

Regional European Organization of the FDI

NATIONAL REPORT

COUNTRY: SPAIN

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

YEAR: 2017

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 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

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 to the profession but also the citizens who suffer the risks generated by these behaviors. There was a modification of art. 403 of the Penal Code in 2015, 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 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 decided to appeal this sanction before the courts, since we do not agree with it.

For the time being, we are still awaiting for the Spanish National Court judgment on this application.

2.1.2. A plethora of professionals. In Spain, there are currently around 36.100 registered professional dentists. We have 22 Faculties of Dentistry, of which 12 are public and 10 private. In 2017 a new private faculty has been opened (Balearic Islands) and another one is expected to be opened in the Canary Islands by 2018. 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 and the number of graduates annually exceeds 1700. The situation is similar to 2016: with a number of registered dentists already exceeding the figure of 36.000, 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*. 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 the state level, we have regulations controlling health advertising, especially in areas such as: medicines, medical devices, 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). Administrative control 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. Although it was a very difficult year in the dental sector and politicians are prone to regulate health advertising, it has not yet been achieved.

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 actually paralysed, since the Spanish Royal Legislative Decree that regulates specialized health training in the health sciences was annulled by a ruling of the Spanish High Court last December. It was considered that during the drafting of that decree the economic and budgetary impact was not correctly analysed. Therefore, dentistry specialties process is expected to be paralysed until this legal issue is solved.

2.1.5. Budgets. The closing of accounts for 2017 and the financial budget of 2018 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:

In Spain, 2017 the situation is very similar to last year:

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.

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

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 modification of the State Royal Decree on authorization of health centers, services and establishment.

2.2.4. Approved Royal Decree 581/2017, of 9 June, 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.

2.2.5 European legislation (Data Protection): preparing the adaptation and implementation in the field of Data Protection on the occasion of the entry into force of the new European Regulation (2016/679). Spain is working on an Organic Law of Data Protection that will presumably be approved soon although it is still in parliamentary proceedings.

2.3. In educational politics:

2.3.1. Our Association's Continuing Education Program. Throughout 2016, 89 attendance-based courses have been held in-person classes have been taught to update knowledge and skills, with special emphasis on practical courses. Additionally, four sedation courses, and an updated course in tooth whitening have also been organised. Course offering has been increased by 23% compared to previous year and 2200 dentists, which represented an increase of 22% over the last year, attended these.

This way, we arrive to all territories of our country, in our policy to bring the compulsory Continuing Education to all Spanish professional 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 2016, 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. From 2018 onwards, the RCOE magazine becomes a digital format, maintaining the Dentistas magazine which increases to 6 issues per year.

In 2017, a monograph on oral care in the elderly and a white book on saliva and oral health, both in Spanish, have been published.

3.2. Studies.

3.2.1. 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 result obtained for the years 2015 and 2016 are already available and the Observatory will continue throughout 2017.

3.3. Performances

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

- ERO Dental Team Working Group in Monza (Italy) in March and in Tel Aviv (Israel) in October.
- ERO Plenary Session in Paris (France) in April;
- FDI Congress in Poland (Poznan) in September;
- CED General Meetings in The Hague and Brussels, in May and December respectively, where our 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 in November in Porto (Portugal).

3.3.2. Professional Directory of Dentists. Its updating is about to become operational in accordance with state regulations. It is a directory of state health professionals, managed by the Ministry of Health in collaboration with collegial organizations.

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. 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.

3.3.5. 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.

3.3.7. The FDI Congress which took place in Madrid from 29 August to 1 September 2017.

Madrid, February 2018