

Information on an exemption provision allowing the performance of a medical activity related to the COVID-19 pandemic (§ 36b Austrian Medical Act 1998) in Austria

Legal background

In order to exercise the medical profession in Austria on a regular basis, medical doctors have to be registered in the “list of medical doctors authorised to medical practice”.

As a consequence of the outbreak of the COVID-19 pandemic in 2020, an exemption provision was created, in order to prevent undersupply of medical doctors. This provision is to allow medical doctors who have acquired their professional qualifications outside of the EU / the EEA resp. Switzerland, to take up medical activities in Austria without having to register first and to obtain “Nostrifizierung” (recognition of the medical university degree), as well as the recognition of their medical training. This provision applies to the entire period of the pandemic.

The conditions of entitlement for this exemption provision

Persons having a medical qualification are allowed to engage in a medical activity on condition that they perform this medical activity in cooperation with a colleague who is registered with the Austrian Medical Chamber.

Before taking up the medical activity, it has to be notified to the Austrian Medical Chamber by a completed datasheet which is either emailed to ael-recht@aerztekammer.at or sent by mail. It is important that the following is specified as precisely as possible: place of performance, the type of activity and the details of collaboration with a doctor registered with the Austrian Medical Chamber. In case that the collaboration partner changes, the datasheet has to be updated and re-transmitted. If there is a change of place of performance, while the collaboration with the colleague authorised to medical practice remains unchanged, it is sufficient to report this new place of activity to the Austrian Medical Chamber and to mention that the collaboration has remained unchanged.

Furthermore, the Code of Conduct applicable to medical doctors in accordance with the Austrian Medical Act 1998 applies to the performance of the mentioned activities under this exemption provision, too. Therefore, it is mandatorily required to have a professional liability insurance, as medical activities under the present exemption provision are not performed in an employment relationship. Further information about the offer of free liability insurance is available by contacting the Austrian Medical Chamber in this respect.

The maximum duration of medical practice

The authorization to perform a medical activity based on the present exemption provision expires automatically with the end of the pandemic. In order to continue medical practice in Austria, it is required to register with the Austrian Medical Chamber.

Issuing of a confirmation on the receipt of a complete notification

After receiving the complete datasheet, the Austrian Medical Chamber will provide the doctor with a confirmation thereof.

General notice

As medical activities performed during a pandemic according to § 36b are not based on registration, they cannot be credited to postgraduate training required according to the Austrian Medical Training Regulations.

Further information on the legal requirements for registration is available on the website of the Austrian Medical Chamber at www.aerztekammer.at/taking-up-medical-activities-in-austria