

## ***Regional European Organisation of the FDI***

### ***National Report***

***Country: SPAIN***

***Association: SPANISH DENTAL COUNCIL***

***(Consejo General de Colegios Oficiales  
de Odontólogos y Estomatólogos de España)***

***Venue:***

***Year: 2021***

*Please classify your national report by following subjects:*

### ***Changes***

The Executive Committee is formed by the following members:

<b>President:</b>	Dr Óscar CASTRO REINO
<b>Vice-President:</b>	Dr Francisco José GARCÍA LORENTE
<b>Secretary:</b>	Dr Jaime SÁNCHEZ CALDERÓN
<b>Treasurer:</b>	Dr Joaquín DE DIOS VARILLAS
<b>Executive director:</b>	Dr Juan Carlos LLODRA CALVO
<b>*Vice-Secretary-</b>	
<b>*Vice-Treasure:</b>	
<b>Member:</b>	Dr Luis RASAL ORTIGAS
<b>Member:</b>	Dr Miguel Ángel LOPEZ-ANDRADE
<b>Member:</b>	Dr Guillermo ROSER PUIGSERVER
<b>Member:</b>	Dr Agustín MOREDA FRUTOS
<b>Supernumerary member:</b>	Dr M <sup>a</sup> Concepción LEÓN MARTÍNEZ
<b>Supernumerary member:</b>	Dr Agurtzane MERUELO CONDE
<b>Supernumerary member:</b>	Dr Joan CARRERA GUIÚ
<b>Chairman of the Central Ethics Committee:</b>	Dr Carlos CAÑADA PEÑA

*\*\* The position of vice-secretary and vice-treasurer will remain vacant until the next elections, upon the sad demise of Dr Alejandro López Quiroga.*

## TRENDS AND DEVELOPMENTS:

### In professional politics:

- **Advertising:** The scandals that have shaken the dental sector in Spain recently, have left many affected without money and teeth due to the disorderly closure of clinics. As a result of commercialization, poor management of clinics and aggressive advertising that served as a hook for many patients, it has generated a reflective effect on society. In this sense, it seems that efforts are being made at legislative level to draw up a text that allows the regulation of health advertising, but it has not yet been released yet. Both the Council and the regional chambers are working to raise awareness of the special treatment and consideration that should be given to health advertising. That is why we are urging the political parties to create a framework legislation that regulates health advertising at state level and the Autonomous Communities, through meetings with heads of administration, to develop legislation in this area in accordance with their competences.
- **Specialties:** The Government is working on the legislative development that will allow the creation of dental specialties. This text has not yet been approved, but our Council, in addition to having provided allegations, has created a new document, together with the University and the scientific societies, requesting once again the Ministry of Health the need for the creation of specialties to prevent Spanish dentists from being in an unequal situation compared to specialist dentists in the rest of Europe.
- **Invisible orthodontic companies:** In recent years, new business models that are dedicated to the exclusive sale of dental aligners have emerged in our country. These companies have large amounts of capital that allow them to have a strong presence in the media and social networks. As they advertise, they offer exclusive treatment services for dental aligners or prostheses and have their own health centres, with their respective health operating licences, in order to hide a prohibited activity such as the direct sale to the public of medical devices intended to be fitted or used by a health professional.

In Spain, medical devices that require the intervention of a healthcare professional for their prescription and use may not be sold directly to patients. It is also forbidden to advertise brands of such medical devices.

We have detected that the manufacturers of medical devices themselves are the ones who set up these health centres. Once the patient is in the clinic, a dentist takes measures, but from that moment onwards he or she is no longer involved in the follow-up of the treatment, which will be carried out with software provided by the manufacturer, and subsequently the splints will be sent to the patients by post. We are bringing all these possible irregularities to the attention of the AEMPS and the Ministry of Health for the appropriate purposes.

- **Intrusion:** It is still a problem that notably affects the profession and that also supposes a risk for the citizens. The current regulation of the crime of intrusion in our penal code is insufficient and does not achieve the intended deterrent effect. From the Collegial organization we continue fighting in a hardening of the sanctions, since it is an illicit activity that puts in risk the health of the population.
- **A plethora of professionals:** In Spain, there are currently around 40,000 registered professional dentists. We have 22 Faculties of Dentistry, of which 12 are public and 10 are private. Therefore, we are the European country with the largest number of Faculties of Dentistry per capita. The new enrolled in the first year totalled almost 1,900 students. The situation is similar to previous years: with a number of registered dentists already exceeding the figure of 36.390, 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, establishing a *numerus clausus*. We can find a large number of students from several EU countries (mainly Italy and France) and also international (mainly China) in many private Spanish dental universities.

#### **In health and social politics:**

During the last year, legislative activity related to COVID-19 has been frenetic, however, ordinary legislative activity has been scarce, as all efforts have been devoted to the health and economic crisis caused by this exceptional pandemic situation.

**Health legislation:** In 2021, several legislative amendments and approvals have been carried out. In June, Spain transposed the Directive on the proportionality test before adopting new regulations on professions through Royal Decree 472/2021 of 29 June, which incorporates Directive (EU) 2018/958 of the European Parliament into Spanish law.

The law on universities is also under review and is currently being processed, although the new text has not yet been approved. This revision of the university sphere has led to the approval of Royal Decree 822/2021, of 28 September, which establishes the organisation of university education and the procedure for quality assurance.

The government is also working on a Royal Decree that would regulate the transversal training of specialities in Health Sciences, establishing the procedure and criteria for the creation and revision of specialist degrees. The text has not yet been approved, following the appropriate legislative procedures. Our Council made allegations, requesting specific processes to be created so that professions such as dentistry, which operate almost exclusively in the private sphere, can consider other ways of creating specialists.

There is no change in the draft of the new Law on Professional Associations and Services. With the pandemic, the current Law on Professional Associations has been modified, allowing the meetings of these bodies to be held remotely.

**In educational politics:** there is no relevant development in this field.

**In the insurance system (incl. the public health insurance and private insurance schemes)**

- **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 has caused cost-cutting in certain state and regional health services. As an example: the cancellations of certain benefits and limitations of the Children Dental Care Plans of some Autonomous Regions.

The Spanish Dental Association and Dental Colleges has requested the extension of dental treatments included in the services portfolio of Spanish Social Security or, at least for risk groups: children, elderly people, and people at risk of social exclusion, mentally disabled, pregnant women, etc.

However, the Spanish government included in the General State Budget Bill (PGE) for 2021 an allocation of 49 million euros to expand oral health services, which is roughly one euro for every Spanish citizen. The PGE were finally approved in December 2020.

## **CORPORATE DENTISTRY**

**Problems with some dental clinic companies/Position of NDA towards dental clinic companies:**

The Spanish Dental Association is concerned about the current situation and urges the Government of Spain to safeguard the rights of patients and professionals. Our organisation calls for legislative changes to protect the odontology and patients in addition to control healthcare advertising.

The Dental organization claims the regularization of the industry with the aim to avoid critical situations for patients and to prevent scandals such as those that have occurred in recent years in our country.

Relative to the financing of treatments, the Spanish Dental Association insists on the need to interrupt payment immediately if the dental service is not being respected requesting the debt cancellation. In addition, the patient should have all the information to proceed to that effect.

- **iDental Case:**

A mercantile company created in 2014, made up of a corporate structure made up of a large number of interposed companies. Its business model, the "low cost" clinic, was based on the supposed democratisation of dentistry through very aggressive advertising. They opened 24 clinics throughout Spain: located in industrial estates, with 100,000 square metres and 3,171 employees, 800 of whom were dentists. In October 2017 the business group iDental was sold to the Weston Hill investment fund for more than €25,000,000. The corporate group went bankrupt

in 2018, with the consequent cascade closure of all its clinics. This left patients with unfinished treatments and outstanding payments to credit institutions for financing their treatments.

The Central Court of Instruction No. 5 of the Spanish Audiencia Nacional initiated an investigation phase against iDental (corporate group), Weston Hill (corporate group) and their administrators, accumulating all the proceedings in courts throughout Spain for alleged crimes:

- Pyramid Scam
- Misappropriation
- Fraudulent administration
- Forgery in a public document
- Crimes against public health
- Injuries

The procedure is still in the pre-trial phase, it is an enormous court case with many affected parties. Besides the financial crimes, a large number of proceedings have been opened for poor treatment of patients. In addition, due to various internal problems within the Court, there have been three changes of the examining judge, which has not been conducive to the progress of the proceedings.

Our organization is personified in the criminal procedure initiated before the National High Court (iDental case), collaborating in every matter we are required for. In addition, the following actions have been raised, at a political level, to prevent the dental sector may be harmed by scandals such as these in the future.

- Dentix Case

The Dentix group of dental clinics has filed for voluntary insolvency proceedings as it is unable to meet its debt, in order to avoid bankruptcy. Following the latest news published in Spain, the private equity fund Advent (owner of the VITALDENT Dental Group) Vitaldent was acquired by an investment fund, Advent, and subsequently took over Dentix, which was in insolvency proceedings due to its delicate financial state. Vivanta has been acquired by Potobello, another investment fund, and iDental, whose top management is the subject of criminal proceedings before the National High Court, failed with a dentist and a dental technician as owners.

### **Possible Solutions:**

- The Spanish Dental Association stresses that it is absolutely necessary to engage the Government of Spain in the dentistry profession, for a legislative change to get a majority of dental professionals in the partnership of las companies linking the dental service with

professional ethics to avoid massive professional activities outside the health sector just to get immediate economic benefits.

- The professional organization urges the Government to regulate health publicity around the country to eradicate cases of misleading advertising and refine health offers because people's health is not on sale.
- Intrusion: Stricter penalties.
- More control of health authorities on health centres, services, and facilities.
- Sanctioning procedures, by the collegial organization, to registered members when they incur in ethical misconduct.

### **Changes in fees**

In 2021, due to the relative normalisation of the COVID situation, the fees returned to their previous amount, although with a slight reduction of 2.5%.

### **Information regarding promotion of the World Oral Health Day**

In 2021, no face-to-face activities could take place either, but several media, press and radio programmes were carried out, recalling the importance of oral health.

### **Further information (activities)**

Since the onset of the pandemic, the Continuing Education that our Council usually offers to the Regional Chambers ceased to be face-to-face, but, with the collaboration of the Scientific Societies and some private centres, it was maintained with a wide range of online courses and webinars.

The Council also provided comprehensive courses on the action, protocols, and measures to be taken regarding the pandemic, which were very well received and attended by 30,648 dentists and 17,722 auxiliary staff members.

### **Publications:**

We continue the editing of our journals: "RCOE", with a purely scientific content, and "Dentistas", with general and informative subjects addressed to professionals and people. Both are published in quarterly editions. From 2018 onwards, the RCOE magazine becomes a digital format, maintaining the Dentistas magazine which increases to 6 issues per year. In 2020, "Tips from

your dentist", a patient-oriented supplement with up-to-date information on dental pathologies and treatments, was also created.

### **Campaigns:**

Two major campaigns were carried out: one on Oral Health and Pregnancy and the other for the Elderly. Some 1,500 volunteer dental clinics have been involved throughout the country during each campaign.

**Studies:** We have continued to publish information of interest to dentists in the specific COVID space on our website. Priority has been given to all the information related to the COVID Vaccination Plan for dentists, as well as executive summaries of the studies carried out with the main vaccines.

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 results for the period 2015-2019 have been published in English, French and Spanish <https://www.consejodentistas.es/comunicacion/observatorio-de-la-salud-oral.html>

Oral Health Survey in Spain: 2020: Following the periodic evaluation that our Council carries out every 5 years, the national Oral Health Survey has been conducted in 2020, incorporating new epidemiological information for the age groups 5-6 years, 12 years, 15 years, 35-44 years and 65-78 years. The results are published at: <https://rcoe.es/articulo/115/encuesta-de-salud-oral-en-espaa-2020>

Specific COVID space: our website has a large specific space with a wealth of information on COVID-19, including clinical protocols, various documents and technical reports, infographics and summaries of relevant publications, among other information of interest to dentists in Spain.

### **Performances:**

International presence: Our Association has attended several international events:

#### **CED**

### **General Meetings:**

- Brussels (19 th November 2021)

### **Working Group meetings online:**

- CED Oral Health
- CED Safety Patient
- CED EPQ Education and Professional Qualifications
- CED Dental Materials and Medical Devices
- CED Work Force Internal Market

## **FEDCAR**

- Luxembourg-12-06-2021 General Meeting Online)
- Paris- 26 November 2021 (General Meeting)

## **ERO**

- ERO-Plenary Session-17th April 2021(online)
- ERO Dental Team- Online meeting 21-01- 2021

---

## **IMMUNION Coalition for Vaccination**

Members of the IMMUNION Scientific Advisory Board

- Autumn Meeting of the Coalition for Vaccination. - 12 October 2021

---

Professional Directory of Dentists: The update is still in progress, and it depends on the Ministry of Health.

Congress of Health Law (Spanish Association of Health Law): Collaborating in round tables and workshops.

Implementation of support programs for collegiate giving up smoking and anti-smoking programs in dental clinics, in collaboration with the National Committee for Smoking Prevention.

## **MAIN CONCERNS**

- 
- **Misleading health advertising**
  - **Problems with new models of professional practice (corporate clinics)**
  - **Professional plethora**
  - **The creation of Dental Specialities**