



Dear friends of the FEMS,

On behalf of the CESH, I am contacting our President João de Deus and all of you to inform you of the situation we are immersed in our country due to the Royal Decree Law (RDL) 29/2020 of September 29 (2020)¹ that has been recently enacted on urgent measures on teleworking in the Public Administration and human resources in the National Health System to address the health crisis caused by the COVID-19 and which has recently been endorsed by our Parliament.

This government regulation, endorsed by Congress, has forced us to call a national doctors' strike starting next October 27th and taking place every last Tuesday of the month that is not a holiday until there is some approach from our Administration.

With this strike we want to demand the withdrawal of Articles 2 and 3 of the RDL, which we attach at the end of this letter. These articles attack the cornerstone of our health system. Firstly, the Autonomous Communities and the National Institute of Health Management (INGESA) authorize the hiring of those graduates with a Degree, Bachelor's Degree or Diploma who do not yet have the title of specialist recognized in Spain, to carry out functions pertaining to a specialty. As the text reads, they may be moved from their scope of work and specialty to be performed: *"the corresponding autonomous community may assign personnel from nursing and medical doctor specialists of any specialty area, within its hospital center, to care units of another specialty different from their own when the number of professionals in said units is not sufficient, as a result of the COVID-19 pandemic, for the provision of care of patients in said areas and as long as the health care in their care units of origin is guaranteed"*.

Likewise, they may be mobilized from Primary Healthcare area to the Hospital Healthcare system. Furthermore, point 2 of Article 3 establishes that nurses may act as general practitioners.

For all these reasons and considering the damage the RDL does to the work of the professionals and the quality of care for the patients, we have been forced to call a national strike. We would like to ask you to take a stand in support of the Board of CESH and the doctors of our country.

Kind regards.

Gabriel de Pozo

General Secretary CESH

¹ Real Decreto Ley 29/2020, de 29 de septiembre, de medidas urgentes en materia de teletrabajo en las Administraciones Públicas y de recursos humanos en el Sistema Nacional de Salud para hacer frente a la crisis sanitaria ocasionada por la COVID-19

Extract from Royal Decree Law 29/2020

Article 2. Measures for the exceptional recruitment with and without speciality.

1. Exceptionally and temporarily, the Autonomous Communities and the National Institute of Healthcare Management authorize the hiring of those graduates with a degree, bachelor's degree or diploma who do not yet hold the title of Specialist recognized in Spain, for the performance of functions pertaining to a specialty, as follows

a) Professionals with any degree who took the 2019/2020 selective tests for specialized health training and who, having passed with the minimum score, were not awarded a position, may be hired under the contractual modality provided for in Royal Decree 1146/2006, of October 6, regulating the special employment relationship for the training of specialists in Health Sciences.

In the case of foreigners, the provisions of Article 43 of Royal Decree 557/2011, of April 20, which approves the Regulations of Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009, of December 11, will apply, even if they have not obtained the position.

b) Health professionals with a Specialist degree obtained in non-EU Member States included in the scope of application of Royal Decree 459/2010, of April 16, which regulates the conditions for the recognition of professional effects of foreign degrees of Specialist in Health Sciences, may be hired, provided that the Evaluation Committee has issued the report-proposal regulated in Article 8.b), c) or d) of Royal Decree 459/2010, of April 16.

The period of services provided will be taken into account for the recognition of professional effects of the title of Specialist.

2. The contract signed will allow the performance of the assistance activity and may be extended up to twelve months, which may be extended for successive periods of three months.

Article 3. Exceptional provision of services by medical and nursing staff with a labor employment, statutory² or civil servant relationship.

Exceptionally and temporarily, the corresponding autonomous community may assign the statutory nursing and the medical specialist of any specialty, within its hospital facility, to assistance units of another specialty than its own when the number of professionals in said units is not sufficient, as a result of the COVID-19 pandemic, for the provision of care of patients in said areas, and provided that the health care of their care units of origin is guaranteed.

Likewise, each Autonomous Community may agree that the statutory nursing and the medical specialist personnel providing services in hospital facilities may be transferred to provide services in the primary healthcare centers in their area of influence to carry out the functions of the primary healthcare medical practitioners, on an exceptional and transitory basis, due to a shortage of primary healthcare medical personnel, as a consequence of the COVID-19 pandemic, provided that healthcare in their units of origin is guaranteed.

² The statutory personnel are similar to the civil servant personnel working for the Public Administration (National Health System).

3. The corresponding Autonomous Community may also assign statutory personnel from the primary healthcare categories of nurses, doctors or pediatricians, on an exceptional and transitional basis, to provide services in its reference hospitals or field hospitals, if the needs caused by the COVID-19 pandemic so require, provided that healthcare is guaranteed in their health centers of origin.
4. Likewise, each autonomous community may assign the regional civil servants of the bodies or categories for which the Bachelor, Degree or Diploma in Medicine or Nursing was required for their admission, exceptionally and transitionally and due to the lack of medical or nursing personnel as a result of the COVID-19 pandemic, to any healthcare facility of the National Health System, within their province of destination.
5. In addition, each Autonomous Community may deploy, on an exceptional and transitional basis, physicians or nurses with a labor employment relationship who provide services in public health centers, services, institutions, or facilities due to shortages of medical personnel caused by the COVID-19 pandemic to any National Health System healthcare facility within their province of destination.
6. The assignment of the personnel listed in paragraphs 1 through 5 to units with human resource deficiencies shall be maintained for as long as the shortage of medical personnel in such units persists and, at most, for the duration of this Article, in accordance with fourth Final Provision.
7. The affected personnel shall be entitled to the compensation for service reasons established by the regulations in force, when applicable.
8. As for the autonomous cities of Ceuta and Melilla, the corresponding health administration shall be responsible for carrying out the assignments referred to in paragraphs 1 to 5, to which the provisions of paragraphs 6 and 7 of this Article shall also apply.