



## PRESS RELEASE

9 December 2019

### PUBLIC ENTITIES AND POLICIES

## THE ORDER OF PHYSICIANS

**After the National Council of Dental Surgeons in 2016 and the National Physiotherapists Council in 2017, the Cour des comptes has audited the National Medical Council (CNOM), 46 Local Medical Councils (out of 101) and the 24 Regional Medical Councils, of the Order of Physicians.**

**Created in 1945, the Order of Physicians is a private body entrusted with a public service mission. Its role is to ensure that practitioners comply with ethical rules and to uphold the profession's independence and honour.**

**It possesses annual resources of around €85 million, provided by mandatory subscriptions from some 300,000 physicians, reserves of €152 million and assets valued at €110 million.**

**The Order has only taken marginal account of the recommendations made by the Court in 2012 following its previous audit: it is still marked by problems of governance, serious failures in management, continuing inadequacies in the performance of its missions, and a lack of rigour in handling patients' complaints.**

### **Serious failures in management**

As with other healthcare professions' Orders audited by the Court, the Order of Physicians is permeated by problems of governance that impact the quality of its management. Overrepresentation of men (91%), elderly and retired men in particular (40%), in the CNOM, along with the long duration of terms served, does nothing to promote awareness of necessary change. In a number of *départements*, internal conflicts have led to tensions and disorganisation harmful to proper performance of the Order's missions.

Decentralisation of subscription collection and accounting procedures, which are left to the Order's Local Councils with no oversight provided for, has resulted in the appearance of numerous errors, above all at regional and local levels: irregular, incomplete and even falsified accounting entries, resources not fully traced in profit-and-loss accounts, undervalued assets, and numerous management excesses.

The Order frequently acts in defence of professional interests, so impinging upon the role of the unions. At the same time, it fails to carry out many of its missions satisfactorily. Although the most important of them, the keeping of the register in which all physicians must be recorded if they wish to practice their profession, is correctly carried out, others, such as monitoring physicians' compliance with their continuing professional development obligations and the profession's ethical rules (as regards relations with the pharmaceutical industry in particular) suffer from serious shortcomings. Nor does access to care seem to be a priority.



Various managerial transgressions may result in referral to the judicial authorities via the Court's Public Prosecutor's Office.

## **Mismanaged administrative and disciplinary missions**

As regards discipline, patients' complaints are not handled with sufficient rigour and the impartiality of the bodies to which cases are assigned is not always guaranteed. The Order does not regard the great majority of reports it receives as complaints, and consequently they are not brought before its own Disciplinary Councils. In a number of cases, the absence of disciplinary proceedings raises questions. Analysis of some fifty decisions delivered between 2016 and 2017 (from a list of 90 decisions communicated at the order of the Court) reveals procedural irregularities and lack of diligence in handling complaints bearing on sexual misconduct.

These findings call for urgent restoration of order, with three priorities: making patients' safety the Order's central concern once again, opening up its governance to non-physicians, and accomplishing the change in its disciplinary system, whose operation has just been improved by a Decree of 3 December 2019. It is therefore a question of completing the transformation of the governance of Orders of Health Professions, started upon with the Ordinances issued in 2017 following the Court's previous audits.

**[Read the report](#)**

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