

# The Right to Health in Italy:

## Complete Guide for Italian Citizens and Foreign Residents



**The Italian healthcare system** is recognized worldwide for its universal coverage and accessibility of care. But what are the foundations of this right? How does it work in practice and what differences exist between Italian citizens and resident foreigners? This article provides a complete overview of the right to health in Italy, analyzing its constitutional principles, the structure of the National Health Service and the methods of access for different categories of people.

## The Constitutional Foundations of the Right to Health

### Article 32 of the Constitution

The right to health in Italy finds its foundation in Article 32 of the Constitution, which states:

**> "The Republic protects health as a fundamental right of the individual and interest of the community, and guarantees free treatment to the indigent."**

This formulation has considerable historical and practical importance because:

- Recognizes health as a **fundamental right** of every person
- It also defines it as **a collective interest**, thus justifying public interventions for the protection of public health
- Explicitly guarantees **free treatment** for those who do not have sufficient economic means

## Historical Evolution of the Right to Health in Italy

The path towards a universal health system in Italy has gone through several phases:

- **Before 1978**: system based on mutual funds and category insurance
- **1978**: establishment of the National Health Service (SSN) with Law no. 833
- **1990s**: Reforms that introduced elements of regionalization and corporatization
- **2001**: reform of Title V of the Constitution with greater autonomy to the Regions in health matters

## The National Health Service (SSN)

### Principles and Structure

The SSN is the set of structures and services that ensure the protection of health and health care for all citizens. It is based on three fundamental principles:

1. **Universality**: guarantees health care to the entire population
2. **Equality**: every citizen has the right to access SSN services without distinction
3. **Equity**: all citizens must be guaranteed equal access in relation to equal health needs

## **Organization Levels**

The SSN is organised on three levels:

- **National level:** the State defines the Essential Levels of Assistance (LEA) which must be guaranteed uniformly throughout the national territory
- **Regional level:** the Regions have autonomy in the planning, organization and management of health services
- **Local level:** Local Health Authorities (ASLs) and Hospitals concretely provide services

## **Essential Levels of Assistance (LEA)**

The LEAs represent the benefits and services that the SSN is required to guarantee to all citizens, free of charge or with the payment of a ticket. They are currently divided into three areas:

### **1. Collective health care in the living and working environment:**

- Prevention
- Public hygiene
- Occupational medicine
- Vaccinations

### **2. District Support:**

- General Practitioner (Family Doctor)
- Pharmaceutical assistance
- Specialist outpatient care
- Territorial and home care

### **3. Hospital care:**

- Ordinary hospitalizations
- Day hospital and day surgery
- First aid
- Rehabilitation

## Access to the SSN for Italian Citizens

### Registration with the SSN

For Italian citizens, registration with the SSN is automatic and allows access to all the services provided by the LEAs. The documents required to use the services are:



- **Health Card:** personal document that contains the tax code and allows access to national health services

- **European Health Insurance Card (EHIC):** contained on the back of the Health Insurance Card, it guarantees health care in EU countries

### Choice of General Practitioner

Every citizen registered with the SSN has the right to choose a general practitioner (family doctor) from those available in his or her health district. For children up to 14 years of age, there is the choice of a pediatrician of free choice.

## **Tickets and Exemptions**

Some health services require the payment of a ticket, i.e. a contribution to the expense. Total or partial exemptions are provided for:

- **Age:** under 6 years old and over 65 with low family income
- **Income:** households with income below certain thresholds
- **Pathology:** people with chronic or rare diseases
- **Disability:** people with recognized disability
- **Pregnancy:** periodic check-ups during pregnancy
- **Prevention:** cancer screening and other prevention campaigns

## **The Right to Health for Resident Foreigners**

### **Citizens of the European Union**

EU citizens residing in Italy are entitled to registration with the SSN on equal terms with Italian citizens if:

- Are employed or self-employed in Italy
- Are family members of an EU worker
- Possess a certificate of permanent residence after 5 years of regular residence
- Are students or self-sufficient people with health insurance

### **Non-EU Citizens with Residence Permit**

For non-EU citizens, the right to health care varies according to the type of residence permit:

#### **1. Compulsory registration with the SSN for:**

- Legally resident workers
- Holders of a residence permit for family reasons
- Asylum seekers and refugees
- Holders of humanitarian or subsidiary protection

- Foreign minors
- Prisoners and internees
- People awaiting regularization

## **2. Voluntary registration with the SSN for:**

- Students without other qualifications for compulsory enrolment
- Au pairs
- Religious
- Holders of an elective residence permit without work

Voluntary membership requires the payment of an annual lump sum contribution that varies according to income.

## **Temporarily Present Aliens (STP)**

Foreigners present on Italian territory who are not in compliance with the rules of residence are still entitled to:

- Urgent or essential outpatient and hospital care for illness and accident
- Preventive medicine programs and protection of individual and collective health
- Protection of pregnancy and maternity
- Protection of children's health
- Vaccinations, international prophylaxis interventions and treatment of infectious diseases

These subjects are issued a card with an STP (Temporarily Present Foreigner) code valid for six months and renewable.

## **Access to Health Services and Facilities**

### **How to Access Primary Care**

The first level of assistance is represented by the general practitioner (or pediatrician for minors), who:

- Provides outpatient and home visits
- Prescribes drugs and diagnostic tests
- Proposes hospital admissions when necessary
- Issue certificates

### **Access to Specialist Services**

To access specialist visits and diagnostic tests, it is necessary:

- A medical prescription (prescription) from your general practitioner or other specialist
- Booking at the Single Booking Centre (CUP)
- Any payment of the ticket, except for exemptions

### **Emergency-Urgency**

In case of emergency, you can directly access:

- In the hospital emergency room
- To the territorial emergency service (118/112)

First Aid services are free in case of emergency, while a ticket can be requested for accesses considered non-urgent (white codes).

### **Pharmaceutical Assistance**

Pharmaceutical assistance includes:

- Class A drugs: essential and for chronic diseases, paid for by the SSN (with possible ticket)
- Class C drugs: at the full expense of the citizen
- Class H drugs: can only be used in hospitals

# **The Critical Issues of the Health System and Patients' Rights**

## **Waiting Lists and the Right to Timely Care**

One of the most felt problems of the SSN concerns waiting times for some services. To protect the right to timely care, the following have been introduced:

- Maximum waiting times for different services, based on priority classes
- Possibility of accessing intramoenia (paid services in public facilities) with reimbursement of the ticket when waiting times exceed the maximum expected times
- Monitoring and transparency of waiting lists

## **Health Mobility and the Right to Free Choice**

The citizen has the right to receive assistance even outside his or her region of residence (health mobility). This right is particularly important for:

- Access centers of excellence for specific pathologies
- Reduce waiting times
- Receive services that are not available in your region

## **Informed Consent and Patient Rights**

Law 219/2017 strengthened the principle of informed consent, establishing that:

- No health treatment may be initiated or continued without the free and informed consent of the person concerned
- The patient has the right to know his or her health conditions, the benefits and risks of tests and therapies
- The patient can refuse all or part of the proposed tests and treatments

## **Legislation and Protection of the Right to Health**

### **Protection Instruments**

In the event of a violation of the right to health, the citizen can:

1. **Submit a complaint** to the URP (Public Relations Office) of the health authority



2. **Applying to the Patients' Rights Tribunal**, a citizens' organization that protects patients' rights
3. **Take legal action** in civil court for damages or in administrative proceedings against measures deemed unlawful
4. **Contact your regional Ombudsman**

## Reference Legislation

The main regulations governing the right to health in Italy are:

- **Italian Constitution**, art. 32
  - **Law 833/1978** establishing the National Health Service
  - **Legislative Decree 502/1992** and **Legislative Decree 229/1999** on the reorganization of the SSN
  - **Legislative Decree 286/1998** (Consolidated Law on Immigration), articles 34, 35 and 36
  - **Prime Ministerial Decree of 12 January 2017** on the new LEAs
  - **Law 219/2017** on informed consent and advance treatment provisions
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## Conclusion: A Fundamental Right to Preserve

The right to health in Italy represents a fundamental social achievement, based on principles of universality, equality and equity. Despite the existing critical issues, such as regional disparities and waiting lists, the Italian health system continues to be among the most inclusive in the world, guaranteeing assistance even to the most vulnerable categories.



Awareness of one's rights and the mechanisms for accessing health services is essential for all residents in Italy, citizens and foreigners, to be able to fully benefit from the protections provided and contribute to the continuous improvement of the system.

In an era of growing challenges, from economic sustainability to an aging population, up to global health emergencies, preserving and strengthening this fundamental right represents a collective responsibility that requires the commitment of institutions, health professionals and citizens themselves.