



BDIZ EDI and legal action

Dear colleagues,

These days, BDIZ EDI is waiting for a letter from the German Federal Ministry of Health. On behalf of the BDIZ EDI, Prof. Thomas Ratajczak, our legal counsel, has requested a statement on the inequality of treatment inherent in the German medical and dental fee regulations. In his five-page letter, he asks how it is possible that the value of a fee point according to the German Standard Schedule of Fees for Dentists (GOZ) has remained unchanged for 65 (sixty-five!) years. “After this immense period of time, there is no way to justify a situation in which dentists (and physicians) are treated so unfairly as the Federal Ministry of Health has treated them for decades, compared to other liberal professions—veterinarians being a good example”, Ratajczak writes.

As the saying goes, hope dies last, but I dare to predict that we will wait in vain for a positive message from Prof. Karl Lauterbach, the Federal Minister of Health. But we are prepared for that. Our legal counsel is preparing the arduous legal action of six dentists—including our President Christian Berger, our Vice President Prof. Joachim Zöller, and other board members—before the competent administrative court in Berlin, which is responsible for this case because in Germany, administrative courts also have jurisdiction over the state. They rule on disputes between citizens, in this case dentists, and administrative authorities.

As many of our members know, BDIZ EDI was founded in 1989 as a result of the failure to adjust the GOZ point value in 1988. Since then, the association has stood up for its members and for colleagues in Germany and Europe and has not shied away from legal action. In 2001, BDIZ EDI was instrumental in obtaining a ruling from the German Federal Constitutional Court, to establish the “Focus of Professional Activities: Oral Implantology”

(Tätigkeitsschwerpunkt Implantologie) as an official designation and an indication of a narrower area of specialisation for dentists, in the face of opposition from the federal and state dental associations. In 2013, BDIZ EDI filed a lawsuit against the 2012 GOZ on behalf of six dentists, also before the Federal Constitutional Court. At the time, Germany’s highest court skilfully side-stepped the issue and did not accept the case for decision. We were also involved in Brussels and Strasbourg with a BDIZ EDI statement when the European Commission was about to launch the EU Service Directive. Similarly, we have repeatedly criticised the impact of the EU Medical Device Regulation (MDR) on dentists, manufacturers and the market as a whole.

We have learned from years of battling with politicians and legislators in Germany that it is not enough to stick to a single approach. We have launched an information campaign against a new health reform law called the Financial Stabilisation Law for Statutory Health Insurance, which will affect patients through the budgeting of dental services from 2023. We provide regular advice to dentists on billing—through the distribution of written information and through Christian Berger’s webinars.

So we take different ways to support our members, the dentists—in Germany or elsewhere in Europe.

A handwritten signature in black ink, appearing to read 'Stefan Liepe'.

Dr Stefan Liepe, Managing Director, BDIZ EDI