



Comhairle na nDochtúirí Leighis Medical Council

Summary minutes of the Medical Council meeting held on 12th and 13th December, 2018 in Kingram House, Kingram Place, Dublin 2.

MEMBERS PRESENT – 12th December, 2018

Dr Rita Doyle (President)
Dr Anthony Breslin (Vice President)
Dr John Barragry
Ms Vicky Blomfield
Ms Teresa Bulfin
Dr Suzanne Crowe
Ms Mary Duff
Mr John Gleeson
Mr Paul Harkin
Professor John Hyland

Professor Marina Lynch
Ms Alison Lindsay
Dr Aoife Mullally
Mr John Murray
Mr Joe O'Donovan
Mr Tom O'Higgins
Mr Jim O'Sullivan
Professor Mary O'Sullivan

MEMBERS NOT PRESENT

Dr Marcus De Brun
Dr Thomas Crotty
Professor Fidelma Dunne
Professor Mary Leader

Dr Erica Maguire
Dr Maeve Moran
Ms Catherine McKenna

MEMBERS PRESENT – 13th December, 2018

Dr Rita Doyle (President)
Dr Anthony Breslin (Vice President)
Dr John Barragry
Ms Vicky Blomfield
Ms Teresa Bulfin
Dr Suzanne Crowe
Ms Mary Duff
Mr Joe O'Donovan
Mr John Gleeson
Mr Paul Harkin

Professor John Hyland
Professor Marina Lynch
Ms Alison Lindsay
Ms Catherine McKenna
Dr Aoife Mullally
Mr John Murray
Mr Tom O'Higgins
Mr Jim O'Sullivan
Professor Mary O'Sullivan

MEMBERS NOT PRESENT

Dr Marcus De Brun
Dr Thomas Crotty
Professor Fidelma Dunne

Professor Mary Leader
Dr Erica Maguire
Dr Maeve Moran

In attendance – full meeting

Mr Bill Prasifka (CEO)

Ms Niamh Muldoon (Head of Corporate Governance & Secretary to Council, Solicitor)

Mr William Kennedy (Director of Regulation, Solicitor)

Ms Jan Fitzpatrick (Corporate Governance & Council Manager)

In attendance – for the relevant parts of the meeting

Mr Philip Brady (Director of Registration and Business Process Improvement)

Ms Wendy Kennedy (Director of Corporate Services)

Mr Robert Sheehan (Finance support)

Ms Jantze Cotter (Director of Professional Competence & Practice and Research)

Ms Úna O'Rourke (Director of Education, Training & Professionalism)

Mr John Sidebottom (Head of Inquiries, Health and Monitoring)

Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)

Ms Ruth Rock (Head of Investigations & Complaints; Solicitor)

Mr Alan Gallagher (Head of Communications)

Mr Colin Cooper (Head of ICT)

Ms Marion Mitchell (HR Manager)

Ms Ciara McMorrow, (Head of Procurement & Facilities)

Note – all references to 'the Act' shall be construed as references to the Medical Practitioners Act 2007 unless otherwise stated.

Removals for failure to meet Professional Indemnity requirements

Following Council's decision to defer this matter until the December meeting, Council was advised of those doctors who have failed to provide evidence of indemnity at annual retention, as required under amendments to the MPA, Council noted that, following instruction of Council, the actions taken were as follows:

- Issuing of a further written communication, by both email and hard copy letter.
- Follow up phone calls, in cases where no response was received to the written communication.

Council noted that since 6 November, 2018, the listing which identified 184 doctors who have failed to provide evidence of their indemnity cover, this has now been reduced to 32 doctors. Of the 32 listed, 11 have been identified as working in General Practice. Mr Brady further outlined to Council the breakdown of non-compliant doctors based on Areas of Practice and Division on the Register. In addition, Council was advised of eight doctors who have been in contact and agreed to forward on evidence of their Professional Indemnity, who are yet to do so. Council agreed that these doctors should be given additional time until 1 January 2019 before action is taken.

On the proposal of Mr O'Sullivan, seconded by Mr Harkin, Council decided to remove the listed doctors, subject to a final check and separating the cohort of eight doctors, from the Register and advise the doctors accordingly. Council thanked Mr Brady and the Registration Team for all their work in reducing the number of doctors on the list.

CEO's Business

CEO's Report

The CEO advised Council that the Communications Team dealt with a large number of media queries following Justice Kelly's judgement in the section 60 relating to Dr M.

Council noted the Workforce Planning and Recruitment, and agreed that the turnover of staff is becoming more stable.

Council was updated on the recruitment process for external committee members and requested Council members to highlight the process to their colleagues who may be interested in applying to the Committees.

Council was advised that the ICT Team are aware that there are issues regarding the desks, screens and audio capabilities within the chamber. Council agreed that this would be dealt with by the Property Acquisition Group under their remit.

Council noted the similar trends in first time applications to the Register against the four previous years. A query arose regarding the impact of this downward trend and funding for Council.

Council also noted that the issues around Brexit remain the same and continue to be monitored.

Council was updated on the visits to nine hospitals across the Dublin/Midlands Hospital Group and the Children's Hospital Group took place over five weeks in November and December.

Council noted the status of the Performance Assessment proceedings.

Statement of Strategy

Jack Nagle, Alpha Consultancy, presented Council with an updated Strategy of Strategy document, outlining the process followed to date, to include focus groups with Council members and executive staff members, to arrive at this draft document.

Council endorsed the draft document, supporting the draft as a strong Strategy for Council. It was also noted that the next step is to put the draft statement of strategy out for public consultation with our stakeholders in the New Year, to further progress the development of the strategy.

Medical Council Business Plan 2019

Council was updated on the Business Plan 2019. Council noted that much High Level work has been completed. Council noted that the final document would be presented at the Council Meeting on 6 & 7 February 2019.

Media Coverage Log covering period: November - December 2018

Council noted this item.

President's Business

Update on recent meetings to include Minister for Health, Simon Harris TD

The President updated Council on her recent meeting with the Minister for Health, Mr Simon Harris TD, accompanied by the Vice President Dr Anthony Breslin, Secretary to Council Ms Niamh Muldoon, Head of Registration Mr Philip Brady, and Director of Professional Competence & Practice, Ms Jantze Cotter, on the 29th November 2018. Council was advised that this was a very constructive and engaging meeting, where the Minister thanked Council for their leadership, citing and welcoming their statement following the recent Cervical Check matter.

Council was informed that the agenda for the meeting included recruitment and retention of registered medical professionals, and amendments to the Medical Practitioners Act, 2007.

Council noted that the Minister outlined his intention to bring a paper to the government in late December, relating to the amendments to the regulation, contained in the Health (Miscellaneous Provisions) Bill 2018. It is hoped this Bill will come before the Houses of the Oireachtas early in 2019.

The President also updated Council on various recent meetings.

Finally, the President advised Council of a planned meeting with the Head of the Practitioners Health Matters Programme, Dr Ide de Largy, with the CEO and Prof John Hyland to promote the work of the Health Committee.

NDTP – Review of Intern Year – Nomination to the Steering Group

Council was advised of communication received requesting a nomination of a Medical Council member to the Steering Group. Following a proposal, Council approved Dr Crowe as a medical nominee to the Steering Group.

CPD Accreditation

Ms Cotter advised Council that the Registration and Continuing Practise Committee considered and agreed a proposal to develop a CPD accreditation model. Following a proposal by the Vice President, seconded by Ms Blomfield, Council approved the proposed next steps in this process.

Committees:

Strategy & Governance Committee

The report of the Strategy and Governance Committee meeting held 28th November 2018 was presented to Council.

Council was advised of the the establishment of the Education & Training Specialist Assessor Panel comprising of 13 assessors, drawn from the pool of Assessors previously approved, for the purposes of forming Specialist Training Assessor Teams to undertake postgraduate programme of re-accreditations and review applications for recognition of new specialties.

Council was advised of the appointment for Mr Tom O'Higgins as the Lead of the Specialist Training Assessor Panel/Teams and the draft Terms of Appointment of the Specialist Training Assessor Panel in principle.

Council was informed of the Learning & Development Programme for Council for the next 5 years. The objective of this plan is to schedule comprehensive Council development for the Council over the period of the Council member's appointment from 2018 to 2023. The proposed subject matter to be included in the plan for 2019 includes:

- **Sanctions & Reasons**
It is intended hold an Away Day for Council to cover Sanctions, Reasons and a refresher on Section 60 hearings. It is also intended to invite the President of the High Court to address the training session.
- **Conflict & Bias**
- **Chair Training – Away Day**
To include report writing, reasons and conducting hearings.
- **Board Effectiveness**
To include a Board Effectiveness Questionnaire

Also included in the L & D plan are short training sessions on “hot topics” immediately in advance of each Council meeting. Topics to include:

- GDPR Training
- Open Disclosure
- Ethical Issues
- Patient Safety

Further topics for consideration over the term of this Council are:

- Doctors who have been through the PPC and Fitness to Practice Inquiry Processes.
- Strengthening of the first day of the Council Agenda for a more strategic approach to Council Business.
- Transitional Care

Council was also advised of the Preliminary Proceedings Committee draft Terms of Reference.

Council noted that that letters are issuing to all Committee members, outlining the decision of Council to extend their current term of office to the 1st June 2019, thanking them for their service to date and inviting current committee members to remain on their respective committees until 1 June 2019.

Council also noted that any current Committee member would be deemed a fit and proper person and eligible for appointment to a Committee, subject to a skills matrix assessment for each Committee. In addition, it was noted that in-keeping with best practice, the membership term on any one Committee is limited to a maximum of two terms and the selection panel would be cognisant of this when reviewing applications.

Council noted the proposed selection process for the Committee shall consist of the Chair of the SGC, the Chair of the relevant Committee and Ms Muldoon, Head of Corporate Governance & Secretary to Council. This panel will review the applications for the respective committee against a set of criteria. All successful applications will be forwarded to the SGC for approval and appointment. Council was advised that further communications would be issued, including an article in the newsletter encouraging doctors to submit an application.

Council was advised that the proposed Streamlining Group is to be established and report directly to the SGC. It was agreed that this would be a short-lived Group and its work would focus on the following matters:

- Processes by the Executive
- Brief Presentation
- Meetings – Focus on Governance
- Day 1 – Business of Council
- Sanction Hearings
- Scheduling of meetings

It was agreed that the Group would identify specific issues relating to the above and report back to the Committee in early 2019. The SGC also agreed that a brief teleconference in December would be held to inform the Group of its requirements.

The Committee agreed the membership to be as follows:

- Dr Anthony Breslin (Chair)
- Mr John Gleeson
- Mr William Kennedy
- Ms Niamh Muldoon
- Mr Fergal Clancy

Council approved the establishment of the Streamlining Group

Audit, Finance & Risk Committee (AFRC)

The report of the Audit, Finance & Risk Committee meeting held 28th November 2018 was presented to Council.

Council was advised that Ms. Niamh Muldoon be appointed Chief Risk Officer following a process for expressions of interest and proposal by the CEO.

Council noted that the Budget 2019 would be circulated in the following week and brought to Council at its February meeting.

Council was advised on the Q3 Investment Update and a query arose regarding the pension liability and how it is managed. Ms Kennedy advised Council that this will be brought to the AFRC in the New Year.

Council approved the report of the Audit, Finance & Risk Committee.

Practitioners Health Matters Programme – Donation from Council

Council was informed of a proposal for the payment of the second grant to the Practitioners Health Matters Programme of €25,000. This item is stemming from a prior decision of Council to make two grant payments to the programme pending AFRC review.

Council approved the payment of the grant

Risk Register – Update

Ms Muldoon updated Council provided an update on the Risk Register.

Ethics Working Group

The report of the Ethics Working Group meeting held 6th December 2018 was presented to Council.

Council was advised that the Ethics Working Group (EWG) has been tasked with reviewing relevant paragraphs of the Council's *Guide to Professional Conduct and Ethics for Registered Medical Practitioners* (2016 Guide) impacted by pending new legislation on Termination of Pregnancy which dramatically changes previous legislation in this regard, following a national Referendum earlier this year.

The EWG comprises Council members, Dr Suzanne Crowe (Chair) and Ms Catherine McKenna, and external members provide expertise from General Practice, Obstetrics, Bioethics and patient interests.

Council noted that the EWG decided to conduct a targeted consultation process in advance of reviewing the 2016 Guide. Details of the consultation process were provided in the Additional Brief. Council was advised that the consultation process has gleaned some very informative and useful feedback and the findings were presented to Council.

Council agreed that this matter required further detailed consideration, along with a Legal Opinion on proposed amendments to the Ethical Guide Council agreed to hold an extraordinary Council meeting the following week to consider this matter further, and requested that Legal Opinion be sought in the intervening time and be issued to Council.

Registration & Continuing Practice Committee (RCPC)

The report of the Registration & Continuing Practice Committee meeting held 28th November 2018 was presented to Council.

Council was reminded that at its meeting of 19 and 20 September, Council delegated the decision on “non-standard” registration applications to the RCPC and noted the Committee’s Terms of Reference were reviewed and updated by the RCPC to reflect the procedural change.

Council noted the Committee’s intention to seek expressions of interest and advertising for new members to its Registration Review Panel. The panel had not been refreshed since its inception, and there were several members who can no longer assist in this work, thereby requiring the Executive to advertise for new panel members.

Council noted the issue of doctors who hold consultant posts and yet are not registered in the Specialist Division of the Medical Council’s Register. It was agreed that there should be no devolution of standards in gaining access to the Specialist Division. Council was advised that correspondence has been issued from the HSE National Doctors Training & Planning that identified two cohorts of doctors in this situation, being (i) doctors who were selected for a consultant post pre-2008 and (ii) doctors who were appointed through locum, service contracts etc. Council noted that the Committee will try to facilitate applications as much as possible, however the processes in place for granting specialist registration applications is an evidence-based, established and transparent process.

Council noted the matter of the “Right to be Forgotten/Spent Convictions” is protected under legislation and advice as to the application of this legislation, as it pertains to an application for registration, is provided on the Council’s website.

Council approved the report of the Registration & Continuing Practice Committee.

Matters considered by Council under Parts 6, 7, 8 and 9 of 2007 Act

A number of matters were considered by Council under Parts 6, 7, 8 and 9 of 2007 Act

Section 60 Report – December 2018

This item was noted by Council

Fitness to Practice Committee – Inquiry Calendar 2018

This item was noted by Council

Health Committee

The report of the Health Committee meeting held on 5th December, 2018 was presented to Council.

Council approved the report of the Health Committee.

Monitoring Committee

The report of the Monitoring Committee meeting held on 6th December, 2018 was presented to Council.

Council approved the report of the Monitoring Committee.