

# ANNUAL REPORT 2020



Published by

## **MEDICAL COUNCIL MALTA**

St. Luke's Hospital  
Out-Patients' Department, Level 1,  
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Malta

<https://health.gov.mt>

# Medical Council Malta

## Annual Report 2020

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### Contents

Foreword by the President of the Medical Council Malta .....	4
The Transition of the Medical Council President .....	5
Composition of the Medical Council Malta during 2020 .....	5
Members of the Medical Council Malta .....	5
Meetings and Attendance .....	7
Sub-Committees of the Medical Council Malta and Representatives of the Medical Council Malta on other Committees .....	8
Sub-Committee for the Registration of Medical Practitioners .....	8
Sub-Committee for Registration of Dental Surgeons .....	8
Sub-Committee for the Analyses of Complaints (SCAC) .....	8
Sub-Committee for the Hearing of Inquiries .....	8
Sub-Committee for the Foundation School Programme .....	9
Sub-Committees for Medical and Dental Examinations .....	9
The Sub-Committee (Observers and Quality Assurers) for the Dental Surgeons .....	9
MCM Representative on the Medical Specialist Accreditation Committee (MSAC) .....	9
MCM Representative on the Dental Specialist Accreditation Committee (DSAC) .....	9
Participation in Conferences and Training held Overseas .....	10
Medical Council Malta Statutory Examination (MCMSE).....	10
MCMSE for Medical Practitioners .....	10
MCMSE for Dental Surgeons .....	10
Registration granted during year 2020 .....	11
Time-Limited Temporary Registration to 5th Year Medical Students .....	12
Award Ceremony for the presentation of the Licence to Practice .....	13
Provision of Temporary Service Lists .....	13

# Medical Council Malta

## Annual Report 2020

---

Laws, Circulars, and other Publications.....	14
Website Announcement	14
Complaints, Inquiries, Criminal Proceedings and Court Cases	14
Complaints received during the year 2015	15
Complaints received during the year 2016	19
Complaints received during the year 2017	21
Complaints received during the year 2018	26
Complaints received during the year 2019	30
Complaints received during the year 2020	35
Inquiries.....	40
Inquiries still pending	40
Court Cases	42
Cases Reported to the Police	47
Appeals against the Medical Council regarding Registrations	47
Concluding Remarks and Acknowledgments.....	48
Annex 1.....	49
Annex 2.....	52
Annex 3.....	58

# Medical Council Malta

## Annual Report 2020

---

### Foreword by the President of the Medical Council Malta

This report is being published in terms of the provisions of the Health Care Professions Act (Chapter 464 of The Laws of Malta), which requires the Medical Council to publish an annual activity report containing a statement of the activities carried out or pursued by the Council during the year.

I was appointed President to the Council in lieu of the out-going president Dr. Ilona Debono B.A., LL.D., Adv. Trib. Eccl. Melit., whose term of office expired in the later part of the year. I would like to take the opportunity to publicly thank the out-going President for her sterling work and contribution to the Council during her long term of office.

The year 2020 has been the first year of the Covid-19 Pandemic and this experience thrust the Council to a different modus operandi in that meetings were held virtually.

On my appointment, I found the Council fully immersed in its daily endeavours to maintain professional and ethical standards for the Medical and Dental professions and indeed the learning curve was a steep one. This day-to-day activity was only possible thanks to the Council members having adapted ever so well to work remotely and make maximum use of the digital means available to them.

Registration is a sizeable portion of the Council's work and one on which the Council operates within the local as well as the European legislative framework.

It has been interesting to note the extra effort taken by the Council to tackle other issues that it deems will influence the practice of both professions. The Council took an active part in the Equality Bill debate as the Council voiced its concern in front of the Adjunct Committee for the Consideration of Bills and suggested an amendment.

The work of the Registrar's office is central to the continuous operation and a word of praise goes to all members of staff.

Finally, I would like to thank all Council Members for their active participation and for their commitment towards the regulation of both professions.

Dr Simon Micallef Stafrace LL.D., Master of Laws (LL.M.)

# Medical Council Malta

## Annual Report 2020

---

### The Transition of the Medical Council President

Dr Ilona Debono B.A. L.L.D. Adv. Trib. Eccl. Melit., was appointed President of the Medical Council in 2011 and presided over the first meeting on Wednesday 12th October of the same year.

Her term expired on the 20<sup>th</sup> of September 2020, and she was succeeded by Dr Simon Micallef Stafrace LL.D., Master of Laws (LL.M).

The current president and members of the Medical Council would like to thank Dr Ilona Debono for her long and dedicated years of service. Her humble demeanor coupled with a more than generous work ethic will be sorely missed.

The Medical Council augurs her well in her future career.

### Composition of the Medical Council Malta during 2020

The composition of the Medical Council of Malta is established by the provisions of Article 9 of the Health Care Professions Act (HCPA) 2003, Chapter 464 of the Laws of Malta.

### Members of the Medical Council Malta

**President** (*appointed by the Prime Minister after the 2017 general elections: term of office from 21<sup>st</sup> September 2017 to 20<sup>th</sup> September 2020*).

**Dr Ilona Debono B.A., LL.D., Adv. Trib.Eccl.Melit.**

On the expiry of Dr Ilona Debono's term, the Prime Minister appointed a new President of the Medical Council.

**Dr. Simon Micallef Stafrace LL.D., Master of Laws (LL.M.)**

(*appointed by the Prime Minister from 25th September 2020 to 20th October 2023*).

# Medical Council Malta

## Annual Report 2020

---

### Members appointed by the Prime Minister

**Dr Kurstein Sant** M.D. (*appointed by the Prime Minister from 23<sup>rd</sup> January 2019 to 20<sup>th</sup> September 2020, resigned 18th January 2020*).

**Dr Pauline Vassallo** B.Ch.D., D.D.P.H.(R.C.S.), M.Sc., MBA, FFPH (*was reappointed by the Prime Minister from 25th September 2020 to 20th October 2023*).

### Members appointed by the University of Malta

**Dr Daniel Farrugia** M.D. (Malta), DEAA, EDIC (*reappointed by the UoM, from 14th October 2019 to 14th October 2022*).

### Members (Elected by Medical Practitioners from 9th July 2019 to 8th July 2022)

**Dr Michael J. Boffa** M.D., F.R.C.P.(Lond.), F.R.C.P.(Edin), M.Sc. (Derm.) (Lond.), D. Derm. (Lond.), D.G.U.M.(Lond.)

**Dr Ian Baldacchino** M.D., M.R.C.P.

**Dr Doreen Cassar** M.D., Dip. W.H., Dip. PC & GP, M.M.C.F.D.

**Dr Joseph Cassar** M.D., P.D.F. Psych.

**Dr Tanya Melillo Fenech** M.D., M.Sc., PhD.

### Members (Elected by Dental Surgeons from 9th July 2019 to 8th July 2022)

**Dr Anthony Charles** B.Ch.D.

**Dr David Muscat** B.D.S.

### Members Representing the Public

*(Appointed by the Prime Minister from 25th September 2020 to 20th October 2023)*

**Mr Philip Borg** Ph.Lic., S.Th.B., Dip.Soc.Sc.

**David Caruana** Dip. in Educ. (Adult), B.A., PG Dip. in Educ. (Adm. and Mgt.), M.Ed.

### Registrar

**Mr Arthur Camilleri** (*as of 20th January 2020*).

# Medical Council Malta

## Annual Report 2020

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### Meetings and Attendance

The Medical Council Malta held 18 meetings during 2020.

	Present	Excused
Dr Ilona Debono, President ( <i>up to 20th September 2020</i> )	12	1
Dr Simon Micallef Stafrace, President ( <i>as of 25th September 2020</i> )	2	3
Dr Ian Baldacchino	17	1
Mr Philip Borg	15	3
Dr Michael J. Boffa	11	7
Dr Doreen Cassar	18	-
Dr Joseph Cassar	15	3
Dr Anthony Charles	18	-
Dr Daniel Farrugia	18	-
Dr Tanya Melillo Fenech	15	3
Dr David Muscat	17	1
Dr Pauline Vassallo	12	6
Mr David Caruana	17	1

# Medical Council Malta

## Annual Report 2020

---

### **Sub-Committees of the Medical Council Malta and Representatives of the Medical Council Malta on other Committees**

In line with the provisions of law, the Sub-Committees appointed by the Medical Council are entrusted with delegated powers to work on its behalf.

#### **Sub-Committee for the Registration of Medical Practitioners**

This Sub-Committee was responsible for vetting all new applications for registration as a medical professional in Malta, including the validation of the qualifications' certificates submitted by the applicants. This Sub-Committee was composed of, Dr Doreen Cassar, Dr Ian Baldacchino and Dr Tanya Melillo Fenech.

#### **Sub-Committee for Registration of Dental Surgeons**

This Sub-Committee was responsible for vetting all new applications for registration as a dental surgeon in Malta, including the validation of the qualifications' certificates submitted by the applicants. This Sub-Committee was composed of, Dr Anthony Charles, Dr David Muscat, and Dr Pauline Vassallo.

#### **Sub-Committee for the Analyses of Complaints (SCAC)**

The Sub-Committee responsible for the analyses of complaints was composed of, Dr Ilona Debono (then replaced by Dr Simon Micallef Stafrace as President of the MCM), Dr Daniel Farrugia, Dr Michael Boffa, Dr Anthony Charles and Mr David Caruana.

#### **Sub-Committee for the Hearing of Inquiries**

This Sub-Committee was composed of Dr Ilona Debono (then replaced by Dr Simon Micallef Stafrace as President of the MCM), as chairperson, two members namely a medical practitioner member (by rotation) and a dental surgeon member (by rotation) depending on the case; and a member representing the public (by rotation).



# Medical Council Malta

## Annual Report 2020

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### **Sub-Committee for the Foundation School Programme**

The Medical Council of Malta is responsible for the Quality Assurance of the Malta Foundation School Programme. Dr Doreen Cassar, Dr Bryan Flores Martin and Dr Tanya Melillo Fenech were appointed to sit on the Medical Council Quality Assurance Sub-Committee (MCQAC) for the Foundation School Programme for a period of three (3) academic years starting from 1<sup>st</sup> February 2018.

### **Sub-Committees for Medical and Dental Examinations**

In accordance with EU Directive 2005/36/EC; the HCPA 2003, Chapter 464 of the Laws of Malta; and the MCM's standard policy, all non-EU applicants in possession of a non-EU first medical or dental degree, are required to sit for and successfully pass the Medical Council Malta Statutory Examination (MCMSE) to be eligible for Full-Permanent Registration in Malta. No sessions were held in 2020.

The MCM has recognized the need to develop standard procedures and guidelines regarding these examinations to enhance transparency and ensure consistency. During 2020, although no sessions were held three Sub-Committees were still in place and entrusted with these tasks.

### **The Sub-Committee (Observers and Quality Assurers) for the Dental Surgeons**

This sub-committee was inactive since no sessions were held.

### **MCM Representative on the Medical Specialist Accreditation Committee (MSAC)**

Dr Daniel Farrugia represented the Medical Council on the MSAC.

### **MCM Representative on the Dental Specialist Accreditation Committee (DSAC)**

The Medical Council was represented by Dr Anthony Charles, and Dr Pauline Vassallo (substitute), on the DSAC.

# Medical Council Malta

## Annual Report 2020

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### Participation in Conferences and Training held Overseas

- Meeting of the European Network of Medical Competent Authorities (ENMCA) held virtually on 19<sup>th</sup> June 2020. The MCM was represented by Dr Ian Baldacchino and Mr Arthur Camilleri (Report: Annex 1)
- Conference of the Federation of Dental Competent Authorities (FEDCAR) held on 27<sup>th</sup> November 2020 in Paris, France. The MCM was represented by Dr David Muscat. (Report: Annex 2)
- Meeting of the European Network of Medical Competent Authorities (ENMCA) held virtually on 26<sup>th</sup> December 2020. The MCM was represented by Dr Doreen Cassar and Dr Ian Baldacchino. (Report: Annex 3)

### Medical Council Malta Statutory Examination (MCMSE)

In accordance with EU Directive 2005/36/EC, the Health Care Professions Act (HCPA) 2003, Chapter 464 of the Laws of Malta, and the Medical Council's standard policy, all non-EU applicants in possession of a non-EU first medical/dental degree, are requested to sit for and successfully pass the Medical Council Malta Statutory Examination (MCMSE), to be granted Full-Permanent registration in Malta. The Medical Council strives to hold two sessions per year, one in April/May and the other in September/October.

#### MCMSE for Medical Practitioners

The MCMSE for Medical Practitioners was not held in 2020 owing to the Covid-19 Pandemic.

#### MCMSE for Dental Surgeons

The MCMSE for Dental Surgeons was not held in 2020 owing to the Covid-19 Pandemic.

# Medical Council Malta

## Annual Report 2020

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### Registration granted during year 2020

Total number of Medical Practitioners and Dental Surgeons registered during the year 2020.

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	60	84	144
Medical Practitioners: Temporary Register	3	7	10
Medical Practitioners: Provisional Register	74	62	136
Dental Surgeons: Principal Register	9	9	18
Dental Surgeons: Temporary Register	2	0	2
<b>Grand Total</b>	<b>148</b>	<b>162</b>	<b>310</b>

# Medical Council Malta

## Annual Report 2020

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Total number of Medical Practitioners and Dental Surgeons registered in Malta as of 31<sup>st</sup> December 2020<sup>1</sup>.

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	959	1504	<b>2463</b>
Medical Practitioners: Temporary Register	12	27	<b>39</b>
Medical Practitioners: Provisional Register	145	121	<b>266</b>
Dental Surgeons: Principal Register	141	198	<b>339</b>
Dental Surgeons: Temporary Register	4	2	<b>6</b>
<b>Grand Total</b>	<b>1261</b>	<b>1852</b>	<b>3,113</b>

### Time-Limited Temporary Registration to 5th Year Medical Students

The COVID-19 situation in Malta prompted the MCM to respond to the national need for an increased workforce initiated by the Department of Health by agreeing to grant time-limited temporary registration to 5<sup>th</sup> year medical students who had successfully completed their final written examinations. The MCM's role was to verify the successful completion of final written examinations for 5<sup>th</sup> year medical students and that their insurance cover was adequate for the COVID-19 scenario. Consequently, 118 (5<sup>th</sup> year) medical students were given a 'Time-Limited Temporary Registration' for Emergency Situations.

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<sup>1</sup> Data retrieved from the MCM Registers database.

# Medical Council Malta

## Annual Report 2020

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### Award Ceremony for the presentation of the Licence to Practice

Owing to the way the Pandemic evolved, the annual presentation of the Licence to practise was not held in 2020.

### Provision of Temporary Service Lists

Medical Practitioners and Dental Surgeons who have been included in the Lists for the Provision of Temporary Service during the year 2020<sup>2</sup>.

List	Gender		Total
	Female	Male	
MCM Temporary Service List – Medical Practitioners	0	3	<b>3</b>
MCM Temporary Service List – Dental Surgeons	-	-	-
<b>Grand Total</b>	0	3	<b>3</b>

Medical Practitioners and Dental Surgeons included in the Provision of Temporary Service Lists by the end of 2020.

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List - Medical Practitioners	47	173	<b>220</b>
Medical Council Temporary Service List – Dental Surgeons	-	4	<b>4</b>
<b>Grand Total</b>	47	177	<b>224</b>

<sup>2</sup> As stipulated in EU Directive 2005/36/EC, Article 9, Medical Practitioners and Dental Surgeons from other EU Countries are requested to register with the Medical Council Malta and provide all relevant documentation for the Provision of Temporary Service. The Provision of Temporary Service Lists may be accessed at: <https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Registers.aspx>

# Medical Council Malta

## Annual Report 2020

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### Laws, Circulars, and other Publications

During 2020, there were no amendments to the Laws regulating the Medical Council Malta. The MCM issued two circulars, one being a Covid-19 Directive and the other related to Advertising Regulations.

The Medical Council issued a new 'Code of Ethics for the use of Social Media by Doctors and Dentists.

The explanatory notes for prospective applicants entitled 'Requirements for Registration' were also updated.

At the outset of the Pandemic, the Medical Council issued a 'Guidance Document for New Doctors and the Profession' during the Covid-19 Situation. The Guidance document may be accessed via the link here below:

<https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Documents/Guidance%20During%20the%20COVID-19%20Situation.pdf>

The Laws, Circulars and Publications of the MCM may be assessed via the link here below:

[https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Reports\\_Publications.aspx](https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Reports_Publications.aspx)

### Website Announcement

During 2020, the Medical Council, through participation of its members and President, attended various meetings of the 'Adjunct Committee for the Consideration of Bills' related to the Equality Bill. As a result, an announcement was made on the Council's website with suggested amendments regarding a professional's right to conscientious objection.

### Complaints, Inquiries, Criminal Proceedings and Court Cases

The actions undertaken by the Medical Council Malta are provided for in Subsidiary Legislation 458.08, entitled 'Medical Council (Erasure of Names Procedure) Rules, 24.12.1959'. Moreover, in accordance with the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta, the Medical Council Malta may initiate any inquiry it deems

# Medical Council Malta

## Annual Report 2020

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necessary, independent of any other measure taken by other entities, with respect to all registered Medical and Dental Practitioners<sup>3</sup>.

- **MC/132/2012**

All Medical and Dental Practitioners who had failed to pay the Annual Retention Fee (in line with LN/330/2206) by the end of 2018 were reminded about their outstanding dues along with a request for the payment of the 2019 Annual Retention Fee. Practitioners were contacted both by electronic mail and by phone, and by December 2019, a substantial number of the Practitioners had regulated their position.

The MCM repeats this process on a yearly basis to ensure that the position of all registered Medical and Dental Practitioner is in line with the provisions of the Law. The Council can, based on the powers conferred upon it by HCPA 2003, Chapter 464, initiate Inquiry procedures against those Practitioners who persist in failing to pay the regulatory Annual Retention Fee.

Case status: Ongoing

### Complaints received during the year 2015

- **CC/04/2015 (previously numbered as MC/98/2012) – Main file No. CC/04/2016**

In June 2012, a local magazine highlighting an advert published by a Dentist, was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical /Dental Practitioners.

The Dental Practitioner was asked to clarify his/her position about this matter in mid-June 2012, and a reply was received by end-June. The Dentist emphasised that his/her action was not to be categorised as advertisements. The SCAC reviewed this case during a meeting held in end-November 2015 and presented its recommendations to the Council during the first Council Meeting held in 2016. The Medical Council decided that all the complaints for alleged breach of the Code of Ethics on Advertising and Financial Conduct, against this Dental Surgeon are to be addressed as one case and that he/she is to be asked to clarify his/her position.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. (*Refer also to CC/10/2015, CC/01/2016 and to the main file CC/04/2016*).

- **CC/10/2015 (previously numbered as MC/45/2013) – Main file No. CC/04/2016**

During the year 2013, a set of adverts published regularly on a local magazine by a Dental Surgeon were brought to the attention of the Medical Council. It was alleged that these were in breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners.

# Medical Council Malta

## Annual Report 2020

---

The SCAC reviewed this case during a meeting held in end-January 2016 and presented its recommendations to the Council during the first week of February 2016. The Medical Council decided that all the complaints for alleged breach of the Code of Ethics on Advertising and Financial Conduct, against this Dental Surgeon are to be addressed as one case and that he/she is to be asked to clarify his/her position.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. (*Refer also to CC/04/2015, CC/01/2016 and to the main file CC/04/2016*).

- **CC/11/2015 (previously numbered as MC/80/2013)**

In November 2012, a Medical Practitioner filed a complaint against three Medical Practitioners for alleged unethical and unprofessional behaviour. The SCAC discussed this case and presented its proposals during a Council Meeting held in end-January 2016. This case was reviewed by the Medical Council at the end of June 2016 and consequently at end-November 2016, where it was concluded that a Board of Inquiry should be held against the two named Practitioners.

Case status: A Board of Inquiry still to be initiated.

- **CC/15/2015 (previously numbered as MC/87/2013)**

During February 2013, the Medical Council received a complaint against a Medical Practitioner from a patient's mother, for alleged unethical and unprofessional behaviour towards her daughter during treatment. However, the Medical Council noted that the Practitioner referred to in the complaint, was not listed on its Registers. Consequently, the complainant was asked to confirm the Practitioner's name in September 2013. The Superintendent of Public Health was notified about this case.

The complainant provided the accurate details about the practitioner against whom she was filing the complaint in January 2014. This complaint was discussed, and it was agreed to proceed with a Board of Inquiry.

Case status: The Board of Inquiry still to be started.

- **CC/20/2015 (previously numbered as MC/57/2014)**

In mid-January 2014, two Medical Practitioners filed a complaint against a Medical Practitioner for alleged unethical and unprofessional conduct (alleged slander).

The Medical Council discussed the case and concluded that this case merited an Inquiry. Moreover, it was agreed that the Board of Inquiry should be held in plenary sessions. This decision was re-confirmed during a meeting held in the end of October 2016.

Case status: A Board of Inquiry still to be initiated.



# Medical Council Malta

## Annual Report 2020

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- **CC/22/2015 (previously numbered as MC/114/2014)**

During the last week of December 2013, a patient filed a Judicial Protest against a Medical Practitioner and the hon. minister for Health for alleged unethical and unprofessional conduct in his/her regard, at the Gozo General Hospital. The Medical Council asked the Medical Practitioner for his/her clarifications during mid-September 2014. The Legal Office of Mater Dei Hospital submitted a reply in the name of the Medical Practitioner in mid-October 2014. The SCAC discussed this case during the first week of May 2016 and exhibited its report in end-October 2016. The Medical Council concluded that this case deserved an Inquiry. A Board of Inquiry was appointed.

Case status: The Board of Inquiry still to be initiated.

- **CC/33/2015**

A patient filed a complaint with the Medical Council against a Medical Practitioner during the last week of May 2015. An unidentified Medical Practitioner was being accused of alleged professional misconduct. The SCAC analysed the case and presented its recommendations to the Medical Council. The complainant was asked to identify the Medical Practitioner.

Case status: The case is still ongoing.

- **CC/34/2015**

A newspaper article, published in the Sunday Times of Malta dated 24<sup>th</sup> of May 2015 was brought to the attention of the Medical Council. A Medical Practitioner was being accused of an alleged breach of ethical and professional behaviour.

Case status: The case is still pending.

- **CC/35/2015**

During the second week of June 2015, the Medical Council received a complaint against a Medical Practitioner. He/she is being alleged for the infringement of ethical and professional behaviour. The SCAC discussed this complaint and was decided to ask for the Medical Practitioner's version of events.

Case status: The case is still in progress.

- **CC/40/2015**

At the end of February 2014, a report was forwarded by the Ministry for Health against a Medical Practitioner for alleged unethical and unprofessional behaviour. The department requested the Medical Council to investigate the case further and present its findings.

Case status: The case is still pending.

# Medical Council Malta

## Annual Report 2020

---

- **CC/41/2015**

In mid-May 2014, the Council received a letter of a complainant from the parent of a three-year-old child, against a Medical Practitioner serving at the Emergency Department at Mater Dei Hospital, outlining alleged unethical and unprofessional behaviour. The complainant was asked whether he/she was still interested in proceeding with the case and no reply was received as at end 2020.

Case status: Case is still pending.

- **CC/43/2015 (previously numbered as MC/15/2013)**

In February 2013, the parents of a two-year-old, who passed away in February 2011, filed a Judicial Protest. The Judicial Protest was filed against the Medical Council, the Health Department's Director General and the Chief Government Medical Officer. Seven (7) doctors were being investigated in Court for being allegedly responsible for the death of their child after being admitted at Mater Dei Hospital. A Magisterial Inquiry had been appointed. The Medical Council submitted its counter protest in Court in March 2013.

In June 2013, the parents filed a formal letter of complaint with the Medical Council against the named seven (7) Medical Practitioners for alleged unethical and unprofessional behaviour, which allegedly led to the death of their daughter. The Medical Practitioners were notified about this complaint and asked to submit their position to the Medical Council in July 2013. The Medical Practitioners submitted their position in August 2013 and subsequently filed a Judicial Protest against the Medical Council to suspend its investigations until the Court's decision is taken. The Medical Council filed a counter protest in September 2013. The President of the Council has abstained from this case.

Case status: This case has been deferred pending the court's decision.

- **CC/44/2015 (previously numbered as MC/139/2015)**

During the second week of January 2015, a patient filed a complaint with the Medical Council against three Medical Practitioners for alleged unethical and unprofessional behaviour. In the first week of September 2015, the three Medical Practitioners were asked to clarify their position about this matter. The Medical Council considered the Medical Practitioner's version of events during a Council Meeting held in the first week of October 2015. It was concluded that this case deserved a Board of Inquiry which had to be conducted in plenary sessions.

Case status: A Board of Inquiry still to be initiated.

- **CC/45/2015**

In mid-October 2015, the Medical Council received a letter of complaint against a Medical Practitioner and his/her team at Private Hospital for alleged unethical and unprofessional behaviour in the delivery of a child. During the second week of October 2017, the hospital's management was provided with a copy of the complaint and asked to clarify their position.

# Medical Council Malta

## Annual Report 2020

---

Their version of events reached the Medical Council's office within the specific deadline. Since the complaint lodged involves the facilities at the service provider rather than any health care professional, it was concluded that this case had to be referred to the attention of the Superintendent of Public Health (Directorate of Health Care Standards) for any action deemed necessary.

Case status: Case closed.

- **CC/46/2015**

During the fourth week of October 2015, a pharmacy filed a complaint against another pharmacy. The management is being alleged for infringing the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The SCAC analysed the photographs attached along with the complaint and the Medical Practitioner (pharmacy owner) was requested to clarify his/her position. The Medical Practitioner's version of events reached the Medical Council's office in mid-November 2017.

Case status: The case is pending.

- **CC/53/2015**

During the last week of December 2015, a patient filed a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. He/she is being accused of breaching the Medical Council's Code of Ethics (L.N./303/2008). During the third week of December 2017, the Medical Practitioner in question was invited to clarify his/her position about this matter but the MP failed to comply.

Case status: The case is still being investigated.

### Complaints received during the year 2016

- **CC/01/2016 – Main file No. CC/04/2016**

The Medical Council received an anonymous complaint against a Dental Surgeon during the second week of January 2016 regarding articles appearing in media that were allegedly in breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners.

At the end of January 2016, the SCAC evaluated this case and submitted its proposals to the Medical Council during the first week of February 2016. The Medical Council agreed that all the complaints for alleged breach of the Code of Ethics on Advertising and Financial Conduct, against this Dental Surgeon are to be referred as one case and that he/she must be asked to clarify his/her position.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. (*Refer also to CC/04/2015, CC/10/2015, CC/01/2016 and to the main file CC/04/2016*).

# Medical Council Malta

## Annual Report 2020

---

- **CC/04/2016**

The Medical Council is currently investigating a series of repeated advertisements by a Dental Surgeon on various local magazines, for alleged breach of the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. In mid-April 2016, the Dental Surgeon was asked to clarify his/her position about this matter. A reply was received during the first week of May 2016. The Medical Council examined this case and concluded that a Board of Inquiry must be set up.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. (*Refer also to CC/04/2015, CC/10/2015 and CC/01/2016*).

- **CC/10/2016**

A newspaper article in the Sunday Times of Malta Supplement dated 3rd April 2016 was conveyed to the attention of the Medical Council. Three Medical Practitioners are being accused of promoting marketing material which is in breach of the Code of Ethics on Advertising in the Health Care Professions Act (2003) Cap 464, articles 19 and 20. The SCAC analysed this case, and the three Medical Practitioners were asked to clarify their position about this issue.

Case status: The case is still pending.

- **CC/15/2016**

The Medical Specialist Accreditation Committee (MSAC) filed a letter of complaint against a Medical Practitioner for alleged unethical, unprofessional, and offensive behaviour in their regard, in June 2016. The case was assessed at sub-committee level and the Medical Practitioner was provided with a copy of the complaint and asked to clarify his/her position in July 2016. The Medical Practitioner failed to submit his/her version of events.

Case status: The case is still pending.

- **CC/20/2016**

In mid-September 2016, the Medical Council Malta received a complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour.

Case status: Pending

- **CC/25/2016**

In September 2014, the Times of Malta issued a Dental Clinic advert which a complainant highlighted the attention of the Medical Council in end-September 2016. The advert was being alleged of breaching the Code of Ethics on Advertising and Financial Conduct. The Medical Council analysed the advert and concluded that this file had to be attached with the main file CC/04/2016.

# Medical Council Malta

## Annual Report 2020

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Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. *(Refer also to CC/04/2015, CC/10/2015, CC/01/2016 and CC/04/2016).*

- **CC/26/2016**

The Times of Malta issued a Dental Clinic advert in September 2016. This advert was conveyed to the Medical Council for alleged breach of the Code of Ethics on Advertising and Financial Conduct. The Medical Council decided that this file had to be enclosed with the main file CC/04/2016.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. *(Refer also to CC/04/2015, CC/10/2015, CC/01/2016, CC/04/2016 and CC/25/2016).*

### Complaints received during the year 2017

- **CC/01/2017**

During the first week of January 2017, the Medical Council received an anonymous complaint regarding an opening of a new Dental Clinic. The clinic's management has been accused of not following the correct advertising regulations. The case was evaluated at sub-committee level and the Dental Practitioners were asked to submit their version of events.

Case status: The case is still at Sub-Committee level. *(Related files: CC/14/2017, CC/22/2017, CC/23/2017).*

- **CC/03/2017**

A foreign Medical Practitioner contacted the Medical Specialist Accreditation Committee to have his/her name included in the database. As a standard procedure, the Medical Council explored the case and discovered that the Medical Practitioner was registered in his/her country of origin but was suspended from work. The MCM requested an English translated report since the CIBG report it received was in a foreign language and could not be understood.

Case status: Case is still being investigated by SCAC.

- **CC/04/2017**

In mid-March 2017, the Medical Council received a formal letter of complaint against a Dental Surgeon alleging unethical and unprofessional conduct. The case was discussed at sub-committee level following which the Dental Surgeon was asked to clarify his/her position about the matter. The reply was discussed, and the Medical Council decided that expertise input was needed. After reviewing the expertise's report, the Medical Council concluded that the Dental Surgeon was not accountable of malpractice. As a result, the case didn't deserve further investigation.

Case status: The case is closed.

# Medical Council Malta

## Annual Report 2020

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- **CC/05/2017**

During the second week of April 2017, the Medical Council received a complaint regarding alleged abuses and irregularities practiced in a pharmacy at the Cottonera area. A detailed report showing illegal acts was also attached to the complaint. The Medical Council agreed to investigate beyond. Two inspections were carried out during 2017. The Malta Medicines Authority first inspection determined that three allegations from five were confirmed. During the follow up inspection, no discretions were determined. The Superintendent of Public Health was informed about this case.

Case status: The case was referred to the SPH.

- **CC/06/2017**

During the first week of July 2017, the Medical Council was informed about a psychiatrist for an alleged breach of ethical and professional standards. The SCAC reviewed the case during a meeting held in mid-October 2017 and agreed that the Medical Practitioner had to clarify his/her position about the matter. In mid-November 2017, the Medical Practitioner`s version of events reached the Medical Council`s office.

Case status: The case is pending.

- **CC/07/2017**

A complaint by a Medical Practitioner against other Medical Practitioners was received at the Medical Council`s office in the beginning of July 2017. The Minister for Health was also included in the complaint. The complainant blamed the Medical Practitioners and the Ministry for Health of alleged breach of professional standards.

Case status: The case is still pending.

- **CC/09/2017**

During the first week of August 2017, the Medical Council received an anonymous complaint against a Medical Practitioner regarding alleged breach of ethical and professional standards. This case was discussed by the SCAC during a meeting and was agreed to ask the Medical Practitioner to submit his/her version of events. The Medical Practitioner`s version of events reached the Medical Council`s office in the first week of February 2018.

Case status: The case is pending.

- **CC/10/2017**

In mid-August 2017, a Medical Practitioner filed a complaint against another Medical Practitioner regarding an alleged breach of ethical and professional standards. The Medical Practitioner was asked to clarify his/her position about the matter during the first week of

# Medical Council Malta

## Annual Report 2020

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September 2017. The Medical Practitioner's reply reached the Medical Council's office the week after.

Case status: The case is still at the Sub-Committee level.

- **CC/12/2017**

In mid-September 2017, a Medical Practitioner complained against a blogger's statements vis-à-vis mental health issues and information leakage. The SCAC examined the case and submitted their recommendations to the Medical Council. The case was brought up for discussion at Council level in early 2020. Since this case dated back to 2017 and the complaint raised against a person who has since passed away, it was decided that the council takes no further action and archives the file.

Case status: Case closed.

- **CC/13/2017**

In mid-September 2017, a Medical Practitioner complained against a blogger's statements vis-à-vis mental health issues and information leakage. The SCAC examined the case and submitted their recommendations to the Medical Council. The case was brought up for discussion at Council level in early 2020. Since this case dated back to 2017 and the complaint raised against a person who has since passed away, it was decided that the council takes no further action and archives the file.

Case status: Case closed.

- **CC/14/2017**

In the beginning of October 2017, the Medical Council received a complaint regarding a repeated advert on social media promoting free services by a Dental Practitioner in a particular pharmacy. The Dental Practitioner was asked to submit his/her version and a reply signed by three foreign dentists was received in the beginning of February 2018.

Case status: The case is still at Sub-Committee level. (*Related files: CC/01/2017, CC/22/2017, CC/23/2017*).

- **CC/16/2017**

In mid-October 2017, the Medical Council received a complaint from a Medical Practitioner requesting an investigation following the passing away of his/her mother whilst being an inpatient at a Private Hospital. The patient was under the care of an Orthopaedic Surgeon and a Physician. The Medical Council contacted the management of the said hospital to submit their version of events, which was received few weeks later.

During the last week of January 2018, the Medical Council asked the Medical Practitioners to clarify their position re the matter. Their reply reached the office during the second week of

# Medical Council Malta

## Annual Report 2020

---

February 2018. The Medical Council discussed the case during a meeting held in end-January 2020 and decided to proceed with a Board of Inquiry.

Case status: A Board of Inquiry still to be initiated.

- **CC/17/2017**

The parents of an eighteen-month-old baby sued the Medical Practitioners for alleged medical negligence after first being informed that their child was not seriously sick. The child passed away after five consecutive visits at St Luke`s Hospital.

Case status: The case is still waiting for the court outcome.

- **CC/18/2017**

During the end of October 2017, a patient filed a complaint against a Medical Practitioner. The complainant had an appointment with a Consultant Specialist, were both agreed that the Medical Practitioner will post the necessary forms to the POYC to be able to acquire the free medication. The POYC refused to provide free medication since the alleged Consultant Specialist was not certified to sign for this medicine. During mid-May 2018, the Consultant Specialist was requested to clarify his/her position about the matter and a reply was received.

Case status: The case is still ongoing.

- **CC/19/2017**

In early November 2017, a complaint against a Medical Practitioner regarding alleged professional misconduct and breach of ethics including sexual misconduct was received at the Medical Council`s office. The SCAC reviewed the complaint and promptly contacted the Medical Practitioner to submit his/her version of events and clarify his/her position. This case was re-discussed again during a Council meeting in mid-July 2018. It was established that a Board of Inquiry would be conducted to investigate the allegations raised against the Medical Practitioner. The MP contested the Council`s decision to hold an Inquiry in court. The Board of Inquiry was initiated on the 5<sup>th</sup> of September 2019 but suspended pending the court`s sentence. On the 10<sup>th</sup> of August 2020 the court sentence we delivered via which the Medical Council could proceed with its Inquiry.

Case status: The Board of Inquiry initiated on the 5<sup>th</sup> of September 2019 is to continue.

- **CC/20/2017**

During the first week of September 2017, the Medical Council received a complaint by patient`s spouse against a Medical Practitioner regarding an alleged breach of ethical and professional conduct including malpractice. The SCAC reviewed the complaint and decided to ask the Medical Practitioner to clarify his/her position on the matter which was received during January 2018. The Medical Council reviewed the case in early 2020 and decided to archive the case after reviewing both versions.



# Medical Council Malta

## Annual Report 2020

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Case status: Case Closed.

- **CC/21/2017**

The Medical Council received a report on a Medical Practitioner stating that the MP might have some health issues which could eventually affect patients` well-being. The SCAC asked for the MP`s version together with a professional medical report stating that he/she is fit for work.

Case status: The case is still pending.

- **CC/22/2017**

During the first week of December 2017, the Medical Council received a formal complaint regarding alleged breach of the Medical Council`s Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical /Dental Practitioners. Three Dental Practitioners were accused of incorrect advertising on a Local Council`s published magazine. The adverts were examined at Sub-Committee level and the Dental Practitioners were asked to clarify their position about the matter. The Dental Practitioner`s version reached the Medical Council`s office in the beginning of February 2018.

Case status: The case is still at Sub-Committee level. (*Related files: CC/01/2017, CC/14/2017, CC/23/2017*).

- **CC/23/2017**

In mid-December 2017, the Medical Council received an anonymous complaint against three foreign Dental Practitioners regarding alleged breach of the Medical Council`s Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical /Dental Practitioners. The Dental Practitioners were accused of promoting free check-ups and X-Ray examinations on a local radio station. Moreover, in certain localities, flyers were being placed on car windscreens to entice the public`s attention.

Case status: The case is still at Sub-Committee level. (*Related files: CC/01/2017, CC/04/2017, CC/22/2017*).

- **CC/24/2017**

During the first week of December 2017, the Medical Council`s attention was drawn in relation to queries in a local newspaper. It was alleged that a medical practitioner was issuing medical certificates without examining the patients. In mid-January 2018, the SCAC reviewed the matter and submitted its recommendations to the Medical Council. The case was re-examined during a Council meeting held in mid-May 2018 and it was concluded that a Board of Inquiry should be conducted to investigate the allegations put forward against the Medical Practitioner. A Board of Inquiry initiated on the 15th of October 2018. Two further sittings were held on the 16<sup>th</sup> of July 2020 and the 3<sup>rd</sup> of September 2020. The Medical Practitioner

# Medical Council Malta

## Annual Report 2020

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informed the Council in 2020 via his lawyers that a constitutional case was being opened against that Council in that it is acting as judge and jury. The Medical Council suspended the Inquiry and informed both parties.

Case status: The Board of Inquiry is suspended pending a decision by the Constitutional Court.

### Complaints received during the year 2018

- **CC/02/2018**

An anonymous complaint against a Dental Practitioner regarding an alleged breach of professional ethics.

Case status: The case is still pending.

- **CC/03/2018**

In mid-February 2018, the Medical Council received an e-mail as a complaint against a Medical Practitioner involving alleged breach of professional standards. The complainant was replied by an e-mail and invited to regulate his/her complaint in line with the guidelines of how to file a complaint with the Medical Council. However, no further correspondence was received as at end 2020.

Case status: The SCAC is still waiting for the complainant's reply.

- **CC/04/2018**

A complaint was received by the Medical Council in mid-February 2018. The complainant is arguing against two named Medical Practitioners regarding alleged breach of professional standards. The Medical Practitioners have been accused of being negligent during an operation. In the beginning of May 2018, the SCAC asked for the MP's version and after reviewing both versions, it was recommended to commence an inquiry. This case was discussed again by the MCM in mid-March 2019, where it was decided that a formal inquiry would be held for further investigations.

Case status: A Board of Inquiry is still to be initiated.

- **CC/05/2018**

During the second week of February 2018, the Medical Council received a complaint concerning an alleged breach of professional standards. A Medical Practitioner was accused of being negligent in an operation carried out in July 2012. The SCAC evaluated the case and agreed to ask for the Medical Practitioner's version of events. The Medical Practitioner's interpretation reached the Medical Council's office in May 2018. The Medical Council decided that the case merits further investigation via a Board of Inquiry.

Case status: A Board of Inquiry is still to be initiated.

# Medical Council Malta

## Annual Report 2020

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- **CC/07/2018**

In the end of January 2018, the Medical Council received an e-mail from a foreign Medical Practitioner regarding various allegations.

Case status: The case is still being discussed at SCAC level.

- **CC/08/2018**

The Medical Council received an e-mail during the second week of December 2017, from a foreign citizen rigorously complained against the service offerings at St James Hospital, Sliema. Multiple e-mails were sent back to the complainant to regulate his/her complaint to be in line with the guidelines of how to file a complaint with the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/09/2018**

During the beginning of March 2018, the Medical Council was notified that the Court ordered the Police Commissioner to investigate a Medical Practitioner for allegedly issuing a medical certificate without examining the patient. In the beginning of October 2018, the SCAC asked for the Medical Practitioner's version of events which was received at the end of October 2018. The case was reviewed by the Medical Council, and it was decided to wait for the court's decision at this stage.

Case status: The case is still waiting for court judgement.

- **CC/10/2018**

In the beginning of May 2018, a Medical Practitioner was reported to the Medical Council alleged of breaching the professional ethics. He/she was accused of writing and signing medical reports without being licensed and registered for. The SCAC is reviewing the case.

Case status: The case is still being discussed at SCAC level.

- **CC/11/2018**

During the second week of May 2018, the Medical Council received a complaint against a Consultant Psychiatrist regarding an alleged breach of professional standards. The complainant was informed to regulate his/her complaint to be in line with the guidelines of the Medical Council. No correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/12/2018**

At the end of July 2018, a complaint reached the Medical Council's office in which Medical Practitioner was being accused of alleged breach of professional ethics. The SCAC reviewed

# Medical Council Malta

## Annual Report 2020

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the complaint and contacted the Medical Practitioner to submit his/her version of events and clarify his/her position. The SCAC communicated its suggestions to the Medical Council after examining both versions. The case was re-discussed during a Council meeting in mid-March 2019 and was concluded that a formal Inquiry would be held to investigate the case further and a Board of Inquiry was initiated on the 31<sup>st</sup> of October 2019. Further sessions were held on the 4<sup>th</sup> of March 2020 and on the 4<sup>th</sup> of September 2020.

Case status: Board of Inquiry ongoing.

- **CC/13/2018**

During the first week of August 2018, the Superintendent of Public Health approached the Medical Council regarding a Medical Practitioner alleged of infringing the Medical Council's Code of Ethics (L.N./303/2008). The Medical Practitioner was proposing and recommending a particular energy drink. The case was discussed at Sub-Committee level.

Case status: The case is still pending.

- **CC/14/2018**

In end-August 2018, the Medical Council received an anonymous complaint regarding an advert published in the Malta Independent on Sunday 26<sup>th</sup> August 2017. A Dental Practitioner was being alleged of breaching the Code of Ethics on Advertising and Financial Conduct. The SCAC reviewed this case and presented its recommendations to the Medical Council. The Medical Council analysed the advert and concluded that this file had to be attached with the main file CC/04/2016 and proceed with a Board of Inquiry.

Case status: A Board of Inquiry initiated on the 15<sup>th</sup> of October 2018. (*Related files: CC/04/2015, CC/10/2015, CC/01/2016, CC/04/2016, CC/25/2016 and CC/26/2016*).

- **CC/15/2018**

In mid-August 2018, the Medical Council received an e-mail from a foreigner complaining on an issue regarding prescription costs. The complainant wants to recover the cost of a prescription he/she incurred at a chemist. The complainant was informed to regulate his/her complaint to be in line with the guidelines of the Medical Council. Thus, no further correspondence has been received.

Case status: No reply was forthcoming as at end 2020.

- **CC/17/2018**

During the fourth week of October 2018, an anonymous complaint reached the Medical Council office regarding alleged breach of professional ethics. A Medical Practitioner was accused of violating the Code of Ethics on Advertising and Financial Conduct, since he/she was advertising himself/herself through a website. The SCAC evaluated the case during January 2020 and agreed to ask the Medical Practitioner to clarify his/her position. The

# Medical Council Malta

## Annual Report 2020

---

Medical Practitioner's clarification was acknowledged at end-January 2020. The Medical Council concluded that this case didn't merit further investigation since the mentioned Medical Practitioner used to manage the website when he/she was working abroad, years ago.

Case status: The case is closed.

- **CC/18/2018**

In the end of October 2018, a complaint reached the Medical Council office against a Medical Practitioner being accused of breaching professional standards. During the first week of November 2018, the complainant was notified to regulate his/her complaint to be in line with the guidelines of the Medical Council. Thus, no further correspondence has been received.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/19/2018**

In November 2018, the Medical Council received a letter from Court in which it was stated that a psychiatrist acted disrespectfully while giving evidence. The case was reviewed in early 2020 it was decided that the Court's minutes were serious enough to issue a warning. The Registrar was asked to issue a formal letter of admonishment to the medical practitioner in order that he/she does not repeat such conduct in the future and that should this be repeated the MCM will take further action according to law.

Case status: Case Closed.

- **CC/20/2018**

In December 2018 the Medical Council received a complaint against a doctor regarding an incident outside of a clinical setting.

Case status: Pending

- **CC/21/2018**

In December 2018 the Medical Council received a complaint against a doctor regarding alleged breach of professional standards. The complaint was seen in 2019 and the complainant was asked to submit clinical reports. No such reports were received as at end 2020.

Case status: Pending

- **CC/22/2018**

In December 2018 the Medical Council received a complaint against a doctor regarding alleged breach of professional standards. The complaint was seen in 2019 and the

# Medical Council Malta

## Annual Report 2020

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complainant was asked to submit clinical reports. No such reports were received as at end 2020.

Case status: Pending

### Complaints received during the year 2019

- **CC/01/2019**

During the last week of January 2019, the Medical Council received a complaint against a Medical Practitioner. He/she was accused of a suspected breach of the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta. The SCAC noticed that the formal complaint was not signed. During a meeting held in the last week of February 2020, it was decided to contact the complainant, instructing him/her to sign the formal complaint in-order to be in line with the guidelines of the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant`s reply.

- **CC/02/2019**

In mid-January 2019, the Medical Council received an e-mail against a Medical Practitioner regarding an alleged breach of professional standards. Multiple e-mails were sent back to the complainant to regulate his/her complaint to be in line with the guidelines on how to file a complaint with the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant`s reply.

- **CC/03/2019**

During the second week of February 2019, the Medical Council received a formal complaint against a Medical Practitioner regarding an alleged breach of professional standards. The situation involved a child`s repeated medical certifications. The SCAC evaluated the case and agreed to ask the Medical Practitioner to clarify his/her position during April 2019. The Medical Council discussed the contents of the reply and concluded that it will not pursue the matter further.

Case status: The case is closed.

- **CC/04/2019**

In the beginning of March 2019, a complaint reached the Medical Council`s office. A Medical Practitioner was accused of breaching professional standards. The complainant was notified to regulate his/her complaint to be in line with the guidelines of the Medical Council. No further communication was received as at end 2020.

Case status: The SCAC still waiting for the complainant`s reply.

# Medical Council Malta

## Annual Report 2020

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- **CC/05/2019**

In the first week of April 2019, the Medical Council received an e-mail blaming a few unidentified Medical Practitioners of breaching the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta. Several e-mails were mailed back to the complainant to regulate his/her complaint to be in line with the guidelines of the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/06/2019**

In the end-March 2019, the Medical Council received a formal complaint against a Medical Practitioner regarding an alleged breach of ethics and regulations of the medical profession. He/she accused two Medical Practitioners of leaving him/her waiting for several hours in the A&E at Mater Dei Hospital. The complainant felt discriminated as other patients were being examined and he/she was left struggling in the waiting area. Moreover, he/she felt verbally abused when finally, he/she was examined. The SCAC evaluated the case and agreed to ask the Medical Practitioner to clarify his/her position. At the end of April 2019, the Medical Practitioner's interpretation reached the Medical Council's office. The SCAC analysed the case and decided to contact the complainant and inquire if he/she wants to proceed with the complaint.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/07/2019**

In mid-April 2019, the Medical Council received an e-mail against a Medical Practitioner regarding an alleged breach of professional standards. An e-mail was mailed back to the complainant to regulate his/her complaint to be in line with the guidelines of the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/08/2019**

During the first week of May 2019, a formal complaint reached the Medical Council's office regarding an alleged breach of professional standards. The complainant accused a Medical Practitioner for his/her unsuccessful treatment provided, after being promised that the paid treatment would be very advantageous. The SCAC evaluated the case and agreed to ask the Medical Practitioner to clarify his/her position. A reply was forthcoming at end-September 2019. The SCAC communicated its suggestions to the Medical Council after examining both versions. The case was re-discussed during a Council meeting in early 2020 and decided that a formal Inquiry would be held to investigate the case further.

Case status: A Board of Inquiry still to be initiated.

# Medical Council Malta

## Annual Report 2020

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- **CC/09/2019**

In mid-May 2019, the Medical Council received an e-mail with a complaint against a Medical Practitioner regarding alleged breach of ethics and regulations. An e-mail was sent back to the complainant to regulate his/her complaint to be in line with the standards of the Medical Council. No further correspondence was received as at end 2020.

Case status: The SCAC still waiting for the complainant`s reply.

- **CC/10/2019**

During the second week of May 2019, the Medical Council was notified about an operation that was carried out in a private hospital. A complaint was raised against a Medical Practitioner regarding alleged breach of professional standards. The complainant argued that he/she has never received any results or referral slips after the operation. The SCAC evaluated the case and agreed to ask the Medical Practitioner to clarify his/her position which was received in mid-September 2019. The Medical Council examined both versions and decided that there was no case of breach of professional standards and will not follow this matter further.

Case status: The case is closed.

- **CC/11/2019**

In mid-May 2019, a formal complaint reached the Medical Council`s office. A Medical Practitioner was accused of alleged breach of professional standards. The complainant argued that a surgeon was neglectful during an operation. The complainant ended up suffering from severe depression and chronic pain. During the first week of September 2019, the SCAC assessed the case and agreed to ask the Surgeon to clarify his/her position. In late 2020, the Medical Council discussed the complaint and considered the Doctors` version of events as well as a report from another surgeon. It was agreed that since both reports were conflicting, this case merited further investigation through a Board of Inquiry.

Case status: A Board of Inquiry still to be initiated.

- **CC/12/2019**

During the second week of May 2019, a complaint reached the Medical Council`s office regarding a Medical Practitioner`s interview which appeared in a local newspaper. The Medical Practitioner was accused of an alleged breach of professional ethics. The Medical Council discussed the report and concluded that this case didn`t merit further investigation.

Case status: The case has been archived.

- **CC/13/2019**

At the end of May 2019, the Medical Council received a complaint against a Medical Practitioner regarding his/her interview which appeared in a local newspaper The Medical



# Medical Council Malta

## Annual Report 2020

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Practitioner was accused of an alleged breach of professional ethics The Medical Council discussed the report and concluded that there wasn't the need to proceed with the case further.

Case status: The case was archived.

- **CC/14/2019**

During the first week of August 2019, a report reached the Medical Council's office regarding a psychiatrist who allegedly, breached the Medical Council's Code of Ethics on Advertising and Financial Conduct. The SCAC evaluated the case during March 2020 and agreed to ask the Medical Practitioner to clarify his/her position. The Medical Practitioner's clarification was acknowledged during end-July 2020. The SCAC communicated its suggestions to the Medical Council after examining both versions. The case was re-discussed during a Council meeting and was concluded that an Inquiry would be conducted to investigate the case further.

Case status: A Board of Inquiry still to be initiated.

- **CC/15/2019**

In end-August 2019, the Medical Council received a formal complaint against a Medical Practitioner regarding an alleged breach of professional standards. The case concerned a child's medical certificate. The SCAC asked the Medical Practitioner to clarify his/her position about the matter. The Medical Council examined both versions and established that this case didn't deserve additional examination.

Case status: Case closed.

- **CC/16/2019**

During the first week of August 2019, the Medical Council received an anonymous complaint regarding a Medical Practitioner, who allegedly used inappropriate professional nomenclature. The Council determined that the Medical Practitioner's attention as well as that of the pharmacy are drawn so that the proper nomenclature is used. Another decision was taken to issue a circular to all registered doctors in order that the proper professional nomenclature is used.

Case status: The case is still pending action on behalf of the doctor involved.

- **CC/17/2019**

In end-August 2019, a formal complaint reached the Medical Council's office. A Medical Practitioner was accused of an alleged breach of the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta. The Medical Practitioner was accused in being abusive and offensive while examining the complainant. At end 2020, the SCAC evaluated the case and agreed to ask the Medical Practitioner to clarify his/her position.

Case status: Pending.

# Medical Council Malta

## Annual Report 2020

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- **CC/18/2019**

In end-August 2019, the Medical Council received a report against a Medical Practitioner accused of an alleged breach of ethics and regulations. He/she was alleged for the breaching of the Medical Council's Code of Ethics (L.N./303/2008) as well as the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The report focused about inappropriate Facebook posts against the management of the A&E department at Mater Dei hospital. The Medical Council asked the Medical Practitioner to clarify his/her position about the issue, which was received in mid-March 2020. The Medical Council examined his/her version and noted that the Medical Practitioner excused him/herself with the hospital's management who accepted the doctor's apology. The case is to be discussed further.

Case status: Pending.

- **CC/19/2019**

During the first week of September 2019, a formal complaint reached the Medical Council's office. A Medical Practitioner was accused of an alleged breach of the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta. The Medical Practitioner was accused of being rude while examining the complainant at the A&E department in Mater Dei Hospital. The SCAC evaluated the case and asked the Medical Practitioner to clarify his/her position. The Medical Practitioner's version of events reached the Medical Council office at the end of June 2020.

Case status: The case is still being discussed at SCAC level.

- **CC/20/2019**

In mid-September 2019, a formal complaint reached the Medical Council's office regarding an alleged breach of professional standards. The complainant argued to have his/her money back since he/she was not satisfied with a service offered by a Medical Practitioner. The Medical Practitioner was asked to submit his/her versions of events which reached the office during the third week of January 2020. The Medical Council examined both versions and concluded that this case didn't merit further investigation.

Case status: Case closed.

- **CC/21/2019**

In mid-October 2019, the Medical Council received a complaint by a Medical Practitioner regarding a procedure in practice at the Emergency department in Mater Dei Hospital. He/she was concerned about admission doctors not issuing medical certificates after examining and treating patients. The complainant argued that this practice was illegal and constitutes a breach of medical practice regulations. The complaint was referred to Mater Dei Hospital's Medical Director.

# Medical Council Malta

## Annual Report 2020

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Case status: The case is still under investigation.

- **CC/22/2019**

During the first week of September 2019, a formal complaint reached the Medical Council's office regarding an alleged breach of professional standards. A Medical Practitioner refused to give away information about an injection administered to the complainant. The complainant was asked to identify the Medical Practitioner as he/she was not identified in the complaint. No further correspondence has been received.

Case status: The SCAC still waiting for the complainant's reply.

- **CC/23/2019**

At end-October 2019, the Medical Council received a query from a Sports Association. The Organisation accused a Medical Practitioner of an alleged breach of ethics and regulations. The SCAC analysed the case and presented its recommendations to the Medical Council.

Case status: The case is still pending.

- **CC/24/2019**

During the first week of November 2019, the Medical Council received an anonymous complaint against the increase of foundation doctors and medical officers, being accused of alleged breach of regulations.

Case status: The case is pending.

- **CC/25/2019**

In mid-December 2019, a complaint reached the Medical Council's office regarding breach of professional standards by a Dental Surgeon. The Dental Surgeon was accused of being neglectful and not proficient in the provision of an orthodontic service. The Dental Surgeon was asked to submit his/her versions of events which reached the office during the first week of February 2020. The SCAC examined both versions and decided that expertise input was needed. The Medical Council analysed the detailed report and concluded that there was no breach of professional standards.

Case status: The case was closed.

### Complaints received during the year 2020

- **CC/01/2020**

The Medical Council received an informal complaint against a Medical Practitioner regarding his/her unethical and unprofessional way behaviour. In the beginning of March 2020, the

# Medical Council Malta

## Annual Report 2020

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complainant was asked to regulate his/her complaint to be in line with the guidelines of the Medical Council.

Case status: The case is still pending.

- **CC/02/2020**

During the second week of April 2020, the Medical Council received a complaint from the Foundation School Malta against a Foundation School doctor regarding an alleged breach of ethical and professional conduct. This case was discussed at Sub-Committee level and asked the doctor to submit his/her version of events which was received at the end of April. The Medical Council decided that a Board of Experts should be appointed to assess if the Medical Practitioner was fit to practice. The complainant decided to drop the case after considering the Experts' medical report. The Medical Council decided not to pursue the matter further. Case status: The case is closed.

- **CC/03/2020**

In May 2020, an individual filed a complaint with the Medical Council against a professor's article which was published in a local newspaper. The Council discussed this complaint and concluded that the said article did not infringe any professional and ethical standards re the safeguarding of the public's health. The Medical Council determined that this case didn't merit further investigation.

Case status: Case closed.

- **CC/04/2020**

During mid-April 2020, the Medical Council received a complaint by e-mail against a Medical Practitioner for alleged breach of unethical and unprofessional behaviour. The complainant was therefore provided with the guidelines on how to file a complaint together with a deadline to do so. No further correspondence was received as at end 2020 and the case was therefore archived.

Case status: Case closed.

- **CC/05/2020**

In mid-June 2020, the Medical Council received a complaint via e-mail against a psychiatrist for alleged breach of unethical and unprofessional conduct. The complainant went to live abroad and requested his/her ten-year medical records because he/she is being examined by another Medical Practitioner. The Psychiatrist did not furnish the medical file since the complainant did not submit a photocopy of his/her ID card and it was therefore not clear who the medical records will be submitted to. This case was discussed at SCAC level and as per protocol, the complainant was asked to confirm his/her complaint by means of a declaration

# Medical Council Malta

## Annual Report 2020

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under oath together with a certified true copy of his/her passport. No further correspondence has been received as at end 2020.

Case status: The SCAC still waiting for the complainant`s reply.

- **CC/06/2020**

In mid-July 2020, a patient filed a complaint against Medical Practitioner alleging sexual abuse. During the first week of August 2020, the Medical Practitioner was provided with a copy of the complaint and was asked to clarify his/her position and a reply was received during the third week of August 2020. After discussing this case, the Medical Council decided that a Board of Inquiry must be set up to investigate the case further.

Case status: The Board of Inquiry still to be initiated.

- **CC/07/2020**

In the beginning of June 2020, a local organisation filed a complaint against a group of Medical Practitioners who are being accused of promoting abortifacient drugs. During the third week of June 2020, the Medical Council discussed the case and decided that there are grounds for breaches of the Ethics and the Medical Profession Regulations, 2008. The group of Medical Practitioners were asked to submit their version of events. The SCAC presented its recommendations to the Medical Council during a Meeting held at the beginning of September 2020. The Medical Council agreed that this case deserved a Board of Inquiry to examine the case deeper.

Case status: The Board of Inquiry still to be initiated.

- **CC/08/2020**

During the first week of August 2020, a Medical Practitioner complained against an elderly Medical Practitioner due to serious concerns regarding his/her fitness to practice. The Medical Council needed the experts` assessment to be in a better position to investigate the case further. A Fitness to Practice Board composed of three independent experts is to be appointed.

Case status: The case is still pending.

- **CC/09/2020**

In mid-August 2020, the Medical Council received a complaint from three Medical Practitioners against a Medical Practitioner. The Medical Practitioner was accused of behaving in an unethical and unprofessional behaviour towards refugees via Social Media posts which were viewed during a Council meeting. It was agreed that a Board of Inquiry is held to investigate the matter further.

Case status: A Board of Inquiry still to be initiated.

# Medical Council Malta

## Annual Report 2020

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- **CC/10/2020**

During the third week of September 2020, a Dental Practitioner complained against another Dental Practitioner for alleged breach of Code of Ethics on Advertising. The Dental Medical Practitioner was being accused of generating false allegations on his/her FB posts with the aim of ruining the complainant's reputation. In mid-November 2020, the SCAC discussed the case and asked the complainant to provide screen shots showing the creator of the FB posts. Moreover, the complainant was provided with the necessary guidelines on how to file a complaint. No further correspondence was received as at end 2020.

Case status: The case is still pending.

- **CC/11/2020**

In the beginning of October 2020, the Medical Council received a complaint against a Medical Practitioner. The Medical Practitioner was signed off as a Consultant and Professor in an article in a local web portal. Since the Medical practitioner is neither a consultant withing the National Health Service nor is he a Professor, the Council's attention was drawn to this improper use of professional nomenclature. The Medical Practitioner's attention was also drawn to the matter in that he is responsible for proper use of professional nomenclature.

Case status: The case is closed.

- **CC/12/2020**

The Medical Council received an anonymous complaint regarding a Medical Practitioner who signed a certificate deemed to be the duty of a specialist. The complaint was seen in late 2020 and the advice of the Medical Specialist Accreditation Committee is to be sought.

Case status: The case is pending.

- **CC/13/2020**

During mid-October 2020, the Embryo Protection Authority (EPA) filed a complaint against a Medical Practitioner who allegedly breached Article 6 of the EPA Act. The case was reviewed by the SCAC and again at Council level during a meeting held in late November 2020 and the Medical Practitioner was asked to submit his/her version of events.

Case status: The case is pending.

- **CC/14/2020**

During mid-October 2020, the Embryo Protection Authority (EPA) filed a complaint against a Medical Practitioner who allegedly breached Article 6 of the EPA Act. The case was reviewed by the SCAC and again at Council level during a meeting held in late November 2020 and the Medical Practitioner was asked to submit his/her version of events.

Case status: The case is pending.

# Medical Council Malta

## Annual Report 2020

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- **CC/15/2020**

In the end of October 2020, the Medical Council received a complaint against a Medical Practitioner for alleged breach of unethical and unprofessional behaviour. The Medical Practitioner was reported for being invasive during a medical examination. The Medical Practitioner was asked to clarify his/her position in December 2020.

Case status: The case is ongoing.

- **CC/16/2020**

In the beginning of November 2020, the Medical Council received an e-mail from the Chief Medical Officer stating that the employment of an Orthopaedic Surgeon was terminated. Several reports indicate that the Medical Practitioner was suspended by the Ministry due to various charges of misbehaviour. The Medical Council decided to ask for doctor's version of events during a meeting held in mid-November 2020. The Council considered the Medical Practitioner's version of events during a Council Meeting held in December 2020. It was concluded that further investigations were necessary via Board of Inquiry.

Case status: A Board of Inquiry is to be initiated.

- **CC/17/2020**

The Medical Council received a complaint against a Medical Practitioner during the third week of November 2020. He/she is being accused of alleged breach of unethical conduct. The case centered round a child's medical certification in a separated family. The complainant accused the Medical Practitioner of certifying his/her child sick without examining the patient. A registered letter, asking for the Medical Practitioner's version of events was sent during the last week of December 2020.

Case status: The case is at Sub-Committee level.

- **CC/18/2020**

In mid-November 2020, a complaint was filed against a Medical Practitioner for alleged breach of behaving in an unethical and unprofessional way. The complainant was not satisfied with the Medical Practitioner's service given and asked for his/her expense refund. The Medical Council agreed to ask for the doctor's version of events throughout a meeting held in mid-December 2020.

Case status: The case is pending.

- **CC/19/2020**

During the end of November 2020, a Medical Practitioner filed a complaint against three Medical Practitioners alleged of breaching the Professional and Ethical Standards. The three

# Medical Council Malta

## Annual Report 2020

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Medical Practitioners are accused of various publications of offensive false comments about the complainant on social media. Moreover, the complainant also filed two libel cases in court.

Case status: The case is pending.

- **CC/20/2020**

In the beginning of December 2020, the Medical Council received an e-mail from a Medical Practitioner stating that he/she wants to self-report him/herself for investigation. The Medical Practitioner was being accused in court that he/she intervened in the cancellation of an operation. This resulted in the death of the patient who's the Medical Practitioner's child. The matter is being discussed at SCAC level.

Case status: The case is ongoing.

- **CC/21/2020**

In mid-December 2020, the Medical Council received a complaint by a Medical Practitioner against another Medical Practitioner alleged of breaching the Professional and Ethical Standards.

Case status: The case is at Sub-Committee level.

- **CC/22/2020**

During the end of November 2020, the Medical Council was notified by an e-mail that a foreign Medical Practitioner was instructing positive Covid-19 patients to buy medicine from a certain pharmacy. He/she was prescribing certain medication after examination. The Medical Practitioner was also being accused of using equipment to test for Covid-19 which was sealed by the Environmental Health Officer back in April 2020. The Medical Practitioner was asked to submit his /her version of events.

Case status: The case is still pending.

## Inquiries

### Inquiries still pending

- **MC/D/295/2006**

The MCM is currently carrying out an Inquiry regarding a Medical Practitioner who had allegedly claimed to be a specialist without holding any specialization certificate.

Case status: Pending.



# Medical Council Malta

## Annual Report 2020

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- **CC/12/2018**

At the end of July 2019, the Medical Council received a complaint against a Medical Practitioner accused of alleged breach of professional ethics. After being reviewed by the SCAC, the case was discussed by the MCM in mid-March 2019 where it was decided that a formal inquiry would be held to investigate the case further.

After the first sitting held in October 2019, the case continued with three more sittings in, January, March, and September 2020. During these sittings the complainant's evidence was heard, and the case is scheduled to continue with further sittings.

Case status: Ongoing

- **CC/24/2017**

During the first week of December 2017, the Medical Council's attention was drawn in relation to queries in a local newspaper. It was alleged that a medical practitioner was issuing medical certificates without examining patients. The case was re-examined during a Council meeting held in mid-May 2018 and it was concluded that a Board of Inquiry should be conducted to investigate the allegations put forward against the Medical Practitioner. A Board of Inquiry initiated on the 15th of October 2018. Two further sittings were held on the 16<sup>th</sup> of July 2020 and the 3<sup>rd</sup> of September 2020. The Medical Practitioner informed the Council in 2020 via his lawyers that a constitutional case was being opened against that Council in that it is acting as judge and jury. The Medical Council suspended the Inquiry and informed both parties.

Case status: The Board of Inquiry is suspended pending a decision by the Constitutional Court.

# Medical Council Malta

## Annual Report 2020

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### Court Cases

- **MC/79/2007 (Court Case 1196/10JRM, Dr Franco Mercieca against Medical Council Malta)**

‘During 2009, the Medical Council Malta held an Inquiry to investigate a complaint by a patient regarding alleged unethical and unprofessional conduct regarding Dr Franco Mercieca (MC 0224). It was decided that Dr F. Mercieca’s behaviour was in breach of Article 5 of the *Ethics for the Medical Profession*, whereby “a doctor must by his conduct in all matters set a high standard”. This case exposed a situation wherein Dr F. Mercieca failed to:

- consider past medical history prior to starting the treatment.
- take radio graphs.
- inform the patient beforehand regarding the costs involved.
- abide by the patient’s consent regarding local anaesthetic.

Dr F. Mercieca was found guilty of professional and ethical misconduct in terms of Article 32(1) (b) and (c) of Chapter 464 of the Laws of Malta. The decision was delivered on Wednesday 19<sup>th</sup> May 2010.

**Decision by the Medical Council Malta:** The MCM temporarily suspended Dr F. Mercieca from its Registers for two (2) months coming into effect one (1) month from the date of the delivery of the judgement.

**Current Status of the case:** Dr F. Mercieca contested the decision of the MCM in the Civil Courts of Malta through Court Case No. 1196/2010JRM and the Appeal No. 140/2010JRM. On 28<sup>th</sup> March 2014, the Court of Appeal decided in favour of the MCM in the proceedings filed by Dr Franco Mercieca to appeal the Medical Council’s decision.

The Court then proceeded with the investigation of Case No 1196/2010JRM filed before the First Hall of the Civil Court whereby Dr F. Mercieca contested the validity of the decision of the Medical Council.

Case Status: Pending, awaiting the decision of the Court.

- **MC/77/2008 (Court Case 948/09APP, Dr Johanna Vant’ Verlaat vs. Medical Council Malta)**

‘A patient filed a letter of complaint against Dr Johanna Van’t Verlaat (MC 2456), who allegedly failed to attend the operating theatre when the patient was already under

# Medical Council Malta

## Annual Report 2020

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anaesthesia. This intervention involved two Surgeons. The MCM investigated this case and after due inquiry, on 9<sup>th</sup> September 2009, the MCM decided that Dr J. Van't Verlaat's behaviour was unethical and unprofessional.

**Decision by the Medical Council Malta:** Dr J. Van't Verlaat was found guilty of unethical and unprofessional conduct whereby she was suspended from the Registers for a period of three (3) months and fined the amount of €10,000. The suspension came into effect within one (1) month from the delivery of the judgement on 9<sup>th</sup> September 2009.

**Current Status of the case:** Dr J. Van't Verlaat instituted Court Case No. 948/09RCP before the First Hall of the Civil Court to nullify the decision of the MCM. Her request was dismissed by the First Hall of the Civil Court by means of an independent delivery handed down on 29<sup>th</sup> May 2012. The Court rejected and dismissed the demands of the plaintiff as filed in her sworn application dated 30<sup>th</sup> September 2009.

Dr J. Van't Verlaat filed an appeal towards the end of 2012 but up to the end of 2015 this case had still not been appointed by the Court of Appeal. This case was consequently appointed at the end of 2016, but the sitting was postponed.

The Court of Appeals remitted back the case to the 'Prim Awla' to re-examine the merit of the case. Dr Van't Verlaat's lawyer proposed to negotiate the sentence of the 9<sup>th</sup> of September 2009 such that the Council retains the suspension from the Register for three months but withdraws or forfeits the fine of €10,000. If an agreement is reached, Dr Van't Verlaat would withdraw all court action provided that both parties bear their own costs.

The MCM decided that:

1. A suspension no longer affects the doctor as she is now retired; and
2. A sentence cannot be negotiated.
3. Consequently, the Medical Council will proceed to defend its decision taken in 2009.

Case Status: Deferred for Court Judgement.

- **MC/27/2009 (Court Case 1043/12JRM, Dr Louis Buhagiar vs. Medical Council Malta)**

'In 2009, a family who had filed a complaint in 2008 (Case No. MC/78/2008; Case Closed) provided new evidence against Dr Louis Charles Buhagiar (MC 1289) to the Medical Council Malta. After evaluating these allegations, the MCM decided that this case merited an Inquiry for alleged unethical and unprofessional behaviour. This case was investigated from 2009 to 2011 and the Inquiry was concluded on 22<sup>nd</sup> March 2011.

# Medical Council Malta

## Annual Report 2020

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The Medical Council Malta delivered its decision on 27<sup>th</sup> June 2012. The complainants were present, but Dr L. C. Buhagiar failed to attend and was sent a copy of the MCM's decision by registered mail.

**Decision by the Medical Council Malta:** Dr L. C. Buhagiar was found guilty of unprofessional conduct and was to be suspended from the Register for a period of one (1) month and fined the sum of five thousand Euros (€5,000). The suspension was to come into effect five (5) months from the delivery of the judgment.

**Current Status of the Case:** On 26<sup>th</sup> September 2012, Dr L. Buhagiar filed a judicial letter in the Court, which was notified to the MCM on 2<sup>nd</sup> October 2012. The Council's legal adviser filed the MCM's reply in Court on 5<sup>th</sup> October 2012. Dr. L. Buhagiar is currently contesting the MCM's decision in the Civil Courts of Malta, Court Case No. 1043/12JRM.

Judgement was delivered by the First Hall on the 9<sup>th</sup> of July 2020 and rejected claims put forward by the plaintiff. No appeal was lodged, and the case is closed.

Case Status: Case closed.

- **MC/138/2010 (Court Case 740/11JRM, Dr Isabelle Zananian Desira vs. Medical Council Malta)**

Dr Isabella Zananian Desira M.D. (citizen of Georgia) filed an application with the MCM for registration in Malta on 2<sup>nd</sup> December 2010. The applicant was asked to produce evidence of her training as a Medical Practitioner, the relevant curriculum and her achievements as issued by the relevant University Medical School. During a Council Meeting held on 3<sup>rd</sup> February 2011, the MCM accepted her course curriculum as being equivalent to a Doctorate in Medicine. However, in line with the provisions of the Law and standard procedures, since Dr I. Zananian Desira was a third country national and had a non-EU primary degree, she was also requested to sit for the Medical Council Malta Statutory Examination (MCMSE) for Medical Practitioners to be granted registration in Malta. Dr I. Zananian Desira was informed that in accordance with the HCPA 2003, Chapter 464 of the Laws of Malta, she could file an appeal with the Health Care Professions Appeals Committee.

On 1<sup>st</sup> March 2011, the Council was informed that the applicant had filed an appeal with the Health Care Professions Appeals Committee and a sitting was held on 31<sup>st</sup> May 2011. Dr I. Zananian Desira alleged that the MCM's decision ran counter to Section 45(2) of the

# Medical Council Malta

## Annual Report 2020

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Constitution of Malta and to Article 3(2) of Legal Notice 280(2006), and that the said decision was '*ultra vires*'.

After investigating the case, the Appeals Committee delivered its decision on 22<sup>nd</sup> June 2011 wherein it stated that the Council had acted in conformity with the proviso in Section 11(1)(c) on which its 'standard policy' is based; and that the Council was the competent authority in Malta to decide in such matters and therefore did not act '*ultra vires*'. The decision also stated that the MCM was duty bound to assess qualifications under the Law. In this context, the Malta Qualifications Recognition Information Centre (MQRIC) is the competent authority to recognise qualifications but awarding the right to practice a medical profession fell under the remit of the Medical Council.

The decision emphasised that both the Medical Council Malta and the Appeals Committee had to abide by the HPCA 2003, Chapter 464 of the Laws of Malta, and they do not have the competence to decide whether the Act is in conformity or not with the Constitution of Malta. In view of these arguments the appeal filed by the Medical Practitioner was rejected and the MCM's decision was confirmed.

**Decision by the Medical Council Malta:** Dr I. Zananian Desira was requested to sit for the MCMSE for Medical Practitioners and if successful, she would be granted registration in Malta.

**Current Status of the Case:** On 18<sup>th</sup> August 2011, Dr I. Zananian Desira filed a case in the First Hall Civil Court against the Medical Council Malta. Court Case No. 740/2011JRM was reviewed by the Judicial Assistant in 2014 and the Court's decision was scheduled for delivery on 29<sup>th</sup> January 2015, however, in February 2015, the Council was informed by its lawyer that the Court required more time to deliver the decision.

On 14<sup>th</sup> February 2017 the court accepted plaintiff's argument that the recognition of qualifications by MQRIC is sufficient for the issuance of licenses by a regulatory body, in this case the Medical Council Malta, and that no further requirement is necessary.

The Medical Council appealed this preliminary judgement, and the case was adjourned for submissions.

Court Judgement was delivered on the 2<sup>nd</sup> of March 2018 wherein the Court rejected the appeal application filed by the MCM and confirmed the judgement delivered on the 14<sup>th</sup> of February 2017 by the First Hall of the Civil Court.

On 19<sup>th</sup> April 2018, the MCM filed an application for a re-trial.

Court Judgement was delivered on the 31<sup>st</sup> of May 2019 in which the Court of Appeal decided that the request for a retrial of the Judgement of the Court of Appeal dated 2 March 2018 is inadmissible in law and is being dismissed at this stage of the proceedings saving defendant's right at law at a future stage.

# Medical Council Malta

## Annual Report 2020

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Dr Zananian's name was added to the Principal Register in 2019.

Case Status: Court proceedings continue only regarding liquidation of damages.

- **MC/13/2012 (Court Case 12/2014EG Dr Adam Bartolo vs. Medical Council Malta)**

**Decision by the Medical Council Malta:** In May 2014, the MCM decided that Dr A. Bartolo was to be removed from the Specialist Register since, in line with Article 35 of the HCPA 2003, Chapter 464 of the Laws of Malta, the registration had been done incorrectly. The implementation of this decision is pending the hearing of cases filed by the Practitioner with the Health Care Professions Appeals Committee and those filed in Court.

Dr A. Bartolo filed a Case in the Courts of Appeal against the decision of the Medical Council Malta given on 29<sup>th</sup> May 2014. The Medical Council filed its position in Court on 13<sup>th</sup> June 2014.

**Current Status of the Case:** This case was investigated by the Court during 2015 and the decision was delivered on 14<sup>th</sup> October 2016. Nevertheless, the case remained suspended until the proceedings currently pending before the Health Care Professions Appeals Committee are concluded and a decision is delivered by the said Committee. The Case has been deferred for further information in this regard.

- **MC/13/2012 (Court Case 988/14JRM Dr Adam Bartolo vs. Medical Council Malta)**

**Decision by the Medical Council Malta:** In May 2014, the MCM decided that Dr A. Bartolo was to be removed from the Specialist Register since, in line with Article 35 of the HCPA 2003, Chapter 464 of the Laws of Malta, the registration had been done incorrectly. The implementation of this decision is pending the hearing of cases filed by the Dental Surgeon with the Health Care Professional Appeals Committee and in Court.

Dr A. Bartolo filed a Case in front of the Civil Courts of Malta on 24<sup>th</sup> October 2014. The MCM submitted its reply in Court on 15<sup>th</sup> December 2014.

**Current Status of the Case:** The proceedings are pending the determination of the Appeal (Court Case 12/2014EG). The Case has been deferred for ulterior information in this regard.

# Medical Council Malta

## Annual Report 2020

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- **CC/24/2017 (Court Case 175/2020RGM Dr Stephen Spiteri vs Medical Council Malta)**

The Medical Council investigated reports on the LovinMalta Portal in 2017 in which it was alleged that Dr Stephen Spiteri was producing medical certificates without seeing patients. A board of Inquiry was launched in 2018 with further sittings in July and September 2020.

On the 7<sup>th</sup> of September 2020 Dr Stephen Spiteri filed a case in the First Hall of the Civil Court (Constitutional Jurisdiction) in that the Medical Council was acting as ‘Judge and Jury’ in these proceedings in breach of Dr Spiteri’s fundamental rights.

Considering the Constitutional case being instigated against it, the Medical Council decided to suspend the Board of Inquiry pending the outcome of the case.

**Current Status of the Case:** Court case pending as at end 2020.

### Cases Reported to the Police

During the year, the Medical Council encountered situations which had to be reported to the Police. One person who was not registered as a doctor had advertised herself on social media using the letters ‘M.D.’ after their name. Another person was undertaking activities which should be carried out by doctors without being registered as such.

In a separate case, the Medical Council’s attention was drawn to the fact that medical advice was being provided via a foreign website to the general public. The case was likewise reported to the police in that it had no way to ensure that doctors granting this service were indeed registered with the Council.

### Appeals against the Medical Council regarding Registrations

In accordance with the Health Care Professions Act (HCPA) 2003, Chapter 464, applicants whose registration with the Medical Council has been declined, may file an appeal with the Health Care Professions Appeals Committee (HCPAC) <sup>3</sup> within 20 calendar days from the receipt of the decision delivered by the Council.

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<sup>3</sup> The Health Care Professions Appeals Committee:

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Committees/Health-Care-Professions-Appeals-Committee.aspx>

# Medical Council Malta

## Annual Report 2020

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Six pending cases from 2019 were concluded in 2020. The Health Care Professions Appeals Committee revoked the decision of the MCM in two of these cases and upheld the Council's decision in the other four.

During 2020 there were nine new cases, seven doctors and two dentists. Of these cases, four were concluded and in which the the Health Care Professions Appeals Committee revoked the decision of the MCM.

### Concluding Remarks and Acknowledgments

This year will forever be remembered as the first year of the Covid-19 Pandemic. The Medical Council Malta like any other institution, had to adapt, find new methods of working and react to the new reality to fulfill its mission being that of safeguarding patients' rights and safety.

This report outlines the Council's main activity throughout the year comprising registration, complaints from the general public, the upholding of professional standards and other work emanating from these core roles.

This year saw the departure of long-time serving Council President Dr Ilona Debono and the appointment of Dr Simon Micallef Stafrace in her stead. I would like to thank Dr Debono for being ever so supportive and wish her well in her future career while welcoming Dr Micallef Stafrace.

In my first year as Council Registrar, I have witnessed the dedication of all Council members and President and how demanding these roles are. Indeed, regulatory compliance is getting ever more complicated, and the Council's activity demands daily input from Council members through their interaction at Council as well as sub-committee level.

Owing to the Covid-19 situation, the Council had to cease meeting in person and held its plenary meetings virtually for the rest of the year.

I would like to thank Council President and Council members, for their incessant work and support.

Special praise to Ms Lara Sultana and Ms Joanne Vella for all their help and work and whose knowledge and experience proved valuable in my first year with the Medical Council.

Arthur Camilleri  
Registrar  
Medical Council Malta



# Medical Council Malta

## Annual Report 2020

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### Annex 1

#### **23<sup>rd</sup> meeting of the European Network of Medical Competent Authorities (ENMCA)**

The 23<sup>rd</sup> meeting of the European Network of Medical Competent Authorities (ENMCA) was hosted by the French Medical competent authority via an online meeting on Friday 19<sup>th</sup> June 2020.

The network discusses issues related to the *2005/36/EC* Directive. Forty-eight participants attended the meeting online representing the respective EU member states. This year an online approach was taken in view of COVID-19 developments.

Mr Bernhard Zaglymayer, Legal and Policy Officer for Professional Qualifications and Skills on behalf of the EU Commission gave two presentations outlining the European Commission's guidance on COVID-19 and the implementation report into the revised mutual recognition of professional qualifications directive.

Session 1: Recognition of Professional Qualifications

Mr Zaglymayer went through the processes whereby the EC developed the document entitled 'Guidelines on EU Emergency Assistance on Cross-Border Cooperation in Healthcare related to the COVID-19 crisis' (2020/C 111 1/01).

An initial questionnaire was sent by commission on the 23<sup>rd</sup> of March 2020 upon which guidance on the 26<sup>th</sup> of April was published. A second questionnaire was then issued later during the May to June period. The EC received non-official replies from 23 European member states and developed targeted guidance focused on nurses, general practitioners and specialists related to staff shortages. There was also guidance published related to the profession of midwives and dentists.

Responses varied and involved issues such as the duration and content of undergraduate studies, registration requirements for undergraduate medical students and telestudy. Competent authorities also noted changes to foreign recruitment, decreased document requests or omitted translation of documents.

On the 8<sup>th</sup> May 2020 the EC published the 'Guidance on free movement of health professionals and minimum harmonisation of training in relation to COVID-19 emergency measures – recommendations regarding Directive *2005/36/EC*' (2020/C 156/01). The document stated the minimum guarantees required from the directive allowing medical

# Medical Council Malta

## Annual Report 2020

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competent authorities to have lighter procedures during the recognition process. Mr Zaglmayer explained that there were instances where member states would register medical students at an earlier phase of their studies however they could not be granted full access since they fell into a category outside the European directive and therefore cannot be given the title of 'doctor' but can assist and work within this profession.

Article 2 paragraph 2 of the 2005/36/EC European directive reflects the minimum harmonisation requirements for recognition of a qualification in a member state. Medical competent authorities can detract from the directive via the Derogation clause set out in Article 61 for a limited period.

Member states shared the measures taken during the early stages of the COVID-19 pandemic. Responses varied with delays or modifications to procedures related to the: registration process; the aptitude test for third country nationals; disciplinary proceedings; continuous professional development; conferment of professional titles; restriction of travel for medical professionals and travel quarantine; fitness to practice statements issued for students participating in clinical duties.

The Medical Council Malta shared its experience with the creation of a separate medical register for those fifth-year medical students that were granted 'Time-Limited' temporary registration. Students had to pass their theoretical exams to be eligible and were provided indemnity cover to practice and assist medical professionals.

During the closing of the session Mr Zaglmayer discussed with the group that temporary certificates can be issued if no graduate degrees have been issued and can be recognised for basic training in line with section 5.1.1 of Annex V of the 2005/36/EC European directive as long as the certificates specify that this was done in view of administrative reasons. Another point was raised whereby doctors were registered temporarily that were not in compliance with basic training requirements required that documentation reflecting studies completed also included the reason for the required changes (in view of COVID19 related administrative reasons) as set out by Article 50 paragraph 2 of the 2005/36/EC European directive. Compensation measures should also be detailed in the transcript and in which way they can be carried out as per Article 14.

Session 2: Recognition of Professional Qualifications – Implementation report into the revised mutual recognition of professional qualifications Directive.

Every five years the European Commission sets out on issuing a report on the implementation of the 2005/36/EC directive as required by Article 60. The latest report was issued on the 11<sup>th</sup> of May 2020 detailing amendments to the latest version of the document and updating the criteria of the 2013/55/EC Directive delegated powers to the European Commission (CELEX 52020DC0191).

# Medical Council Malta

## Annual Report 2020

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The discussion focused particularly on:

- the implementation of partial access being available in EU member states
- the improvement of the alert-related issues
- the recognition of professional traineeships after theoretical training as per article 55(a) of the 2013/55/EU Directive.

Reference was also made to a case currently being reviewed by the European Free Trade Association Court referencing article 4 (f) paragraph 6 of the *2013/55/EU* Directive. Partial access for a dentist was granted by the French competent authority but appealed by the French Medical.

Member states had also asked the European Commission to clarify the roles of the 'European Credit Transfer System' (ECTS) and self-study in the recognition of qualifications. Mr Zaglmayer explained that the ECTS points system did not reflect the requirements set out in the directive and that self-study was not allowed under the qualification. Training by the institution issuing the qualification was considered rather than by the student and that Member States had to review the number of years and hours.

The group was updated that currently the specialities of Family Medicine and Sports Medicine were not yet recognised as specialities by the European Commission since there were not enough countries that had registered the specialties in the 'Internal Market Information System'.

Dr Ian Baldacchino  
Medical Council Malta

# Medical Council Malta

## Annual Report 2020

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### Annex 2

#### The General Assembly of FEDCAR held in Paris on 27<sup>th</sup> November 2020

PRESENTATION BY DR CEDRIC GROLLEAU

Written up by Dr David Muscat

Member of The Medical Council Malta

#### THE PHASING OUT OF AMALGAM

The Minamata convention on Mercury (2013) is an internationally legally binding treaty that aims to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. The convention addresses mercury-added products, including dental amalgam and proposed nine measures to phase down amalgam

There is an EU action plan 'towards a zero pollution', an ambition to improve the quality of air, water, and soil.

Emissions in the air need to be reduced (crematoria and whole life cycle).

There is still a mercury presence in the water despite the use of high-level retention dental amalgam separators.

The EU commissions report on the reviews required under article 19(1) of regulations 2017/852 on the use of mercury in dental amalgam products was concluded on 17 August 2020. Ref COM (2020) 378 Final.

Dental amalgam represents the largest mercury use in the EU.

The current EU regulations already prohibits its use as from 1 July 2018 for the treatment of deciduous teeth and for vulnerable members of the population (children under 15 years old and pregnant and breastfeeding women.).

The conclusions of the study are that:

1. Phasing out is feasible economically and technically by 2030.
2. The progressive substitution of dental amalgam with mercury free materials is currently occurring without policy intervention as patients and dentists prefer mercury free materials. However, without legislative action, significant amounts of dental amalgam are still expected to be used in the coming years. There will be no EU legislation without an impact assessment.

# Medical Council Malta

## Annual Report 2020

---

In 2021, there will be updating of former studies carried out on alternative materials (2013) and BPA (2015). Reviews conclude that the release of Bisphenol A from certain dental materials was associated with only negligible health risks and exposure to BPA is within the Tolerable Daily Intake (COM2020).

There is a need to update former studies as there is a general lack of scientific evidence in relation to the use of alternative materials and substance behaviour.

There are still concerns in relation to the presence of nano particles and Bisphenol A(BPA).

The 2020 study concluded that due to the lack of comprehensive scientific evidence, the potential direct and indirect impacts of mercury free materials remain uncertain.

Dental representative organisations have also expressed a concern about the lack of information as well as the safety profile and biocompatibility of certain materials which contain nanoparticles and BPA.

There is a legislative proposal for 2022 with regards to consensus on the objective given the former debates and the EU Action Plan 'Towards Zero pollution' ambitions and patient readiness. Negotiations will take place between 2022 and 2030, taking the safety of materials into account.

### THE LATEST EU DEVELOPMENTS ON PROFESSIONAL REGULATION

By Dr. Cedric Grolleau

#### PARTIAL ACCESS

With regards to the regulated profession of a dental surgeon, the other regulated profession does not exist in the hosting member state.

There is a huge difference in the duration of training.

The procedures of the dentist can be secluded and exercised separately from another profession but to the extent that it does not jeopardise patient safety.

This relies on the national context.

There is no 'fits for all' solution but a case-by-case basis and it vetted by an ad hoc national committee.

In the European Court Attorney General<sup>1</sup> June 2017 case C-125/16 para 17, stated 'My reading of the article is therefore that as far as dental practitioners are concerned, there can only be full access to the activities by nature of the harmonisation of the conditions of training organised by directive 2015/36 (19) and the automatic recognition that follows and from which the dental practitioner benefits under the directive.

#### PROFESSIONAL ADVERTISING

# Medical Council Malta

## Annual Report 2020

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### VALIDATION

In view of the importance of the relationship of trust which must prevail between a health professional and his/her patient the protection of the dignity of the regulated profession can justify a restriction on the freedom to provide services of advertising (para66).

### RED LINE

In that regard the court has held that the extensive use of advertising or the selection of aggressive promotional messages may undermine the protection or the health and dignity of the health professions.

It is up to the member state to deduce evidence of the appropriateness and necessity of a measure they adopt in derogation (para 101).

### STRENGTHENING OF THE INTERNAL MARKET

Amendment 274 (tabled by Mrs Gebhardt).

Urges the commission to adopt a quantitative and qualitative evaluation method, encompassing the general interest objectives and the quality of the service provided.

The objective is a better understanding of the link between professional regulation and quality of services.

The study will consist of focusing on health professions and business service professions. And the final report will be concluded in one year.

### BREXIT

The date is 31<sup>st</sup> December 2020. There are 3 weeks of translation legal checking, discussion, and ratification of 1400 pages of documents.

With regards to health what concerns us is the decision on the Mutual recognition of qualifications.

THE EU COMMISSIONS LATEST VIEWS ON THE PROPORTIONALITY TEST DIRECTIVE AND ON PROFESSIONAL QUALIFICATIONS DIRECTIVE  
BY BERNARD ZAGLMAYER POLICY OFFICER EU.

### LANGUAGE

There have been many complaints regarding language requirements. Article 53 of the directive states that the applicant can prove by a different way that he has competence in the

# Medical Council Malta

## Annual Report 2020

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language and does not need to take a test. But the competent authority can require a test if the documents are not provided.

Language controls must be undertaken after you recognise the degree.

The directive does not allow for language checking before recognition because of deadlines as this could go on for a long time.

### PARTIAL ACCESS

There are many different combinations the 27 member states and the way professionals are regulated differs. One needs to look at each case.

### CROSS BORDER SERVICE PROVISION

Member states are not allowed to ask for article 5 and article 7 of the directive as this will result in additional costs and is time consuming.

Article 6a case law is related and does not allow for supplemental registration of service providers.

Re conditions for an aptitude test- there is a one-month rule in which it must be assessed or else a compensation measure must be applied.

### DOCUMENT REQUIREMENTS

One cannot request originals. One cannot ask for proof of language with a specific test.

The document is authenticated by one specific body or type of body in the home member state.

### IMPLEMENTATION REPORT

#### LEGAL BASIS Article 60(I)PQD

The ECTS points system is used a lot. ECTS points however contain self-study periods, but the EU is more concerned in the involvement of training institutions rather than what the professional does at home. One must specify that 5 years AND 5000 hours count. The ECTS POINTS are in addition to this.

Annex 5 is updated every year with 1<sup>st</sup> May being the cut off date. IMI is notified.

COMMENTS ON THIS BY Dr Maria Cristina Menzanares of ADEE were that competences are complex.

There is currently an Erasmus project to check how the formation of the dentist is carried out. The number of hours does not mean that the student is sufficiently trained but the importance is how many hours the student has spent with the patient, and this is the pertinent point, a dentist unlike a doctor must practise on patients whilst a student. The

# Medical Council Malta

## Annual Report 2020

---

number of clinical hours contact time must be shared by the minimum training subjects are also out of date as are certain specialities. There are now other subjects that appear in the minimum requirements. The ADEE is using Haptic technology.

IT skills must be specific so that there is a compared value between member states.

IT SKILLS also need to be addressed ad the students need to be able to administer patient data. There are also apps between a professional and patients regarding consultations. There is also the technology in terms of treatment. One needs to see how one is to include knowledge and skill in this modern technology.

### COVID 19 IMPLICATIONS

Member states could stop the dental training this year if they had fulfilled the minimum requirements of their course if this is usually more than the minimum. The President of the Students Association of Europe said that some dental students in fact suffered from depression due to this.

### ANNEX 5 DENTAL SPECIALIST IN PERIODONTOLOGY

Article 35 requires two fifths of member states to create a new specialisation but only 10 states supported it so it is short of the 11 states required so this will not happen in the near future.

### PROPORTIONALITY TEST DIRECTIVE

Many member states have not replied, and they are being served infringement procedures and have been sent a letter of formal notice.

### MOVING UPSTREAM 2019

PRESENTATION BY DR HANNAH PUGH CLINICAL FELLOW AND HEAD OF UPSTREAM REGULATION GDC

The GDC undertook a project on the preparedness of dental graduates in Great Britain.98 per cent of graduates do Foundation or vocational Training. They are ranked and allocated an area. This is not a mandatory position. There is a difference in the expectations of new dentist's skills between supervisors and trainees. The conclusion was that there needs to be more clinical experience at undergraduate level. At university they do not experience real world settings. There is a need for a support network. Dentists seem to be practising defensively.

The findings of the GDC were that:



# Medical Council Malta

## Annual Report 2020

---

1. There is the need of an increase in the breadth and depth of clinical experience.
2. A need for an increase in outreach placements
3. Clarify expectations at the point of registration
4. Ensure that there is adequate clinical and pastoral support during the first year or years of practice.
5. Is there a need for a pre-registration year?
6. One needs further define a 'safe beginner'.
7. One needs to revise learning outcomes with stakeholders
8. Covid 19 caused a disruption of dental services, and this caused more challenges in the preparedness of UK graduates.

### PROMOTING PROFESSIONALISM -RESEARCH BY THE ADEE O HEALTH EDU ON THE FUTURE OF DENTAL EDUCATION IN EUROPE

By Professor Tubert Jeannin project coordinator ADEE

The dentist must show empathy, compassion, politeness, and friendliness. The principle of professionalism must be used as a basis for raising the professional standards when one sets requirements.

The education of the dental health workforce is a public health issue. Dental Education is a determinant of Oral Healthcare. This is influenced by students' professionalism.

Domains are professionalism, safe and effective dental practice, and patient centred care. The Covid 19 crisis has allowed a new vision of things.

The practical aspects of aerosols as well as the fact that dental chairs are in open spaces. In most EU countries 92 per cent of dental schools closed. 50 % closed completely. 70% only provided emergency care. Covid 19 has allowed us a holistic vision of health and oral health and provides a better understanding of the reality of oral health and professional education in Europe.

Objectives are a common and shared understanding. Intellectual outputs are in progress. There is a scoping view, a position paper is written. This is followed by a questionnaire survey brought up to date, after that there is a defined glossary of terms and an online interactive hub, a report, and a fact sheet. This is followed by mapping. The information is then made available online to the public.

DANIEL FAULKNER Registrar and CEO Royal College of Dental Surgeons of Ontario emphasised that the participation of lay persons in Council and committees enhances the work of such entities.

Dr David Muscat  
Medical Council Member

# Medical Council Malta

## Annual Report 2020

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### Annex 3

#### 24<sup>th</sup> meeting of the European Network of Medical Competent Authorities (ENMCA)

The 24<sup>th</sup> meeting of the European Network of Medical Competent Authorities (ENMCA) was chaired by the French Medical authority via an online meeting on 3<sup>rd</sup> December 2020. The network discusses issues related to the 2005/36/EC Directive.

Session 1: European Commission update.

Mr Bernhard Zaglmayer, representative on behalf of the European Commission, gave a presentation entitled 'Updates of Relevance to Competent Authorities'. In this presentation the implementation control and implementation report of the EU directive with regards to recognition of professional qualifications were discussed. Measures related to implementation of the Professional Qualifications Directive (PQD) affected by the COVID-19 pandemic were also addressed.

Mr Zaglmayer explained the three batches of infringement proceedings carried out by the European Commission related to:

- Administrative obligations
- Implementation of the PQD
- The formation of a Single Point Contact system (SPC)

The EU Commission issued a letter of formal notice to the respective Member States (MS) as part of the first stage of infringement proceedings. Most MS had successfully closed their pending issues related to administrative obligations and PQD implementation. On the other hand, Mr Zaglmayer informed the group that the formation of a SPC was more of a technical issue rather than a legal one that should be devised to facilitate the application process.

Results of the implementation report are issued as directed by article 60(1) of the PQD and should have been issued by January 2018 and every five years thereafter. Implementation procedures by MS however delayed the publication of the report to the 1<sup>st</sup> of May 2020.

So far eleven MS have implemented language requirements according to the PQD Art 53. The issue delves beyond simple proportionality between MS as some countries have more than one official language in place. Language controls in the medical professions can be exercised if there is doubt with regards to the safety of patients. The PQD does not allow for MS to impose a test organized by themselves upon an applicant, but they require that an applicant proves himself as having the necessary language proficiency to practice safely in a MS.

Mr Zaglmayer reiterated that conditions for partial access should be guaranteed to all regulated professions mentioned in the PQD. In view of the different scenarios possible partial access should be implemented into national legislation. Sectorial aspects of such

# Medical Council Malta

## Annual Report 2020

---

directives are yet to be decided in a pending court case set before the European Free Trade Association. Case is for dentists in France

Article 6(a) set out the registration requirements for EU MS entailing that such demands with applicants be proforma. Each medical competent authority is responsible for national regulation on such aspects and should follow article 7(2). Art 50 of the PQD deals with the documents required for application for registration in MS. One must note that original documents should not be the only document type to be accepted. One should check with the Annex V list to see if the document is good and not ask for certified translations. Document authentication by a specific body is not allowed. There is no need for notarized or apostilled translations if the words of the title of the document are the same as in the Annex V.

The biggest issues noted by the EU commission with regards to implementation of the PQD were related to acquired rights. Recently the MS have also been addressing the Bologna Process and the recognition of the European Credit Transfer System (ECTS). The latter includes subsidiary hours taken from training and self-study. Self-study is not recognized by the directive and therefore ECTS should be in a larger amount that the minimum requirements set out by the directive. It is the number of hours of institutional training that is recognised as forming part of the 5500 hours. The commission is also reviewing the amount of practical training carried out by medical practitioners. Similar measures have already been carried out for nurse practitioners.

With regards to sectoral professions the EU commission is looking beyond the minimum requirements to upgrade the directive. The nursing practitioner profession has had its requirements recently updated and the commission is now looking at what frameworks currently exist at a national level in the EU MS with respect to recognition of dental practitioner and pharmacist qualifications. The dental practitioner contract has been finalized and signed in September 2020. The relatively new aspect of information technology skills will also need to be addressed. Such skills encompass electronic medical records, communication strategies, use of applications and sophisticated technology ex. operating robotic technology by a practitioner practicing in another country.

The EU Commission re-evaluated the COVID-19 response by MS competent authorities in relation to the recognition of professional qualifications. Questionnaires were sent to MS in March and again in June 2020. The pandemic mainly encroached upon the finalization of training, lack of staff and recognition of other MS professionals. COVID-19 guidance was then made available via the Eur-Lex document 52020XC0508(01) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0508%2801%29>. A new questionnaire was issued in November 2020 and showed that MS still had similar issues but were less intense this time around. Mr Zaglmayer re-iterated that the derogation clause in article 61 is only a temporary one and must be remedied later with the relevant hours recovered later. Of note is that improvements in procedures had occurred from more online verification of documents.

# Medical Council Malta

## Annual Report 2020

---

COVID-19 brought along positive measures that should be upheld in the future: less documents are required for registrations assessment, certified documents not needed, registrations can be all online, a personal declaration on one's health is acceptable rather than a legal certificate and that there may be extension of deadlines for the submission of some documents which were difficult to obtain in the circumstances.

Mr Zaglmayer then closed the session by informing the group that eight MS were in line with the PQD compliance measures sent out by the EU commission, five MS were in partial compliance and fourteen MS had not yet sent notification of measures addressed. The first of such a series of formal notices was issued on the 8<sup>th</sup> of October 2020.

Session 2: The UK exit from the European Union.

Ms Nicola While gave a presentation entitled 'Recognition of EEA qualifications by UK Authorities' on behalf of General Medical Council UK. Medical professionals with qualifications from the European Economic Area (EEA) amount to 9% of licensed doctors in the United Kingdom. This figure rises to 14% when considering only specialist doctors. The situation was not affected by the COVID-19 pandemic. There are 554 Maltese doctors registered of which around 340 are active.

Ms While informed the group that following Brexit the qualifications currently registered on Annex 'V' as at the year 2020 of the PQD will be accepted as part of a new automatic recognition process known as the 'Relevant EU Qualification route'. Applicants will need to verify their medical qualification via the 'Educational Commission for Foreign Medical Graduates' (ECFMG) and provide evidence of knowledge of the English language. If the degree is not in the annex applicants will have to go via the International Route (by the general system route.) This requires three methods of gaining registry: The Professional and Linguistic Assessments Board test (PLAB) which is the mode of entry for half of applicants; via sponsorship; recognition of an acceptable post-graduate qualification. In this new system more emphasis will be given to the country originating the application. Temporary registration will cease. Currently the UK will keep the same qualification routes for EEA degrees for the next two years. A recognition agreement with Switzerland will remain in place for the next four years. Post Graduate diplomas/degree will go through the general system.

Several MS entered discussion over Brexit. Ms While replied to queries from MS representatives that an ECMFG portfolio had to be created and this was compliant with General Data Protection Regulation standards (GDPR). There is also a possibility that qualifications from the UK that vary significantly from those of other EU MS will not be recognized. Mr Zaglmayer also informed the group that Internal Market Information System (IMI) alerts would cease from the UK and that MS should keep a copy at hand following Brexit. Ms While assured the MS representatives that GMC UK would still correspond with

# Medical Council Malta

## Annual Report 2020

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competent authorities and share information on professionals with IMI notices. The GMC hopes that reciprocal collaboration with MS will continue. Individual cooperation between each MS and UK was encouraged. The GMC encourages EEA countries to continue to recognize UK qualifications as meeting EU standards of the PQD. MS shared their positions on Brexit which ranged from giving preferential recognition of such qualifications although the UK will now be a third country, to treating such qualifications in the same manner as those from 'third countries' as per EU law.

The EU Commissioner Grow made explicit that if the title of a degree changes from that in Annex V, this will not be recognized.

Germany stated that there are some problems with UK post graduate degrees in that some are shorter than that required in Germany. Specific mention to GP was made as in the UK this is 3 years of training vs 5 years in Germany.

Session 3: Cross-border university medical degrees

Mr Alexander Jaekel, representative of the German Medical Association, gave a presentation entitled 'View from Germany' that addressed recognition of medical qualifications in Germany. Specific mention of EDU from Malta was made. The need for specific criteria for medical schools such as curricula, structures for staff, QA and buildings of university facilities are required amongst others. Erasmus for Medical students is considered an issue as it does cover the same instruction for most and is considered a year off education.

WFME accreditation and standards as well as the World directory of Medical Schools were mentioned as a possible base line to start off finding a common framework of learning outcomes. PQD Art 24 falls short of satisfying this.

Ms Linda Rossini Gajsak, representative of the Croatian Medical Chamber, gave a presentation entitled 'Regulation of medical schools and curricula in Croatia' that discussed regulatory processes in a similar fashion. The discussion then revolved around the difficulties MS have in interpreting certain aspects of the directive since articles recognizing medical qualifications are quite broad and must yet address issues such as different languages used in medical training programs and the introduction of online learning and different frameworks of teaching. Further discussions on this issue were proposed for the next ENMCA meeting. Mr Zaglmayer commented that MS were to address the degree rather than the language of instruction however the franchising of education with new methods of teaching is becoming a possibility. Mr Zaglmayer welcomed the group to further develop article 24 through input from professionals and competent authorities.

Dr Doreen Cassar  
Medical Council Member

Dr Ian Baldacchino  
Medical Council Member