

„Długi marsz” do ustawy określającej zawód fizjoterapeuty jako samodzielny zawód medyczny

"Long march" to a bill defining the profession of physiotherapist as an individual occupation

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Streszczenie:

Celem pracy jest przybliżenie historii prac nad Ustawą o zawodzie fizjoterapeuty, etapów pracy nad nią i jej uchwalenie. Od 1998 roku i pierwszych prób regulacji standardów zawodu fizjoterapeuty, poprzez rok 2004, kiedy znalazł się on jako pozycja 223903 na liście zawodów i specjalności, po najważniejsze wydarzenie – podpisanie 26 października 2015 roku przez prezydenta RP Andrzeja Dudę Projektu Ustawy o zawodzie Fizjoterapeuty. Dla przedstawicieli Polskiego Towarzystwa Fizjoterapii, praca nad skutecznym jej procedowaniem to godziny spędzone z ekspertami różnych branż; długa walka na argumenty z lobby lekarskim i Naczelną Radą Lekarską przeciwnym sfinalizowaniu procedury legislacyjnej; spotkania w Ministerstwie Zdrowia i Polityki Społecznej; rozmowy z parlamentarzystami kolejnych kadencji; Rzecznikiem Praw Obywatelskich; konsultacje oraz nagłaśnianie problemu w mediach. I ostatni etap, czyli mobilizacja środowiska fizjoterapeutów, której efektem było zakończone sukcesem głosowanie w Sejmie i w Senacie nad złożonym przez Klub Parlamentarny Polskiego Stronnictwa Ludowego projektem Ustawy o zawodzie fizjoterapeuty.

Metoda. Kwerenda poświęconych fizjoterapii i ochronie zdrowia oraz Ustawie o zawodzie fizjoterapeuty zapisów obrad parlamentarnych, programów i artykułów w mediach oraz publikacji w periodykach branżowych.

Wnioski. Dzięki konsekwentnemu i zdecydowanemu stanowisku Polskiego Towarzystwa Fizjoterapii, po ponad 20 latach od wskazania potrzeby, prawnie usankcjonowano przepisy określające zawód fizjoterapeuty jako autonomiczny zawód medyczny. Określono standardy kształcenia, zakres działań samorządu zawodowego i odpowiedzialności zawodowej uniemożliwiającej jednocześnie wykonywanie tego zawodu przez osoby bez odpowiednich kwalifikacji. Dla dobra i bezpieczeństwa polskich pacjentów.

Słowa kluczowe:

zawód fizjoterapeuty

Abstract

The aim of the article is to present the history of the stages of development and implementation of the bill on the Profession of Physiotherapist. Since 1998 and the first attempts to regulate the profession of physiotherapist standards, through 2004, when the occupation was placed on the 223,903 position on the list of professions and specialties, to the most important event – signing the Project Bill of Physiotherapist by President of Poland Andrzej Duda on 26th October 2015. For the representatives of the Polish Society of Physiotherapy, working on the bill and effective processing meant hours spent with experts from various industries; long struggle with the medical lobby and the Supreme Council of Physicians who were against finalizing the legislative procedure; meetings in the Ministry of Health and Social Policy; talks with parliamentarians; The Polish Ombudsman; public consultation and publicizing the issue in the media. And the last step, which was to activate the physiotherapists' environment, which lead to successful voting in the Parliament on the bill issued by Polskie Stronnictwo Ludowe one of the Polish political parties.

Conclusions. Thanks to the persistent and determined position of the Polish Society of Physiotherapy after more than 20 years since the first signs of the need, the physiotherapist occupation was pronounced an independent medical profession. Such issues as training, duties of the governing association and professional responsibility were established to prevent from performing the job by unqualified people. Everything was done for the sake and safety of Polish patients.

Scientific method. Enquiry of records devoted to physiotherapy and health safety including a bill defining the profession of physiotherapist from parliamentary sessions, media programs and articles plus publications in trade press

Key words:

profession of physiotherapist

Until autumn 2015 Poland was one of the last countries in Europe without legislation relating to the profession of physiotherapist. The breakthrough was brought by a physiotherapist bill which was passed first in the Lower House of the Polish Parliament (25th September) and then in the Upper House of the Polish Parliament (1st October). The signature placed on 26th October 2015 by the President of Poland, Andrzej Duda, ended the more than 20 year struggle of the Polish Society of Physiotherapy supported by the European Region of the World Confederation Physichal Therapy (ER WCPT) to change the situation in which almost each person, even after having completed only a weekend course in spinal therapy, could have started a business activity and perform physiotherapy services. Until that moment documents confirming education and qualification in physiotherapy were only required when signing a contract with the Polish Health Fund.

The current form and sound of the bill are the result of many years of substantive work of Polish physical therapists, their knowledge and experience, the insight into the professional standards and real needs of the XXI century society, confronting the great demographic challenges arising from an aging population and expanding life span. In such situation, attention to professionalism and the highest quality of physiotherapy services and access to educated professionals are crucial for the safety and welfare of patients, which was emphasized by the health minister, Igor Radziejewicz-Winnicki during the parliamentary debate on the need for legal regulation of the profession of physiotherapist.

One of the bill's regulation is creation of a public record of physiotherapists in order to identify them and define their qualifications. Such register would enable patients and employers verify information, whether the person has permission to perform profession of physiotherapist. According to the bill, performing the profession of physiotherapist is, among others, examination of the patient; evaluation, planning and conducting physical therapy and physiotherapy, as well as adjusting patient needs with medical devices. The regulation presupposes that physiotherapist has the access to patient's medical records and is allowed to obtain information from the organization providing the health benefits. The bill regulates formation of physiotherapists' local governments – their tasks will include holding custody of proper practice and representation of physiotherapists.

The struggle of the Polish Society of Physiotherapy for the bill

The "long march" to the President's signature is a multi-phase history of a struggle of modern thinking about the welfare and safety of a patient with an anachronistic tradition less and less suitable to the changing needs of the present. It's the story of a dispute about the scope of professional competence, developing standards and ability to work together for the benefit of the patient. Its symbol is the Polish Society of

Physiotherapy, an association whose main objective is to define a physiotherapist professional standards and protect interests of the employees, consisting of about 70,000 people.

The Polish Society of Physiotherapy was founded in 1987 as a continuation of the Section Masters of Physical Education in Rehabilitation Workers (since 1976 the Section of Physiotherapy) which existed within structures of the Polish Association for Combating Disabilities for 25 years. During the first two years of activity of the PSP, in 1989 team led by dr Wiesław Kubiś prepared the first draft of the profession of physiotherapist setting out responsibilities and professional standards for motor rehabilitation project. The project was publicly presented at the three-day Congress of physiotherapy in Wrocław in May 1991.

In 1990 Polish Society of Physiotherapy applied to the Ministry of Health and Social Welfare for changing the name from the academic degree "Master of Physical Rehabilitation" to "Master of Physiotherapy" and to form rules of professional performance in accordance with the document "Characteristics of the Profession of Physiotherapist" issued by members of the Society and the WHO guidelines.

Following years of efforts for recognition of the autonomy of the profession of physiotherapist produce bitter disappointments due to weight and blindness most commonly the scale of the problem. In 1992, the defeated an attempt to submit a project that uses a good climate for the adoption of the law on local Government Medical Technicians biologists and other paramedical Health Commission. A similar lack of understanding of the industry showed a media, for example "Health Service", which printed aslimmed-down information and instead posted the Bill only editorial entitled "the profession of physiotherapist and local physistherapist. Only after the intervention of the environment physical therapists in 1994 one managed to print a Bill in the second issue of the magazine "Physical Therapy"

The work on the legislation of the standards began in 1998, and was inspired by, among others, recommendations of Polish physiotherapists participating in the General Meetings of the Confederation of European Region of the World Confederation for Physical Therapy. Consistency of the operation of the PSP before 1 April 1998 resulted in the draft law on the profession of physiotherapist to the Parliament (parliamentary print no 330). The applicants represented Władysław Skopa. The project has been assessed and rejected. In the early XX century, physiotherapists compromised a third, next to doctors and nurses, professional group in health care. The New Main Board of PSP with the President Marek Kiljański took effort working on the bill and to allow physiotherapists conduct specializaion. Pursuant to decree of the Minister of health on 30 September 2002 accreditation on specialization as the first received: the rehabilitation of

children and adults in Zgorzelec and Rehabilitation Facility SPZOZ in Pabianice. Thanks to the involvement of PSP the Ministry of health has established national consultant for physiotherapy position. For 11 years, since 2003 the National consultant position held Prof .Zbigniew Śliwiński. Soon consultants in the field of physiotherapy appeared in all provinces.

In 2004 physiotherapist was put on 223 903 place on the list of occupations and specialites. The position of adviser in the field of physiotherapy was created in all voivodeships. The Sejm RP adopted amendments in the bill " Polish classification of the goods and services". Under code 85-health care, has added an important point 85.14.A and specified the entry "physiotherapists". This entry clearly fix the profession of physiotherapist in the Group of the medical profession.

While working on the bill the Polish Society of Physiotherapy held consultations in the professional environment. A draft was sent with a request for study of the problems included, remarks and support for efforts to achieve the proper position of the profession of physiotherapist among other medical occupations. The covering letter included, among others, a statement : *"The welfare of the patient requires a properly prepared physiotherapist. Our bill introduces mechanisms to ensure access to the profession only to professionals. However, the circle of people included in the bill and people professionally prepared for the career is wide. The bill does not create a level of elite, but introduces a requirement that all physiotherapy activities, whether performed as a part of a full time job or in private practices are carried out by people with specific skills that profession includes. We also turned to Ombudsman for support. We justify our speech by the right of professionals physiotherapist to equal treatment. We hereby recall the constitutional citizen law to obtain medical care – safe and available for the patient (in the sense of surrounding the patient with actual specialist's care) and competent (guaranteed by law with certain qualifications). "*

Barriers prolonging the legislative process - the position of the Supreme Medical Council

For several years the need for legal regulation of the profession of physiotherapist did not meet either with understanding of parliamentarians, nor representatives from the Ministry of Health of changing governments, although the main purpose of the regulation was to ensure safe physiotherapy by preventing unqualified people from practicing, which meant welfare of all of us as potential customers in general.

The results did not appear until 22nd July 2014, when the actual bill was submitted to parliament by Dariusz Dziadzio, a member of Polskie Stronnictwo Ludowe political party. *"With this project we ensure the safety of patients"* – declared the party member on the press conference. *"According to the bill a physiotherapist would be a person who has graduated from the faculty of physiotherapy. For people with the title of technician bridging studies were planned. The project also included different degrees of specialization and defined qualifications required for the profession."*

The previous Health Minister Aleksander Soplinski, stated: *"Due to the fact that a person performing the profession of a physiotherapist plays a very important role in the health care system, the Ministry of Health held a number of meetings with representatives of the physiotherapists' environment and there have been steps undertaken to develop substantive solutions in order to regulate the profession of physiotherapist. I confirm that the Ministry of Health received a project of a bill for the profession of physiotherapist, accepted by both the Polish Physiotherapy Association and Polish Society of Physiotherapy, as well as the national consultant in the field of physiotherapy. The objective of the bill for the profession of physiotherapist is to regulate the rules of professional performance, including training of both undergraduate and postgraduate, achieving permission to practice, standards of professional responsibility and the organization of the professional governance and competence"*. From the beginning, the main opponent of the bill was the Supreme Medical Council, which for many years successfully inhibited the entire legislative process. The President of the organization Maciej Hamankiewicz, argued that the bill, as proposed, leads to elimination of medical supervision in the process of treating patients, and *"only a physician was given educational background needed to conduct a proper diagnostic process. Of course, lack of a physiotherapist bill causes that today nobody really knows who is a physiotherapist and who is not. Therefore the bill is essential. It is also important that the physiotherapist who is not a doctor, was not working based on his or her diagnosis, because he or she may lack sufficient knowledge, experience and competence, therefore should act on the order of a doctor of physiotherapy."*

Meanwhile, the extending legislative process and denial the profession of physiotherapist by medical lobbies increasingly reflected the health of society. Media reported on the destructive consequences of treatment by healers who during the 4-day courses have acquired elementary "skills" and, according to the law, were allowed to open practice under the name of "physiotherapist". Among other things, one of the TV stations – Polsat – broadcast a series of programs "State Within a State" and therefore engaged themselves in the process of adopting this bill and monitoring progress. Experts representing

Polish physiotherapy were invited to take part in the program. Thanks to the program the knowledge about the consequences of incompetence of parapsiotherapists was made public. In Grojec near Warsaw patients received physiotherapy from an electrician who completed a physiotherapy course merely, although the prosecutor's office charged him with involuntary manslaughter. One patient died after a massage received in his practice. In Kluczbork a young vet went to the office "Backbone therapy". She hoped that she would be in the hands of a physiotherapist. Now she is paralyzed. In Katowice, a carpenter wanted to treat people having finished only a course in manual therapy. He applied for a grant in the amount of 40. 0000 zlotys to start his own practice. Only thanks to the clerk the application was denied. Examples of mistakes made by parahealers served as a warning, but with insufficient capacity of health services and the growing scale of needs, only adoption of the bill on the profession of physiotherapist really would protect patients against fraud and harm to health.

Recommendations from other European countries experience

The confederation European Region of the World Confederation Physiotherapy joined the discussion about the need to regulate the profession of physiotherapist. The organization is an official body that advises the European Union regarding the profession of physiotherapist, protects its interests and unites 35 national associations of physiotherapists in Europe. The organization postulated to follow examples of other countries and allow only people with the appropriate degree or professional qualification use the professional title of physiotherapist in Poland.

In most EU countries, to become a physiotherapist, one should graduate from a proper university faculty lasting at least 3 years (but usually over 3 years). Often to practice this profession it is also necessary to complete additional courses. In as many as 20 countries which are members of the EU, to obtain the title of physiotherapist and be allowed to conduct professional practice, one needs to graduate from higher university education. *"In Western European countries the access of patients to physiotherapists is also significant"* – explained Prof. Zbigniew Sliwinski, MD, Ph.D. from the Jan Kochanowski University, vice president of the Polish Society of Physiotherapy. *"Thanks to the autonomy of the profession, i.e. in England, physiotherapist, whose education corresponds to the level of education specialist in Poland, after completing the proper supplementary training may prescribe medicaments to perform physical therapy, which reduces queues and waiting time for patients."*

At the same time Polish Society of Physiotherapy warned against the "escape" of educated physiotherapists abroad. *"The lack of relevant regulations and 'spoiling' the market by*

uneducated therapists makes many specialists recognize their diploma and work in a foreign country. The demand for their services in Europe is enormous. "- explained Marek Kiljański, CEO of the Polish Society of Physiotherapy.

A debate before voting in the Parliament

The arguments, opinions and recommendations did not convince the Supreme Medical Council. It remained against the idea. In the letter forwarded to the Parliament, the organization emphasized that "the leading role in the process of patient's therapy, in particular in the process of diagnosis, planning and supervision on the process, should be a physician's duty which will ensure proper control over the services' quality and safety of their performance."

The opinion of the Supreme Medical Council was commented by the Health Vice-Minister Igor Radziewicz-Winnicki, who, before the bill was passed in September 2015, focused attention saying that *"while living in the postmodern society of the XXI century it is impossible to stay in a XIX century structure and philosophy of the health care system, where the leading role belonged to a physician and only he had power to supervise, administer and organize the process of healing. There are no foundations, other than malice, not to notice that particular medical professions, including physiotherapists, worked out their own professional personality, studies, academic identity and a number of societies, institutions, handbooks. Today, a person who completed full academic education, graduated from university and often is a specialist in any of the arising subdisciplines in the field of physiotherapy, obtains the education and professional competence higher than a physician who deals with other field of medicine."* Radziewicz-Winnicki also added that the person responsible for the process of treatment is a doctor, however, physiotherapy is not equal, especially taking into consideration the fact that the educational process in the field extends medical knowledge. According to Radziewicz-Winnicki it is symptomatic that when a bill which guarantees access to highly qualified physiotherapeutic service for an enormous group of Poles is created, protests are not raised by patients and their environment, but the professional corporation of doctors. It therefore questions their intentions. At the same time the cooperation between doctors and physiotherapists is seamless and the bill may even improve it, as it would assure the patients safety and increase access to the service. The long queues only to receive a stamp to verify an earlier referral and – against what the Supreme Medical Council states – there would be more order on the physiotherapeutic market, as the parahealers without diplomas and exams couldn't prey on the gullibility of the ill.

Physiotherapist - an independent medical occupation

In spite of the veto of the physician's lobby the bill on the profession of physiotherapist was voted down in the Parliament. Paweł Wawelski in Polityka magazine reported: *"The new bill on the profession of physiotherapist defines many crucial issues ensuring development in this modern medical field. The word «modern» is a key as the opponents of the introduced solutions have mentally stopped in the middle of the previous century, unaware of the fact that physiotherapy is now an independent specialty different from when it was when they graduated from medical schools. It is the same as with dietetics or speech therapy – has anyone thought about doctor's supervision over qualified dietitians or speech therapists?"*

The uncertainty of waiting for the final approval of the bill and the President's signature motivated the environment of the Polish physiotherapist to additional actions. Letters supporting the bill and showing the need of quick implementation were sent. The 26th October 2015, the final stage of the struggle to acknowledgement of the autonomy of the profession of physiotherapist ended with success.

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Piśmiennictwo/ References

- 1 Ustawa o zawodzie fizjoterapeuty - druk nr 3001, 3936
<http://www.sejm.gov.pl/Sejm7.nsf/PrzebiegProc.xsp?nr=3001>
- 2 Paweł Wasilewski: Senatorowie nie dali się zastraszyć Naczelnej Radzie Lekarskiej ws. Fizjoterapeutów POLITYKA 02.10.2015
<http://www.polityka.pl/tygodnikpolityka/kraj/1635489,1,senatorowie-nie-dali-sie-zastraszyt-naczelnej-radzie-lekarskiej-ws-fizjoterapeutow.read>
- 3 GAZETA WYBORCZA: Apele do prezydenta ws. losów ustawy o zawodzie fizjoterapeuty; z komentarzami; 15.10.2015
<http://wyborcza.pl/1,91446,19025496,apele-do-prezydenta-ws-losow-ustawy-o-zawodzie-fizjoterapeuty.html#ixzz3quVXfWP4>
- 4 RYNEK ZDROWIA: Radziejewicz-Winnicki broni ustawy o zawodzie fizjoterapeuty i krytykuje postawę NRL; z komentarzami; 30.09.2015
<http://www.rynekzdrowia.pl/Polityka-zdrowotna/Radziejewicz-Winnicki-broni-ustawy-o-zawodzie-fizjoterapeuty-i-krytykuje-postawe-NRL,155447,14,1.html>
- 5 GAZETA PRAWNA: Sejm: Zawód fizjoterapeuty – samodzielnym zawodem medycznym; 25.09.2015
- 6 Alicja Dusza: Co dalej z ustawą o zawodzie fizjoterapeuty? Lekarze chcą weta prezydenta. Medexpress.pl; 12.10.2015
<http://www.medexpress.pl/start/co-dalej-z-ustawa-o-zawodzie-fizjoterapeuty-lekarze-chca-weta-prezydenta/61750/>
- 7 Aleksander Lizak: List do „99 procentom polskich terapeutów grozi bankructwo”
<http://fizjoterapia.pl/99-polskich-fizjoterapeutow-grozi-bankructwo>
- 8 Polskie Towarzystwo Fizjoterapii: Odezwa z 30.07.2014
<http://zgptf2.linuxpl.info/files/news.php?readmore=34>
- 9 Sławomir Jandzi: Rys historyczny fizjoterapii w Polsce; OPOLE Politechnika Opolska; Oficyna Wydawnicza 2013
- 10 PAŃSTWO W PAŃSTWIE: Pararehabilitanci
<http://www.ipla.tv/Panstwo-w-panstwie-pararehabilitanci/vod-5853430>
- 11 Marta Pawłowska: Rehabilitacja grozy. "W Polsce pracę fizjoterapeutów ogranicza polityka. To paradoks"; naTemat.pl
<http://natemat.pl/66221,rehabilitacja-grozy-czeka-na-autoryzacje-w-polsce-prace-fizjoterapeutow-ogranicza-polityka-to-paradoks>
- 12 Anna Kaczmarek: Lekarze uważają, że fizjoterapeuta nie jest zawodem zaufania publicznego; naTemat.pl
<http://natemat.pl/157509,lekarze-uwazaja-ze-fizjoterapeuta-nie-jest-zawodem-zaufania-publicznego>