

# **European Union and health workforce regulation in France**

## **Different kinds of regulation in Europe**

**A necessary and possible harmonisation : to ensure the free movement with european directives**

**To reconcile free movement and health protection**

**1 – A recognition of professional qualifications  
preserving the health systems**

**2 – A trend to cross legal borders ?**

# **1 – A RECOGNITION OF PROFESSIONAL QUALIFICATIONS PRESERVING THE HEALTH SYSTEMS**

**Regulation of health workforce remains a State members ability**

**EU facilitate recognition of qualifications to access or pursuit a regulated profession**

**Directive enacted in 2005 and modified in 2013**

## **A health professional coming from another Member State may have a permanent activity in France if**

- He has a degree recognized as the same as the french degree**
- Or else he has an individual authorization provided by the Health Ministry regarding to his qualifications (diplomas, background, professional trainings), completed by a test or an internship if necessary**

## For a temporary activity

- **A preliminary declaration including a recruitment commitment and a professional project**
  
- **A control of professional qualifications if degrees are not automatically recognized**

## **Interpretations given by the Court of Justice of European Union**

**Free movement of services or workers can be limited if :**

- There is no discrimination based on nationality**
- The limit pursues an aim of general interest**
- The limit isn't disproportionate regarding to the aim**

**A State member law can enforce a dental technician to work with a dental practitioner (CJEU, 21 sept. 2017)**

### **Territorial policy of the Member States :**

- **To enforce a minimum duration of activity in the host State to provide a financial assistance (CJEU, 20 déc. 2017)**
- **To forbid selling medication not reimbursed out of the pharmacy net (CJEU, 5 déc. 2013)**



## **2 – A TREND TO CROSS LEGAL BORDERS ?**

**To spread the free movement of professionals... at the expense of public health ?**

**The **partial access** to a health professional activity : a professional can be allowed to perform specific acts of a profession**

## Conditions :

- **The professional is fully qualified for the activity in his home member State**
- **He should follow a complete education program in France to do this activity in France**
- **This activity could be objectively separated from the whole profession**

**The partial access can be refused by the ministry regarding to public health interest**

**Nevertheless...**

**Healthcare quality may suffer from a decrease of qualifications**

**As well as the value of diplomas, the social value of the profession, the equality between professionals from the same profession**

**But crossing legal borders could also be better for public health : the advanced nursing practice**

**A practice so evolved that the skills level partially connects with the medical field of competence**

**No european rule but an expanding practice**

**Enacted in France and soon implemented...**