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ITALIAN NATIONAL REPORT

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Amongst European countries, Italy used to have one of the highest number of physicians subject to criminal proceedings related to medical malpractice. Now things may change after that, on February 28, 2017, the Chamber of Deputies approved, without amendments, the ‘Gelli Law’ (law n. 24/2017) on liability of healthcare professionals. Under a new provision of the Italian criminal Code, those healthcare professionals causing death or personal injuries to a patient during the exercise of their functions will be subject to the penalties due for manslaughter or negligent personal injury. In the case of medical malpractice following imperfection, the healthcare professionals will avoid liability if they can demonstrate that they acted in accordance with the recommended guidelines published under law. In the absence of these guidelines the professional must basically adhere to principles of good practice. Moreover, law n. 24/2017 states that the healthcare facility will be liable in contract for the doctor’s negligent or fraudulent behavior. Conversely, the reform makes clear that practitioners are liable in tort, with the ensuing consequences regarding burden of proof and statutes of limitation. As regards limitation, a contractual action must be brought within 10 years, while an action under tort must be brought within 5 years. Another significant innovation contained in Law 24/2017 is represented by the creation of

an Ombudsman for Health, to whom recipients of medical care can address their complaints. It is also expected that new regional Authorities to manage healthcare risks and patient safety will be created to collect data about medical malpractice and related litigation, to identify appropriate measures to prevent and manage healthcare risks and to train healthcare professionals.

Moving on to the general conditions of the Italian economy, in 2017 we are still facing prolonged austerity measures at the expense of public servants in the public sector. People are not taking care anymore of their health condition, especially in the southern regions, because of economic constraints with consequent reduction of their life expectancy.

Finally, we would like to remark that since 2010, Italian doctors are waiting to start negotiation of the renewal of the employment contract, but, unfortunately, this is only a part of the progressive deterioration of the National Public Health System with reduction of provided services, turnover block, and people poorness.

ANAAO - SNR Joint Report.