Conditions of practice in Romania

In order to practice in Romania, a physician must meet the following conditions:
- Citizenship *;
- Hold a formal qualification in medicine **;
- Not to be found in any of the cases of indignity or incompatibility under this law;
- To be a member of the Romanian College of Physicians;
- Be able to practice medicine from the medical point of view;
- To have a valid liability insurance for errors in professional activity;
(Law no. 95/2006, Article no. 370, no. 379)

Medical profession in Romania is mainly regulated by Law 95/2006, and by decisions of the National Council of the Romanian College of Physicians.

* The physician profession is exercised, in Romania, according to this law, by individuals holding a formal qualification in medicine. They may be:
  a) nationals of Romanian state;
  b) nationals of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation;
  c) the spouse of a Romanian citizen, as well as the direct descendents and ascendants, family members of a Romanian citizen, regardless of their nationality;
  d) family members of a citizen of one of the states provided in let. b), as defined in art. 2 paragraph (1) point 3 from the Government’s emergency Ordinance no. 102/2005 regarding the free movement in Romani of citizens from the member states of the European Union and the European Economic Area, approved with amendments and additions by Law no. 260/2005;
  e) citizens of third states beneficiaries of the permanent resident status in Romania;
  f) beneficiaries of long term resident status granted by one of the states provided in let. b)

(2) Notwithstanding the provisions of art. 371 par. (1), par. (3), d) and art. 372, doctors who are citizens of a third State may exercise professional activities in Romania for teaching and occasionally, with the approval of the Ministry of Health and the Romanian College of Physicians’ approval. Duration of exercising the professional activities in these cases is 3 months with a possibility of extension for a further period not exceeding three months per year. Methodology of authorization is approved by the Minister of Health, with the Romanian College of Physicians' approval, and published in the Official Gazette of Romania, Part I.

** Through an official title of qualification in medicine, one understands:
  a) medical degree, issued by an institution of medical-pharmaceutical higher education, accredited in Romania;
  a1) graduation certificate, issued at the request of the graduate, as a result of completing the studies, valid until issuance of the graduation degree, but no more than 12 months from the date of the issuing;
  b) specialist certificate, issued by the Ministry of Public Health;
  c) diploma, certificate or another title in medicine, issued according to the European Union rules by member states of the European Union, states belonging to the European Economic Area or the Swiss Confederation;
  d) diploma, certificate or another title in medicine, acquired by a third state and recognized by one of the member states provided in let. c) or equivalent in Romania.
1. **PRACTISING THE MEDICAL PROFESSION BY PHYSICIANS WHO SUSPENDED THE JOB OR HAVE BEEN IN A STATE OF INCOMPATIBILITY FOR MORE THAN FIVE YEARS**

For doctors who stopped practicing or have been in a situation of incompatibility for a period of five years there is compulsory professional rehabilitation program as an internship, lasting 3 or 6 months and promoting a final assessment of knowledge and skills. Professional reassignment allows the doctor to regain membership in the Romanian College of Physicians.

(Decision no. 15/2007 issued by the National Council of the Romanian College of Physicians)

These provisions apply also to physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation, settled in Romania.

(Law no. 95/2006, art. 386)

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1. **PRACTICING THE MEDICAL PROFESSION IN ROMANIA BY CITIZENS WHO ARE DOCTORS IN A MEMBER STATE OF THE EUROPEAN UNION, STATE OF A EEA OR SWISS CONFEDERATION**

PROVISIONS ON PRACTICING THE PROFESSION OF PHYSICIAN IN ROMANIA BY PHYSICIANS WHO ARE CITIZENS OF A EUROPEAN UNION MEMBER STATE, OF A STATE BELONGING TO THE EUROPEAN ECONOMIC AREA OR THE SWISS CONFEDERATION.

(1) In case of establishment within the Romanian territory, the requests of physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation regarding the access to one of the activities of physician, shall be settled by the Ministry of Public Health, in collaboration with the Romanian College of Physicians, in term of 3 months from the submitting of whole file by the person interested. They receive the membership certificate of the Romanian College of Physicians following the application of the procedure for recognizing professional qualification.

(11) The term provided in paragraph (1) can be extended with a month in the situations in which professional recognition is made, based on the principles of general recognition Regime of professional qualifications. In this case, it is extended accordingly also the availability period provided in paragraph (3).

(2) The file provided in paragraph (1) will include:
   a) a copy of the citizenship document;
   b) a copy of the documents certifying professional training;
   c) certificate issued by competent authorities of the member state of origin or of provenance, certifying that official qualification titles are those provided by Directive 2005/36/CE;
   d) physical and mental health certificate issued by the member state of origin or of provenance;
   e) proof issued by the member state of origin or of provenance, certifying the honorability and moral repute of the holder;
f) proof of liability insurance for errors in the professional activity, issued by institutions entitled by one of the member states provided in paragraph (1).
(3) Documents provided in paragraph (2) let. d)-f) are available 3 months from the issuing date.

(Law no. 95/2006, art. 388)

1. PRESTAREA TEMPORARA/OCAZIONALA A ACTIVITATII MEDICALE

- In order to obtain access to any of the activities of physician or their exercise, physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation, established in one of these states, are excepted, in case of temporary or occasional performing of medical services within Romania, from the obligation to register within the Romanian College of Physicians

(Law no. 95/2006, art. 377)

- They must notify the Ministry of Public Health regarding the temporary or occasional provision of medical services within Romania and to be registered during this period at the Romanian College of Physicians.

(Law no. 95/2006, art. 379)

Art. 393. - (1) Physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation, settled in one of these states, are excepted from the obligation of registering at the Romanian College of Physicians, as well as from the payment of membership fee, when they request access to one of the activities of physician, for the purpose of temporary or occasional providing medical services in Romania.

(2) They are automatically registered at the Romanian College of Physicians while performing the said services, based on the provider's copy of documents provided in art. 396 and sent in this respect by the Ministry of Public Health.

(3) The exercise of medical activities, in these cases, is made according to the other rights and obligations provided by law for physicians who are Romanian citizens and members of the Romanian College of Physicians.

Art. 394. - While performing temporary or occasional medical services within the territory of Romania, persons provided in art. 392, paragraph (1) are subject to professional regulating or administrative dispositions, of the professional qualifications defining the profession and the use of rights, dispositions regarding serious professional facts affecting directly and specifically the consumers' protection and security, as well as the disciplinary dispositions provided by law for physicians who are Romanian citizens and members of the Romanian College of Physicians.

Art. 395. - Temporary or occasional performing of medical services within the Romanian territory by persons provided in art. 392, paragraph (1) is made with a professional title provided by law for the professional qualification acquired.

Art. 396. - (1) The requests of physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation settled in one of these states, regarding temporary or occasional performance of medical services in Romania, are solved by the Ministry of Public Health in collaboration with the Romanian College of Physicians.
(2) In the case in which, for the purpose of temporary providing of medical services, the applicant is at his first travel in Romania or in the case in which in his situation material changes occur, which are certified by these documents, he will present to the Ministry of Public Health:

a) a written previous statement, specifying the duration of practice, nature, location of these activities, as well as the insurance domain or other means of personal or collective protection regarding the professional responsibility which the applicant benefits from within the settlement state;

b) a copy of the citizenship document;

c) an evidence through which competent authorities of the member state of settlement certify that on the issuing date of this document, its holder is legally settled within its territory for the purpose of exercising the activities of physician and was not prohibited to exercise them, not even with a temporary title;

d) diplomas, certificates or other titles of physician provided by law or by the European Union rules for the providing of the said activities.

(3) The statement provided in paragraph (2), let. a) can be submitted by all means and is annually renewed, if the performer intends to provide, temporary or occasionally, during that year, medical services in Romania.

Art. 397. - (1) In case of temporary practice of medical services in Romania, physicians who are citizens of a European Union member state, of a state belonging to the European Economic Area or of the Swiss Confederation, settled in one of these states, are excepted from the certifying procedure provided by the social health insurance law.

(2) Persons provided in paragraph (1) have the obligation to previously inform The National House of Health Insurances over the services which are about to be performed within the Romanian territory, and in emergency case, in term of maximum 7 days from their provision.

Art. 398. - Beginning with their admission date at the European Union, Romanian competent authorities will withdraw, after case, temporary or finally, the documents provided in art. 396 paragraph (2) let. c), issued to physicians meeting the conditions provided in art. 370 let. a), c) and e), as well as to physicians settled in Romania meeting the conditions provided by art. 370 let b), d) and f), in case they are subject to penalties provided by law to suspend or ban the exercising of the profession.

Art. 399. - (1) For each performance of services, Romanian competent authorities may request to competent authorities homologous from the member state of settlement relevant information regarding the legality of the settlement condition, the applicant’s good professional conduct, as well as the absence, in his case, of disciplinary or criminal penalties.

(2) At the request of the host member state, Romanian competent authorities sent the information requested, complying with the provisions of art. 403.

(3) Competent authorities ensure the necessary exchange of information so that the beneficiary’s request against the provider of medical services in temporary or occasional regime to be settled fairly. In this situation, the beneficiary is informed over the course of its approach.

2. DREPTUL DE LIBERA PRACTICA

- Începând cu promoţia 2005 de absolvenţi licenţiaţi ai facultăţilor de medicină, dobândirea dreptului de liberă practică se face după promovarea examenului de medic specialist. (Ordonanţa nr. 18 /2009, art 22)

- (1) Înscrierea la concursurile de rezidenţiat se poate face şi imediat după promovarea examenului de licenţă sau/şi înaintea finalizării anului de staţieră, în vederea asigurării posibilităţii obţinerii specializărilor la vârste mai apropiate de tendinţele actuale ale standardelor internaţionale. (Ordonanţa nr. 18 /2009, art 26)
(2) Absolvenții licențiați ai facultăților de medicină, medicină dentară și farmacie anterior promoției 2005, care devin rezidenți în condițiile prevăzute la alin. (1), dobândesc dreptul de liberă practică după un an de rezidențiat, conform prevederilor legale anterioare (Ordonanța nr. 18 /2009, art 26)

(1) Înscrierea la concursurile de rezidențiat se poate face și imediat după promovarea examenului de licență sau/și înaintea finalizării anului de stagiatură, în vederea asigurării posibilității obținerii specializărilor la vârste mai apropiate de tendințele actuale ale standardelor internaționale.

(2) Absolvenții licențiați ai facultăților de medicină, medicină dentară și farmacie anterior promoției 2005, care devin rezidenți în condițiile prevăzute la alin. (1), dobândesc dreptul de liberă practică după un an de rezidențiat, conform prevederilor legale anterioare (Ordonanța nr. 18 /2009 art. 26)

- Medicii din promoția 2005 și ulterioare care nu au fost confirmați medici rezidenți beneficiază de competențe limitate și pot fi încadrați în unități sanitaire publice și private, precum și în cabinetele medicilor de familie, în funcția de medic

Medicii cu competențe limitate nu pot fi încadrați în serviciile de ambulanță și nu pot intra în relație contractuală directă cu casele de asigurări de sănătate

(Ordonanța nr. 2 /2011, art.6)

- Absolvenții facultăților de medicină, medicină dentară și farmacie licențiați anterior promoției 2005 dobândesc drept de liberă practică după finalizarea stagiaturii cu durată de un an. (Ordonanța nr. 18 /2009, art 24)

- Art. 22.1. (1) Medicii rezidenți pot exercita activitățile medicale din domeniul specialității de confirmare cu respectarea limitelor de competență corespunzătoare nivelului de formare al anului de pregătire în care se află. Depășirea limitelor de competență se sancționează conform legii.

(2) Limitele de competență corespunzătoare nivelului de formare al anului de pregătire pentru medicii rezidenți se stabilesc de către Ministerul Sănătății în colaborare cu Colegiul Medicilor din România, cu respectarea curriculumului de pregătire, la propunerea comisiilor de specialitate și se aprobă prin ordin al ministrului sănătății.

(3) Începând cu anul III de pregătire în specialitate, medicii rezidenți pot fi încluși în linia de gardă efectuată în specialitatea în care au fost confirmați, cu excepția liniei I de gardă și în afara programului normal de lucru. Activitatea rezidenților incluși în linia de gardă se desfășoară pe răspunderea și sub supravegherea medicului titular de gardă.
(4) Începând cu anul IV de pregătire în specialitate, medicii rezidenți pot fi incluși în linia I de gardă efectuată în specialitatea în care au fost confirmați, în afara programului normal de lucru, cu respectarea limitelor de competență prevăzute la alin. (2), sub supravegherea unui medic specialist sau primar care efectuează gardă la domiciliu și care a fost desemnat în acest sens de către șeful de secție.

(5) Coordonatorul de rezidențiat, respectiv directorul de program, precum și îndrumătorul de rezidențiat pot desemna medici rezidenți titulari în linia de gardă, cu acordul scris al acestora, la solicitarea unității sanitare unde se efectuează garda în afara timpului normal de lucru.

(6) Medicii rezidenți care efectuează gărzi în afara programului normal de lucru sunt salariați pentru această activitate de către unitatea sanitară unde se efectuează garda, cu respectarea prevederilor legale.” (Ordonanța nr. 2 /2011art. 8)

- În vederea desfășurării activităților medicale specifice, medici cu competențe limitate, precum și medici rezidenți care efectuează gărzi potrivit art. 22¹ încheie asigurare de răspundere civilă profesională, potrivit legii (Ordonanța nr. 2 /2011art. 9)

2. THE RIGHT TO PRACTICE

- Starting with 2005 graduates of faculties of medicine, the right of free practice is obtained after passing the medical specialist exam (Ordinance no. 18/2009, Art. 22)

- (1) Registration for the residency contests can be done immediately after passing the licensing and/or prior to the completion of the internship, to ensure the possibility of obtaining specialization ages which are closer to current trends in international standards (Ordinance no. 18/2009, Art. 26).

- (2) Graduates who have graduated the faculty of medicine, dentistry and pharmacy before 2005, who become residents as provided in par. (1) acquire the right to practice after one year of residency, according to the previous law (Ordinance no. 18/2009, Article 26).

- Physicians who graduated in 2005 and after and were not confirmed resident physicians, receive limited competence and can be hired by public and private health facilities, as well as by general practitioners in the medical office as physicians.

Doctors with limited competence can not be hired in ambulance services and can not enter into direct contractual relationship with the House of health insurance (Ordinance no. 2/2011, Article 6)

- Graduates of medicine, dentistry and pharmacy licensed prior to 2005, acquire the right to practice after completion of internship of one year duration (Ordinance no. 18/2009, Article 24).

- Article 22¹. - (1) Resident physicians can exercise their activities in the field of the confirmed specialty, with observance of competence within the limits corresponding to the
level of training in which they are registered. Exceeding the limits of competence is punishable by law.

(2) The limits of competence corresponding to the level of training of the year of residency for resident doctors are established by the Ministry of Health in collaboration with the Romanian College of Physicians, observing the training curriculum, suggested by the specialized committees and approved by Order of the Health Minister.

(3) Since the third year of specialist training, resident physicians may be included in the line call performed in the specialty in which they have been confirmed, except the first line call and outside normal working hours. Residents work in line call is conducted under the supervision, responsibility and duty of the physician who is in charge.

(4) Beginning with the fourth year of specialist training, resident physicians may be included in the first line call, performed in the specialty in which they have been confirmed outside normal working hours, within the limits of competence provided in par. (2) under the supervision of a specialist physician or MD, performing home line call and that has been designated for this purpose by the head of department.

(5) The residency coordinator, the program director and residency advisor may appoint resident doctors to be holders of the line call with their written consent, at the request of the health unit where the line call is performed, outside normal working time.

(6) Resident physicians carrying line call outside normal working hours are remunerated for such employment by the health unit where the line call is performed with observance of the legal provisions. (Order no. 2 / 2011art. 8)

- To carry out specific medical activities, physicians with limited powers as well as resident physicians who perform line call according to art. 221 must hold a valid professional liability insurance by law. (Ordinance no. 2 / 2011art. 9)