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UNIVERSAL HEALTH COVERAGE IN TIMES OF CRISIS

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The General Law of Public Health, of 4 October 2011, "extends the right to access public health care to all Spanish people resident in the Spanish territory, to which it might not be recognized under other rules of law" (sixth additional provision).

This extension of public health coverage system seems out of line with times like these, in which the principal target of reducing the public deficit is forcing the adoption of drastic measures that affect all economic and social sectors, and health deficit amounts between 10,000 and 15,000 million Euros.

This is, however, a needed reform to avoid some unwarranted exclusions of the public health system and the reform itself is not particularly burdensome.

It must be taken into account, in this sense, that Law 14/1986, of General Health, proclaimed in its article 1, that "all the Spanish people and foreign citizens who have their residence established in national territory have the right to health protection and health care". However, the Law maintained the old rules that required to be affiliated to the Social Security System to access free services. Health care was always provided, but then a bill was sent to those who had no medical card, and to have it, it was necessary to be registered in the General System of Social Security, that is, pay into the system, either as employed worker or self-employed worker or be the beneficiary of an affiliate.

This link between paying and coverage was unjustified, given that since 1999 (as provided in Title I, Chapter III of Law 49/1998, of General State Budget for 1999), the Social Security was no longer a contributions system, so that it is not covered by social contributions but under the National Budget.

Royal Decree 1088/1989, of 8 September, extended health coverage to Spanish people residents in the Spanish territory without enough financial resources, understood as those the people whose income, of any nature, is equal or less -annually- than the minimum wage.

The coverage of the public health system was already, therefore, almost universal, but there were still exclusion situations, mainly affecting the following groups:

- The unemployed who run out of unemployment subsidy and had incomes or annual resources over the minimum wage (641 Euros per month).
- People who had not worked before or sporadically and also had incomes above the minimum wage.
- The practitioners of professional activities included Professional Associations, as many lawyers or architects, who are not integrated in the system of self-employed workers of Social Security.

The Public Health Law has filled these gaps of universal health coverage, which is estimated to affect approximately 200,000 people.

The right to health coverage will be effective, for the unemployed who have exhausted the unemployment benefits, as of 1 January 2012, and for the other potential beneficiaries, the Law states that, within six months, the Government shall determine the terms and conditions of the right extension, "in response to the evolution of public accounts".

In any case, it is recognized that the extension of the coverage shall include at least the extent provided in the common services portfolio of the National Health System (whose benefits are described in Royal Decree 1030/2006 of 15 September, which es-

tablishes the common service portfolio of the National Health System and the procedure for its updating).

It has to be noted that the coverage provided by the Public Health is universal not only for Spanish citizens but also for most foreigners living in our country, under the conditions established by the laws and regulations of the European Union¹.

The universal health coverage is, without doubt, a great social progress, but some measure will have to be adopted to cut costs and ensure a wise use of health care services in order to reduce the "black hole" of public health costs, representing 6.1% of GDP and entailing a cost per capita of 1,421 € per year.

¹ According to the Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain, the foreigners that are in our country and are registered in the Register of the municipality in which they normally reside, are entitled to free access to health care under the same conditions as Spanish citizens. This Law also provides that any foreigners being in Spain have the right, without having to be registered in the Register or meet the requirements for free access to public health service: (i) to emergency health care due to serious illness or accident, whatever its cause, and the continuity of this care until discharge; (ii) to free health care under the same conditions as foreigners if they are under eighteen and are in Spain; (iii) the foreign pregnant women who are in Spain are entitled to health care during pregnancy, childbirth and postpartum.

Nationals of Member States of the European Union have the rights resulting from Union law, primarily the Community Regulations 1408/71 and 574/72 on Social Security, which regulates the "European Health Insurance Card".