

## Going without a medical diagnosis must remain an exception<sup>1</sup>

Press release from the French National Academy of Medicine  
15 February 2024

In order to improve access to healthcare by responding to the scarcity, hopefully temporary of the medical time available in territories described as "medical deserts" or in some hospitals, to streamline the patient's care pathway, to free up medical time, and to enhance the status of some healthcare professionals (physiotherapists, speech therapists, advanced practice nurses, nurses) [1], Law 2023-379 of 19 May 2023 "improving access to healthcare through trust in paramedical healthcare professionals" allows them to take in charge patients, prescribe tests and healthcare products, or practice their art, in cases where prescription by a doctor would no longer be compulsory. Implementing regulations of this law have still to be issued.

A medical prescription is not an administrative formality. It is the result of a process carried out by the doctor, based on listening to the patient and analyzing in depth his or her symptoms and situation (age, history, family, professional and socio-economic background). The physical examination, and analysis of the results of any additional tests, then enables the doctor to make a medical diagnosis. The medical prescription, intended to be therapeutic, is the direct result of the medical diagnosis that has been made, i.e. the illness that the doctor believes the patient has. It is therefore the culmination of an intellectual process, whose conduct takes advantage of the fact that the doctor, after at least nine years of study, has a great deal of theoretical and practical knowledge and, over time, an increasing experience and a constantly updated knowledge.

The diagnostic process is not simple, even for doctors. Simple-or innocuous- looking signs may be symptomatic of a complex and serious illness requiring a precise medical diagnosis. Furthermore, initiating a treatment always involves a degree of risk, and the time spent on an inappropriate therapeutic approach may result in a delay in initiating an effective treatment.

Therefore, to start a treatment in the absence of a medical prescription is by no means trivial. But that, without the support of an intellectual analysis that led to a medical diagnosis, the treatment undertaken will be appropriate, can lead to it turn out to be ineffective, if not harmful. For the healthcare professional who commits to such a course of action, it constitutes a risk, and therefore a responsibility.

The law now opens the way for some curative care to be provided without prior prescription by a doctor, for physiotherapy, speech therapy or nursing care, and even for prescriptions of complementary tests or health products, in contexts deemed to be "standardized" and considered to be at low risk.

Faced with the extension, permitted by law, of access to examinations and therapies without a doctor's prescription, the French Academy of Medicine:

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<sup>1</sup> Press release from the Academy's Rapid Communication Platform.

- Underlines that medical prescription is based on a medical diagnosis, which is the essential component of the medical process;
- Emphasizes that initiation of a curative treatment, particularly of a medicinal nature, without a prescription by a doctor and therefore without prior medical diagnosis, is only conceivable when the following conditions are met: verification that a doctor is not available; minimal risk of side effects of the treatment concerned; and medical evaluation, after a specific and repeated period, of all the procedures thus undertaken;
- Points out that the absence of doctors able to make a diagnosis is inconceivable in the context of a healthcare establishment, where a patient, whether entering via the emergency service or the medical consultation service, is likely to benefit from a medical diagnosis, and therefore to be prescribed a medication;
- Stresses that, whatever the type of practice, a diagnosis of illness is not sufficient to indicate a need for rehabilitation, or any treatment whatsoever;
- Considers that the requirement for prior prescription by a doctor is not an obstacle to upgrading the status of some healthcare professions or facilitating the patient's care pathway, but an element of securing the practice of these professions and of health safety for the patient.

- **Références**

- [1] Rist S., au nom de la Commission des affaires sociales sur la proposition de loi portant amélioration de l'accès aux soins par la confiance aux professionnels de santé, Rapport n° 680, enregistré à la présidence de l'Assemblée Nationale le 11 janvier 2023.
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