

Summary Minutes of the Medical Council meeting held on 6th & 7th February, 2018.

MEMBERS PRESENT – 6th February, 2018

Dr Anthony Breslin (Vice-President)
Professor John Barragry
Ms Vicky Blomfield
Mrs Katharine Bulbulia
Ms Anne Carrigy
Mr Fergus Clancy
Dr Rita Doyle
Ms Mary Duff
Professor Fidelma Dunne
Professor Bairbre Golden
Dr Ruairi Hanley

Professor Alan Johnson
Ms Catherine McKenna
Mr Tom O'Higgins
Dr Michael Ryan
Dr Consilia Walsh

MEMBERS NOT PRESENT

Professor Freddie Wood
Dr Sean Curran
Dr Audrey Dillon
Mr Sean Hurley
Professor Mary Leader
Ms Margaret Murphy
Mr John Nisbet
Professor Colm O'Herlihy
Ms Cornelia Stuart

MEMBERS PRESENT – 7th February, 2018

Dr Anthony Breslin (Vice-President)
Professor John Barragry
Ms Vicky Blomfield
Ms Katharine Bulbulia
Ms Anne Carrigy
Mr Fergus Clancy
Dr Sean Curran
Dr Rita Doyle
Ms Mary Duff
Professor Bairbre Golden

Dr Ruairi Hanley
Professor Alan Johnson
Professor Mary Leader
Ms Catherine McKenna
Ms Margaret Murphy
Mr Tom O'Higgins
Dr Michael Ryan
Ms Cornelia Stuart

MEMBERS NOT PRESENT

Professor Freddie Wood (President)
Dr Audrey Dillon
Professor Fidelma Dunne
Mr Sean Hurley
Mr John Nisbet
Professor Colm O’Herlihy
Dr Consilia Walsh

In attendance – full meeting

Mr Bill Prasifka (CEO)
Ms Niamh Muldoon (Head of Corporate Governance & Secretary to Council)
Ms Jane Horan (Council & Corporate Governance Manager)
Mr William Kennedy (Director of Regulation)

In attendance – for the relevant parts of the meeting

Mr Philip Brady (Director of Registration and Business Process Improvement)
Ms Úna O’Rourke (Director of Education, Training and Professionalism)
Ms Jantze Cotter (Director Professional Competence and Research)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Deirdre Foley (Head of Finance)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Mr Colin Cooper (Head of ICT)
Ms Marion Mitchel (Head of Human Resources)
Mr Alan Gallagher (Head of Communications)

Private Session:

A short private session was held between members present was held.

CEO’s Business

The CEO commended the Communications team on the successful launch of the Patient Information Booklet which was translated into the Spanish, French and Polish languages, the launch of which took place on 30th January 2018.

Minister David Stanton, Minister for Equality, Immigration and Integration, launched the booklet alongside Patient Advocate, Margaret Murphy, Medical Council member, with the launch event attended by a number of ambassadors and diplomatic representatives, key stakeholders and members of the press.

Council were informed that a podcast interview had been recorded with Dr Michael Ryan, regarding his experience as Chair of the Fitness to Practise Committee and noted that it would be available on the Council's website in the coming weeks, and further distributed in external newsletters also.

The CEO provided an update to Council in relation to recent recruitment processes.

Council received an update in relation to on-going procurement processes.

Council noted that an ICT project in relation to a phone system upgrade is currently underway and is expected to be completed by the end of February, 2018.

The CEO updated the Council that the executive had recently been made aware of new legislation titled the "European Union Payment Services Regulation 2018". This new legislation means that all credit and debit card charges from the doctor's online payment portal are to be removed. The CEO confirmed that the Council is compliant with the new legislation.

The CEO advised that the Education and Training team had recently returned from two accreditation visits to the Royal College of Surgeons in Ireland Perdana University medical school and RCSI-UCD medical college in Penang. The accreditations had been very well executed and the CEO commended the team for their work in supporting the Assessor teams. The Reports of these accreditation visits will be considered by Council in due course.

Council noted the number of active Performance Assessment cases underway, and the number of assessments pending. The CEO advised that Continuing Professional Development enrolment figures verified by reference to the Post Graduate Training Bodies had increased, noting that 95% of the profession on our registered are now enrolled in continuing professional development schemes.

Council further noted the report in relation Maintenance of Professional Competence Symposium had been circulated to the Forum of Postgraduate Training Bodies, in addition to the Professional Competence Subcommittee for consideration and development of an action plan.

The CEO completed his report with an update on a number of stakeholder meetings of note

President's Business

Fitness to Practice Committee Inquiry Calendar

Council noted the Fitness to Practise inquiry hearings fixed for hearing in the coming months, up to May 2018.

Medical Council Election update

The Secretary to Council, provided an update to Council in relation to the timelines for the upcoming Medical Council elections. Nominations for election to the six elected medical seats on the Medical Council, are being received until the 16th February 2018, and voting is scheduled to take place from the 1st – 21st March 2018.

Council members observed that due to IT restrictions in place on Health Service Executive (HSE) IT systems, employees of the Health Service Executive may not be able to access their medical council accounts, and in turn the on-line voting system, via HSE computers. The Director of Registration advised that this issue had previously been raised by some registrants regarding their annual ARAF declarations; and it was agreed that the notification in relation to the voting would contain a direction for these voters to access the on-line voting system on a different device.

Policy Paper on staggering the Council term

The Secretary to Council, outlined a proposal to allow for a rolling membership of Council members, to avoid all member terms terminating at once at the end of a standard 5 year term. Under the Medical Practitioners Act 2007, members can be appointed for a term not exceeding 5 years, and so, a discretion rests to allow appointment for a shorter duration term, such as 3 years.

Council noted that the proposal for a rolling Council membership is in line with best practice, as stated in the Code of Governance for State Bodies 2016. Council acknowledged the advantages of having a rolling membership, including that Council and committees would be better placed to deliver its objectives and statutory functions efficiently and consistently, without loss of experience, skill and corporate knowledge, or any downturn in activity, associated with a change of Council members, en masse, every five years.

Council endorsed and approved the proposed policy to stagger the Council Term.

Nomination to the Nursing and Midwifery Board in Ireland

Council unanimously endorsed and approved Professor Herlihy's nomination to the Nursing and Midwifery Board.

Research into suicide rates among registered medical practitioners linked to Fitness to Practise

Council noted that, from the Medical Council data which records sudden deaths, whilst it is acknowledged that the complaint and inquiry process is extremely stressful for practitioners there is no specific research in relation to the link between suicide and the investigation of or disciplinary sanctions arising from a Fitness to Practise Committee process and suicide.

Director Professional Competence and Research outlined similar research that has been carried out in other jurisdictions. Council was advised that the Medical Council is currently engaging with the Practitioners Health Matters Programme as part of the Connecting for Life strategy released by the National Office for Suicide Prevention, to explore what processes could be established to support professional suicide. It was the view of Council that support should be provided by the Postgraduate Training Bodies. It was agreed that the Executive would collaborate with the Postgraduate Training Bodies Forum.

Property Strategy Review Group

The report of the Property Strategy Review Group was presented to Council.

Council was advised that a review of the useable space in Kingram House and an assessment of future spatial requirements had been carried out. Council noted that the appointed estate agency firm would analyse the adequacy of projected spatial needs requirements with the Senior Leadership Team and Executive.

Council noted that the Group would review some options previously discussed by Council and an update would be provided to Council at its next meeting.

Council approved the report of the Property Strategy Review Group.

Registration and Continuing Practice Committee (RCPC)

The Report of the Registration and Continuing Practice Committee meeting was presented to Council.

Council was advised that a number of practitioners had chosen not to seek a review of the RCPC's decision to refuse registration and the review window has expired. Council confirmed the decision of the RCPC to refuse registration to the practitioner concerned.

Council was advised that the Executive are currently examining ways in which the main core recommendations from the Safe Start report can be addressed. The main areas to be addressed are the possibility of introducing mandatory CPD which covers key issues, during a doctor's first year; how

identified modules might be included in medical school curricula: how to ensure doctors are released from duty to review material; how the initiative might be promoted during accreditation visits. Council noted The Committee agreed that a plan should be developed to make available existing resources which cover the key educational needs identified in the Safe Start report regarding prescribing, informed consent, end of life issues and professionalism.

Council noted that the Committee had approved the addition of the Occupational English test (OET) to the list of exams currently accepted by the Council, for the purposes of language/communication testing.

Council further noted the update in relation to the enrolment on Professional Competence Scheme. Council was advised that the Executive had contacted over one thousand doctors since the last enrolment analysis in September 2017. The recent enrolment analysis shows an increase of over 95%.

Council was advised that the report from the Symposium to “Address the Challenge of Compliance in the Maintenance of Professional Competence” had been circulated and the Executive had met with the Professional Competence Sub-Committee of the Forum of Postgraduate Medical Training Bodies to develop an action plan. Council agreed that the medical schools be included to the list of key stakeholders.

Council noted the updates on both Registration Case Management and PCS Case Management.

Council was advised that further dates for the Performance Assessment Model Refinement Working Group are currently being reviewed and the next meeting will focus on the model for assessment used in other jurisdictions.

Council noted that the Committee had approved the Sports Arts (Sports Medicine) Specialist qualification from the Netherlands be considered as an equivalent to the Certificate of Completions of Specialist Training in Sports and Exercise Medicine.

Council noted that the Committee had upheld original scores for two appeals of the PRES level 3 exam.

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

Section 11 Rules – Professional Indemnity

Council considered the draft Rules pursuant to section 11 of the Medical Practitioners Act, 2007. The Rules are to support the administrative requirements the Executive have put in place to enable doctors to comply with the requirements of the amendments to the Act. These Rules as proposed will set out how doctors will be able to meet the requirements if they are a doctor applying for registration for the first time, seeking to retain their registration through the annual retention process or seeking to be

granted registration to provide services on a temporary and occasional basis (under section 50 of the 2007 Act).

Council was advised that the draft Rules would then be put out for public consultation, as per the requirements of section 11 of the Medical Practitioners Act, 2007. A period of three weeks public consultation would then be conducted, to enable finalised rules, including any amendments emanating from the public consultation, to be presented to the Council meeting at its next meeting.

Some concerns were raised by Council that some hospitals were omitted from the list and on the face of it could be confusing for the profession. The Director of Registration explained that the Medical Council website will provide clear instructions for all scenarios to ensure that doctors can provide the appropriate declaration.

Council approved the draft rules for public consultation.

Education, Training & Professional Development Committee (ETPDC)

The report of the Education, Training and Professional Development Committee meeting was presented to Council.

Council noted the Committee's recommendation to approve the report of the inspection visit to the Anatomy Department of University College Dublin and its satellite site at the Mater Misericordiae Hospital. Council approved the report.

Council noted the Guidelines on Remediation of Doctors in the Intern Year had been updated to include information in relation to the new Medical Intern Board and the latest edition of the Ethical Guide. Council approved the revised Guidelines on Remediation of Doctors in the Intern Year 2018.

Council noted the monitoring process for postgraduate programmes will be timed with the Health Service Executive's annual monitoring process and the Executive will liaise with the HSE to ensure compatible formats are adopted, where possible. It was also noted that a policy/protocol will be developed regarding notification to the Medical Council of any significant changes to a postgraduate training programme.

Council was informed that the US National Committee on Foreign Medical Education and Accreditation due to take place in April will not take place as a US Committee had not been formed and a new date has yet to be fixed.

Council further noted that in relation to the proposed speciality recognition process map, the Pre-Stage One process document needs to be strengthened to ensure that a proposed speciality has

achieved the full criteria for eligibility to apply. The documentation to support the process, such as a Guide to the process and Application Form, is currently being developed, following which, a consultation event will be convened with the postgraduate training bodies.

Council approved the report of the Education, Training and Professional Development Committee.

Ethics and Professionalism Committee

The report of the Ethics & Professionalism Committee was presented to Council.

Council noted the Committee's recommendation to approve the revised guidance for the Council's publication exploring doctors' relationship with industry. Council approved the revised guidance.

Council was advised that the Children First legislation was enacted in 2015 and new guidance had recently been produced by the Department of Children and Youth Affairs. Having regard to the legislation and guidance, a review of paragraph 26.1 and 26.2 of the 8th Edition of the Ethical Guide had been carried out and it was noted that the contents of the paragraphs are still appropriate. Council noted the Committee's recommendation to amend Footnote 13 of the Guide to reference the updated Children First guidance and the Children First Act, 2015. Council approved the amendment.

Council approved the report of the Ethics & Professionalism Committee.

Health Committee (HC)

The report of the Health Committee meeting was presented to Council.

Council noted the number of practitioners supported by the Health Committee.

Council noted the Committee's recommendation to release one practitioner from the support of the Committee in light of the review session and positive medical reports received. Council approved the release of the practitioner concerned.

Council further noted the number of review sessions conducted by the various teams, medical reports and the Committee's recommendation that ongoing support be continued.

Council was advised an undertaking has been sought from one practitioner limiting their work practice.

Council noted that positive health reports had been received and reviewed in respect of eight practitioners and that review sessions are currently scheduled for one practitioner in February 2018.

Council was advised that there was one new referral to the Committee.

Council approved the report of the Health Committee.

Monitoring Committee (MC)

The report of the Monitoring Committee meeting was presented to Council.

Council noted the breakdown of the 18 medical practitioners who have conditions attached to the retention of their name in the Register.

Council noted the Committee's recommendation to approve the reviewed Terms of Reference. Council approved the updated Terms of Reference.

Council considered the Committee's recommendation to remove the conditions attached to the retention of two practitioner's names in the Register under Section 82(1) of the Medical Practitioners Act, 2007. Council approved the removal of the conditions attached to the practitioners' registration.

Council was advised that one practitioner with conditions attached to their registration had voluntary withdrawn from the Register as of December, 2017.

Council noted that one practitioner had provided a signed self-declaration in relation to condition (i) attached to the retention of their name on the Register re-affirming their compliance as set out in the Order of the High Court.

Council further noted that correspondence had been received from one practitioner's nominated person in relation to their progress towards achieving the aims set out in their Professional Development Plan. Council was also advised that the practitioner concerned had been requested to clarify whether they are currently practising in the jurisdiction following their re-entry into the Register.

Council noted that one practitioner had been invited to attend the meeting of the Monitoring Committee to discuss how they will comply with the conditions attached to their name in the Register of Medical Practitioners and that a signed declaration stating that they would fully comply with the conditions as attached to their registration had been received.

Council noted that that a signed self-declaration had been received from one practitioner confirming that they will cease to work immediately if advised by their treating doctors in accordance with the provisions of section 53(2) of the Medical Practitioners Act, 2007.

Council were also advised that a signed self-declaration had been from one practitioner confirming compliance with conditions attached to the retention of their name in the Register and confirming that they are not currently engaged in the practice of medicine within the jurisdiction.

The Committee wishes the Council to note that correspondence and documentary evidence of compliance was received, where appropriate, from each of those other practitioners currently practising within the jurisdiction with conditions attached to the retention of their name in the Register and that such further evidence would be taken up as when required in order to confirm compliance.

Council approved the report of the Monitoring Committee.

Media Log

This Item was noted by Council.

Any other Business

There were no matters for consideration under this item.

Date and Time of next meeting

Council noted the next meeting will be held on Wednesday, 14th March, 2018.