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MAINTENANCE OF PROFESSIONAL COMPETENCE AUDIT

Information for participating doctors

**THIS INFORMATION HAS BEEN DEVELOPED TO ASSIST
DOCTORS WHO HAVE BEEN SELECTED TO PARTICIPATE
IN THE MEDICAL COUNCIL'S MAINTENANCE OF
PROFESSIONAL COMPETENCE AUDIT PROCESS**



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1. Introduction

1.1 Introduction

Since 2011, it is now a [legal duty](#) for all doctors registered with the Medical Council to [maintain professional competence](#). The Medical Council oversees doctors in their maintenance of professional competence. It has published [rules](#), standards and [guidelines](#) which describe how doctors will approach this new duty and the role of the Medical Council in this area.

A function of the Medical Council's role in overseeing doctors' maintenance of professional competence is that it selects doctors to participate in audit. Through this process, the Medical Council requests supporting documentation in relation to how a doctor is pursuing the legal duty to maintain professional competence.

1.2 Your response to maintenance of professional competence audit at a glance

- Please the correspondence issued to you by the Medical Council and this information.
- If you have not done so already, review the Medical Council's [Professional Competence Guidelines](#)
- Plan how you will respond and collect the necessary supporting documentation.
 - o For most doctors, this is very straightforward. You can submit the most recent Statement of Participation from the professional competence scheme in which you are enrolled. There is no further documentation required.
 - o If you do not practise medicine in Ireland, you will find further information in this documentation on how to approach supporting documentation.
 - o If you are, or have recently been, on leave from medical practice, you will find further information in this documentation on how to approach supporting documentation.
- There is no need to telephone the Medical Council in relation to this request.
- Please submit your supporting documentation to the Medical Council as soon as possible and no later than the **19th December 2014**. Submit copies of documentation only. The Medical Council may seek to verify these documents.
- You will be contacted with the outcome of your participation in maintenance of professional competence audit and information on any further action in advance of completion of your next Annual Retention Application Form.
- Please be sure to respond to this request to participate in maintenance of professional competence audit within the specified timelines. **Failure to respond places your registration with the Medical Council and continuing right to practice medicine at risk.**

2. Background to the audit process

2.1 Why was I selected for the audit process?

The Medical Council selects doctors to participate in audit so that it can satisfy itself that they are maintaining professional competence in line with their legal duty and that they are following relevant rules, standards and guidelines. Any doctor can be requested by the Medical Council to participate in maintenance of professional competence audit.

2.2 What is the legal basis to the process?

Under S94 of the Medical Practitioners Act 2007, all doctors registered with the Medical Council have a legal duty to maintain professional competence pursuant to an applicable professional competence scheme. Doctors also have a legal duty to cooperate with requirements regarding maintenance of professional competence made by the Medical Council in the form of [rules](#). These [rules](#) require doctors to make an annual declaration to the Medical Council in relation to their pursuant of a professional competence scheme. Doctors are required to submit upon request any supporting documentation for the purpose of monitoring and assessing this declaration. They are also required to comply with Medical Council audit requirements.

The requirement to cooperate with the request to participate in audit is enforceable under Section 91(6) of the Medical Practitioners Act 2007. The Medical Council will make a complaint in relation to a doctor who refuses, fails or ceases to cooperate with requirements relating to their legal duty to maintain professional competence. Furthermore, contravention of any provision in the Medical Practitioners Act 2007 (including a provision of a regulation or rule) is grounds for a complaint under Section 57.

In summary, if you are selected for maintenance of professional competence audit you should cooperate with Medical Council requests. Failure to cooperate means that you may be the subject of a complaint which may result in disciplinary action which will place your registration at risk.

3. Approaching your response to the audit process

3.1 What supporting information should I submit?

In general, submission of supporting documentation in response to a request from the Medical Council to participate in an audit will be straightforward. Most doctors registered with the Medical Council practice medicine in Ireland and therefore have enrolled in a professional competence scheme operated by a recognised postgraduate training body. This means that they will have a Statement of Participation, and it is this document which they must submit to the Medical Council in response to the request to participate in the audit process.

This year, the maintenance of professional competence audit process is concerned with the 12 month period **1st May 2013-30th April 2014**.

The following is further information on how doctors will approach responding to the audit process.

3.2 I'm practising medicine in Ireland and enrolled in a professional competence scheme?

If you are practising in Ireland and enrolled in a professional competence scheme, then you should have a Statement of Participation from a recognised postgraduate training body. This document is evidence that you are enrolled in a professional competence scheme and it will also reference the amount and type of activity which you have undertaken. You must submit this document to the Medical Council. If you have recently enrolled, you may not have completed a full 12-month period of professional competence activities and so may not have yet received a Statement of Participation. You should then submit documentation which provides evidence that you have enrolled in a professional competence scheme. The Medical Council may verify the documentation you submit with the relevant body.

3.3 I'm practising medicine in Ireland but am not enrolled in a professional competence scheme

If you are practising for 30 days or more in Ireland in the last 12 months and you are not pursuing training while registered in the Trainee Specialist Division, then you should be enrolled in a professional competence scheme. This is a requirement arising from S94 of the Medical Practitioners Act 2007 and Medical Council Rules. You should enrol in a professional competence scheme with a recognised postgraduate training body without delay and submit supporting documentation to the Medical Council to provide evidence that you have now enrolled in a professional competence scheme. In the unlikely event that there is a reason why you cannot pursue this course of action, submit supporting documentation to the Medical Council to provide evidence for this. The Medical Council may verify the documentation you submit with the relevant body.

3.4 I'm practising medicine outside Ireland

Some doctors practise medicine in Ireland and overseas. If you practise medicine for 30 days or more per year in Ireland, then you should approach maintenance of professional competence in the same way as a doctor practising medicine in Ireland, i.e. you should enrol in a professional competence scheme operated by a recognised postgraduate training body.

If you practise medicine for less than 30 days per year in Ireland or practise wholly overseas, then you should be maintaining professional competence in line with [Medical Council standards](#) and [guidelines](#) using local professional competence scheme type structures. Most health systems have CPD or maintenance of professional competence type structures, and many of these are underpinned by legislation and/or requirements specified by the medical regulatory authority.

Complete the [declaration](#) that you are not practising medicine in Ireland for more than 30 days in the last year. Submit this as supporting documentation to the Medical Council so as to provide evidence in relation to your maintenance of professional competence. In addition, you should submit supporting documentation from the CPD or maintenance of professional competence type structures with which you are enrolled and/or documentation from the local medical regulatory authority supporting that you are maintaining professional competence. The Medical Council may verify the documentation you submit with the relevant body.

In you happen to work in a health system which has no CPD or maintenance of professional competence type structures or where there are no requirements specified by the medical regulatory authority, complete the [declaration](#) stating you are not practising medicine in Ireland for more than 30 days in the last year. Submit this as supporting documentation to the Medical Council. In addition, you should complete the [maintenance of professional competence activity report](#) and submit this as supporting documentation to the Medical Council. The Medical Council may verify the documentation you submit with the relevant body. This may include verification that there are no CPD or maintenance of professional competence type structures in the health system where you practise medicine.

3.5 What period of maintenance of professional competence is to be audited?

This year, the maintenance of professional competence audit process is concerned with the 12 month period from **1st May 2013-30th April 2014**.

3.6 Should I submit certificates and other documents relating to individual activities which I have undertaken?

No. The Medical Council does not generally require this supporting documentation. You should retain this as it may be requested by the

postgraduate training body with which you are enrolled. Anything you submit to the Medical Council as supporting documentation will not be returned to you.

3.7 I am on leave from medical practice, what should I do?

Some doctors for various reasons do not practise medicine for extended periods during their career. Reasons might include maternity leave, illness or a career break.

If this applies to your situation, you should review [Medical Council guidelines](#).

If you are on leave from medical practice and have not enrolled in a professional competence scheme, then you should enrol without delay. If your leave has, in your opinion, impacted on your accrual of activity, then provide the Medical Council with supporting documentation to evidence this situation. The Medical Council may verify the documentation you submit with the relevant body

3.8 I was in the Trainee Specialist Division last year, what should I do?

Doctors registered in the Trainee Specialist Division during the period of audit are deemed to be meeting professional competence requirements by virtue of being enrolled in the Trainee Specialist Division. If you have been in a recognised training post and on the Trainee Specialist Division, you should provide documentation that confirms your participation in a recognised post graduate training programme. The Medical Council may verify the documentation you submit with the relevant body.

3.9 I'm enrolled in a professional competence scheme but have not reported any activity so my Statement of Participation shows no credits?

Please submit your Statement of Participation to the Medical Council. You will be contacted in relation to the outcome of the maintenance of professional competence audit.

3.10 I'm enrolled in a professional competence scheme but have not achieved the annual targets for credit accrual?

Please submit your Statement of Participation to the Medical Council and you will be contacted in relation to the outcome of the maintenance of professional competence audit.

3.11 Should I submit original documents and will these be returned?

No. Submit copies of original documentation. Anything you submit to the Medical Council as supporting documentation will not be returned to you. The Medical Council may verify the documentation you submit with the relevant body.

3.12 How should I submit documentation to the Medical Council?

You can submit supporting documentation to the Medical Council through using the addressed envelope provided or by email to pcaudit@mcirl.ie

3.13 Should I amend a Statement of Participation or create my own document?

No. A Statement of Participation from a professional competence scheme operated by a recognised postgraduate training body is an official document relating to your legal duty to maintain professional competence. You should not amend this document or create your own document. The Medical Council may verify the documentation you submit with the relevant body. You will be contacted by the Medical Council if there is any doubt regarding the veracity of the documentation you submit. The Medical Council's [Guide to Professional Conduct and Ethics](#) for Registered Medical Practitioners states that “medical professionalism is a core element of being a good doctor”. Doctors will approach submission of supporting documentation in response to a request to participate in maintenance of professional competence audit with professionalism. The Medical Council will take action where this is not the case.

3.14 Should I contact the Medical Council by phone to discuss this further?

No. In general, there is no requirement for you to contact the Medical Council by phone to discuss the request to participate in maintenance of professional competence audit.

Please read the audit correspondence issued to you and this information carefully and provide a response to the Medical Council within the timeframe set out.

Your response will be considered and you will be contacted in relation to the outcome.

3.15 What happens if I don't respond?

If you are selected for maintenance of a professional competence audit then you should cooperate with Medical Council requests. Failure to cooperate means that you may be the subject of a complaint which may result in disciplinary action which will place your registration at risk. Refer to section 2 of this information to

find out more about the legal basis to maintenance of professional competence audit.

3.16 Is this a confidential process?

Yes. Information relating to any professional competence scheme is confidential and the Freedom of Information Acts 1997 and 2003 do not apply. Section 95 of the Medical Practitioners Act sets out the arrangements with regard to confidentiality and information relating to maintenance of professional competence.

3.17 What are the timelines that I should observe?

Most doctors registered with the Medical Council practise medicine in Ireland and therefore have enrolled in a professional competence scheme operated by a recognised postgraduate training body. This means that they will have a Statement of Participation, and it is this document which they will submit to the Medical Council in response to the request to participate in the audit process.

Responding to a request to participate in maintenance of professional competence audit is straightforward and you should act without delay.

In general, the Medical Council contacts doctors selected to participate in maintenance of professional competence audit in October. The relevant letter is sent to your registered address. In addition, where you have provided the Medical Council with a valid email address, we will also send you a notice electronically. **It is important at all times that you keep the Medical Council updated of any changes to your contact details to ensure you receive important correspondence in a timely manner.** If you would like to change this address or provide an up-to-date email to the Medical Council then you can do this through the [Online Portal for Doctors](#).

Doctors must respond to the request no later than the **19th December 2014**.

Your supporting documentation will be considered by Medical Council staff and you will be contacted in relation to the outcome. An early response to the request to participate in maintenance of professional competence audit will enable early contact with you in relation to the outcome. In general, the Medical Council will contact you in relation to the outcome of the maintenance of professional competence audit in time for you to complete the next Annual Retention Application Form.

3.18 I have also been selected for a verification process by the postgraduate training body professional competence scheme I have enrolled in; do I have to participate in both processes?

Yes. The postgraduate training body may also ask some enrolled doctors to undertake a verification process of the recorded professional competence activities. This is a separate process to the Medical Council maintenance of professional competence audit. If you have been asked to participate in Medical Council maintenance of professional competence audit and have also been asked to participate in a postgraduate training body verification process, please respond to both requests.

4. Outcome of the audit process

Once the Medical Council receives your supporting documentation, it will be reviewed and an outcome assigned to your participation in maintenance of professional competence audit for the 12 month period **May 1st 2013-April 30th 2014**.

If your supporting documentation demonstrates that you have been maintaining professional competence in line with your legal duty and published rules, standards and guidelines then your participation in the audit process will be closed. You will be exempted from selection for maintenance of professional competence for the next 5 years.

If your supporting documentation does not demonstrate that you have been maintaining professional competence in line with your legal duty and published rules, standards and guidelines, then you will receive advice on further action from the Medical Council.

In general, for doctors who are engaging in maintenance of professional competence but not achieving the minimum number of credits per year as set out in the Framework for Maintenance of Professional Competence Activities will be advised on corrective action and information in relation to how the Medical Council will follow up to ensure that you have followed this advice.

If your supporting documentation raises doubt that you are not cooperating with your legal duty to maintain professional competence and to cooperate with rules your case will be considered by the Medical Council's Professional Competence Committee. It may recommend that the Medical Council make a complaint in relation to a doctor who refuses, fails or ceases to cooperate with requirements relating to their legal duty to maintain professional competence.

If you are selected for maintenance of professional competence audit you should cooperate with Medical Council requests. Failure to cooperate means that you may be the subject of a complaint which may result in disciplinary action which will place your registration at risk. Refer to section 2 of this information to find out more about the legal basis to maintenance of professional competence audit.

5. Further Information

PLEASE READ THE CORRESPONDENCE YOU HAVE RECEIVED FROM THE MEDICAL COUNCIL AND THIS INFORMATION CAREFULLY. YOU CAN FIND FURTHER INFORMATION HERE:

Legislation

Medical Practitioners Act 2007

<http://www.medicalcouncil.ie/About-Us/Legislation/Medical-Practitioners-Act-2007.pdf>

Part 11 rules and associated standards

<http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/PC-Rules.pdf>

SI 171 OF 2011 – Medical Council - Rules for the maintenance of professional competence (No. 1)

<http://www.attorneygeneral.ie/es/2011/B28291.pdf>

From the Medical Council's website:

Professional Competence Information for

Doctors: <http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/>

Contact Information for Post Graduate Training Bodies, Professional Competence Schemes: <http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/Contact-Info-on-Schemes/>

Maintenance of Professional Competence Information for Overseas

Doctors: <http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/Overseas-Doctors/>

Monitoring and Audit: <http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/Monitoring-and-Audit/>

Statements of Participation: <http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/Statement-of-Participation-/>

Guidelines for Doctors

Professional Competence – Guidelines for Doctors

<http://www.medicalcouncil.ie/Information-for-Doctors/Professional-Competence/Professional-Competence-Guidelines.pdf>

Guide to Professional Conduct and Ethics for Registered Medical Practitioners

<http://www.medicalcouncil.ie/News-and-Publications/Publications/Professional-Conduct-Ethics/Guide-to-Professional-Conduct-and-Behaviour-for-Registered-Medical-Practitioners-pdf.pdf>