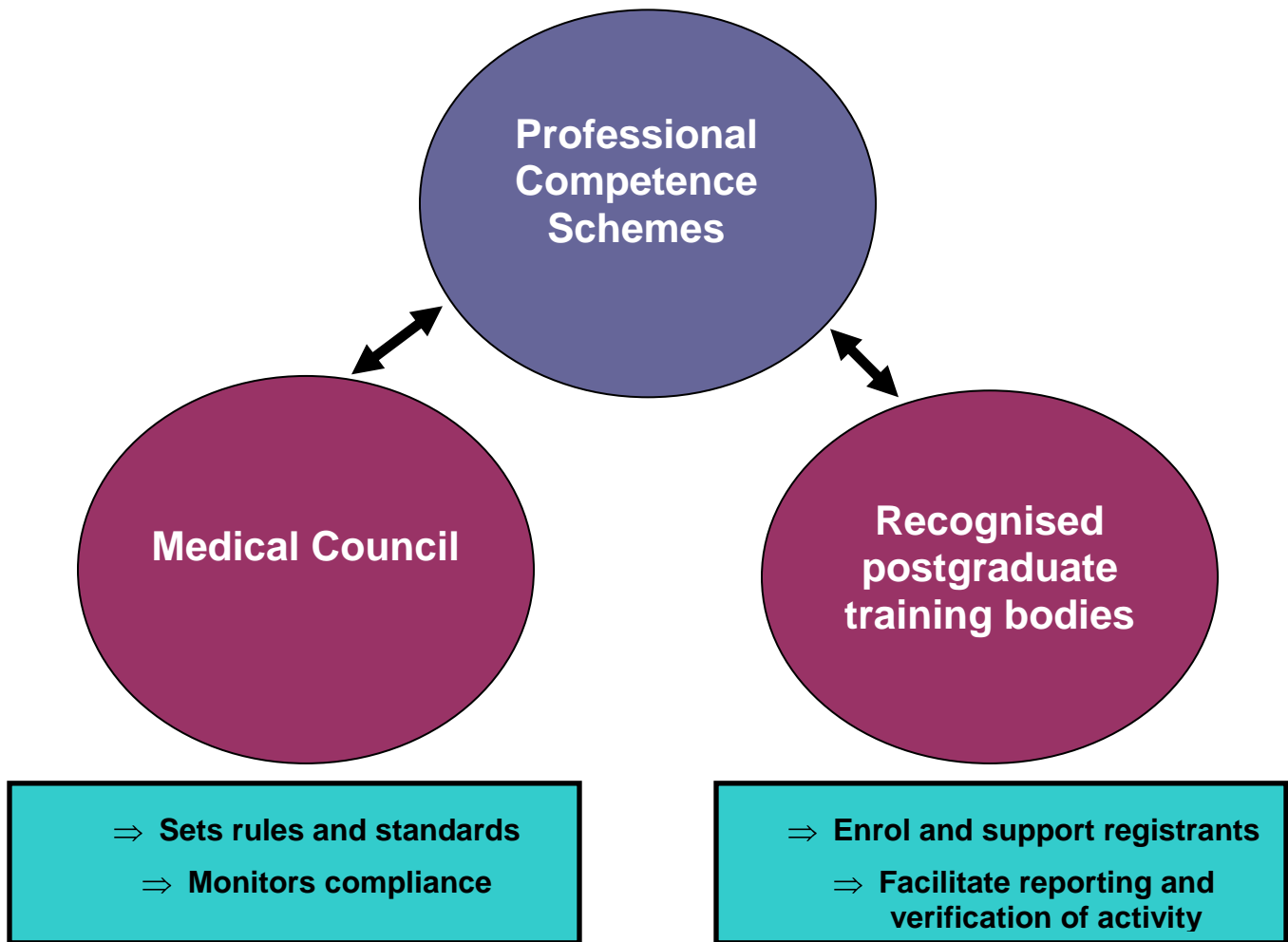


Key Responsibilities of Registrant, Training Body, Medical Council and Employers in relation to Professional Competence Schemes

The following information has been extracted from the Arrangement arising from Section 91 (4), Medical Practitioners Act, 2007 between the Medical Council and accredited Postgraduate Training Bodies for the establishment and operation of Professional Competence Schemes.

Key responsibilities in relation to Professional Competence Schemes

The Medical Council welcomes the introduction of statutory professional competence requirements as a key element in the maintenance of professional competence of all registered medical practitioners in Ireland. The Council is responsible for specifying and reviewing the standards required for the purpose of maintaining the professional competence of registered medical practitioners. In assisting the Medical Council in the operation of Professional Competence Schemes the recognised postgraduate training bodies will provide formal structures for recording and documenting the participation of registered medical practitioners in Professional Competence Scheme activities. The Medical Council will retain responsibility for monitoring and assessing registrants' declared compliance with the Medical Council's requirements in respect of Professional Competence Schemes.



The support, cooperation and collaboration of the main stakeholders – registered medical practitioners, the Medical Council, recognised postgraduate training bodies and employers – are essential for the successful establishment and operation of Professional Competence Schemes. This Section summarises the key responsibilities of these stakeholders in respect of the establishment and operation of Professional Competence Schemes. These responsibilities come into being by way of both the Medical Practitioners Act, 2007 and the Medical Council's Part 11 Rules and Associated Standards. They do not replace the provisions of the Act or extend the powers, roles or responsibilities of any party beyond the provisions set out in the Act.

This section of the document does not purport to be a legal interpretation of the Act.

Key responsibilities of the registrant

Registered medical practitioners are accountable to their patients, to the organisation in which they work and to the Medical Council. The aim is to ensure that patients receive care from registered medical practitioners which is clinically effective, personal and safe. While registered medical practitioners have always pursued lifelong learning as a professional responsibility, they now have a legal duty to demonstrate that they are maintaining their professional competence.

- Part 11 of the Medical Practitioners Act, 2007, and the Medical Council's Part 11 Rules and Associated Standards (2011), aimed at "the better operation of these provisions" (Part 11 Rules and Associated Standards, Medical Council, 2011), place a legal obligation on all medical practitioners whose names are entered in the General and Specialist Divisions of the Register of Medical Practitioners to maintain their professional competence by enrolling in a Professional Competence Scheme and following specific requirements set by the Medical Council. Registered medical practitioners have to co-operate with any requirements imposed on the practitioner in rules made under Part 11.
- According to the Medical Council's Part 11 Rules and Associated Standards (2011), "Every registrant must enrol in the scheme that best reflects their education, training, demonstrated competence and current practice". Applicants must also satisfy the published requirements of the recognised postgraduate training body in respect of each Scheme.
- "The pursuit of training by medical practitioners registered in the Trainee Specialist Division shall in itself represent evidence of the pursuit of an applicable Professional Competence Scheme" (Part 11 Rules and Associated Standards, Medical Council, 2011).
- The Medical Council's Part 11 Rules and Associated Standards (2011) state that "each registrant must be in a position to confirm by way of annual declaration, in a form published by the Council to be submitted with any application for registration or retention, that they have enrolled in and are complying with the requirements of a specified Professional Competence Scheme." From 2012, the Medical Council will ask a sample of registered medical practitioners to provide additional evidence for assurance. "Registrants must submit upon request any supporting documentation required by the Medical Council for the purpose of monitoring and assessing declared compliance with the Medical Council's requirements in respect of Professional Competence Schemes" (Part 11 Rules and Associated Standards, Medical Council, 2011). Registrants must

comply with the Council's requirements if they become the subject of a Medical Council audit.

- Registered medical practitioners are required to comply with the Medical Council's Standards for Maintenance of Professional Competence – Registered Medical Practitioners (2011). These, along with the standards specified in the Medical Council's Guide to Professional Conduct and Ethics for Registered Medical Practitioners (most current edition, 7th edition, 2009), provide a framework for the broad types and quantities of activities to be pursued annually. They also define the process to be followed in pursuing these activities.
- “The registered medical practitioner will plan the maintenance of professional competence based on current patient, practice and health system needs as well as anticipated future developments” (Part 11 Rules and Associated Standards, Medical Council, 2011). Based on self-assessed needs, registered medical practitioners are responsible for maintaining professional competence through participation in a range of self-directed and practice-based activities in order to achieve targets set out in the Medical Council's Framework for Maintenance of Professional Competence Activities (2011).
- When enrolled in a recognised Professional Competence Scheme, all registered medical practitioners must accumulate at least 50 Continuing Professional Development (CPD) credits over a 12-month period. In addition, registered medical practitioners are required to take part in at least one clinical audit exercise each year.
- Any registered medical practitioner who refuses to co-operate, fails to co-operate or ceases to co-operate with requirements to maintain competence as set out under S91 (6) of the Medical Practitioners Act, 2007 may be the subject of a complaint, by the Medical Council, to its Preliminary Proceedings Committee. Should this committee identify an issue or problem, medical practitioners may be required to provide an extensive assessment of practice. This may lead to a medical practitioner being obliged to participate in a performance assessment. “Registrants directed to enrol in the Council's Professional Competence Scheme for performance assessment, on account of the failure on the part of the registrant to comply with a Professional Competence Scheme recognised under Section 91, will be responsible for all costs associated with any assessment under the Professional Competence Scheme for performance assessment” (Part 11 Rules and Associated Standards, Medical Council, 2011).

Key responsibilities of the Medical Council

In setting and monitoring standards for the maintenance of professional competence through the establishment of appropriate Professional Competence Schemes the Medical Council will carry out its responsibilities with due care and skill to the highest professional standards. The Medical Council will:

- operate in accordance with Part 11 of the Medical Practitioners Act, 2007
- co-operate, with parity of esteem, with the Forum of Irish Postgraduate Medical Training Bodies and with individual recognised postgraduate training bodies in the ongoing development and operation of Professional Competence Schemes
- within the provisions of this Arrangement, provide strategic direction and guidance on the operation of the Professional Competence Schemes to recognised postgraduate training bodies
- make and carry out Arrangements with recognised postgraduate training bodies for the purposes of establishing and operating Professional Competence Schemes
- devise standards in order to define requirements for registrants with regard to the maintenance of professional competence
- monitor registrants' pursuit of these requirements
- continually monitor and assess the establishment and operation of Professional Competence Schemes, and put forward recommendations for the enhancement and improvement of the operation of the Schemes to the Minister for Health and Children
- hold all information regarding Professional Competence Schemes in the strictest of confidence in accordance with the Data Protection Acts, 1988 and 2003, and the Freedom of Information Acts, 1997 and 2003
- monitor the compliance of registered medical practitioners with the requirements of the specified Professional Competence Schemes and take appropriate enforcement action when registered medical practitioners do not meet compliance requirements. This may involve making a complaint in respect of any registered medical practitioner who refuses to co-operate, fails to co-operate or ceases to co-operate with the requirements of the Scheme as set out in Part 11 of the Act. The Medical Council is empowered to respond in a number of ways, including ultimately bringing the matter before its Fitness to Practice Committee.

Key responsibilities of the Recognised Postgraduate Training Body

Through the operation of Professional Competence Schemes recognised postgraduate training bodies provide a supportive, collegiate, professional development environment for registrants to fulfil their duties under Section 94 of the Medical Practitioners Act, 2007. Each recognised postgraduate training body will carry out its responsibilities under this Arrangement with due care and skill and to the highest professional standards. The recognised postgraduate training body will:

- by establishing and operating Professional Competence Schemes under arrangement with the Medical Council, facilitate registered medical practitioners in a process of engagement in professional competence activities, such as Continuing Professional Development (CPD) and clinical audit, so as to support the development of good professional practice and thereby contribute to patient safety and quality of patient care
- work collaboratively with the Medical Council, other recognised postgraduate training bodies and other key stakeholders, as required
- acquire and maintain recognition from the Medical Council for all Professional Competence Schemes which are the subject of this Arrangement
- provide these Schemes, as set out in Schedule 2, with high-quality leadership and governance
- ensure that all Professional Competence Schemes which are the subject of this Arrangement provide a suitable professional development environment to support the enrolled registrants' pursuit of their duties in relation to the achievement of the Medical Council's Standards for the Maintenance of Professional Competence (2011). This may include (but may not be exclusive to) the provision of:
 - a mechanism for enrolling registrants on the recognised Professional Competence Scheme
 - a mechanism to record and attribute the required CPD credits to various professional activities
 - a range of appropriate tools, documents and guides to support registrants in the pursuit of the Medical Council's Standards for Maintenance of Professional Competence – Registered Medical Practitioners (2011)
 - facilities for registrants to log and monitor credits accumulated through their engagement in activities
 - activities for the maintenance of professional competence which address the Medical Council's Domains of Good Professional Practice (2011)
 - accreditation of activities provided by other individuals or bodies which have met specified educational criteria for the purpose of credits
 - reports on the operation of the Professional Competence Schemes as required by the Medical Council
 - a verification process
 - Professional Competence Scheme Certificates stating that individual registrants are enrolled in the recognised postgraduate training body's Professional Competence Scheme, and enumerating credits claimed by the registrant for engaging in different categories of activities.

- operate the Professional Competence Scheme in line with the Medical Council's Domains of Good Professional Practice (2011) and in compliance with the Standards for the Maintenance of Professional Competence – Bodies Operating Professional Competence Schemes (Medical Council, 2011)
- provide an appropriate system of information governance, ensuring that registrants' records are accessible only to the individual practitioner and the appropriate officer in the recognised postgraduate training body (this data is protected by the confidentiality clause in Section 95 of the Medical Practitioners Act, 2007)
- report to the Medical Council on the operation of the Scheme(s) and performance measures as set out in this Arrangement
- “declare that it will be responsible for all costs associated with the operation of any Professional Competence Scheme in respect of which the postgraduate training body has secured recognition from the Council. The postgraduate training body will not be entitled to levy any charges or fees in respect of enrolment on a Scheme without the prior written consent of the Council” (Part 11 Rules and Associated Standards, Medical Council, 2011).
- submit an annual operational plan in respect of the Professional Competence Scheme(s) it intends to operate to the Medical Council by 1st September 2011, for the Medical Council to agree within a period of 28 days, with annual operational plans for all subsequent years being due by 1st June of each year.

Key responsibilities of employers

Section 93 (1) and (2) of Part 11 of the Medical Practitioners Act, 2007 places a duty on the Health Service Executive and other employers to facilitate the registered medical practitioner's pursuance of professional competence.

- “The Health Service Executive shall facilitate the maintenance of professional competence of registered medical practitioners pursuant to a Professional Competence Scheme applicable to the practitioners concerned” (Medical Practitioners Act, 2007).
- “An employer of a registered medical practitioner, not being the Health Service Executive, shall facilitate the maintenance of professional competence of registered medical practitioners pursuant to a Professional Competence Scheme applicable to the practitioners concerned” (Medical Practitioners Act, 2007).

Registered medical practitioners in individual private practice are, like registered medical practitioners employed by others, legally obliged to maintain their professional competence by enrolling in a Professional Competence Scheme and following requirements set by the Medical Council.