

Regional European Organization of the FDI

NATIONAL REPORT

Baku (Azerbaiyan), April 2016

COUNTRY: SPAIN

ASSOCIATION: SPANISH DENTAL ASSOCIACION
*(Consejo General de Colegios Oficiales
de Odontólogos y Estomatólogos de España).*

VENUE: Madrid, Spain

YEAR: 2015

1. CHANGES IN THE ASSOCIATION AND ITS ORGANISATION:

After the elections for the Executive Committee of our Spanish Dental Association, celebrated in June 2014, the new Board for the period 2014-2018, is made up of the following members:

President:	Dr Óscar CASTRO REINO
Vice-President:	Dr José Antonio ZAFRA ANTA
Secretary:	Dr Juan Carlos LLODRA CALVO
Treasurer:	Dr Joaquín DE DIOS VARILLAS
Vice-Secretary-	
Vice-Treasure:	Dr Jaime SÁNCHEZ CALDERÓN
Member:	Dr Francisco GARCÍA LORENTE
Member:	Dr Luis RASAL ORTIGAS
Member:	Dr Guillermo ROSER PUIGSERVER
Member:	Dr Alejandro LÓPEZ QUIROGA
Supernumerary member:	Dr M ^a Concepción LEÓN MARTÍNEZ
Supernumerary member:	Dr Miguel Ángel LÓPEZ-ANDRADE JURADO
Supernumerary member:	Dr Antonio GÓMEZ JIMÉNEZ (replacing Dr José Miguel ERRAZQUIN ARBELAIZ)

2. TRENDS AND DEVELOPMENTS:

2.1. In professional politics:

2.1.1. Unauthorized practice of the profession: This continues to be a problem that significantly affects not only the profession but also the citizens who suffer the risks generated by these behaviors. There has been a modification of art. 403 of the Penal Code but the Spanish Dental Association considers it insufficient since the penalties are so light that do not get the intended deterrent effect.

While patients can choose their dental technicians, these continue their attempt to assimilate the prescription of the prosthesis -issued by the dentist- with the act of extending a medical prescription, with the purpose of having the patients going directly to them once they have obtained the prescription from the dentist. Therefore, the relationship with the Spanish Association of Dental Technicians is, in many cases, tense.

We continue to obtain favorable sentences for the unauthorized practice of the profession, mainly against some dental technicians, but also against some hygienists, who usurp functions expected from dentists. We carry on our harassment policy to these activities with: complaints to the Administration and to the State security bodies; lawsuits; investigations with private detectives, etc.

In the legal field, and following a complaint by the Spanish Association of Dental Technicians to the State Agency for the Protection of Competition, our Dental Association was sanctioned. However, this sanction was appealed and annulled due to procedural questions, bringing back the process to its initial phase. On 17 December 2015, the National Commission of Market and Competition (CNMC) condemned our Dental Association for the two same actions than the previous resolution of 9 January 2013: (i) prevent the patient from freely choose a dental technician, and (ii) establish guiding fees, imposing a single sanction which reached 234,738 euros.

Our Dental Association has decided to appeal this sanction before the courts, since we do not agree with it.

2.1.2. A plethora of professionals. In Spain, there are currently around 34,000 registered professional dentists. We have 21 Faculties of Dentistry, of which 12 are public and 9 private. Therefore, we are the European country with the largest number of Faculties of Dentistry per capita. The new enrolled in the first year totaled almost 1,900 students. The situation is similar to 2014: with such a high number of registered dentists we still cannot get the Regional Governments (who have assumed responsibilities in the areas of Health and Education) to restrict the number of students admitted to the Faculties of Dentistry by establishing a *numerus clausus*. Besides, we have noted the presence of a high number of students from various EU countries (mainly Italy and France) in the Faculties of Dentistry of the Spanish private Universities.

2.1.3. Advertising. At a State level, we have regulations controlling health advertising, especially in areas such as: medicines, medical devices and cosmetics products. We have even regulations for the known as "miracle products" (those that, without being health products pretend that purpose, to achieve a greater claim). Control from the Administration is expected at different levels (approvals, manufacturing, distribution, sales, advertising etc.).

The Autonomous Communities have the power to develop advertising regulations when referring to the provision of health services. Through these specific regulations, the Administration has the ability to control and approve the health advertising before it is broadcasted, by demanding greater rigor or even prohibit certain behaviors in order to favor the health of citizens. But the reality is that not all Communities have these regulations and when they do, they are very uneven, causing serious problems of application, and incomprehensible situations when advertising is statewide.

Today, only the Basque Country, Navarra, Murcia, Aragon and Asturias, have developed regulations on health advertising.

It is possible to detect more and more advertising campaigns made by macro-clinics and franchises, but also by many professionals who need to compete with these macro-clinics which are extremely aggressive and in which a purely commercial vision is given to dental services and products. Besides, there is an increase in advertisements promoting tooth whitening treatments in cosmetic centers, hair salons, spas, etc., without apparent supervision of a qualified health professional, as well as the selling of custom products online (such as occlusal splints), which are served directly to the buyer without the supervision and subsequent prescription from the dentist. Several Dental Colleges and our Dental Association have made official complaints about this type of advertising and the illegal online sales of custom medical devices before the Health Departments and the Spanish Medicines Agency.

Not only the Dental Association, but also the Dental Colleges are working to raise awareness about the special treatment and consideration that health advertising should receive. In this sense, we are urging the political parties to create a framework law which will regulate health advertising statewide, as well as the Autonomous Communities to develop regulations in this area according to their competencies. In fact, after the scandals suffered in the dental sector by the closing of certain franchised clinics throughout the country, there has been an important public and political awareness which has made the politicians to be in a better disposition to consider the creation of a new regulation for these matters.

2.1.4. Specialties. After several meetings between Scientific Societies, Universities and our Association, an agreement was reached, and a consensus document drawn and submitted to the Ministry of Health, requesting the creation of dental specialties. At the moment, the process is underway and we do not know what specialties could become recognized.

2.1.5. Budgets. The closing of accounts for 2015 and the financial budget of 2016 were both approved by qualified majorities in the General Assemblies of the year, without significant variations from previous years and in an atmosphere of austerity according to these last periods.

2.2. In health politics:

2.2.1. Portfolio of Public Dental Services. Against our permanent request of progressively increasing oral health benefits in the State's portfolio of Public Health services, the last years' economic recession in our country is causing cuts in certain State and regional health services. As an example: the cancellations of certain benefits and reductions in the age cohorts of the Children Dental Care Plans of some Autonomous Regions.

2.2.2. Health Legislation. The new Law of Professional Colleges and Services has not yet been published.

2.2.3. Pending approval of the Royal Decree on registration of health professionals, and the modification of the State Royal Decree on authorization of health centers, services and establishment.

2.2.3. Approved the Law 26/2015 of 28 July, modifying the system of protection of children and adolescents, under which a registry of sex offenders is created, affecting all workers and professionals who provide services and are in usual contact with minors. This registry will force these professionals, from now on, to prove not to have been convicted of crimes against sexual freedom and indemnity.

2.2.4. Approved the Legislative Royal Decree 1/2015 of 24 July through which the consolidated version of the Law of Guarantees and Rational Use of Medicines and Health Products is approved. This regulation combines all regulatory changes undergone by the law since 2010, most of which have supervened by the economic crisis.

2.2.5. Pending approval -even if in public hearing phase- of the draft Royal Decree amending Royal Decree 1837/2008 of 8 November, which incorporates into the Spanish Law, the Directive 2005/36/EC of the European Parliament and the Council, of 20 November 2006, related to the recognition of professional qualifications, as well as certain aspects of the exercise of the legal profession for the incorporation of Directive 2013/55/EU of 20 November 2013.

2.3. In educational politics:

2.3.1. Our Association's Continuing Education Program: Throughout 2015, more than eighty in-person classes have been taught to update knowledge and skills, with special emphasis on practical courses. This way, we arrive to all territories of our country, in our policy to bring the compulsory Continuing Education to all Spanish dentists, considering the difficulties for resource limitation of the small or more isolated Dental Colleges. At the same time, we continue enhancing the online and blended learning activities.

However, we are waiting for the approval of the Royal Decree which transposes to our legal system the Directive 2013/55 / EU of Professional Qualifications and amends the system of continuous training, to adapt it according to the new requirements.

2.3.2. Special topic courses:

Several "Conferences on dental information" were celebrated during 2015, with the assistance of relevant personalities in the different fields, and in which important issues of the profession, such as *numerus clausus*, specialties, etc., were discussed.

3. FURTHER INFORMATION (activities, concerns):

3.1. Publications

3.1.1. We continue the editing of our journals: "RCOE", with a purely scientific content, and "Dentistas", with general and informative subjects addressed to professionals and the general public. Both are published in quarterly editions.

3.1.2. White Paper on Oral Health in Spain: Following the commitment to carry out a five-year analysis of the oral situation in Spain, our Dental Association has published the White Paper of 2015. It offers the results obtained through a telephone survey conducted in 1,000 Spanish families across the country, with the aim to know the current situation in relation to 4 blocks:

- Oral health habits
- The use of dental services
- The perception of the quality of life
- The perception of the image of the different types of dental clinics.

3.2. Studies.

The Spanish Oral Health Observatory was created in early 2015, and it is an instrument to quarterly feel the pulse to the dental profession. To obtain the information, there is a panel of 150 sentinel dentists who are quarterly surveyed. The data of the 4 waves of 2015 are already available.

3.3. Performances

3.3.1. International presence. Several delegations representing our Association have attended various international events:

- ERO Dental Team Working Group in Sofia (Bulgaria) in January;
- ERO Plenary Session in Tbilisi (Georgia) in April;
- FDI Congress in Bangkok (New Delhi) in September;
- CED General Meetings in Riga and Brussels, in May and November respectively, where our new legal representative, Ms Rocío Mirallas, was also present;
- FEDCAR General Assemblies in Tallinn (Estonia) and in Paris, in May and November respectively. In Tallinn, our delegate was appointed Vice-President of the FEDCAR, and he -on behalf of our Association- was given the Presidency in November in Paris;
- Hispanic-Portuguese meeting between our President, Dr Oscar Castro and the President of the Portuguese Order, Orlando Monteiro da Silva.

3.3.2. Professional Directory of Dentists. The update of this Directory of professionals and clinics is scheduled for 2016, and as of today our Association fulfills requirements under the law of the Professional Colleges.

3.3.3. Participation in October at the Congress of the Spanish Association of Health Law, organizing and moderating workshops and roundtables on false dental insurance.

3.3.4. Surveillance activities, and studies and events organized by the Observatory for the Safety of the Dental Patient.

3.3.6. Digitalization of all the official documentation of our Association.

Madrid, March 2016