

From the official Minutes of the
135th Session dated Feb. 28, 2013
Of the Hellenic Parliament in
Plenary Session, which passed
the following draft law

Emergency provisions of the Ministry of Health and other provisions

Article 1

In article 35 of Law 3918/2012(A' 31) as amended by article 22 of Law 4052/2012 (A' 41) and case 8 of subparagraph IB2 of par IB of article 1 of Law 4093/2012 (A' 222), the following paragraph 3 is added as follows:

“3. In case, after the off-setting of the second clause of paragraph 2 hereof, there is an outstanding amount of receivables or in case the pharmaceutical companies or the Marketing Authorisation Holders of pharmaceutical products have no receivables against EOPPY but only against hospitals, the EOPPY's receivables against the pharmaceutical companies or the Marketing Authorisation Holders from the rebate amount provided for in item (a) of par. 1 hereof and from the one provided in the first clause of par. 2 hereof, may be assigned, upon resolution of the Board of Directors of EOPPY, to the hospitals, against the payment of the hospital pharmaceutical expenditure for persons insured in EOPPY, and hospitals obligatorily set off the amount of the above assigned receivables to them with their debts towards the Marketing Authorisation Holders of pharmaceutical products. Off-setting is effected only between the receivables assigned to the hospitals, in accordance with the preceding sentence and the cleared debts of hospitals to pharmaceutical companies or Marketing Authorisation Holders of pharmaceutical products, which emerged within the same year. The Minister of Finance and the Minister of Health define, by joint decision, the amounts each time assigned and set off in accordance with the provisions of this paragraph, the relevant procedure as well as any other necessary element for the application of the preceding clauses.

This provision enters into force as of 1.1.2012”.

Article 3

1. Case (b) of par. 1 as well as paragraphs 2 et. seq. of article 34 of Law 4038/2012 (A' 14) are replaced and a paragraph ‘6’ is added as follows:

“1. [...] b. Existing debts are those for which the vouchers provided for in each case have been issued until 31.12.2011.

2. Debts referred to in par. 1 are settled under the following conditions:

a) if a discount is granted on the value of the transaction (value of the voucher not including VAT), which, in terms of debts to pharmacies, is set to a percentage of 3.5% on the value of the medicines sold, with submission of credit invoices to EOPPY,

b) if the relevant beneficiaries waive any other claim or legal remedy, including default interest.

3. Debts referred to in par. 1 are settled in the following process:

The amount that results as “remaining debt” of EOPPY, following the application of the discounts set out in case (a) of par. 2 hereof, is settled with the issuance of the relevant payment warrants, in accordance with the applicable provisions on public accounting. The above amount can be paid to the beneficiaries of paragraph 1 as an advance payment after the withholdings provided for by law. Payment is effected via money warrants following a rough accounting audit, which is conducted by the competent services of EOPPY or the agencies whose health sector was transferred to EOPPY. If after the granting of the advance payment, during the audit and the clearance of the vouchers, an outstanding amount results which is less than the advance payment, the difference is withheld from the future accounts of the suppliers set out in par. 1. In case a future account is not submitted within a period of three months from the date of clearance, the difference is sought by EOPPY, in accordance with the provisions on unduly paid amounts.

4. Acceptance of the settlement by the beneficiaries is effected with the submission of the relevant solemn declaration by the beneficiary – provider which is filed to the competent Service of EOPPY or of the agencies whose health sector was transferred to EOPPY.

5. The Minister of Finance, the Minister of Labour, Social Insurance and Welfare and the Minister of Health, define, by Joint Decision, the discount percentage that all healthcare providers (except of pharmacists) will grant, as well as any other relevant detail for the application of this article.

6. The provisions of this article apply for the debts existing on 31.12.2011, of Health Sectors of the Social Insurance Agencies which were included in the EOPPY after 1.4.2012”.

2. In case 2 of the subparagraph C2 of par. C of article 1 of Law 3093/2012 (A’ 222) as amended and in force, the following clauses are added in the end, as follows:

“ Upon the completion of the procedure for emergency financing of hospital institutions (legal entities and public services) of the Agencies of the General Government, according to the provisions of the preceding subparagraph, receivables of the above against EOPPY and the Social Insurance Agencies are written-off, which derive from services rendered to persons insured therein until December 31, 2011, regardless of the invoicing date, as well as the obligations of EOPPY and of the Social Insurance Agencies against the hospital institutions (legal entities and public services) of the Agencies of the General Government which derive from the aforementioned services rendered.

The Ministers of Finance, Defence, Education and Religion, Culture and Sports, Labour, Social Insurance and Welfare and the Minister of Health, define, by Joint Decision, all issues necessary for the application of the provisions of this subparagraph”.

Article 4

1. Settlement of outstanding financial obligations to third parties, of the NHS hospital institutions, University General Hospital Papageorgiou, of other General Government Agencies which operate as Public law Legal Entities and Private Law Legal Entities and are supervised by the Ministry of Health, of the Athens Eginition Hospital, the Athens Areteion Hospital, NIMITS and military hospitals, which (obligations) have resulted from the procurement of materials and services and up to the amount of those obligations existing until December 31, 2011, according to subparagraph C2 of Law 4093/2012 (A' 222) as amended and in force, is effected provided that the beneficiaries will waive any other claim and legal remedy, including default interest.

2. Acceptance of the settlement by the beneficiaries is effected with the submission of the relevant solemn declaration by the beneficiary which is filed to the competent Service of the hospital institution.

Article 8

1. The last clause of case (c) of par. 1, article 35 of Law 3918/2011 (A' 31) is amended and replaced as follows:

“For the attribution of the additional rebate, the sales of the preceding quarter are taken into account, based on the data made available to EOPPY by HDIKA, the prescriptions scanning system and other sources and is respectively paid for the first quarter, until May 31, for the second quarter, until August 31, for the third quarter, until November 30 of the same year, and for the fourth quarter, until February 28 of each subsequent year. Especially as regards the remaining debts of 2011 and the four quarters of 2012, the possibility of settlement is provided, for the repayment of the rebate set out in case (a) and of the additional rebate set out in case (c) of this article, which may be owed after the application of the provision of paragraph 3 hereof, in four instalments of equal amount paid every two months, with the payment of the first instalment until 15.3.2013, of the second until 15.5.2013, of the third until 15.7.2013 and of the fourth instalment until 15.9.2013. In case of non-timely payment, of even one of the above instalments, EOPPY automatically ceases to reimburse the respective pharmaceutical products of the liable Marketing Authorisation Holder, which are included in the list of reimbursed medicines of par. 1, article 12, of Law 3816/2010 (A'6)”.

2. Case (f) of par. 1 of article 35 of Law 3918/2011 (A' 31) is replaced as follows:

“f. The rebate set out in case (a) is paid on a quarterly basis, with the same method of calculation and with the same deadlines that apply to the additional rebate set out in case (c) of this article. The collection of both the rebate set out in case (a) and the additional rebate set out in case (c) is effected under the exclusive responsibility and care of EOPPY, in the context of the reduction of pharmaceutical expenditure. In case of non-timely payment of the rebate set out in case (a) or the additional rebate set out in case (c) owed from time to time, EOPPY automatically ceases to reimburse the respective pharmaceutical products of the liable Marketing Authorisation Holder, which are included in the list of reimbursed medicines of par. 1, article 12, of Law 3816/2010 (A'6).