



NHS reform: a brief look in what's to come in private practice for NHS healthcare professionals

The long-expected statutory reform of the Greek NHS system in respect of the private practice of NHS healthcare professionals (HCPs) including, among others, their collaboration with companies falling under the Greek National Organisation for Medicines' (EOF's) remit has finally come into force.

More specifically, by virtue of **Article 7 of Law 5102/2024** and recently issued **Ministerial Decision 36150/19.07.2024**, significant amendments have been introduced to Article 11 of Law 2889/2001 as regards NHS HCPs as follows:

A. Provision of specific types of services to Companies

According to paragraph 1a, section aa of Article 11 of Law 2889/2001, NHS HCPs are now exceptionally allowed to engage in private practice outside of their regular working hours and on-call duties, provided they fulfil their insurance and tax obligations in this regard. Under the amendments in question, NHS HCPs are entitled to engage in the following:

- Maintain a private practice.
- Provide medical services, including those of a consultant or expert/ technical advisor, and for matters of education/training/supervision of healthcare professionals, organizing conferences and scientific events, writing of scientific articles, providing medical health updates for nosological entities, in private clinics or private diagnostic or therapeutic laboratories, or pharmaceutical companies, or medical device companies, and generally in any kind of private businesses that provide or relate to healthcare services. It should be noted that under no circumstances can an NHS HCPs provide such services under an employment relationship with the aforementioned entities.
- The relevant services can also be provided by members of the Teaching and Research Staff and members of

the Special Laboratory Teaching Staff of Universities who are HCPs working in University clinics or University laboratories or units of Departments or Schools of Health Sciences of Universities within the NHS hospitals or University hospitals supervised by the ministry of Education, under the condition that they have obtained the relevant permit observed the procedure described hereunder and provided that there are no incompatibilities as per Article 159 of Law 4957/2022.

B. Procedure for issuing the relevant permit

In order for the NHS HCPs to operate a private practice and provide any of the foregoing services, they must first obtain a permit. The permit is granted by a reasoned decision of the Managing Director or Chairman of the Hospital or the Managing Director of the competent Healthcare Region (YPE), upon filing of the respective application by the relevant HCP. The permits are valid for six months and the corresponding applications are filed in the second fortnight of the months December and May each year and concern the respective first and second semesters of the following year. In order for the permit to be issued, the HCP in question must fulfil the following key conditions: (a) shall not perform clinical work to patients examined in the regular outpatient clinics of the Hospital or Healthcare Centre, (b) his/her private engagement shall not disrupt, alter or violate the smooth operation and on-call duties of the Hospital or Healthcare Centre (including the number of surgeries per clinic, the number of medical visits, diagnostic

and interventional procedures, and laboratory tests), (c) shall not be on unpaid leave or any other form of leave other than regular leave, (d) shall not be suspended or under suspension of medical duties, (e) shall maintain at least the key productivity indicators of the clinics and departments of the Hospital at rates recorded in the six months preceding the filing of the application with a maximum deviation of 10%, and (f) shall not collaborate, in providing his/her private work, in any way with companies acting as suppliers of Public Hospitals of the NHS or Healthcare Centres (or other interconnected healthcare units).

Provided that the foregoing conditions for issuing the relevant permit are met, the latter is issued within ten days from the submission of the application and is communicated to the HCP within five working days.

Lasty, it should be noted that as regards any remuneration of NHS/University HCPs for their participation in scientific events and/or advisory boards, payment formalities remain the same. More specifically, since paragraph 1a, section ae of Article 11 of Law 2889/2001 providing for the obligation to pay any remuneration to NHS/University through ELKE/ELKEA has not been amended by virtue of the recent statutory provisions, any payment of honoraria in this respect must be made through the Special Account for Research Funds (ELKE/ELKEA, as the case may be).

Considering that the foregoing amendments are very recent and contain certain ambiguities, it remains to be seen how said provisions shall be interpreted or applied in practice on the basis of clarifications and guidelines to be issued in this respect.

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