

Speech therapists employed by public National Healthcare System structures and the freelance profession: Questionnaire on the exclusivity constraint - D.L. 30 marzo 2023, n. 34

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Constraint; exclusivity; speech therapists; healthcare professions; freelancer

ABSTRACT

The publication in the Gazzetta Ufficiale of the “Decreto Bollette” D.L. March 30, 2023, n. 34, put down the exclusivity constraint for all healthcare professions. Speech therapists working in the Campania Region Healthcare System were interviewed via an electronic questionnaire. Materials and Methods: The questionnaire was distributed to Campania speech therapists via chat, social media and personal contacts with colleagues. The questionnaire was processed by “Google Forms” platform, which allowed the anonymous collection of responses. Professionals were required to answer a total of 12 questions, divided into 7 sections. Results: 80% of colleagues are aware of the abolition of the exclusivity agreement, but only in 18% of cases the company they belong to has structured a regulation to implement the legislation. Of these professionals, only 7.5% has submitted an application to obtain authorization to practice as a freelancer but none has currently received a response from the Administrations. Discussion and Conclusions: The structured questionnaire aims to highlight the implementation of the legislation in the Campania Region; it emerged that only few Healthcare companies have prepared internal regulations, and all of the colleagues who submitted a request for the abolition of the exclusivity agreement did not receive a response.

INTRODUCTION

The publication in [1] Gazzetta Ufficiale n. 76 of 30/03/2023, of “Decreto Bollette” D.L. 30 March 2023, n. 34 and subsequent integration [2] of DL 56/23, establishes a substantial amendment for all health professions: the abolition of the exclusive obligation until 31/12/2025. [3] The “Conferenza Stato Regioni e Province Autonome di Trento e Bolzano” provides a contribution to the identification of activities outside the office that can be carried out by health professionals, outlining the areas of incompatibility and the obligations to be implemented by the employees. In particular, in the second paragraph of Article 3-quater of DL 127/2021, the obligation is established by the entity of belonging to authorize the “assignments” conferred to the personnel of the health professions. Such authorization must be understood extensively, that is, referring to all the modalities of development of the performance of activity outside the employer. [1, 2, 3, 4] The standard lays down three conditions for the company to grant authorisation to employees: a) the activity must guarantee the organisational needs of the National Health Service as a priority; b) [7] compliance with working time regulations

must be checked;

c) the management body must certify that the objective of the holding relating to the disposal of waiting lists is not undermined; in compliance with the national rules on the recovery of the abovementioned waiting lists, including those resulting from the pandemic emergency.

[5, 6] These conditions, which are essential for the granting of the authorisation, in relation to the cases of incompatibility, must be defined in a specific company regulations that guide and define in advance what are the criteria for authorization or refusal to carry out other work, in addition to specifying the general information.

The following study investigates the transposition of the legislation by the Healthcare Companies of the Campania Health System, as well as the implementation of the subsequent acts, such as the definition of a company regulation.

The [8] speech therapists working in the Campania Health Care System with a permanent employment relationship were interviewed through a telematic questionnaire.



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MATERIALS AND METHODS

The research study is characterized as a cross-observational statistical survey. For the collection of data, the method of interrogating subjects through a questionnaire built in digital form on the Google Forms platform was used for greater usability. Once completed, the questionnaire “Exclusivity Constraint” was forwarded via links to the participants, who could easily answer the questions anonymously through their devices. The following sections were considered in the design of the questionnaire:

- Registry;
- D.L. 34 of 30/03/23;
- Authorization procedure within your company;
- Outcome of the request submitted;
- Reasons for not submitting the application.

The questionnaire was distributed to Campania speech therapists through chat, social and personal contacts with colleagues, in the period between 01/12/2023 and 05/01/2024.

RESULTS

A collective of 60 speech therapists participated in the survey, 10 of whom were not active in the public sector: therefore, for these, the questionnaire was interrupted in the first section. Of the remaining group, the data collected come from a population composed mainly of female subjects (84%) aged 31-40 years (46%), in activity for 6-10 years (34%), in the province of Naples (74%). The sample shows a distribution of work activity of 58% of colleagues at the ASL and the remaining 42% in Hospitals. 98% of the Members who answered the questionnaire work indefinitely. With reference to the abolition of the exclusivity requirement, according to the DL Bollette no 34, published in the Official Gazette no 76 of 30 March 2023, 80% of colleagues state that they are aware of it (Figure 1).

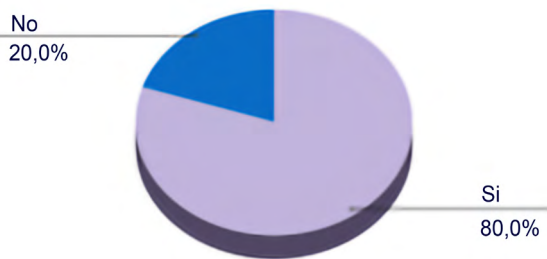


Figure 1 – Knowledge of DL Bollette No 34 Is aware of the abolition of the exclusivity constraint according to the DL bollette, published in Gazzetta Ufficiale n.76 of 30 March 2023?

At the same time, however, 40% say that no company regulations have been adopted relating to the legislation, while 42% say that they are not aware of this information (Figure 2). Of the collective only 7.5% of the participants, corresponding to n.3

speech therapists, requested permission to practice the liberal profession (Figure 3), according to the regulations, but none of them has ever received a response from their administration. The remaining 92.5% of colleagues, equal to n.37 speech therapists, did not apply, stating as a reason (Figure 4) to have insufficient information on the subject (59.5%) or little interest in the topic (21.6%).

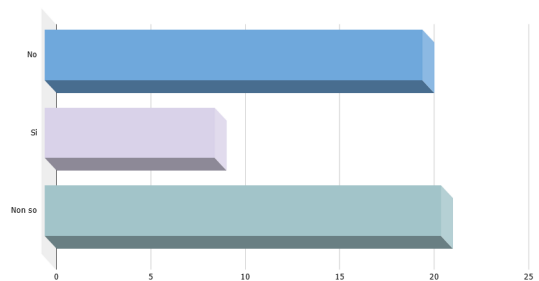


Figure 2 – Adoption of Regulations in Healthcare Companies the company where it serves, has adopted a company regulation to transpose the legislation?

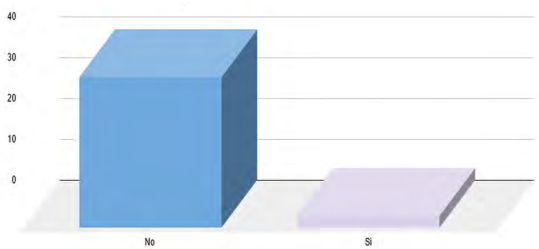


Figure 3 – Applications by speech therapists In this regard, has it applied for authorisation to practise in the liberal professions under this legislation?

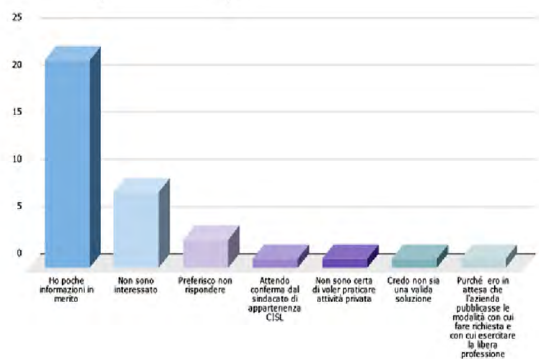


Figure 4 – Reasons for not submitting the application Why didn't you apply for permission?

DISCUSSION

A collective of 60 speech therapists participated in the survey, 10 of whom were not active in the public sector: therefore, for these, the questionnaire was interrupted in the first section. Of the remaining group, the data collected come from a population composed mainly of female subjects (84%) aged 31-40 years (46%), in activity for 6-10 years (34%), in the province of Naples (74%). The sample shows a distribution of work activity of 58% of colleagues at the ASL and the remaining 42% in Hospitals. 98% of the Members who answered the questionnaire



work with permanent contract. With reference to the abolition of the exclusivity requirement, according to the DL Bollette no 34, published in the Official Gazette no 76 of 30 March 2023, 80% of colleagues state that they are aware of it (Graph 1). At the same time, however, 40% say that no company regulations have been adopted relating to the legislation, while 42% say that they are not aware of this information (Graph 2). Of the collective

only 7.5% of the participants, corresponding to n.3 speech therapists, requested permission to practice the liberal profession (Graph 3), according to the regulations, but none of them has ever received a response from their administration. The remaining 92.5% of colleagues, equal to n.37 speech therapists, did not apply, stating as a reason (Graph 4) to have insufficient information on the subject (59.5%) or little interest in the topic (21.6%).

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