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Members reports

PORTUGAL

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3 main current concerns of the healthcare system in your country:

1. Lack of doctors in Portuguese NHS
2. New NHS organization
3. Amendment to the Statute of the Medical Association (Ordem dos Médicos)

Full report

1. Lack of doctors in Portuguese NHS

The very future of Portuguese public health national service (NHS) is uncertain due to profound labor deregulation, chronic underfunding, and an alarming devaluation of medical profession. These major concerns are pivotal in retaining physicians within the NHS, which is a pillar and an undeniably essential for the well-being of Portuguese society.

Compared to pre-pandemic times, healthcare delivery has taken a few steps back. A staggering 1.5 million citizens, representing 15% of the population, now lack a family doctor (GP). Furthermore, our NHS relies on some doctors working excessive overtime, ranging from 150 to even 1000 hours annually to maintain the full functioning of Emergency Room (ERs). This situation is further strained by the need to spend 200 million euros on acquiring external temporary medical services.

Several ERs in specialties like Obstetrics and Gynaecology, Orthopaedics, Paediatrics and General Surgery have suffered intermittent shutdowns this past year, overloading other public healthcare hospitals as patients are redirected to them.

According to OECD, Portuguese doctors rank among the lowest paid in Europe, experiencing a 21,7% decline in purchasing power over the last decade, which has not been compensated by any government so far. This has led to demotivation, discouragement, and exhaustion, causing

us to leave the NHS daily for the private sector or emigrate in search of better pay and working conditions. The ratio of NHS to private sector doctors remains a concerning 1:1.

After 19 months of negotiations, from 20th April 2022 to 28th November 2023, the Portuguese government has failed negotiating viable proposals to safeguard the medical career. Instead, government publish a new work regimen without doctor's trade unions agreement. It includes an increase of workday from 8 to 9 hours, a raise of the annual limit of supplementary work from 150 to 250 hours and the inclusion of Saturday as a regular workday. The legality of these changes is being evaluated as it may violate the Portuguese Constitution and the European Working Time Directive.

Due to the negotiating impasse, there were several national strikes from March to November 2023, with very high adhesion (90%) in hospitals and primary care units. Additionally, in 2023 last months, doctors decided not to exceed the legal limit of 150 hours per year for overtime work. Consequently, thirty ERs were either closed or operating under severe understaffing conditions, posing imminent threats to both medical practitioners and patients, including children, pregnant women, and adults. According to EuroMomo, Portugal had an excess mortality from moderate to extraordinary in the last weeks of 2023 and first of 2024.

In this scenario and to ensure improved salaries, Sindicato Independente dos Médicos (SIM) made an intercalary agreement with the Portuguese government, not signed by Federação Nacional dos Médicos (FNAM). This agreement raises salaries by 330 Euros per month gross (between 10 and 15%), which does not include the general raise for the public sector. It was made conditionally, stressing the need to resume negotiations with the following government, with prior approval from all parties. This provides an opening for continuous improvement in medical work conditions and pay.

2. New NHS organization | Local Health Units

The NHS Executive Directorate created 31 new Local Health Units (LHU) in addition to the 8 existing ones from January 1. Nevertheless, this model raises many doubts regarding its efficiency and might be far from of obtaining relevant gains in health.

These LHU represent a vertical integration of primary and hospital health care into a single board of directors, limiting the important financial autonomy of different organizational models, and leaving aside the real integration of care, centered on people. Besides, LHU do not constitute an answer to NHS basic problems – lack of doctors, excessive attendance at emergency services or waiting lists for surgeries and hospital appointments.

In contrast LHU, Local Health Systems (SLS) which are enshrined in Portuguese new NHS statute, would constitute structures for participation and development of collaboration between institutions that, in each geographic area, would carry out activities that contribute to improving health and reduce health inequalities, through a logic of proximity and networking, integration of care and focus on improving people's well-being.

3. Amendment to the Statute of the Medical Association (Ordem dos Médicos)

On June 15, 2023, the Portuguese Government approved legislation modifying the statutes of public professional associations, including the Portuguese Medical Association (Ordem dos Médicos), ratified by the Portuguese Parliament in January 2024. While the government claims the aim is to “eliminate restrictions of access to professions and improve the conditions for competition”, it also significantly increases its oversight over the Portuguese Medical Association by creating disciplinary and supervisory bodies that would include non-physicians and introduced changes that directly affect its competencies, autonomy, and independence.

With the new wording, SOM states all acts specific to doctors, encompassing the exclusive exercise of diagnostic, prognostic, surveillance, investigation, medico-legal expertise, clinical coding, clinical auditing, prescription and execution of pharmacological and non-pharmacological therapeutic measures, medical, surgical and rehabilitation techniques, health promotion and disease prevention in all its dimensions, namely the physical, mental and social of people, population groups or communities, respecting the deontological values and the *leges artis* of the medical profession.

The new SOM allows medical practice to professional not registered in Ordem dos Médicos (OM) if they are legally authorized for that purpose. This permission is similar in the new statutes of other professional orders, raising relevant questions about how the authorization for specific medical acts will be implemented.

Furthermore, there is the possibility for doctors to form or join as partners in medical professional societies or multidisciplinary societies, without registration in OM, which keeps the right of supervision and disciplinary action over those societies.

Additionally, a “Supervision Council” should be formed to assume crucial powers, like supervision of legality and statutory and regulatory compliance of OM bodies, where only 40% of its members would be doctors with current registration.

Finally, a “Provider of services recipients” should also be created, as an independent personality not registered with OM, who would assume the role of defending the interests of the recipients of medical services. It should be responsible, for analyzing the complaints presented by recipients of medical services and issuing recommendations for their resolution, as well as for the improvement of OM.

Plan / Action

There were elections on March 10, and we have a new minority democratic alliance government. Both unions started negotiations with the new health minister and presented their proposals on April 26, and are willing to sign a negotiating protocol by the end of May.

Portuguese medical unions and the medical board continue demanding effective change in health policies, implementation of structural measures to support the NHS, and better health care delivery, which include improvement of medical careers, working and pay conditions.

Portugal, 9th May 2024

Federação Nacional dos Médicos | Sindicato Independente dos Médicos | Ordem dos Médicos