Main results and findings

- with Art. 2, with the broad notion of "pathological agents", the current law is flexible enough to include current and new forms of bacterial resistance.
- the law does not explicitly mention the possibility of imposing treatment against infectious diseases. However:
  - with Art. 17 (obligation to get medical analysis) and Art. 16 (obligation to be hospitalised), the law contains a legal basis sufficient to entail a minor limitation of individual freedom.
  - Art. 10 allows the Federal State, in case of grave crisis situations, to intervene and impose treatment for certain categories of the population. Forced treatment must remain the option of last resort and in extreme circumstances only.

Currently, the revision due for 2008 of the Federal Law of 18 December 1970 on Protection against Contagious Diseases in Humans (Epidemics Law) is planned to act at five well-established levels to fight against contagious diseases and epidemics: prophylaxis, early warning, analysis of cases, surveillance and measures to fight the diseases.

Analysis of comparative legislations (F, D, UK) French and German laws have been recently revised in order to take into account the hazard posed by nosocomial infections in hospitals and ambulatories. Reporting of nosocomial infections is now mandatory. Although no specific legislation on the problem of antibiotic resistance could be found, centres for the surveillance and analysis of antibiotic resistance were instituted. These centres have to propose practical measures for handling the problem of antibiotic resistance. In France, for care facilities centres, health surveillance has been made a licensing requirement. That is, in order to remain a licensed facility, each care facility centre is required to take all health surveillance measures to guarantee quality of nosocomial hygiene. Periodical controls are established.
Summary of the results of a survey conducted among Swiss and European experts. A large majority of experts think that MRSA (methicillin-resistant Staphylococcus aureus) will increase in clinical and public health importance throughout Europe and Switzerland within the next 10 years. A majority of Swiss experts are in favour of mandatory declaration of MRSA bacteremia. Forced treatment and isolation of MRSA carriers is considered ethically acceptable by a majority of experts. These forced measures are not part of routine infection control practice but have been observed already by one-third of the experts.

Publications of the NRP 49 project

Haenni C, Harbarth S, Sprumont S.
La résistance aux antibiotiques: quels enjeux juridiques?

Harbarth S, Sprumont S.
Surveillance of MRSA – does Switzerland need a mandatory declaration?

Ethics roundtable debate: a patient dies from an ICU-acquired infection related to methicillin-resistant Staphylococcus aureus – how do you defend your case and your team?