Summary minutes of the meeting of the Medical Council held virtually on 3rd & 4th March 2021 through Zoom Meeting App.

MEMBERS PRESENT – 3rd March 2021

Dr Rita Doyle (President)
Dr Thomas Crotty (Vice President)
Dr John Barragry
Ms Teresa Bulfin
Dr Suzanne Crowe
Mr Ian Drennan
Ms Mary Duff
Prof Fidelma Dunne
Mr John Gleeson
Mr Paul Harkin
Prof John Hyland
Prof Marina Lynch
Dr Michael McGloin
Prof Joe McMenamin
Dr Maeve Moran
Dr Aoife Mullally
Mr John Murray
Mr Joe O'Donovan
Mr Tom O'Higgins
Mr Jim O'Sullivan
Prof Mary O'Sullivan

APOLOGIES

Dr Anthony Breslin
Ms Vicky Blomfield
Dr Erica Maguire

In attendance

Mr Philip Brady (CEO)
Ms Lorna Purcell (Head of Corporate Governance & Secretary to Council)
Mr William Kennedy (Director of Regulation, Solicitor)
Ms Jantze Cotter (Director of Professional Competence & Research)
Ms Úna O'Rourke (Director of Education & Training)
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 & Legal Advisor)
Mr Kevin Walsh (Head of Investigations & Complaints; Solicitor)
Ms Treasa Walsh (Head of Investigations & Complaints; Solicitor & Legal Adviser)
Ms Johanna Morris (General Counsel)
Ms Ann Curran (Head of Registration)
Ms Ciara McMorrow (Head of Procurement & Facilities)
Ms Roseanne Fox (Head of Finance)
Mr Alan Gallagher (Head of Communications)
Mr Colin Cooper (Head of ICT)
Ms Jan Fitzpatrick (Corporate Governance & Council Manager)
Ms Kate Zalewska (Corporate & Council Officer)
Ms Therese Morgan (Corporate & Council Executive)
Ms Fiona Redmond (Information Governance Manager)
Ms Sarah Howard (Information Governance Officer)
Ms Beth Bolger (Complaints & Investigation Manager)
Mr Daniel Rakic (Case Officer)

MEMBERS PRESENT – 4th March 2021

Dr Rita Doyle (President)
Dr Tom Crotty (Vice President)
Dr John Barragry
Ms Teresa Bulfin
Dr Suzanne Crowe
Ms Mary Duff
Prof Fidelma Dunne
Mr John Gleeson
Mr Paul Harkin
Prof John Hyland
Prof Marina Lynch
Dr Michael McGloin
Prof Joe McMenamin
Dr Maeve Moran
Mr John Murray
Mr Tom O'Higgins
Mr Jim O'Sullivan

APOLOGIES

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Mr Ian Drennan
Dr Erica Maguire
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Ms Sarah Howard (Information Governance Officer)
Ms Beth Bolger (Complaints & Investigation Manager)
Mr Daniel Rakic (Case Officer)

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 an overview to Council of the finalised Business Plan 2020 and an update on progress on the 2021 Business Plan, including an update on the status of the colour coded objectives.

Council was informed of the various activities rolled out under Strategic Objective 5, including the launch of Decision Time meeting software and the new finance system. The CEO also commended the ICT Team on their substantive efforts in the previous year in getting the organisation successfully working remotely and allowing Council business to continue online.

The CEO advised Council that, despite the challenges brought about by the pandemic, 2020 was a very successful year with 91 objectives within the Business Plan delivered and a further 27 carried over to 2021. It was noted that 13 objectives were not achieved, but this was due to the exceptional circumstances.
Council was then advised of the various objectives already achieved to date, including an analysis of the impact of Brexit on the organisation, and a cost/benefit analysis of Evolve. The CEO then outlined to Council a number of ongoing activities as set out in the report.

The President, on behalf of Council, commended the CEO on his final report to Council, and thanked him for his exceptional work as the CEO in such a challenging year.

A Bequest

Council was advised of advice received from F Gallagher & Co Solicitors, Donegal, of a bequest made from the Estate of Mr William Simms, deceased, to the amount of €[redacted], as follows:

"I give devise and bequeath one half of the residue of my estate both real and personal to such Heart Disease Research organisation as the Irish Medical Council shall nominate."

Following discussion with the President, Mr Phillip Brady it was recommended that the bequest is passed to the Irish Heart Foundation. Council approved the recommendation that the bequest be passed to the Irish Heart Foundation.

Media Log

The Media Log was presented to Council by Mr Gallagher for the period December 2020 to February 2021. It was noted that five press releases were issued during this time relating to the Workforce Intelligence Report. Telemedicine also featured in the coverage. Council noted the Media Log.

Media Insight Report

Mr Gallagher presented the Media Insight Report to Council. Council was advised that this was the first time such a report has been undertaken of this nature it provided a valuable insight and useful information for setting future KPI's.

Of note for Council:

- More media focus on the Department of Health and the Health Services Executive than the Medical Council.
- Key topics by Sentiment/Prominence noted the negative coverage regarding nursing homes.

It was discussed and noted that this area does not sit in any of our committees and should from a strategic objective point of view.

President's Business

President's Report

The President gave a high-level overview of her public activities with a variety of stakeholders, including the legal Stakeholders, the Department of Health, the Overprescribing Working Group, the Medical Leaders Forum and the RCSI at its Charter Day.

Council was advised that the Transitional Care Group has been established and is progressing its objectives, with a view to completion by the end of this Council term. Council was then advised of the meeting with the Prescribing Guidelines Working Group and its progress on an information booklet, which is near completion. The President updated Council on the consultative forum, "Think Tank" within Education and Training and noted that Prof O'Sullivan had agreed to join the Group.

Finally, the President, recommended to Council that the Overprescribing Working Group should continue following her departure, as it makes a very positive contribution.

Final Report of the Telemedicine Working Group and Recommendations

The final report of the Telemedicine Working Group and Recommendations was presented to Council.

Council was advised that the key challenges with Telemedicine were:

1. Access to patients' long-term medical records,
2. Identification of the patient,
3. Healthcare based on asynchronous text-based relationship,
4. Requests for confidentiality being potentially abused by patients,
5. Avoiding sensitive information being shared between the remote doctor and their primary healthcare provider.

   The recommendations were that:

1. The Ethics Committee review the current guidance and ensure they encompass the same ethical standards as traditional face-to-face consultations.
2. Examine the report and liaise with key stakeholders to address regulatory actions identified in order to enhance patient safety around telemedicine.

3. The Medical Council should review its registration practices from a legal and policy perspective in relation to the issues identified, in respect of the different categories of doctors who provide telemedicine services, and when developing its policy engage with other healthcare regulators and organisations to ensure consistency of approach regarding the development of telemedicine policies in Ireland.

4. Postgraduate Training Bodies should develop clinical guidelines on telemedicine usage specific to their specialty, that they provide a level of ongoing education and training in the skills required for the use of telemedicine especially with regard to issues of communication and patient consent and assess the extent to which they prepare students for medical practice using telemedicine.

5. Certain drugs such as benzodiazepines, Z-drugs and opioids should not be prescribed via telemedicine except in very limited situations.

6. Doctors should clearly provide patients with their name and Medical Council registration number at the beginning of each telemedicine consultation.

7. Telemedicine usage should be explored further in the development of healthcare delivery in Ireland, including the use of supported telemedicine consultation hubs at primary care settings. In addition, the need for electronic records and a unique patient identifier have become more acute during the pandemic and development of both should be prioritised.

The Council discussed the report, and concerns were raised about its increasing liability and insurance cover for doctors; and what safeguards would be put in place as telemedicine lends itself to patients shopping around.

Succession Planning Working Group - update

Ms Purcell updated Council on the work of the Succession Planning Working Group. Council noted that the election process for a new President starts on the 15th March and the election itself will take place at the Council meeting on 7th April 2021. The new President will take office on 1st June 2021.

Council was advised of the ongoing communication with the Department of Health regarding the nominations to Council from the relevant nominating bodies, as well as the Ministerial appointments to Council.

Ms Purcell informed Council that any outgoing member who wished to remain on a Committee should send a written request to Mr O'Donovan, Chair of the Succession Planning Working Group, as soon as possible, for consideration.

Committee Reports

Education and Training Committee (ETC)

The report of the Education & Training Committee meeting held on 9th December 2020 was presented to Council.

Council was reminded of the new Appeals Process for the Education & Training Committee decisions and was informed that this process does not lend itself to be used by applicants for recognition of a new specialty, as Council is the final decision maker on such applications, whereas an internal appeal is only available when the ETC is the delegated decision-maker.

Council approved the recommendation that the new Appeals Process will not be available to applicants for recognition of a new speciality.

Council was advised that during the accreditation process of the postgraduate training programmes and inspecting clinical training sites, the Committee noted a pattern that the requirement for protected training time, as outlined in the Medical Council Education and Training Standards, is repeatedly not being met.

Council approved the recommendation that the Committee develops a Position Statement on protected time for trainers, while also highlighting the necessity for all trainers to complete and regularly update their “Train The Trainer” training; and also highlighting the necessity for protected time for trainees.

Council was then advised of a number of other matters for noting. Council approved the report of the Education and Training Committee meeting held on 9th December 2020.

The report of the Education & Training Committee meeting held on 9th February 2021 was presented to Council. Council was advised that there were no matters for decision and was updated on a number of matters.

Council approved the report of the Education & Training Committee meeting held on 9th February 2021.

Strategy & Governance Committee (SGC)

The report of the Strategy and Governance Committee meeting held on the 10th February 2021 was presented to Council.

Council was updated on the following matters:

- SGC has approved a Council Governance Calendar to ensure a timely and proactive consideration of relevant matters relating to Council operations.

Council was then advised of the Terms of Reference of the Committee, which requires that it monitors the implementation of strategy via annual business plans. This would mean that the annual Business Plan is considered by the SGC, the Audit, Finance & Risk Committee (AFRC), Council itself and by the

Department of Health with the CEO reporting to each forum. Council was advised that in order to avoid duplication of effort, the SGC was seeking direction from Council on the level of detail it would require with the business plan performance to discharge its functions.

Council considered this matter and noted that the development, implementation and monitoring of the Strategy, through the objectives of the Business Plan was a primary function of any board. However, Council agreed that the level of reporting may be amended to promote efficiencies. Council agreed that this matter should be brought to the attention of the new CEO and President following appointment, for further discussion.

Council was then advised of the recommendation for appointment of the following committee members:

- Dr Michael McGloin to the Health Committee
- Dr Abbie Lane to the Health Committee.
- Prof Tom Crotty (replacing Dr. Anthony Breslin) on the Strategy & Governance Committee (ex officio appointment as Vice President)

Council approved the appointment of the above nominations.

Council approved the report of the Strategy and Governance Committee.

Introduction of new CEO

The President introduced Mr Leo Kearns, the new CEO, to the Council members. Mr Kearns addressed Council highlighting his commitment to the ongoing work of Council in promoting patient safety.

Audit, Finance & Risk Committee (AFRC)

The report of the Report of the Audit, Finance & Risk Committee meeting held on 16th February 2021 was presented to Council.

Council was advised that there were four items for decision:

Council was advised of additional expenditure outside of the 2021 approved budget, for the review of legal services. Further, an additional temporary resource is required in the Corporate Governance team and a temporary secondment of a Solicitor to the Professional Standards team. Council approved the additional expenditure.

Mr Downes presented the updated Risk Policy to Council. Council was advised that the focus of Risk Management will be broadened to all sections within the organisation. The President commended Mr Downes on the policy, noting the uniform and centralised approach to risk management and monitoring.

Council approved the updated Risk Policy.

Council was then advised of the draft report on the 2020 Internal Financial Controls Review. Council noted the findings of the report and the Executive’s satisfactory response to one minor finding.

Mr O'Donovan then advised Council that it is a requirement of the Controller and Auditor General (C&AG) that Council is required to review the Internal Financial Controls, in addition to the review of the AFRC. Council discussed the internal controls in place for the period under review and noted the monitoring of controls throughout 2020.

Council approved the 2020 Internal Financial Controls Review.

Council was then advised of several matters for noting:

Council was updated on the Q4 2020 Management Accounts which show a €4M surplus year to date, an overall 2% increase in income, a decrease of 2% in pay related expenditure, and a €1.2M/18% reduction in the anticipated operational expenditure year to date. Mr O'Donovan informed Council of the recent fine issued to Davy Stockbrokers by the Central Bank and confirmed that the AFRC and the Executive Team were monitoring the situation closely and awaiting communication from Davy.

Mr Downes provided an update on the Risk Register. Council noted that there were six new red risks added to the register as a result of Covid-19, four of which related to Procurement and Facilities, one related to the Education and Training Section and one related to Human Resources section.

Mr Downes then advised Council of the intention of uploading the Risk Register to the Risk function on Decision Time, in time for the next Governance meeting. Council approved the report of the Audit, Finance and Risk Committee.

Ethics Committee (EC)

The Report of the Ethics Committee meeting held on 8th December 2020 was presented to Council.

As there were no items for decision, Council noted the contents of the report. Council was advised that the Committee had sought legal advices regarding the Ethical Guide to ensure it meets the requirements set out by the Act in anticipation of a review of the Guide. Dr Crowe informed Council that the review is expected to take 22 months to complete, and the entire suite of changes would be presented to Council in one lot. Dr Crowe agreed to keep Council updated on progress.

Council approved the report of the Ethics Committee.

Registration & Continuing Practice Committee (RCPC)

The Report of Registration & Continuing Practice Committee was presented to Council.

Council was then advised of matters for noting:

- Phase One of the work on developing CPD accreditation standards for doctors in Ireland is complete and work relating to Phase Two commenced in January and will focus on the design of the CPD accreditation system. It is intended to create a draft set of standards which meet national and international expectations and position the Medical Council to seek substantial equivalency with the ACCME and other national accreditation systems.

- An update on the development of a revised Maintenance of Professional Competence Framework Model.
- Performance Assessment: Council was advised of a remote approach to performance assessment being piloted in December 2020. It was noted that the remote approach posed some logistical and practical challenges but initial feedback from the assessors has been broadly positive and it is intended to continue with this approach, where appropriate.
- PRES Level 2/PLAB Update. Council was advised of ongoing discussions with the GMC UK about the possibility of using the PLAB 1 Exam, rebranded as PRES Level 2, and the development of a four-phase project plan and projected costs. Council was then advised that the GMC had agreed they would be in a position to deliver an exam in Ireland in August for a maximum of 50 candidates, pending the successful complete on phase 2 of the project. It was agreed that two clinicians would be approved to sit on an Assessment Panel.
- Council was then updated on the application process and related guidance regarding non SDR Consultants to the Specialist Division.

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

Change to Guidelines on Activities Reckonable for CPD Credits

Council was advised of the amendments to the guideline document on activities reckonable for CPD credits. The changes to the guidelines are:

1. Increasing internal credits awarded for Committee participation from 0.2 to 1 credit per hour of activity,

2. Meeting attendance should not contribute to more than 10 credits to the total of 20 credits to be achieved in the internal category,

3. Meeting preparatory work can be recorded as personal learning or research if the work is based on this and medical practitioners are asked to plan their CPD to reflect their entire scope of practice.

Council approved the Memorandum on Change to Guidelines on Activities Reckonable for CPD Credits.

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

Presentation: Dr Nóirín Russell, Clinical Director – Cervical Check

Dr Nóirín Russell, Clinical Director of Cervical Check gave a presentation to Council on "Cervical Cancer Screening 2008- 2021 – Lessons Learned". Dr Russell's presentation covered areas such as:

- What is population screening
- A summary of 2008 – 2018
- The original cervical Check interval cancer audit

- Scally Scoping Enquiry
- 221 Data validation Report
- RCOG
- Expert Reference Group Interval Cancer Audit

The President thanked Dr Russell for her very informative presentation and advised that Council would contact her again if it was intending to make a public statement. Council also agreed to consider the outcomes of the presentation at a future meeting.

Date and Time of next meeting

The next scheduled Council meeting is on Wednesday 7th April 2021.

There being no further business, the meeting concluded at 16.55.