



Universität  
Basel

## Research Project

### Assessing the impact of Diagnosis Related Groups (DRGs) on patient care and professional practice: an interdisciplinary approach

#### Third-party funded project

**Project title** Assessing the impact of Diagnosis Related Groups (DRGs) on patient care and professional practice: an interdisciplinary approach

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**Organisation / Research unit**

Ethik / Bio- und Medizinethik (Elger)

**Department**

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**Project start** 01.01.2011

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**Status** Completed

Until today, over hundred hospitals Swiss wide know the APDRG (all patient diagnosis related group). With the Swiss wide introduction of a new hospital financing system – the Swiss DRG – in 2012 the hospitals are reimbursed per case and not per inpatient day. The present project has two parts, a theoretical legal analysis and an empirical part. The empirical part investigates the impact of Swiss and international law in practice. What we intend to do in our project are analysis of legal aspects concerning DRG as a form of rationing and the risk of discrimination. How can DRG create a form of more or less visible rationing? Since DRGs reimburse hospitals per case and not per inpatient day, hospitals will benefit from a high case load of patients who stay less than the average hospitalisation length for a given diagnosis related group. This may lead to forms of cost shifting, including to what is called exits“. From a legal point of view rationing is problematic because it interferes with fundamental rights of persons. Although Switzerland's federal law does not contain a right to health, the fundamental right not to be discriminated against is strongly protected in the Swiss constitution (BV 8), as well as in jurisprudence and other legal provisions. An almost unavoidable consequence of DRG based hospital reimbursement seems patient selection because hospitals intend to minimize the risk of bearing the costs of “ (means patients who stay longer or require more costly treatment than the average DRG pays).

Project-transversal questions that will also be examined are firstly how decisions in the hospital management concerning health care costs are presently taken, and how much control experts, as well as single hospitals or their managers have about details relevant for just and equal access to health care.

Secondly, the influence of cantonal and or federal law on the decision making of experts and hospital managers will also be studied.

**Keywords** DRG, Rationing, Discrimination, Law

**Financed by**

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**Add publication****Published results**

1525604, Kieser, Ueli; Leu, Agnes, 2. St. Galler Tagung zum Gesundheitsrecht : neueste Entwicklungen in Gesetzgebung und Rechtsprechung - Qualität in der Gesundheitsversorgung : Referate der Tagung vom 24. August 2011 in Luzern, 978-3-908185-99-4, Publication: Edited Book (Herausgeber eines eigenständigen Buches)

1029736, Elger, B. S.; Gächter, T., DRGs und die Gesundheitsversorgung marginaler Gruppen, 978-3-03754-052-7 ; 3-03754-052-4, DRG und Ethik, Publication: Book Item (Buchkap., Lexikonartikel, jur. Kommentierung, Beiträge in Sammelbänden etc.)

**Add documents****Specify cooperation partners**

| ID      | Kreditinhaber            | Kooperationspartner                      | Institution  | Laufzeit -<br>von | Laufzeit -<br>bis |
|---------|--------------------------|--|--|-------------------|-------------------|
| 2363394 | Leu, Agnes               | Marckmann, Georg, Prof.                  | Ludwig-Maximilian-Universität München<br>LMU   | 01.07.2013        | 31.12.2013        |
| 1016829 | Elger, Bernice<br>Simone | Spirig, Rebecca, Dr., Co-Referee         | Abteilung für Klinische<br>Pfle gewissenschaft und<br>Entwicklung, University<br>Hospital Zurich | 01.01.2011        | 30.04.2014        |
| 1016830 | Elger, Bernice<br>Simone | Radovanovic, Dragana, Dr, Co-<br>Referee | National Registry of Acute<br>Myocardial Infarction in<br>Switzerland                            | 01.01.2011        | 30.04.2014        |
| 1016831 | Elger, Bernice<br>Simone | Vader, John-Paul, Prof., Co-<br>Referee  | Faculty of biology and<br>medicine, University of<br>Lausanne                                    | 01.01.2011        | 30.04.2014        |