



Comhairle na nDochtúirí Leighis Medical Council

Summary Minutes of the Medical Council was held on 6th & 7th February 2019 in Kingram House, Kingram Place, Dublin 2.

MEMBERS PRESENT – 6th February 2019

Dr Rita Doyle (President)
Dr Anthony Breslin (Vice President)
Dr John Barragry
Ms Vicky Blomfield
Dr Marcus De Brun
Ms Teresa Bulfin
Dr Thomas Crotty
Dr Suzanne Crowe
Ms Mary Duff
Professor Fidelma Dunne
Mr John Gleeson
Mr Paul Harkin

Professor Mary Leader
Professor Marina Lynch
Dr Erica Maguire
Dr Maeve Moran
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

Professor John Hyland
Ms Alison Lindsay

Ms Catherine McKenna

MEMBERS PRESENT – 7th February 2019

Dr Rita Doyle (President)
Dr Anthony Breslin (Vice President)
Dr John Barragry
Ms Vicky Blomfield
Dr Marcus De Brun
Ms Teresa Bulfin
Ms Mary Duff
Professor Fidelma Dunne

Mr John Gleeson
Mr Paul Harkin
Professor Marina Lynch
Dr Erica Maguire
Mr John Murray
Mr Tom O'Higgins
Professor Mary O'Sullivan

MEMBERS NOT PRESENT

Dr Thomas Crotty
Dr Suzanne Crowe
Professor John Hyland
Professor Mary Leader
Ms Alison Lindsay
Mr Joe O'Donovan

Ms Catherine McKenna
Dr Maeve Moran
Dr Aoife Mullally
Mr Jim O'Sullivan

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)

In attendance – for the relevant parts of the meeting

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

Mr Robert Sheehan (Acting Finance Manager)

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 (Head of HR)

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.

CEO's Business

CEO's Report

The CEO provided a high level summary of the CEO Report, highlighting the main issues which have been the focus of the organization in recent weeks.

The CEO outlined that a number of extraordinary Council Meetings have been convened to consider the potential suspension of doctors, under section 60 of the Medical Practitioners Act 2007, in the public interest.

The CEO advised Council of comments made by the President of the High Court in relation to HSE recruitment procedures, in confirming the cancellation sanction imposed in relation to two doctors. Following the Courts comments, correspondence issued from the CEO to the Secretary General of the Department of Health and the Director General of the Health Service Executive. The President of the Council also wrote to the Minister for Health to bring his attention to the matter. The Communications team dealt with a large number of media queries following the media coverage of the Courts comments.

The CEO outlined attendance by the Executive Team at the patient safety conference and the Inmed Conference in recent weeks.

The CEO and Director of Registration are liaising with the Department of Health on the matter of Brexit.

The CEO confirmed that engagement is on-going with the National Doctors Training Programme office of the HSE in relation to the matter of non-specialist registered doctors working as Consultants.

The CEO outlined the different position with regard to the specialist division for doctors qualified before 2008, and those qualifying after 2008. 2008 was when the specialist division was first introduced, and the option was open to members suitably experienced, to apply to “grandfather” onto the specialist division with five years of introduction of the specialist divisions, based on a paper application. The understanding of the office of the Medical Council was that the HSE would manage the position, supporting its employees eligible for entry to the specialist division in seeking specialist registration. However, the numbers of doctors appointed to locum Consultant positions by the HSE appears to have increased as distinct from decrease.

The Director of Registration informed Council that he is in constant communication with the General Medical Council of the UK, and noted that UK qualifications remain constant in standards, both before and after the dead for Brexit, being the 29th March 2019.

Statement of Strategy & 3.3 Medical Council Business Plan 2019

The CEO, Mr Prasifka gave a presentation on the Statement of Strategy 2018-2023. The presentation outlined the themes and feedback received from the public consultation, and the amendments made to the strategy as a result.

The general feedback received from the consultation as supportive of Council in its stated strategy, however it was apparent that the role of the Medical Council is not clearly understood. The resourcing challenges and system pressures of the health service was reflected in the feedback provided, with Council’s stated intention to influence policy and advocate on behalf of patients and the profession, warmly welcomed.

80% of the respondents agreed that the stated vision was in-keeping with the role of Council.

75% of respondents welcomed Councils cited values of trust, fairness, transparency and advocacy.

The CEO gave an overview of the 6 objectives underpinning the strategy, and linked each objective to actions in the Business Plan for the organisation for the year ahead.

The presentation concluded with the CEO thanking Ms Cotter, Director and Ms O’Farrell, Research Manager for their assistance.

Council members made some suggestions and proposed some minor edits to wording. Mr Gallagher, Communications Manager, confirmed that the document will be professionally designed by external consultants.

Dr Crotty sought confirmation that printed booklets and wall boards would be obtained, to ensure the strategy is visible at Council and Committee meetings.

Mr Harkin commended the Executive Team involved in developing the strategy document, and made some comments on the feedback received in the public consultation.

Council unanimously approved the Statement of Strategy and Business Plan.

Amendments to the Medical Practitioners Act, 2007 – Registration

Mr Brady, Director of Registration and Business Process Improvement, presented this matter to Council, outlining that the Regulated Professions (Health & Social Care) Amendment Bill is on the priority list on the legislative programme for Government. The legislation is being prioritized in the context of Brexit, and it is now understood that the legislation will be passed by the Houses of the Oireachtas by the end of March 2019.

With this in mind, Mr Brady outlined to Council that rules pursuant to section 11 of the MPA 2007, whereby Council can make rules for the purposes of the better operation of any provisions of the Act, will be developed to allow Council deal with certain applications for registration under the rules.

Mr Brady outlined that the most significant change in the legislative amendments relates to the requirement for certificates of experience, and this is a welcome change.

Mr Brady acknowledged that the RCPC Committee would be fully briefed on the matter of PRES exemptions based on the Certificate of Experience, which feeds into the UK/Brexit applicants.

President's Business

Update on recent meetings

The President updated Council on the agreement of Dr Sean Curran to accept Council's nomination, and continue as the Medical Council's nominee to the radiation sub-committee of the EPA.

- **Legal Stakeholders Meeting**

The President updated Council on the legal stakeholders meeting, held on the 19th December 2019. The Chair of the Preliminary Proceedings Committee and the Chair of the Fitness to Practice Committee were both present at the meeting, and both agreed that it was a useful engagement between all parties. The President outlined the broad consensus agreed at the stakeholders meeting to support a local complaints resolution service, particularly relevant to General Practitioners.

- **Meeting with National Development and Training Programme**

The President, CEO, Directors Mr Kennedy, Mr Brady & Ms Cotter, and Secretary to Council, Ms Muldoon, met with the National Development and Training Programme on the 31st January 2019, in relation to recruitment matters.

- **PGTB Forum**

The President updated Council on a meeting of the PGTB Forum, hosted here in Kingram House

- **IMO**

The President also updated Council on a recent meeting with the IMO and the nature of the matters discussed. The IMO had suggested that an oversight committee be appointed with regard to fees paid by registrants to Council. The CEO clarified that the Audit Finance and Risk Committee of the Council was forensically performing that very function.

- **Scally Report Update**

The President outlined that she has written to the 221 Steering Group, Ms Vicky Phelan, Ms Lorraine Walsh & Mr Stephen Teap, at the request of the Scally Working Group, to invite the representatives of the Cervical Screening Impact Group (221 females), to meet with the President and others. The President stressed that any members of Council were welcome to attend this important and worthwhile meeting, to listen to the story of the people impacted by the recent cervical screening controversy. This meeting was initially scheduled for late February 2019, however a later date was requested by Ms Lorraine Walsh, and so a confirmed date in March is awaited.

The President outlined her pending speaking engagements on the part of the office of the President, to include addressing the AUDGP - University Department of General Practitioners, in addition to addressing the White Coat Ceremony for University College Dublin on 13th February 2019.

Establishment of an Ethics Committee

Council was advised of the requirement for an Ethics Committee to be established, to continue and further the work of the Ethics Working Group appointed by Council to consider aspects in the context of the Termination of Pregnancy Act 2018.

Council formally established an Ethics Committee.

Dr Crowe was unanimously appointed as Chair of the Ethics Committee.

The President also offered to provide a short presentation to the Executive Team, offering guidance on prescribing, z drugs, benzodiazepines and problem level prescribing at a glance.

Medical Workforce Intelligence Report

Ms O'Farrell gave a presentation to Council on the high level findings of the Workforce Intelligence Report.

Ms O'Farrell provided an overview of some themes that emerged from the data reviewed. It was noted that Ireland had 2.9 doctors per 1000 inhabitants, ranking 20th place out of 28 OECD countries. Our recruitment and retention challenges have now filtered right through from service posts to retention of consultants in the Irish context. Examining retention is crucial to producing a sustainable, self-sufficient workforce into the future.

In 2016, there were 2,714 doctors who enrolled on the Medical Council Register for the first time. Most new entrants to the register were on the general division and educated outside of Ireland. Countries including Egypt, Sudan, Pakistan and Romania and the United Kingdom cumulatively contributed more new entrants to the Register than Ireland did.

- The majority of doctors (N=19,600) offered retention of registration across 2017-2018 were Irish graduate doctors.
- There were two hospital consultants for every three NCHDs on the register.
- 79.3% of all NCHDs not in a training scheme were graduates of international medical schools.
- 172 doctors registered on the General Division self-reported working in consultant roles in Ireland. 149 of these worked solely in publicly funded services.

- 16.6% of hospital consultants self-report not holding a specialist qualification in their area of practice.
- Around 70% of non-retaining doctors were aged 44 or under. 69.7% were on the general register and 25.4% on the specialist register.

Between 2015 and 2017, there were 2,830 voluntary withdrawals recorded from the register. 1,846 of these practitioners provided the following information:

- 25% left the Specialist Division while 66% left General Division.
- 15% cited limited career progression; 25% family/personal reasons for withdrawal and 34% unspecified other reasons for doing so.
- 37% reported UK as their next jurisdiction of practice, followed by with 27% reporting “another” jurisdiction and 19% specified Australia.

More attractive working conditions and increased opportunities to get onto training programmes leads to substantial, high-quality workforce recruitment and retention, both short-term and long-term. This is a key planning consideration and must be addressed through collaborative working amongst policymakers, educators, planners and employers.

It was requested that the Workforce Intelligence Report be shared with colleges as well as the HSE, and noted that the training issues and the importance of support for medical graduates is imperative.

Council was advised of the multi-faceted approach in the publication of the report. This will include a launch for media and stakeholders, media interviews by spokespersons on varying attitudes, engaging with public representatives and seeking coverage with regional media.

Committees:

Strategy & Governance Committee

The report of the Strategy and Governance Committee meeting held 23rd January 2019 was presented to Council.

WhatsApp Group

Council was advised of a proposal to create a WhatsApp Group for Council members to assist in prompt administrative communications to Council, such as ECM meeting dates, notifications on training dates for diary, alerts regarding meeting briefs being available etc. A draft policy and consent form was presented to Council for administrative use of such messaging. It was noted that any member could choose to opt into such a group, without any obligation whatsoever, and all formal written notifications would travel by email as per usual practice.

Council approved the establishment of the WhatsApp Group.

Committee Terms of Reference Review

Council was advised that the Committee is currently reviewing all draft Terms of Reference.

Audit, Finance & Risk Committee (AFRC)

The report of the Audit, Finance & Risk Committee meeting held 24th January 2019 was presented to Council.

Council was given a brief overview of the main items contained in the Report of the AFRC, highlighting the main issues for discussion at the meeting. Council was advised of the projected increase of 7% in the budget for Pay Related expenditure which includes annual incremental increases and adjustments in respect of the FEMPI Act 2015. These pay increases affect Pension payments and increase the cost of the employer contributions to the Single Public Sector Pension Scheme.

Council was advised of a proposed change to the structure of the application fee for recognition of a new speciality. It is estimated that the cost of recognising a new speciality to the Medical Council is €30,000, of which only €5,000 is recouped by way of an application fee. The Committee suggested that the fee structure be increased to €13,500 and split into three stages;

1. Application Assessment - €500 (administrative fee),
2. Stage one - €3,000 charge
3. Stage 2 - €10,000 charge.

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

2019 Budget

Mr O'Donovan presented Council with the 2019 Budget and outlined the main areas of expenditure projected for the year. Following a detailed discussion and consideration of the financial projections for the coming year, Council approved the Budget 2019.

Internal Financial Control - Draft Report January 2019

Council noted this item.

Ethics Working Group

The report of the Ethics Working Group meetings held on 9th & 11th January 2019 was presented to Council.

Council was given a high level overview of the main items for noting including the opinion of the Working Group at these meetings that, taking into consideration the feedback received from the public consultation last year and advice given by recent presenters, the Group has reviewed the entire 8th Edition and identified areas that, in their view, need some amendment/enhancement/ consideration.

These considerations are set out under the report of the Group of the 25th January 2019.

The report of the Ethics Working Group meetings held meeting held on 25th January 2019 was presented to Council.

Council was advised that the Working Group is seeking Council's approval for consultation on the proposed edits to the Ethical Guide, as set out as an attachment to the report. Council was also advised of the proposed timelines for the finalisation of the revised guidance, contained in the report. The timeline includes seeking targeted consultation and presenting the results to Council at an Extraordinary Council Meeting in early April 2019.

Council approved the recommendations of the Ethics Working Group.

Council agreed to direct the Executive to contact these bodies requesting an update on their activities.

Education & Training Committee (ETC)

The report of the Education & Training Committee meeting held on 18th December 2018 was presented to Council.

Council was advised that the Committee has reviewed its Draft Terms of Reference. The Committee is proposing that they act as decision-maker on all accreditation and inspection reports, with the exception of the rare but potential occasion that the Committee could not reach a decision and needed to refer a matter to Council. The Committee is therefore recommending that decisions would not "normally" require confirmation by Council. Draft Terms of Reference will be considered by the Strategy and Governance Committee at its next scheduled meeting.

Council approved the proposal of the Education & Training Committee as set out above.

Council noted that members of the former ETPDC who wished to retain membership of the Education and Training Committee (ETC) were advised to re-apply through the Public Appointment System (PAS) by the deadline. The National Lead NCHD was a member of the former Strategy and Policy Sub-Committee and the Committee considers it important that this person be co-opted onto the ETC without needing to apply formally, as the HSE appoints someone new to this role every year. The Chair will seek the advice of the Strategy and Governance Committee in this regard.

Council also noted that the Committee considered detailed reports on the progress made by the Education Training and Professional Development Committee (ETPDC) and the Strategy and Policy Sub-Committee (SPSC) during the previous Council Term (2013-2018). The Committee has agreed that a review of the previously-agreed roadmap for implementation of "Doctors' Education, Training and Lifelong Learning in 21st Century Ireland: a roadmap for the Medical Council's road in safeguarding standards and fostering improvement 2015-2020" is needed, to ensure its compatibility with the Council's Statement of Strategy for this Council term. This will be undertaken when the definitive Committee membership is finalised.

Registration & Continuing Practice Committee (RCPC)

The report of the Registration & Continuing Practice Committee meeting held 16th January 2019 was presented to Council.

Dr Breslin highlighted to Council the high level items to note including the proposed approach of the yet to be established "Registration Adjudication Group" for dealing with non-standard registration

applications. Council noted that the Adjudication Group will consider applications where doctors have declared they have a legal or health issue on their application in the described manner, as set out in the Committee report.

Council noted that the December non-enrolment analysis and that the Scheme enrolment rate currently stands at approximately 98 percent.

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

Professional Indemnity – additional removals for failure to meet requirements

Mr Brady, Director of Registration & Business Process Improvement, updated Council on the list of doctors who, having failed to provide satisfactory evidence their indemnity arrangements do not meet the requirements under section 80 A of the Medical Practitioners Act, 2007, which states:

Section 80A.—(1) Subject to subsection (2), where a medical practitioner fails to provide evidence referred to in subsection (1A) or (1B), as the case may be, of section 45, notwithstanding that a request to provide that evidence has been sent to the practitioner's registered address, the Council may, not earlier than 21 days after that request has been sent, remove the practitioner's registration.

Council was advised that these doctors, submitted documentation when completing their annual retention of registration (ARAF). On review of the documents and based on the scope of practice they declared on their ARAF, these doctors do not have the appropriate level of cover in place.

Council was also advised that the Executive have conducted extensive activities to clarify and verify the evidence submitted, as set out in the brief.

Council agreed to remove the listed doctors from the Register (subject to a final check) and advise these doctors accordingly.

Formal delegations to the RCPC and associated groups for determining non-standard registration applications

Mr Brady reminded Council of its decision at the September Council meeting to delegate to the Registration and Continuing to Practice Committee (RCPC) final decisions on "non-standard" registration applications. Following this decision the RCPC has developed a process for the operation of this delegation, and to reflect these operational arrangements, the following sets out the delegations in a formal sense. The Proposed delegation reads as follows:

a) Delegation from Council to the Registration and Continuing Practice Committee (RCPC)

"The Council having established the Registration and Continuing Practice Committee (RCPC), delegates to the RCPC the authority to consider and determine "nonstandard" applications for registration and to either grant registration under section 45 to 50 and 50A or to refuse registration under section 54 in respect of those applications that are the subject of an appeal to and a recommendation from the Registration Review Board (RRB), without further reference to the Council.

Noting, in the delegating of this authority, the Council confirms that those applications which meet the requirements as set out in Part 6 of the Medical Practitioners Act 2007 (as amended), and associated section 11 rules pertaining to registration matters, rests with the Executive to give effect to making those applicants active on the Register."

b) Delegation from Council to the Registration Adjudication Panel (RAP)

"In support of the Council's delegation of "non-standard" registration applications, the Registration and Continuing Practice Committee (RCPC) have established the Registration Adjudication Panel (RAP. The Council delegates to the RAP the authority to consider and determine, without further reference to the Council, "non-standard" applications for registration and to either grant registration under section 45 to 50 and 50A or to refuse registration under section 54 subject to an appeal lying to the Registration Review Board (RRB) against a decision to refuse registration and, in those cases that are the subject of an appeal, final confirmation by the Registration and Continuing Practice Committee (RCPC).

Noting, in the delegating of this authority, the Council confirms that those applications which meet the requirements as set out in Part 6 of the Medical Practitioners Act 2007 (as amended), and associated section 11 rules pertaining to registration matters, rests with the Executive to give effect to making those applicants active on the Register."

Council approved the delegation to the RCPC through the wording set out above.

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

Health Committee

The report of the Health Committee meeting held on 30th January 2019 was presented to Council.

Council approved the report of the Health Committee.

Monitoring Committee

The report of the Monitoring Committee meeting held on 31st January 2019 was presented to Council.

Council approved the report of the Monitoring Committee.

Media Log

Council noted this item.

Newspaper Article – S 41 (b) MPA, 2007 – First prosecution relating to an individual falsely representing to be a RMP (Circumcision)

Council noted this item.

Any other Business

No other matters were raised.

Date and Time of next meeting

Council noted the next meeting will be held on Wednesday, 13th March, 2019 at 12:30 hrs and Thursday, 14th March, 2019 at 08:30 hrs.