

SWISS PLASTIC SURGERY

OMBUDSMAN'S OFFICE

REGULATIONS

I INTRODUCTION

For around 40 years the institution of "Ombudsman" has become increasingly common throughout Europe. In Switzerland the public administration bodies of the Federal Government, the cantons and communes, health insurance funds, private insurance funds, newspapers etc. have the use of an ombudsman.

SWISS PLASTIC SURGERY set up this type of ombudsman service in 2014 and appointed honorary members as ombudsmen.

II GENERAL FUNCTIONS OF THE OMBUDSMAN

The ombudsman does not have any sanctioning duties; he/she acts as a mediator between patients and physicians or between physicians and physicians. The mediation is carried out in an informal and uncomplicated manner. The ombudsman contacts the parties in writing or verbally and tries to find a solution.

Mediation is refused when legal proceedings have already been initiated (complaint, claim submitted to the extrajudicial assessment office of the FMH, etc.).

Applications to the ombudsman are to be addressed to:

Secretariat of SWISS PLASTIC SURGERY
Dr. Catherine Perrin (Executive Manager)
15, avenue des Planches
1820 Montreux
T +41 21 963 21 39
F +41 21 963 21 49
info@plasticsurgery.ch

III EXTRAJUDICIAL ASSESSMENT OFFICE OF THE FMH

The extrajudicial assessment office of the FMH has functioned for decades as an independent authority for the investigation of suspected errors in diagnosis or treatment.

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If breaches of a physician's duty of care are suspected, the assessment office sends the case file to the ombudsman.

The assessment office does not intervene in the event of an aesthetically unsatisfactory result of cosmetic operations. However, it does intervene if the result leads to functional problems.

In a preliminary examination the ombudsman determines whether there is any merit at all in conducting an expert assessment. If legal proceedings are already underway or if the claims are clearly abusive, the request for an expert assessment is refused.

Furthermore the ombudsman proposes the appointment of appropriate experts. Normally 2 experts must be nominated.

As a condition of membership all FMH members are obliged to conduct FMH expert assessments.

In selecting experts the following requirements must be met:

- technical competence
- linguistic competence in the language of the case file: German, French, Italian
- geographical distance between the physician to be reviewed and the expert - the experts should not come from the same canton as the physician who is under review
- equal level - a university hospital should not be assessed by a physician!

A patient may refuse the proposed experts. The nominated experts may also refuse to conduct the assessment. In both cases clear reasons for the refusal must be provided.

The following reasons for refusal are acceptable:

- not competent in the subject matter
- an expert was involved in the treatment chain
- an expert is a relative or close friend of the patient or the physician

The following reasons for refusal are not acceptable:

- an expert had studied with the physician or worked as an assistant in the same hospital
- an expert does not have the time
- as a matter of principle an expert does not comment on the work of colleagues

The go-ahead to perform an assessment and appoint the proposed experts is given by the ombudsman via e-mail.

Person responsible for **French-speaking Switzerland - Valérie Rothardt:**
valerie.rothardt@fmh.ch - 031 359 12 14

Person responsible for **German- and italian speaking Switzerland - Caroline Hartmann:**
caroline.hartmann@fmh.ch - 031 359 12 13

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The ombudsman returns the records in the enclosed pre-stamped envelope by registered mail to the assessment office of the FMH.

Assessment Office of the FMH
PO Box 65
3000 Bern 15
T 031 359 12 13/14
F 021 359 12 12

The completed expert assessments are first double-checked by the FMH's lawyers. Discrepancies or deficiencies are discussed with the experts. The ombudsman subsequently receives a copy of the assessment for scientific analysis.

IV CONTACT WITH SWISS PLASTIC SURGERY AND SARA

The ombudsman is the guest of the board of SWISS PLASTIC SURGERY. He/She takes part in all meetings when matters require his/her presence. He/She may contact SARA at any time in order to discuss claims with the experts.

V TARIFFS

Questions or disputes regarding tariffs and complaints concerning fees **do not lie within ombudsman's scope of duties**. This is a matter for the pricing manager of the specialist medical body or the cantonal medical societies (parity commissions).

VI REMUNERATION

- The ombudsman does not receive remuneration for work undertaken for the extrajudicial assessment office.
- For mediations (claims from members) between members and patients a payment of CHF 500.00 is made per case file.
- For mediations (claims from non-members) between physicians and patients the ombudsman invoices the physician according to the time involved.
- For mediations (claims from patients) between patient and physician the ombudsman invoices the patient according to the time involved.

Montreux, 1st January 2016