

CASE LAW MOSAIC

QUARTERLY INFORMATION BULLETIN OF THE DEPUTY COMMISSIONER FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN HUNGARY, 2021/3

Matters relating to registration with a general practitioner and the obligation for a general practitioner to provide care in the area

The petitioner moved to a new place of residence and considered it advisable to register with the general practitioner in the area of care. However, the GP did not admit the complainant and the refusal of re-registration caused difficulties for the complainant in accessing health care.

The general nature of the complaint did not indicate whether the complainant had exhausted legal remedies, therefore, for lack of competence, the Minority Ombudsman did not open an investigation, but provided the petitioner with detailed information on the relevant provisions of the Decree No. 4/2000 (II. 25.) of the Minister of Health on the activities of general practitioners, general paediatricians and dentists.

Under the legislation, everyone has the right to choose a general practitioner, which begins with the application to the general practitioner of their choice. It is possible to change to another GP without giving a reason once a year, but only in duly justified cases. Re-registration shall be considered justified in the event of a change of residence or whenever there are obstacles to seeing the chosen general practitioner.

However, according to Section 3/A (3) of the Decree of the Minister of Health, although the doctor may refuse the application, but the application of a person whose place of residence is in the area (district) of the general practitioner's care can be refused only in particularly justified cases. Nevertheless, the doctor should provide care for a patient living in the area of the GP if the patient has not chosen another general practitioner and the lack of care would lead to a deterioration of his/her health or slow down his/her recovery.

The information letter also explained the further procedure for refusal of an application, according to which disputes concerning refusal of an application are decided by the district (metropolitan district) public health office of the metropolitan or county government office competent for the place of residence of the applicant.

In his reply, the petitioner thanked the Minority Ombudsman for the helpful guidance and supportive letter.