



Kurzinformation

The legal framework of remuneration for medical students or trainee doctors in Germany

The legal framework for the period of clinical practice during medical training

In Germany national legislation regulates the medical training and the access to medical professions. Based on § 4 Bundesärzteordnung – the Federal Medical Practitioners Act - (as in force - today, including last amendment from 23.12.2016, https://www.gesetze-im-internet.de/b_o/BJNR018570961.html), the Approbationsordnung für Ärzte – the Approbation Order for Physicians - (as in force today, including last amendment from 17.07.2017, https://www.gesetze-im-internet.de/appro_2002/BJNR240500002.html) was passed. The latter settles in § 1 Abs. 2 that the six years of university education end with 48 weeks of coherent clinical practice in medical institutions regulated in § 3 Approbationsordnung für Ärzte (one-year internship). Given that the practical training is tuition, the students are not entitled to receive compensation. The trainees do not stand in an employer-employee relationship but in an apprenticeship during the internship. German pupils and students receive a loan by the state if their parents cannot afford to (fully) finance their education, Bundesausbildungsförderung – federal educational assistance - (or BAföG for short). Apart from that, in case the students receive non-cash or cash benefits, it is inadmissible for medical institutions to supply benefits exceeding the BAföG (§ 3 Approbationsordnung für Ärzte).

For a couple of years there has been a discussion in Germany whether this regulation should be changed. Students complain about being at work like physicians without being paid properly (see: PJ Ranking Kliniken – Vergütung praktisches Jahr, in: <https://www.praktischerarzt.de/arzt/pj-ranking-verguetet-praktisches-jahr/>). The German association for physicians, Hartmannbund, has worked on a study evaluating the remuneration for medical students during their internship, “PJ-Vergütung: Wer zahlt? Wer zahlt wie viel? Und wer zahlt nichts?” (report: “Hartmannbund stellt Liste zur PJ-Aufwandsentschädigung vor“, in: [aerzteblatt.de](https://www.aerzteblatt.de/nachrichten/58818/Hartmannbund-stellt-Liste-zur-PJ-Aufwandsentschaedigung-vor), 26.05.2014, <https://www.aerzteblatt.de/nachrichten/58818/Hartmannbund-stellt-Liste-zur-PJ-Aufwandsentschaedigung-vor>).

The legal framework with regard to the period of professional traineeship

When duly qualified to practice medicine at the beginning of professional practice, doctors in Germany can specialize in an area of expertise of their choice like neurology for instance. This further education usually involves a focus so that at the end of it, after approximately five to six

years, candidates become medical specialists. The legal basis of this further education is set up by the medical associations of the federal states in Germany. By authorization of the Federal State's laws on the professional regulation and the associations of healthcare professions, the medical associations are empowered to do so. The Federal Länder derive their further education orders from the model regulation designed by the national medical association (for further information: <http://www.bundesaerztekammer.de/weitere-sprachen/english/german-medical-association/>).

However, these further training orders essentially regulate the training status of doctors in further education under public law, and they do not provide regulation on remuneration. The further education is being conducted within the framework of an employment in a hospital, medical practice or a rehab hospital. The further education imbeds practice as well as theoretical education. Doctors in further education receive remuneration from the medical institutions where they work. Their payment is regulated in their contract of employment with the owner of the medical institution they work for. The working conditions and especially the payment for medical practice in Germany are regulated in labor agreements being negotiated between the doctor's trade union and the employer's association. There are different labor agreements differing on whether the employer is a university hospital, municipal hospital or a private hospital operator. According to these agreements, the remuneration for doctors in further education is fixed in their contract of employment.
