

Communication concerning the decision of the Curia of Hungary
in the administrative case n° Kfv.III.39.008/2012/6

The plaintiff is authorised to provide medical services based on the decision of the relevant institution of the National Public Health and Medical Officer Service. The authorisation to operate was modified several times upon the request of the plaintiff, the changes concerned the period of consulting hours.

Based on claims submitted to the first instance authority and checks on-the-spot, it was established that the plaintiff did not keep to the consulting hours indicated and modified in the authorisation to operate. The first instance authority obliged the plaintiff in its decision to carry out the medical service according to the authorisation, particularly as regards consulting hours. In an inspection on-the-spot, it was established again that the plaintiff did not fulfil its obligation stated in the decision.

In the case the Curia maintained that a family doctor is obliged to provide continuous medical service in person. The plaintiff fulfils his/her statutory obligation if (s)he keeps to the consulting hours. The documents of the administrative case unambiguously prove that the consulting hours were not observed several times and the plaintiff failed to fulfil his/her obligation to report on it.

Having delivered its decision on the fulfilment of obligation, in a check on-the-spot the first instance authority found that the consulting hours were cancelled. The county court was right in declaring that there is no continuous provision of medical services if the plaintiff fails to observe consulting hours and fails to report on it.

Budapest, the 28th of January 2013

Administrative and Labour Department of the Curia of Hungary