

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: 2022

Please classify your national report by following subjects:

Changes

The Executive Committee is formed by the following members:

President:	Dr Óscar CASTRO REINO
Vice-President:	Dr Francisco José GARCÍA LORENTE
Secretary:	Dr Agurtzane MERUELO CONDE
Treasurer:	Dr Joaquín DE DIOS VARILLAS
Executive director:	Dr Juan Carlos LLODRA CALVO
Vice-Secretary-	Dr Joan CARRERA GUIÚ
Vice-Treasure:	
Member:	Dr Concepción M. LEÓN MARTÍNEZ
Member:	Dr Víctor ZURITA CLARIANA
Member:	Dr María NÚÑEZ OTERO
Member:	Dr Ignacio GARCÍA-MORIS GARCÍA
Supernumerary member:	Dr Miguel Ángel LÓPEZ-ANDRADE JURADO
Supernumerary member:	Dr Ángel CARRERO VÁZQUEZ
Supernumerary member:	Dr Juan Ignacio RODRÍGUEZ RUIZ
Supernumerary member:	Dr Juan Manuel ACUÑA PEDROSA
Chairman of the Central Ethics Committee:	Dr Bernardo PEREA PÉREZ

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 regard, efforts have been made at the legislative level, with the Congress of Deputies debating a bill to regulate health advertising, which, however, did not obtain a majority in the chamber to continue its parliamentary procedure. Both our Council and the regional chambers of dentists 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 has approved the Royal Decree that will regulate the transversal conformation of specialties in Health Sciences, establishing the procedure and criteria for the creation and revision of specialist qualifications. Through this basic regulation, we believe that the creation of new health specialties, including odontological specialties, can be permitted. At present, the scientific societies of the different dental specialties are preparing the necessary documentation to apply for their creation, following the procedure established in the recently approved regulations. However, the creation of specialties is still in the hands of the Administration's will, but this regulation is a great step forward as it establishes a procedure to be followed for the creation of new specialties.
- **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 more than 41,000 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 40,000, 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:

Health legislation: In 2022, As mentioned above, the approval of the Royal Decree that will regulate the transversal conformation of specialities in Health Sciences, establishing the procedure and criteria for the creation and revision of specialist degrees, has been very important. In addition, several legislative review procedures have been carried out but have not yet been approved. This is the case of the regulation on guarantees and rational use of medicines and health products, which is currently under review.

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: After the constant work, among others, of our organisation, which for many years has advocated for the expansion of the service portfolio of public dental services, the Government has given the green light in the Council of Ministers to the Plan for the expansion of the common portfolio of oral health services in the National Health System (NHS). The programme will be provided with more than 44 million euros from the Recovery Plan, which we still consider insufficient. Our organisation has advocated that, given the insufficient financial allocation for this purpose, priority should be given to certain population groups such as children, pregnant women, the elderly and people at risk of social exclusion.

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.

Except for the latest news from Dentix referred to in the last paragraph, the issues concerning dental chains remain the same as last year.

- **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.

— Currently, in the face of many complaints against DENTIX throughout the country, the National High Court has taken over the case and is analysing all the information in order to check whether criminal acts have been committed. Our organisation has participated in the proceedings before the Audiencia Nacional.

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 2022, a 2.5% reduction in membership fees has been maintained due to the economic impact of COVID-19.

Information regarding promotion of the World Oral Health Day

In 2022, the activities to celebrate World Oral Health Day were resumed, including the launch of an institutional video (Yo voy al dentista) highlighting the importance and relevance of oral health for general health.

Further information (activities)

In 2022, the on-site courses and clinical classrooms have been resumed, although we continue to reinforce non-classroom continuous training through conferences, courses and webinars due to the excellent acceptance that these training modalities are having.

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.

In addition, two important Atlases have been published: one on oral health in Spain, with a foreword by FDI President Dr Ishane Benyaya, and the other on Oral Health in Europe, both of which have received significant media coverage.

Campaigns:

In 2022, 2 important health education campaigns have been developed. One aimed at the adolescent population and the other at oral health and diabetes.

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.

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:

A study has been initiated to assess the possible impact of the pandemic on oral health status, oral quality of life and hygiene habits in the population in Spain by telephone interviewing more than 1,000 families. The results will be available in April 2023.

International presence: Our Association has attended several international events:

CED

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

- Rome- May 2022

ERO

- ERO-Plenary Session-April 2022(online)

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**
- **Intrusion**