



Press Office of the Constitutional Court

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*Press release of 5 November 2019*

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IT IS UNCONSTITUTIONAL TO STRIKE A DOCTOR OFF THE MEDICAL REGISTER BECAUSE OF ACTIONS COMMITTED PURSUANT TO HIS FUNCTIONS AS A REGIONAL COUNCILLOR

The Constitutional Court, which sat in chambers yesterday, examined the direct application filed by the Region of Emilia Romagna alleging a violation of the principle of the separation of powers on the part of the Bologna provincial association of doctors and dentists.

The Region challenged the punishment imposed by the disciplinary committee of the provincial association on a medical doctor who also held a position as regional councillor, assigned to matters of health policy. In particular, the disciplinary committee of the provincial association struck the doctor-councillor off the medical register because he had proposed, and contributed to the approval of, a Regional Council deliberation on the possibility to employ nurses in ambulance vehicles even without doctors to accompany them – a deliberation with which the provincial association did not agree.

Pending filing of the judgment, the Press Office informs the public that after the Court's session, the questions raised in the Region's application were accepted.

The Court decided that the Bologna provincial association of doctors could not take disciplinary action against a regional councillor who was also a doctor, simply because he had proposed, and contributed to the approval of, regional policy-administrative provisions with which it did not agree. That action led the provincial association to impinge upon the powers allocated to the Region on the subject of healthcare organization by Articles 117(3) and 118 of the Constitution.

The Court determined that in fact, the professional association's punishment of the doctor-councillor amounted to a review of the Regional Council's policy-

administrative decisions on the organization of health services, over which it has no power.

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Palazzo della Consulta, Piazza del Quirinale 41 Roma - Tel. 06.46981/06.4698224.