

Feedback Form:

Draft Rules for Part 11 of the Medical Practitioners Act, 2007
– Maintenance of Professional Practice



Comhairle na nDochtúirí Leighis
Medical Council



Public Consultation on Draft Rules for Part 11 – Maintenance of Professional Competence

Introduction

Following previous consultation, research and piloting of methods, there is now a step-change in the Medical Council's work on the regulation of the maintenance of professional competence.

The Minister for Health & Children, Ms Mary Harney T.D., signed an order bringing Part 11 of the Medical Practitioners Act, 2007 – Maintenance of Professional Competence – into effect from Saturday 1st May 2010. Commencement of this legislation places a new duty on registered medical practitioners. Twelve months from that date, all registered medical practitioners will be subject to a mandatory requirement to be enrolled in Professional Competence Schemes for the maintenance of professional competence. The Medical Council will oversee this new requirement.

Purpose of the Draft Rules

Under Sections 91 and 94 of the Medical Practitioners Act, 2007 ("the Act,") the Medical Council is required to make rules in respect to Part 11 of the Act – Maintenance of Professional Competence for the better operation of these provisions. In drafting these rules, the Medical Council has taken into account Part 2 Section 7 and Part 2 Section 11 of the Act.

The main areas which the rules will govern are:

- The criteria to be applied to recognised bodies/bodies seeking recognition by the Council to assist it with its duties under the Act. Council may then make arrangements with recognised bodies for the operation of professional competence schemes.
- The requirements on registered medical practitioners in respect to their duty to maintain competence under Part 11 of the Act.

These draft proposals will underpin the new system through which the Medical Council will regulate the maintenance of professional competence, now a mandatory requirement for all registered medical practitioners. This new system is designed to benefit the public by being straightforward and practical for doctors to use and by being effective in helping them to maintain good professional practice.

In the development of these rules, the Medical Council was guided by its primary object: to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among registered medical practitioners.

How to participate in consultation

These proposals are now presented by the Medical Council to interested members of the public, organisations or other bodies for comment, pursuant to provisions under Section 11 of the Medical Practitioners Act, 2007. The Medical Council is pleased to provide all stakeholders with an opportunity to influence how it should oversee the mandatory requirement for all registered doctors to maintain professional competence.

To participate in the consultation, respondents are encouraged to take the following steps:

1. Read and consider the draft proposals in their full form as set out in a separate document on our website www.medicalcouncil.ie. If necessary, further information concerning professional competence can also be found on our website.
2. Consider the relevant provisions in the Medical Practitioners Act, 2007, including, but not exclusive to, Section 7(2)(e), Section 11, Section 91(4) and Section 94(2). A copy of the Medical Practitioners Act 2007 is accessible on our website www.medicalcouncil.ie.
3. Use this form to provide your feedback. For each rule, and supporting standard statement, indicate whether you support, are neutral or do not support the proposal by placing a tick in the relevant box adjacent to the proposal. If you cannot support a proposal, please provide a comment explaining why and proposing an alternative if appropriate.
4. At the end of the form, please provide your feedback on a number of general matters. You will also find space to provide general feedback.

Submissions on the draft rules must reach the Council by 30th November 2010. Submissions received after this date cannot be considered. Respondents should note that all responses are subject to the provisions of the Freedom of Information Acts 1997-2003.

Please use this feedback form to make your submission. You can return your comments in a number of ways:

Email: email your completed form to Part11Consultation@mcirl.ie

Post: Print the form and send it to us at: The Medical Council, Kingram House, Kingram Place, Dublin 2

Fax: Print the form and fax it to us at 01 498 3102

Further information

For further information or if you have any questions, you can talk to the [Consultation Team](#) by calling 01 498 3136

Draft Rules for Part 11 – Maintenance of Professional Competence

Feedback Form

Name of individual or group:	Irish Medical Organisation
Organisation and Job Title:	
Contact details:	IMO House , 10 Fitzwilliam Place, Dublin 2
Email address:	vhetherington@imo.ie
Date:	30 November 2010
For group responses, please indicate the number of people responding:	6210
If you wish to make comment on specific rules please enter your comment in the appropriate box below. Space has also been provided at the end of this document for general comment.	

Retired Doctors

The Medical Council is aware that there are a range of views regarding how the provisions of Part 11, Medical Practitioners Act, 2007: Maintenance of Professional Competence should be applied to retired doctors.

Below are two options under consideration by the Medical Council and we would be grateful if you could indicate your preference and add any comments.

(Your Preference – tick option 1 or option 2 and provide comments)

Option 1	<p>All non-trainee doctors engaged in any clinical practice participate in a system of regulation of the maintenance of professional competence, regardless of whether they identify themselves as retired or not.</p> <p>Any retired doctor wishing to engage in any clinical practice, no matter how infrequent, would need to satisfy the same requirements as a doctor wholly engaged in clinical practice</p> <p>Any retired doctor unable to unable or unwilling to meet this requirement would be advised to voluntarily withdraw from the register. This would not affect their use of the title "Dr".</p>	Comments
Option 2	<p>The Council use rules made under Section 11 in support of Section 94 to make specific provisions for retired doctors including requirements which are less than those wholly engaged in clinical practice.</p> <p>The duty to maintain competence for retired doctors supported though a specifically designed Professional Competence Scheme. This might include an agreement by the retired doctor to restrict their scope of practice.</p>	Comments The IMO would like to see specific provisions in place for retired doctors for Professional Competence including funding arrangements.

General Comments

General 1	Do you understand the Rules?	Yes
General 2	Are there any Rules where a principle is not clearly explained?	<ol style="list-style-type: none"> 1. Professional Competence must be adequately resourced and employers must factor in time needed for physicians to meet their obligations. 2. There are no remediation arrangements in place for medical practitioners who fail to meet the requirements of Professional Competence schemes. Remediation will also incur costs. It is unclear who will be responsible for the cost of remediation - the Medical Council, the employer or the physician. The IMO would like to see <ul style="list-style-type: none"> • proper structures in place to address these cases • clarification of responsibility for the cost of remediation.
General 3	Are there any issues which you feel ought to but have not been addressed by these Rules?	<ol style="list-style-type: none"> 1. Both the rules on Professional Competence and on Registration fail to make provision for dual registration, whereby a doctor has completed training in one speciality and begins training in another. 2. There is no requirement for doctors outside the state who are providing advice, treatment or diagnosis to patients in Ireland, to be either registered with the Medical Council or to maintain Professional Competence. This currently takes place in Cytology where cervical smear tests are sent to US company Quest Diagnostics for analysis under contract with the National Cancer Screening Service. US Doctors sign off on the results of these tests without being registered with the Irish Medical Council. This would not be allowed in the US where out-of-state practice of medicine without a licence is not allowed. 3. There is another anomaly whereby a physician on the General Register may practice in any speciality without having received formal training in that speciality, nor will they be required to maintain Competence assurance specific to that speciality. The IMO are of the view that only those who are specialist trained and registered should practice independently. This would not necessarily mean that those on the General Register must work in a fully supervised and structured training environment but that their practice should have clinical oversight by someone who is on the Specialist Register.

General 4	If you wish to make comment generally on the Rules, please use the space opposite:	<ol style="list-style-type: none">1. At present there is insufficient training available specific to the needs of Community Health Doctors. The IMO would like to see arrangements in place and the establishment of a faculty in this specialty.2. The Medical Council must ensure that medical practitioners have a basic grasp of the lingua franca.

The Medical Council would like to thank you for taking the time to participate in the Consultation Process on our draft Rules on Professional Competence and completing this feedback form. Your opinions and comments are greatly appreciated.

The Medical Council

