months from the date when the law came into effect. If new bodies were not elected, this Honorary Board would administer the property of the Chamber until the end of its term in office. Then the CMC would probably be abolished and its property would fall to the state. The CMC considers that this part of the proposal is contrary to the Constitution of the Czech

Republic. The answer to the question: Why would new bodies of the CMC not be elected in time? It is provided by the following paragraph.

4) Change in the means of electing the bodies of the CMC

The presence of a majority of the voters in the elections would, in the future, be a condition for the validity of elections to the bodies of the CMC. This condition cannot be met in the elections in the individual regions. At the present time, only 10% - 30% of physicians attend elections in the regional associated chambers. If it were not possible to ensure majority participation of physicians in elections in at least 80% of the regions, the General Assembly could not be organized and thus the Presidium of the Chamber and its President could also not be elected. The CMC would gradually cease to exist.

The Chamber considers that the condition of majority participation of electors in elections is discriminatory. None of the 14 professional chambers currently existing in the Czech Republic need fulfill this condition. The principle of equal general voting rights holds in general in the Czech Republic; however, there is no election obligation. If the condition of majority participation of electors were to hold as a general condition for the validity of elections, the Czech Republic would have no Senate, or regional or local self governments.

Summary:

The purpose of the proposal does not consist in an improvement in the activities of the Czech Medical Chamber, but rather in liquidation of independent professional self-administration of physicians defending its members. The governing politicians wish to punish the Chamber for remaining independent and expressing a critical opinion on changes that the Government is introducing into Czech health care.

Ladies and gentlemen,

The Czech Medical Chamber is currently fighting for survival. If the governing politicians manage to liquidate our Chamber, there will be no one to defend the rights of Czech physicians and patients in the future.

Physicians in the Czech Republic require the Chamber and will be grateful for any assistance that you can provide, for any expression of support. Help us to defend the independent professional medical self-administration!

If the CMC were paralyzed, if it were to lose its independence of state power or were even liquidated, its fate could even become a dangerous inspiration for politicians in your country. If you help us, you will be helping to save yourselves.

Yours most sincerely,

MUDr. Milan Kubek – President of the CMC