

Statement: Creation of a Federal Health Law

Support for the Position of the Swiss Academy of Medical Sciences (March 2024)

Introduction

The Swiss Medical Students' Association (swimsa) represents the voice of over 10,000 medical students. We are deeply invested in political discussions related to public health and Switzerland's healthcare system, and we are actively committed to improving the health of the population. We wish to express our support for the Swiss Academy of Medical Sciences' (SAMS) proposal to adopt a federal health law, which would be further strengthened by the inclusion of a constitutional article providing guiding principles of health policy in Switzerland.

Context

The Swiss Academy of Medical Sciences (SAMS) was founded in 1943 as an institution dedicated to promoting research. Today, SAMS serves as a think tank, acting as a mediator between science and society. SAMS is a highly valued discussion partner for the Swiss Confederation and other institutions, and its Central Ethics Committee regularly publishes documents such as medical-ethical guidelines.

Through its work, SAMS highlights various areas within the Swiss healthcare system that could be strengthened. One of these is the system's strong reliance on the Federal Health Insurance Act for governance. This dependence poses a challenge, as the aims of a national health policy extend beyond those of a social insurance scheme. Moreover, the healthcare system remains almost exclusively focused on care provision, whereas greater emphasis should be placed on health promotion and prevention (1).

In light of these findings, SAMS commissioned Prof. Dr. Med. Stéfanie Monod from Unisanté, Lausanne, in 2022 to conduct a scientific study on the relevance of establishing a federal health law. Her report, further enriched by a legal analysis by Prof. Dr. Iur. Mélanie Lévy from the Institute of Health Law at the University of Neuchâtel, was published in February 2024. The study, entitled "*Analyse de la gouvernance du système de santé suisse et proposition d'une loi fédérale sur la santé*", offers valuable insights into potential improvements for healthcare governance.

As these observations show, there is growing recognition among health stakeholders that Switzerland's healthcare system is in need of reform. In 2024 alone, Swiss citizens are voting on three separate proposals related to healthcare costs. However, as SAMS points out, a cost-focused approach alone will not provide a sustainable solution. A profound rethinking of the Swiss healthcare system is essential to meet these challenges effectively and ensure a future-oriented system.

Development

"One Health" and "Health and Sustainability in All Policies"

Between 2019 and 2022, SAMS released several works advocating for a more sustainable health system incorporating the concept of "One Health". This holistic view of health acknowledges the **interdependence between environmental, animal, and human health**, recognizing risks to human health from climate change, biodiversity loss, and antibiotic resistance. These are issues on which swimsa has already taken a stance and that are inextricably linked. (2) In line with **Planetary Health**, which emphasizes the health of human populations as dependent on the sustainability of natural systems, swimsa also recognizes the need for policies that bridge health and environmental sustainability.

swimsa affirms its support for the "One Health" vision and calls for its application through "Health in All Policies" and its expanded framework, "Health and Sustainability in All Policies". Indeed, one of the current health system's weaknesses is the lack of a cross-cutting health vision, resulting in a siloed approach to public policy. **We believe that optimal public health will remain unattainable until all public policies consider this dimension.**

The Right to Health is a Human Right

The right to health is enshrined in international treaties ratified by Switzerland and is defined as "the right of every individual to attain the highest possible standard of physical and mental health." **This right goes beyond mere access to healthcare; it also demands action on the socioeconomic determinants of health**, including food, housing, work, and education. Switzerland's Federal Constitution does not explicitly provide a right to health in its current state, as we elaborate below. (3)

Key Conclusions of the Monod Report

The 88-page report by Prof. Dr. Med. Stéfanie Monod approaches the Swiss health system from public health, health systems analysis, and legal perspectives. Here are some conclusions from the report (4) :

1. Lack of a constitutional framework for the health system

At present, there is no comprehensive constitutional provision for the health system that defines its components or clarifies governance. While article 118 of the Federal Constitution mentions health protection, it does not address key areas such as the "One Health" approach, "Health and Sustainability in All Policies," or the social determinants of health. This gap complicates the development of intersectoral health policies and hinders the establishment of clear priorities and core values for a cohesive national health system.

2. *Overlapping health responsibilities between cantons and the Confederation*

There is a significant overlap of health responsibilities at both the cantonal and federal levels. While certain areas, like health and accident insurance and health protection, are clearly federal competencies, other constitutional provisions require both cantons and the Confederation to "act within their respective competencies." This division makes comprehensive reform efforts more challenging.

swimsa acknowledges and commends the efforts of decision-makers moving in the right direction, such as the motion on hospital planning 24.3505 submitted to the National Council.

3. *Insufficient federal competence and oversight in health*

Federal health strategies remain largely declarative, lacking enforcement power, measurable overarching goals, and performance or quality indicators to guide their implementation.

4. *Suboptimal health information system*

The current health information system fails to provide sufficient data for informed decision-making, resulting in two key issues: decisions are often driven by political agendas rather than evidence, and there is a persistent reliance on sector-specific perspectives.

Constitutional Anchoring of the Guiding Principles for the Federal Health Law

We believe that the health and well-being of the population should be the ultimate goal of any state action and public policy. Thus, even before considering a Federal Health Law, embedding this principle in the Constitution becomes imperative. Besides Article 118 about health protection, the Constitution has no article dedicated to the guiding principles or governance of the health system.

In light of these findings, the Monod report along with SAMS, which has endorsed it, calls for a **partial revision of the Federal Constitution to grant the Confederation new competencies in health**. Its formulation could be inspired by the following one proposed by SAMS.

Art. 116a Politique de santé

- ¹ La Confédération et les cantons reconnaissent l'interdépendance de la santé des êtres humains, des animaux et de l'environnement et s'engagent à promouvoir une approche intégrée de la santé dans les limites de leurs compétences respectives.
- ² La Confédération fixe les principes applicables à la politique de santé et coordonne les efforts des cantons. Elle vise à promouvoir la santé de la population pour garantir un niveau élevé de protection de la santé pour tous.
- ³ La Confédération encourage un système de santé équitable, durable et efficient. Elle légifère sur la collecte et l'utilisation des données destinées à piloter le système de santé.

<p>Art. 116a Gesundheitspolitik</p> <p>¹ Bund und Kantone anerkennen die wechselseitige Abhängigkeit der Gesundheit von Mensch, Tier und Umwelt und verpflichten sich, im Rahmen ihrer jeweiligen Kompetenzen die Gesundheit auf Basis eines integrierten Ansatzes zu fördern.</p> <p>² Der Bund legt die Grundsätze der Gesundheitspolitik fest und koordiniert die Bemühungen der Kantone. Ziel ist es, die Gesundheit der Bevölkerung zu fördern, um einen hohen Gesundheitsschutz für alle zu gewährleisten.</p> <p>³ Der Bund fördert ein gerechtes, nachhaltiges und effizientes Gesundheitssystem. Er regelt das Sammeln und die Nutzung von Daten zur Steuerung des Gesundheitssystems.</p>

Federal Health Law

This process would involve establishing a **Federal Health Law**, which would define the general objectives of the health system, including (4) :

1. Promoting the health of the population and ensuring it remains in the best possible health,
2. Prevention and care,
3. Guaranteeing financial protection for the population to access necessary healthcare.

Additionally, the Federal Health Law would enshrine:

- The "one health" and "health and sustainability in all policies" approaches,
- The need for regular health system performance evaluations,
- Principles of equity, access, quality, and efficiency in healthcare.

Call to action

swimsa supports...

- The proposal by Unisanté and SAMS that advocates for the establishment of a Federal Health Law, complemented by a partial revision of the Constitution to grant the Confederation competencies in health matters and embed fundamental principles within health policies (see paragraph above).

swimsa calls on...

...all political, scientific, academic, and philanthropic stakeholders...

- to join forces to bring this popular initiative to life

...all physicians, medical students, universities, organizations representing healthcare workers and students, as well as all organizations active in the medical field...

- to raise awareness of this proposal and actively advocate for the principles outlined in SAMS's position statement.

Conclusion

As future physicians and key actors within our healthcare system, swimsa is acutely aware of the significant challenges that lie ahead. In particular, the population is aging, and so is the average age of physicians. In fact, the number of octogenarians in the general population is projected to double, surpassing one million by 2050. (5) At the same time, there will be a shortage of approximately 5,500 doctors by 2040. (6) This will place substantial pressure on young physicians. In this context, a clearly defined and coordinated public health policy at the federal level will be essential to manage the growing demand for healthcare and to prevent a decline in working conditions.

swimsa revealed that 34% of sixth-year medical students had considered leaving the profession after their clinical internships. (7) The primary reason for this disillusionment was the lack of work-life balance in medicine (reported by 74% of respondents), with the average weekly working hours at 100% employment being 53.3 hours, of which **only 34% is spent with patients**. Implementing this federal law could streamline data management processes and facilitate digital transformation.

swimsa is committed to an integrated healthcare system grounded in a holistic vision, with a stronger emphasis on health promotion and prevention. We call on all stakeholders to address the needs of future generations of physicians and the population. **The time for change is now.**

Sources

(1) SAMS Position Statement on a Federal Health Law dated 23.05.2024

(2) swimsa Policy Paper on Climate Change and Health dated 16.11.2019

(3) see swimsa Policy Paper on Equity in Healthcare dated 13.11.2021

(4) Analyse de la gouvernance du système de santé suisse et proposition d'une loi fédérale sur la santé, Unisanté, Stéfanie Monod et al., 2024.

Available on :

<https://www.unisante.ch/fr/formation-recherche/recherche/publications/raisons-sante/raisons-sante-354>

(5) Population Scenarios - Federal Statistical Office [Internet]. [cited on 13.11.2024]

Available on : <https://www.viz.bfs.admin.ch/assets/01/ga-01.03.01/fr/index.html>

(6) Pénurie de médecins: il n'y a pas que l'énergie qui vient d'ailleurs [Internet]. [cited on 13.11.2024]].

Available on : <https://saez.swisshealthweb.ch/fr/article/doi/bms.2023.21366>

(7) swimsa Policy Paper on the working conditions of medical professionals