

Medical Council Malta
Annual Report 2019



Published by

**MEDICAL COUNCIL
MALTA**

St. Luke's Hospital
Outpatients' Department, Level 1,
St. Luke's Square,
Gwardamangia, PTA 1010
Malta

<https://health.gov.mt>

Medical Council Malta

Annual Report 2019

Contents

Foreword by the President of the Medical Council.....	4
Composition of the Medical Council during 2019:.....	5
Members of the Medical Council of Malta prior to the Medical Council's Elections held in June 2019	5
Members of the Medical Council of Malta after the Medical Council's Elections held in June 2019	6
Medical Council Elections held in 2019	7
Appointment of the Medical Council Election Commissioners for the year 2019	7
Appointment of the Medical Council Election Commission for the Appeal Board Elections:	8
Meetings and Attendance	8
Sub-Committees of the Medical Council and Representatives of the Medical Council on other Committees.....	9
Sub-Committee for Registration of the Medical Practitioners	9
Sub-Committee for Registration of the Dental Surgeons	9
Subcommittee for the Analyses of Complaints (SCAC)	10
Sub-Committee for the Hearing of Inquiries	10
Sub-Committee for the Foundation School Programme	10
Sub-Committees for the Medical and Dental Examinations	10
The Sub-Committee (Observers and Quality Assurers)	10
Representative on the Medical Specialist Accreditation Committee (MSAC)	10
Representative on the Dental Specialist Accreditation Committee (DSAC)	11
Participation in Conferences and Training held Overseas	11
Medical Council Malta Statutory Examinations (MCMSE)	11
Examination Coordinators	11

Medical Council Malta

Annual Report 2019

MCMSE for Medical Practitioners	11
MCMSE for Dental Surgeons	12
Registration granted during year 2019	13
Award Ceremony for the presentation of the Licence to Practice	15
Provision of Temporary Service Lists	15
Laws, Circulars and other Publications	16
Complaints, Inquiries, Criminal Proceedings and Court Cases	16
Inquiries	35
Inquiries still pending	35
Court Cases	36
Appeals against the Medical Council regarding Registrations.....	41
Quality Assurance for the Malta Foundation School Programme	42
European Professional Card (EPC) and the Alert Mechanism	43
Concluding Remarks and Acknowledgments	45
Annex 1	46
Annex 2.....	48
Annex 3.....	51

Medical Council Malta

Annual Report 2019

Foreword by the President of the Medical Council

This year proved to be another challenging one as the Council continued to face an ever-increasing workload albeit with the same structure and resources available.

One of the main responsibilities of the Medical Council is the keeping of the registers and the vetting of the applications made by medical and dental practitioners who want to be granted the right to practise the professions in the Maltese territories. The Registration process is one which places a constant load on the limited resources and one which the Council implements scrupulously. Among the many applications for registration processed this year, six applicants lodged an appeal to the Health Care Professions Appeals Committee, these appeals are pending as at year's end.

The Council followed the Brexit situation with particular interest especially due to the effect this would have on the recognition of U.K. qualifications. By the end of 2019 the state of affairs remains fluid and one which leaves the Council in an observer's role.

In its role as regulator of both the Medical and Dental professions the Council focused on the way its registered professionals were making use of social media. In the latter part of the year, an ad hoc sub-committee was formed to draft a guidance document.

In its role as Guardian of the Medical and Dental Registers, the Medical Council is helping to facilitate the 'Digitalization of Healthcare in Malta' by providing data to digital health platforms such as the 'myHealth System'. To this end all registered professionals were informed of the sharing of this data via a circular allowing one to opt out. The response was overly positive with very few opting out.

A word of praise goes to the Registrar Ms Inez Cassar, Ms Joanne Vella and Ms Lara Sultana as well as all Council Members for their incessant support and dedication.

Dr Ilona Debono B.A., LL.D., Adv.Trib.Eccl.Melit., M.A.(Melit.)

Medical Council Malta

Annual Report 2019

Composition of the Medical Council during 2019:

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

Members of the Medical Council of Malta prior to the Medical Council's Elections held in June 2019

President Medical Council

(Appointed by the Prime Minister Term of Office from 22nd September 2015 to 21st September 2017, 20th September 2017 to 20th September 2020)

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

Members appointed by the Prime Minister

(Appointed by the Prime Minister from 20th October 2017 to 19th October 2020)

Mr Ivan Esposito, M.D. F.R.C.S

Dr Kurstein Sant, M.D. substituted Mr Ivan Esposito (appointed by the Prime Minister from 23rd January to 20th September 2020).

(Appointed by the Prime Minister from 21st September 2017 to 20th September 2020)

Dr Pauline Vassallo B.Ch.D., D.D.P.H.(R.C.S.), M.Sc., MBA, FFPH

Members appointed by the University of Malta

(Appointed by the UoM Term of Office from 23rd October 2013 to 24th October 2016, from 15th October 2016 to 14th October 2019, 15th October 2019 to 14th October 2022)

Dr Daniel Farrugia M.D. (Malta), DEAA, EDIC

Members elected by the Registered Medical Practitioners

(Elected by Medical Practitioners from 3rd June 2016 to 2nd June 2019)

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

Dr Bryan Flores Martin M.D., M.M.C.F.D., Cert.Diab.(ICGP)

Dr Alex Magri M.D., M.M.C.F.D.

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

Members elected by the Registered Dental Surgeons

(Elected by Dental Surgeons from 3rd June 2016 to 2nd June 2019)

Dr Anthony Charles B.Ch.D.

Dr David Muscat B.D.S

Medical Council Malta
Annual Report 2019

Members representing the Public – appointed by the Prime Minister

(Appointed by the Prime Minister Term of Office from 20th October 2017 to 19th October 2020)

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

Mr David Caruana

Registrar: Ms Inez Cassar

Registrar

Ms. Inez Cassar.

Members of the Medical Council of Malta after the Medical Council's Elections held in June 2019

President Medical Council

(Appointed by the Prime Minister Term of Office from 22nd September 2017 to 21st September 2020)

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

Members appointed by the Prime Minister

Appointed by the Prime Minister from 23rd January 2019 to 20th September 2020)

Dr Kurstein Sant M.D.

(Appointed by the Prime Minister from 21st September 2017 to 20 September 2020)

Dr Pauline Vassallo B.Ch.D., D.D.P.H.(R.C.S.), M.Sc., MBA, FFPHDr

Members appointed by the University of Malta

(Appointed by the UoM Term of Office from 14th October 2019 to 14th October 2022)

Dr Daniel Farrugia M.D. (Malta), DEAA, EDIC

Members elected by the Registered Medical Practitioners

(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 Joe Cassar M.D., P.D.F. Psych.

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

Medical Council Malta

Annual Report 2019

Members elected by the Registered Dental Surgeons

(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

(Appointed by the Prime Minister Term of Office from 22nd September 2014 to 21st September 2015; 22nd September 2015 to 21st September 2017, 20th October 2017 to 19th October 2020)

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

(Appointed by the Prime Minister from 21st September 2017 to 20th September 2020)

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

Registrar

Ms. Inez Cassar

Medical Council Elections held in 2019

The elections for the New term 2019-2022 of the Medical Council were held between June and July 2019, as stipulated by the Medical Council (Elections) Regulation 2003, in accordance with the provisions of Article 9 (e) and (f) of the Health Care Professions Act, 2003 (Chapter 464 of the Laws of Malta).¹

The operations of the Medical Council were suspended for two months during the period in which the Council was not fully composed. The Office of the Medical Council was responsible to all administrative issues.

The elections for a representative of the Medical Council on the Appeals Committee for the term 2019-2022, in line with the provisions of Article 49(1) (e) (i) of the Health Care Professions Act, 2003 (Chapter 464 of the Laws of Malta) were held in July 2019.²

Appointment of the Medical Council Election Commissioners for the year 2019

In accordance with the provision of Articles 3(1) and (2) of Legal Notice 35/2004, Subsidiary Legislation 464.04 - Medical Council (Elections) Regulations, during Council Meeting No. 01/2019 held on Wednesday 16th January 2019, the Medical Council appointed the Members

¹ Report on the Medical Council – Elections June/July 2019, [Microsoft Word - Report Elections 2019 online version \(gov.mt\)](#)

² Report on the Elections for a representative of the Medical Council on the Appeals Committee held in June 2019, 21st July 2019
<https://deputyprimeministercms.gov.mt/en/regcounc/medicalcouncil/Documents/Report%20on%20the%20Appeals%20Committee%20Elections%202019.pdf>

Medical Council Malta

Annual Report 2019

of the Medical Council Elections Commission for a period of one year starting 1st January 2019.

The Medical Council Election Commission is composed from:

Dr George Depasquale M.D.

Dr Joseph Farrugia M.D.

Dr Roy Schembri Wismayer M.D., D.C.P.(Lond.), Dip.Bact.(Lond.), M.C.A.P.(Aff.)

Prof. J.M. Portelli B.Ch.D ; M.D.S (Manc); F.D.S.R.C.S (U.K.)

Appointment of the Medical Council Election Commission for the Appeal Board Elections:

In accordance to the provision of Articles 3(1) and (2) of Legal Notice 316/2004, as amended by Legal Notice 346/2007, Subsidiary Legislation 464.05 - Appeals Committee (Elections) Regulations, during Council Meeting No. 01/2016 held on Wednesday 16th January 2019,, the Medical Council appointed the Members of the Medical Council Elections Commission for a period of three years starting 1st January 2016.

The Medical Council Election Commission is composed from:

Dr George Depasquale M.D.

Dr Joseph Farrugia M.D.

Dr Roy Schembri Wismayer M.D., D.C.P.(Lond.), Dip.Bact.(Lond.), M.C.A.P.(Aff.)

Prof. J.M. Portelli B.Ch.D ; M.D.S (Manc); F.D.S.R.C.S (U.K.)

Meetings and Attendance

The Medical Council held 20 Meetings during this year:

	Present	Excused
Dr Ilona Debono, President	17	3
Mr Philip Borg	10	10
Dr Michael J. Boffa	13	7
Dr Doreen Cassar	14	6
Dr Anthony Charles	15	5
Dr Daniel Farrugia	16	4
Dr Bryan Flores Martin	9	0

Medical Council Malta
Annual Report 2019

		(Not Elected)
Dr Joseph Cassar	9	2
Dr Alex Magri	7	2 (Not Elected)
Dr Tanya Melillo Fenech	14	6
Dr David Muscat	18	2
Dr Pauline Vassallo	14	6
Mr David Caruana	19	1
Dr Ian Baldacchino	11	0
Dr Kurstein Sant	2	Resigned

Sub-Committees of the Medical Council and Representatives of the Medical Council on other Committees

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

Sub-Committee for Registration of the Medical Practitioners

This Sub-committee was responsible with the task of vetting all new applications for registration of Medical Professionals in Malta, and for the approval of qualification certificates submitted for recognition. This sub-committee was composed of, Dr Alex Magri, Dr Bryan Flores Martin and Dr Tanya Melillo Fenech before the election and of Dr Doreen Cassar, Dr Tanya Melillo Fenech and Dr Ian Baldacchino after the election.

Sub-Committee for Registration of the Dental Surgeons

This Sub-committee was responsible for the vetting of all new applications for registration of Dental Surgeons in Malta, and for the approval of qualification certificates submitted for recognition. This sub-committee was composed of Dr Anthony Charles, Dr David Muscat and Dr Pauline Vassallo both before and after the 2019 elections.

Medical Council Malta

Annual Report 2019

Subcommittee for the Analyses of Complaints (SCAC)

Before the Elections of the Medical Council of Malta the Subcommittee responsible for the analyses of complaints was composed of Dr Ilona Debono, President of the Council, Dr Daniel Farrugia and Mr Philip Borg. The Sub-committee's composition changed after the election as follows: Dr Ilona Debono, President of the Council, 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, President of the Medical Council as chairperson; a Medical Practitioner Member (by rotation) and a Dental Surgeon Member (by rotation) depending on the case; a member representing the public (by rotation).

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 MCQAC for the Foundation School Programme for a period of three (3) academic years starting from 1st February 2018.

Sub-Committees for the Medical and Dental Examinations

In accordance to the EU Directive 2005/36/EC, the HCPA 2003, Chapter 464 of the Laws of Malta, and the Medical Council's standard policy, all non-EU applicants in the possession of a non-EU first medical or dental degree, are requested to sit for and successfully pass the Medical Council Malta Statutory Examination (MCMSE), in order to be granted Full-Permanent registration in Malta. These MCMSE are to be conducted twice a year by Law.

The Medical Council however fully identifies the need to develop standard procedures and guidelines on these examinations, so as to better ensure transparency. During the past year, the following Sub-committee was entrusted with these tasks:

The Sub-Committee (Observers and Quality Assurers)

During the MCMSE for Dental Surgeons the sub-committee was composed of Mr Philip Borg, Dr Daniel Farrugia, Dr David Muscat, Dr Anthony Charles, and Mr David Caruana.

Representative on the Medical Specialist Accreditation Committee (MSAC)

Dr Bryan Flores-Martin represented the Medical Council on the Medical SAC before the 2019 Council elections while Dr Daniel Farrugia represented the Council after the elections.

Medical Council Malta Annual Report 2019

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.

Participation in Conferences and Training held Overseas

- Meeting of the European Network of Medical Competent Authorities (ENMCA) held on the 14th June 2019, Warsaw - Poland. Dr Bryan Flores Martin represented the MCM during this meeting. (Report: Annex 1)
- Conference of the Federation of Dental Competent Authorities (FEDCAR) held on the 10th May 2019 in Porto - Portugal. Dr David Muscat represented the MCM during this meeting. (Report: Annex 2)
- European Network of Medical Competent Authorities (ENMCA) held on the 22nd November 2019 in Copenhagen - Denmark. Dr Ian Baldacchino represented the MCM during this meeting. (Report: Annex 3)

Medical Council Malta Statutory Examinations (MCMSE)

In accordance to the 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 the possession of a non-EU first medical/dental degree, are requested to sit for and successfully pass the Medical Council Malta Statutory Examination (MCMSE), in order 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.

Examination Coordinators

Mr Philip Borg., and Dr Tanya Melillo Fenech were appointed as the Examination Coordinators for the MCMSE for the year 2019.

MCMSE for Medical Practitioners

The MCMSE for Medical Practitioners was not held since no candidates applied to sit for the exam providing the full set of documents required including those proving Proficiency in the English Language.

Medical Council Malta
Annual Report 2019

MCMSE for Dental Surgeons

The MCMSE was held between the 25th November and the 5th December 2019, at the Faculty of Dental School of the University of Malta. One (1) applicant confirmed her intention to sit for this examination session and paid the fee stipulated in Article 142 of the Budget Measures Implementation Act, 2015, by the deadline stipulated.

The MCMSE included written and oral exams in as follows:

- Restorative - written paper
- Restorative Practical - oral
- Oral Medicine Surgery, Pathology and Radiology - written paper
- OMSP Oral Medicine Surgery, Pathology and Radiology – oral

- Child Dental Health and Orthodontics - written paper
- Child Dental Health and Orthodontics - oral
- Preventive and Community Dentistry - written paper
- Preventive and Community Dentistry - oral

Table 1: Results of the MCMSE held in between 25th November and the 5th December 2019.

DATE	NUMBER OF APPLICANTS	RESULTS	
		PASS	FAIL
25 th November – 5 th December 2019	1 candidate sat for whole exam	1	0

The result was communicated to the candidate on 11th December 2019

Medical Council Malta
Annual Report 2019

Registration granted during year 2019

Total Number of Medical Practitioners and Dental Surgeons registered during the year 2019

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	81	87	168
Medical Practitioners: Temporary Register	0	5	5
Medical Practitioners: Provisional Register	68	52	120
Dental Surgeons: Principal Register	14	9	23
Dental Surgeons: Temporary Register	3	2	5
Grand Total	166	155	321

Medical Council Malta
Annual Report 2019

Total Number of Medical Practitioners and Dental Surgeons registered in Malta as at 31st December 2019:³

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	899	1455	2354
Medical Practitioners: Temporary Register	10	24	34
Medical Practitioners: Provisional Register	126	124	250
Dental Surgeons: Principal Register	137	194	331
Dental Surgeons: Temporary Register	3	3	6
Grand Total	1175	1800	2975

³ Data retrieved from the Medical Council Registers database.

Medical Council Malta

Annual Report 2019

Award Ceremony for the presentation of the Licence to Practice

The Medical Council offered its administrative assistance to the Ministry for Health during the organisation of a Ceremony during which the Licence to Practice was presented to all the Medical and Dental Practitioners who completed their studies at the University of Malta in the year 2019 by the Hon. Minister for Health.

The Ceremony was held on 29th August 2019 at the Ministry for Health, 15 Merchants Street, Valletta. Dr Ilona Debono, President of the Council, delivered a speech. Dr Ian Baldacchino, the Registrar together with Ms. Lara Sultana were also present.

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 2019⁴:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List – Medical Practitioners	3	10	13
Medical Council Temporary Service List – Dental Surgeons	-	-	-
Grand Total			13

⁴ As stipulated in the EU Directive 2005/36 EC, Article 9, Medical Practitioners and Dental Surgeons from other EU Countries are requested to register, providing the relevant documentation, for the Provision of Temporary Service with the Malta Medical Council. The Provision of Temporary Service List may be accessed from:

<https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Registers.aspx>

Medical Council Malta

Annual Report 2019

Medical Practitioners and Dental Surgeons included in the Provision of Temporary Service Lists by the end-year 2019:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List - Medical Practitioners	50	183	233
Medical Council Temporary Service List – Dental Surgeons	-	4	4
Grand Total			237

Laws, Circulars and other Publications

During the past year, there were no amendments to the Laws regulating the Medical Council of Malta, and the Medical Council issued one Circular entitled Digitalization of Health Care in Malta. No new Publication was issued.

The Laws, Circulars and other Publications of the Medical Council may be assessed from:
https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx

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

Medical Council Malta

Annual Report 2019

- **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 in order to ensure that the position of all registered Medical and Dental Practitioner is in line with the provisions of the Law. The Council can, on the basis of 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

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

In June 2012, a local magazine featuring an advert published by a Dentist was brought to the attention of the MCM for an alleged breach 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.

In mid-June 2012, the Dental Practitioner in question was invited to clarify his/her position about this matter and a reply was received by the end of June. The Dentist stated that his/her action should not be considered as being advertisements. This case was put on hold pending the report from the Sub-Committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

The Sub-Committee for the Analysis of Complaints (SCAC) reviewed this case during its meeting held at the end of November 2015 and presented its recommendations to the MCM which subsequently discussed these recommendations during the first Council Meeting held in 2016. The MCM decided that all the complaints for alleged breach of the Code of Ethics on Advertising and Financial Conduct raised against this Dental Surgeon would be addressed as a single case and that he/she would be asked to further clarify his/her position.

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

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

During 2013, a series of 'adverts' published by a Dental Surgeon on a regular basis in a local magazine were brought to the attention of the MCM. These 'adverts' were alleged to be in breach of the MCM's Code of Ethics (L.N./303/2008) as well as the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners.

During its meeting held at the end of January 2016, the SCAC reviewed this case and presented its recommendations to the Council in the first week of February 2016. The MCM decided that all the complaints regarding the alleged breaches of the Code of Ethics on Advertising and Financial Conduct against this Dental Surgeon would be addressed as one case and that he/she is to be asked to clarify his/her position.

Medical Council Malta
Annual Report 2019

Case status: Board of Inquiry on 15th 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 recommendations in the Council Meeting held at the end of January 2016. This case was discussed again by the MCM at the end of June 2016 and also at the end of November 2016, wherein it was decided that a formal Inquiry would be held to investigate the allegations raised against two of the named Practitioners.

Case status: Board of Inquiry still to be initiated.

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

In February 2013, the MCM received a complaint against a Medical Practitioner from the mother of a patient alleging unethical and unprofessional behaviour toward her daughter during treatment. However, the Council noted that the practitioner referred to in the complaint was not listed on its Registers. The complainant was therefore asked to confirm the name of the Practitioner in September 2013. The Superintendent of Public Health was notified about this case.

In January 2014, the complainant provided the correct details about the practitioner against whom he/she was filing the complaint. The MCM discussed the complaint and decided to proceed with an inquiry by appointing a Board of Inquiry.

Case status: Board of Inquiry still to be initiated.

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

In mid-January 2014, two Medical Practitioners filed a complaint against a Medical Practitioner complaining of unethical and unprofessional conduct (alleged slander). The MCM discussed the case and decided that an inquiry would be held in plenary. This decision was reconfirmed during a meeting held in the end of October 2016.

Case status: Board of Inquiry still to be initiated.

- **CC21/2015 (previously numbered as MC/60/2014)**

In mid-October 2013, the Medical Council Malta received a formal letter of complaint against a Dental Surgeon from a patient who alleged that the Dentist had acted unethically and unprofessionally.

The SCAC discussed this case and decided that an expert opinion had to be sought. The expert's report dated 21/05/2014 concluded that the Dentist showed correctness and professionalism in the treatment given to the patient. The MCM finalised that there was no breach of professional standards.

Case status: The case has been archived since no further action was deemed necessary by the Council.

Medical Council Malta
Annual Report 2019

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

At the end 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. In mid-September 2014, the MCM asked the Practitioner to clarify the circumstances of this incident. Subsequently, in mid-October 2014, the legal Office of Mater Dei Hospital submitted a reply on behalf of the Practitioner.

The SCAC discussed this case during the first week of May 2016 and presented its report at the end of October 2016. The Medical Council decided that this case merited an inquiry and a Board of Inquiry was appointed.

Case status: Board of Inquiry still to be initiated.

- **CC/26/2015**

In November 2011, a Medical Practitioner filed a complaint against another Medical Practitioner for alleged unethical and unprofessional behaviour in his/her regard.

This case was discussed by the SCAC.

The SCAC discussed this case further and presented its recommendations during a Council Meeting held during the first week of February 2016, wherein it was decided that this case was to be referred to the Clinical Chairperson of the respective Department at MDH.

Case status: Case has been closed.

- **CC/29/2015**

In mid-March 2015, the MCM received a detailed report about a serious of events that a patient was alleged to have experienced at Mater Dei Hospital before passing away. The said report was filed by the late patient's friend.

This case was discussed by the SCAC during its meeting held in mid-October 2015. Since this report failed to clearly and specifically outline against whom it was being filed, the complainant was sent a letter in end-October 2015 asking for further clarifications in order to regulate his/her complaint. The complainant was also informed that this case also dealt with an element of mismanagement which did not fall within the remit of the Council. A reminder was sent during the first week of May 2016, but to date, the Council has not received further communication from the complainant. In mid-July 2018, a letter was sent to the complainant informing him/her that the MCM will not be pursuing the matter further since the doctors were never identified by the complainant.

Case status: The case did not deserve further investigations and it was decided that the case should be archived.

- **CC/33/2015**

In May 2015, a patient filed a complaint with the MCM against a Psychiatrist. The SCAC analysed this case and would present its recommendations to the Medical Council in due course.

Case status: Pending still being discussed at Sub-Committee level.

Medical Council Malta

Annual Report 2019

- **CC/34/2015**

A newspaper article in the Sunday Times of Malta dated 24th May 2015 was brought to the attention of the Medical Council for alleged unethical and unprofessional behaviour on the part of the Medical Practitioner mentioned in the complaint.

Case status: This case is still pending.

- **CC/35/2015**

In mid-June 2015, a patient filed a formal letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. The SCAC discussed this case and is being investigated further.

Case status: Case is pending, still being discussed at Sub-committee level.

- **CC/39/2015**

In September 2015, a patient filed a complaint against a Dentist for alleged unethical and unprofessional behaviour, but the name of the Dental Practitioner was not provided. The complainant was therefore provided with the guidelines on how to file a complaint but, to date, no other correspondence has been received in this regard. In end-May 2018, the complainant was reminded along with the guidelines on how to file a complaint. However, to date, no correspondence has been received.

Case status: Case has been archived since complainant did not pursue complaint any further.

- **CC/40/2015**

At the end of February 2014, a report was forwarded by the Ministry for Health against a Doctor for alleged unethical and unprofessional behaviour requesting the Medical Council Malta to investigate further and present its findings.

Case status: Case is still pending as investigations are still ongoing.

- **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.

Case status: Case is still pending.

- **CC/43/2015 (previously numbered as MC15/2013)**

In February 2013, the parents of a two-year-old who passed away in February 2011, filed a Judicial Protest against the Medical Council, the Director General of the Health Department, and the Chief Government Medical Officer. Seven (7) doctors were being accused in Court of allegedly being responsible for the death of their child after he/she had been admitted at Mater

Medical Council Malta
Annual Report 2019

Dei Hospital. A Magisterial Inquiry was appointed and the MCM 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. In August 2013, the named Medical Practitioners were notified about this complaint and were asked to present their submissions to the Council.

The Practitioners presented their submissions in July 2013 and subsequently filed a Judicial Protest against the Medical Council requesting the Court to order the MCM to suspend its investigation until the Court's decision had been given regarding the other Judicial Protest previously filed by the parents. The Medical Council filed a counter protest in September 2013. The President of the Council 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)**

In mid-January 2015, a patient filed a complaint with the MCM against three Medical Practitioners for alleged unethical and unprofessional behaviour.

The Council discussed this complaint and considered the Doctors' version of events during a Council Meeting held in the first week of October 2015, wherein it was decided that this case merited an Inquiry which is to be conducted in plenary.

Case status: Board of Inquiry still to be initiated.

- **CC/45/2015**

In mid-October 2015, the Medical Council Malta received a letter of complaint against a Medical Practitioner and his/her team at St. James Hospital for alleged unethical and unprofessional behaviour during the delivery of their child.

A MCM meeting held during the first week of March 2020, where it was decided that this case is to be referred to the attention of the Directorate of Health Care Standards.

Case status: This case is still pending.

- **CC/46/2015**

At the end of October 2015, a Pharmacy filed a complaint against another Pharmacy, the latter being administered by a Medical Practitioner, for an alleged breach of Ethics with respect to advertising.

Case status: This case is still pending.

- **CC/53/2015**

At the end of December 2015, a patient filed a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour.

Case status: Investigations are still ongoing.

Medical Council Malta

Annual Report 2019

Complaints received during 2016:

- **CC/01/2016 – (Main file CC/04/2016)**

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

The SCAC reviewed the case during a meeting held at the end of January 2016 and presented its recommendations to the Council in the first week of February 2016. The Medical Council decided that all the complaints regarding the alleged breach of the Code of Ethics on Advertising and Financial Conduct filed against the Dental Surgeon are to be considered as one case and that the Dental Surgeon is to be asked to explain his/her position.

Case status: The Board of Inquiry was initiated on 15/10/2018. (*Refer also to CC/04/2015, CC/10/2015, CC/01/2016 and to the main file CC/04/2016*)

- **CC/04/2016 (Main File)**

The Medical Council is presently investigating a series of repeated advertisements by a Dental Surgeon, in 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 submit his/her position about this matter and a reply was received during the first week of May 2016.

After discussing this case, the MCM decided that a Board of Inquiry was to be set up to investigate further.

Case status: The Board of Inquiry was initiated on 15/10/2018. (*Refer also to CC/04/2015, CC/10/2015 and CC/01/2016*)

- **CC/10/2016**

In mid-April 2016, the Medical Council received a letter of complaint against three Medical Practitioners concerning advertising thereby alleging a breach of the Code of Ethics on Advertising and Financial Conduct.

The SCAC analysed this case and would present its recommendations to the Medical Council in due course.

Case status: Pending as the case is still being discussed at Sub-Committee level.

- **CC/15/2016**

At the end of June 2016, the Medical Specialist Accreditation Committee filed a letter of complaint against a Medical Practitioner for alleged unethical, unprofessional and offensive behaviour in their regard. In mid-July 2016, the Doctor was provided with a copy of the complaint and asked to clarify his/her position, but the Practitioner failed to comply.

Case status: Case still pending.

Medical Council Malta
Annual Report 2019

- **CC/19/2016**

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

In the beginning of April 2019, MCM decided that this case does not merit further investigation after hearing both parties involved in the complaint.

Case status: MCM decided that the case should be closed.

- **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/23/2016**

In mid-January 2016, a patient notified the MCM of her complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour but without identifying the Medical Practitioner. The complainant was asked to regulate his/her complaint in line with the guidelines of how to file a complaint with MCM but to date no further correspondence has been received. MCM decided to archive the case since the complainant failed to provide a formal complaint.

Case status: The case has been archived.

- **CC/25/2016**

An advert by a Dental Clinic in a September 2014 issue of the Times of Malta was brought to the attention of the Medical Council at the end of September 2016 alleging a breach of the Code of Ethics on Advertising and Financial Conduct. This file was attached to CC/04/2016.

Case status: A Board of Inquiry was initiated on 15th October 2018.

- **CC/26/2016**

An advert by a Dental Clinic in a September 2016 issue of the Times of Malta was brought to the attention of the MCM alleging a breach of the Code of Ethics on Advertising and Financial Conduct.

Case status: A Board of Inquiry was initiated on 15th October 2018.

- **CC/27/2016**

A complaint dated 3rd November 2016 was brought to the attention of the MCM. The complainant accused a Medical Practitioner, for an alleged breach of professional standards. The complainant was provided with guidelines on how to file a complaint. To date, no correspondence has been received.

Medical Council Malta

Annual Report 2019

Case status: Case has been archived since complainant did not want to pursue complaint any further.

Complaints received during 2017.

- **CC/01/2017**

An anonymous complaint regarding an advert by a Dental Clinic was brought to the attention of the MCM for alleged breach of the Code of Ethics on Advertising and Financial Conduct, in beginning-January 2017.

Case status: Case is still being investigated by SCAC.

Related files: (CC/22/2017, CC/23/2017).

- **CC/03/2017**

A foreign Medical doctor applied to be inserted on the Maltese specialist list database. MCM investigated and found that he/she is registered in his/her country of origin but is suspended from work. The MCM requested an English translated report since the CIBG report was in foreign language and could not be understood.

Case status: Case is still being investigated by SCAC.

- **CC/04/2017**

The Medical Council received a formal letter of complaint against a Dental Surgeon by a patient for alleged unethical and unprofessional conduct in the beginning of March 2015. The SCAC discussed this case and decided that expertise input is needed.

Case status: Pending still being discussed at Sub-Committee level.

- **CC/05/2017**

In April 2017, the Medical Council received a complaint concerning alleged abuses and irregularities committed at a pharmacy in the Cottonera area. A report having irregularities which are going against the Laws and the Medicine act was also attached. The Medical Council decided to investigate further and inspections were carried out during 2016 and 2017. In 2016, the first inspection which was done by the Malta Medicines Authority concluded that three allegations were verified. A follow up inspection done in 2017, concluded that no indiscretions were determined. The Superintendent of Public Health was notified about this case.

Case status: The compliant was referred to the SPH.

- **CC/06/2017**

In mid-November 2017, the Medical Council was notified about a Psychiatric Medical Practitioner for an alleged breach of ethical and professional standards. The SCAC reviewed the case during a meeting held in mid-October 2018.

Case status: Case is still under investigation by SCAC.

Medical Council Malta

Annual Report 2019

- **CC/07/2017**

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

Case status: This case is still pending.

- **CC/09/2017**

A complaint by a Medical Practitioner against another Medical Practitioner regarding an alleged breach of ethical and professional standards was received in the end of July 2017. This case was examined by the SCAC during a meeting held in May 2018. The SCAC presented the recommendations to the Medical Council.

Case status: The case is still unresolved.

- **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 submit his/her version in the beginning of September 2017 and a reply was received in mid-September 2017.

Case status: Pending as investigations are still ongoing.

- **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 Medical Council decided to refer the case to the Commissioner of Police for investigation.

Case status: The case is still ongoing.

- **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 Medical Council decided to refer the case to the Commissioner of Police for investigation.

Case status: The case is still ongoing.

- **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.

Medical Council Malta

Annual Report 2019

Case status: Case is still being discussed at Sub-Committee level.

- **CC/16/2017**

The Medical Council received a complaint by a Medical Practitioner requesting an investigation regarding an incident experienced by his mother whilst being an inpatient at St James Hospital under the care of an Orthopaedic Surgeon and Physician. At the end of January 2018, the Medical Council asked the management of the St James Hospital for their version of events. In mid-June 2018, a report was received by the Medical Council. The MCM discussed the case and decided to proceed with an inquiry during a meeting held in end-January 2020. Case status: Board of Inquiry still to be initiated.

- **CC/17/2017**

Court case: 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 ill but then in fact their baby passed away after five consecutive visits at St Luke`s Hospital. Case status: Still waiting for the court outcome.

- **CC/18/2017**

In 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 MP will post the forms to the POYC for the necessary medication. The medical prescription was refused by the POYC because the said Consultant Specialist was not authorised to sign for these specific medications. In the beginning of May 2018, the Consultant Specialist was asked to submit his/her version of events and a reply was received. Case status: Pending.

- **CC/19/2017**

In the beginning of 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. The SCAC asked for the MP`s version of events and recommended that the case needed further investigation. This case was discussed again by the MCM in mid-July 2018, wherein it was concluded that an inquiry would be held to investigate the allegations raised against the MP. The MP contested the Council`s decision to hold an Inquiry in court. Case status: The Board of Inquiry was initiated on 05/09/2019 but suspended pending Court sentence.

- **CC/20/2017**

During the first week of September 2017, the Medical Council received a complaint by patient`s spouse against a Psychiatrist Medical Practitioner regarding an alleged breach of

Medical Council Malta
Annual Report 2019

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.

Case status: The case is still ongoing.

- **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 the 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 ongoing.

- **CC/22/2017**

In the beginning of December 2017, the Medical Council was notified that a Dental Practitioner was advertising incorrectly in a Local Council`s published magazine. He/she was alleged in breach of the Code of Ethics on Advertising and Financial Conduct. The SCAC discussed this case and decided that expertise input is needed.

Case status: The case is still pending.

Related files:(CC/01/2017, CC/23/2017).

- **CC/23/2017**

The Medical Council received an anonymous complaint against a Dental Practitioner for allegedly advertising on a local radio station. Moreover, he/she is alleged for leaving flyers on car windscreens promoting free check-ups and X-Ray examinations. The SCAC concluded that expertise input is needed at this stage.

Case status: The case is pending.

Related files: (CC/01/2017, CC/22/2017).

- **CC/24/2017**

The attention of the Medical Council was remarked about queries in a local newspaper. A Medical Practitioner was alleged that he/she issued medical certificates without even examining the patients. In mid-January 2018, SCAC discussed the matter and presented its recommendations to the Medical Council. This case was discussed again by the MCM in mid-May 2018, wherein it was decided that a formal inquiry would be held to investigate the allegations raised against the named MP.

Case status: Board of Inquiry initiated on 15/10/2018 and ongoing in 2019.

Medical Council Malta
Annual Report 2019

Complaints received during 2018.

- **CC/02/2018**

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

Case status: Pending.

- **CC/03/2018**

In mid-February 2018, the Medical Council received an e-mail as a complaint against a Medical Practitioner regarding an alleged breach of professional standards. The complainant was answered by an e-mail and was also provided with the guidelines on how to file a complaint. To date, no other correspondence has been received in this regard.

Case status: This case is still pending.

- **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: Board of Inquiry still to be initiated.

- **CC/05/2018**

The Medical council received a complaint against a Medical Practitioner regarding an alleged breach of professional standards. He/she has been accused of being careless in an operation performance done in mid-July 2012. The SCAC discussed the case and asked for the MP's version of events.

Case status: The case is still pending.

- **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 discusses at SCAC level.

- **CC/08/2018**

The Medical Council received an e-mail in mid-December 2017 where a foreign citizen was complaining against the service that was offered by St James Hospital, Sliema. Several e-mails

Medical Council Malta
Annual Report 2019

were sent to the complainant to regulate his/her complaint in line with the guidelines of how to file a formal complaint with the MCM. Thus, no further correspondence has been received.

Case status: Still pending.

- **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. The SCAC asked for the MP's version of events which was received at the end of October 2018. The case was reviewed by the Medical Council and still waiting for the court's decision.

Case status: Still pending for court judgement.

- **CC/10/2018**

In the beginning of May 2018, the Medical Council received a report concerning a Medical Practitioner who allegedly breached professional ethics. He/she is being accused of doing and signing medical reports without being licensed for. The SCAC is still reviewing the case.

Case status: Pending.

- **CC/11/2018**

The Medical Council Received a complaint against a Consultant Psychiatrist regarding an alleged breach of professional standards. During the end of May 2018, the complainant was informed to regulate his/her complaint in line with the guidelines of how to file a formal complaint with the MCM. Thus, no further correspondence has been received.

Case status: Case is still pending.

- **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. The SCAC asked for the MP's version of events. After reviewing both versions, the SCAC presented its recommendations in the Council Meeting. The case was discussed again by the MCM in mid-March 2019 and was decided that a formal inquiry would be held to investigate the case further.

Case status: Board of Inquiry initiated

- **CC/13/2018**

The Medical Council was approached by the Superintendence of Public Health regarding radio spots highlighting a Medical Practitioner recommending a particular energy drink.

Case status: Case is still being discussed at Sub-Committee level.

Medical Council Malta
Annual Report 2019

- **CC/14/2018**

During the fourth week of August 2018, the Medical Council received an anonymous complaint regarding an advert shown on a Sunday newspaper. A Dental Practitioner was alleged of breaching the Code of Ethics on Advertising and Financial Conduct. The SCAC reviewed this case and presented its recommendations to the Council. The MCM decided to proceed with an inquiry.

Case status: Board of Inquiry initiated on 15/10/2018.

Related files: (CC/04/2015, CC/10/2015, CC/01/2016, CC/04/2016, CC/25/2016, CC/26/2016 CC/14/2018)

- **CC/15/2018**

At the end of August 2018, the Medical Council received an e-mail by a foreigner complaining on an issue re prescription costs. The complainant wants to recover a prescription cost which he/she paid at a chemist.

Case status: Case is being discussed at Sub-Committee level.

- **CC/16/2018**

A complaint was received at the Medical Council in mid-October 2018. A foreigner complained against a Medical Practitioner regarding an alleged breach of professional standards. The complainant was asked to regulate his/her complaint in line with the guidelines of how to file a complaint with the MCM. Thus, the complainant failed to provide a formal complaint.

Case status: The case has been archived.

- **CC/17/2018**

The Medical Council received an anonymous complaint at the end of October 2018. A Medical Practitioner was accused of alleged breach of professional ethics because he/she advertised himself/herself on a website. The SCAC asked for the MP's version of events.

Case status: The case is pending.

- **CC/18/2018**

During the end of October 2018, the Medical Council received a complaint against a Medical Practitioner regarding an alleged breach of professional standards. In the first week of November 2018, the complainant was asked to regulate his/her complaint in line with the guidelines of how to file a complaint with the MCM.

Case status: Pending.

Medical Council Malta
Annual Report 2019

- **CC/19/2018**

In November 2018, the Medical Council received a letter from Court in which it was stated that a Medical Practitioner acted disrespectfully while giving evidence.

Case status: Pending.

- **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 this year and the complainant was asked to submit clinical reports. No such reports were received as at end 2019.

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 this year and the complainant was asked to submit clinical reports. No such reports were received as at end 2019.

Case status: Pending

Complaints received during 2019.

- **CC/01/2019**

Complaint received by e-mail against a Medical Practitioner regarding an alleged breach of professional standards.

Case status: Pending.

- **CC/02/2019**

Complaint received by e-mail against a Medical Practitioner regarding an alleged breach of professional standards.

Case status: Pending.

- **CC/03/2019**

Complaint against a Medical Practitioner regarding an alleged breach of professional standards.

Case status: Pending.

Medical Council Malta
Annual Report 2019

- **CC/04/2019**

Complaint against a Medical Practitioner regarding an alleged breach of professional standards.
Case status: Pending.

- **CC/05/2019**

Complaint by e-mail against a few unidentified Medical Practitioners regarding an alleged breach of professional standards.
Case status: Pending.

- **CC/06/2019**

The Medical Council received a complaint against a Medical Practitioner regarding an alleged breach of ethics and regulations of the medical profession.
Case status: Pending

- **CC/07/2019**

Complaint by e-mail against a Medical Practitioner regarding an alleged breach of professional standards.
Case status: Pending.

- **CC/08/2019**

Complaint against a Medical Practitioner regarding an alleged breach of professional standards.
Case status: Pending.

- **CC/09/2019**

The Medical council received a complaint against a Medical Practitioner regarding alleged breach of ethics and regulations.
Case status: Pending.

- **CC/10/2019**

A complaint against a Medical Practitioner regarding alleged breach of professional standards.
Case status: Pending.

- **CC/11/2019**

A complaint against a Medical Practitioner regarding alleged breach of professional standards.
Case status: Pending.

Medical Council Malta
Annual Report 2019

- **CC/12/2019**

Complaint by a Medical Practitioner against a Medical Practitioner regarding an alleged breach of professional ethics.
Case status: Pending.

- **CC/13/2019**

Complaint by a Medical Practitioner against a Medical Practitioner regarding an alleged breach of professional ethics.
Case status: Pending.

- **CC/14/2019**

Complaint by an association of medics against a Medical Practitioner regarding an alleged breach of ethics and regulation.
Case status: Pending.

- **CC/15/2019**

A complaint against a Medical Practitioner regarding an alleged breach of ethics and regulation.
Case status: Pending.

- **CC/16/2019**

The Medical Council received an anonymous complaint against a Medical Practitioner. He/she is being accused of working as Medical Practitioner without being qualified to do so.
Case status: Pending.

- **CC/17/2019**

A complaint against a Medical Practitioner regarding an alleged breach of ethics and professional standards.
Case status: Pending.

- **CC/18/2019**

Complaint by the Medical Management of Mater Dei against a Medical Practitioner regarding an alleged breach of ethics and regulations.
Case status: Pending.

Medical Council Malta
Annual Report 2019

- **CC/19/2019**

The Medical Council received a complaint against a Medical Practitioner regarding an alleged breach of professional standards.

Case status: Pending.

- **CC/20/2019**

Complaint against a Medical Practitioner where the complainant asked to have his money back because he/she was not satisfied with the service offered by the MP.

Case status: Pending.

- **CC/21/2019**

The Medical Council received a complaint by a Medical Practitioner against Mater Dei Hospital's Emergency and Admission doctors. He/she stated that the Emergency and Admission doctors refuse to certify the patients after being treated. Moreover, patients are visiting their family doctors to get certified.

Case status: Pending.

- **CC/22/2019**

A complaint against a Medical Practitioner who is refusing to give details about an injection that was administered on a patient.

Case status: Pending.

- **CC/23/2019**

The Medical Council received a query from a Sports Association. The Association is accusing a Medical Practitioner of an alleged breach of ethics and regulations.

- **CC/24/2019**

The Medical Council received a complaint against foundation doctors and medical officers who are being accused of alleged breach of regulations.

- **CC/25/2019**

A complaint against a Medical Dentist regarding an alleged breach of professional standards.

Case status: 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 specialisation certificate.

Case status: Pending.

- **MC/40/2012**

Complaint against a Dental Surgeon regarding alleged unethical behaviour and professional misconduct and regarding a significantly lower gold content in the alloy composition than that which was agreed upon prior to the treatment. At the end of April 2012, the Dental Practitioner was asked to clarify his/her position.

After having preliminarily discussed and evaluated this case, the MCM decided that this case merited an inquiry. The Board of Inquiry was appointed at the end of 2013 while the Notice of Inquiry was issued during the first week of February 2014.

At the end of May 2014, the MCM held a sitting about this case during which both parties gave evidence and made their submissions. In 2019, the Medical Council was informed that the Dental Surgeon passed away and during the Council meeting, it was agreed to close the case.

Case status: The case has been closed.

- **MC/41/2012**

Complaint against a Dentist for alleged unethical and unprofessional behaviour in relation to the work performed and regarding a significantly lower gold content in the alloy composition than that agreed upon before the treatment was performed.

After having preliminarily discussed and evaluated this case, the MCM decided to proceed with an inquiry. The Board of Inquiry was appointed at the end of 2013 and the Notice of Inquiry was issued during the first week of February 2014.

At the end of May 2014, the MCM held a sitting regarding this case during which both parties gave evidence and made their submissions. In 2019, the Medical Council was notified that the Dental Surgeon passed away and during the Council meeting, the members decided to close the case.

Case status: The case has been closed.

- **CC/37/2015**

During the first week of May 2015, a patient, presently residing abroad, filed a complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour.

Medical Council Malta

Annual Report 2019

This case was analysed by the SCAC during a meeting held in October 2015. At the end of October 2015, the Practitioner was invited to clarify his position about this complaint, and this was received by the stipulated deadline.

The SCAC presented its recommendations to the MCM during a Council Meeting held at the beginning of December 2015 and the MCM decided that this case merited an inquiry, whereby the Board of Inquiry was appointed. In mid-February 2019, the Board of Inquiry concluded that the Medical Practitioner deserved disciplinary action where he/she was dismissed from doing operations until he/she is graduated and able to do certain interventions.

Case status: Case closed.

Court Cases

- ***MC/D/262 (Court Case 1110/2009AE, Dr Frank Portelli vs Medical Council)***

The Council Medical has investigated a complaint filed by a Medical Practitioner against Dr Frank Portelli (MC 0642) for alleged unethical and unprofessional behaviour in his/her regards, leading to a series of conflicts. The decision of the Medical Council was delivered on 1st July 2009, where Dr F. Portelli was found guilty of professional misconduct.

Decision by the Medical Council: Dr F. Portelli was fined 10,000 Euros, which fine was to be paid within three (3) months; otherwise he was to be struck off the Registers.

Dr F. Portelli filed an appeal against the Medical Council by means of an application filed in the Court of Appeal in the names *Dr. Frank Portelli vs. Kunsill Mediku* (Civil Appeal No. 18/2009). The Court of Appeal did not entertain Dr F. Portelli's request by means of a judgement dated 22nd April 2010.

The same allegations, together with other allegations, were also raised in a writ of summons filed by Dr F. Portelli in the First Hall of the Civil Court in a case in the names *Dr Frank Portelli vs. Av. Josella Farrugia et noe* (Citation Number 1110/2009AE). The Medical Council objected to and contested all allegations made by Dr F. Portelli. The First Hall of the Courts of Malta delivered its decision on 25th April 2014, hereunder being reproduced:

'Ghal dawn il-motivi l-qorti tiddeciedi l-kawza billi:-

- 1. Ghar-ragunijiet fuq moghtija tilqa' l-ewwel eccezzjoni tal-Prim' Ministru, Avukat Generali u Ministru tas-Sahha, l-Anzjani u Kura fil-Komunita ghal dak li jikkoncerna lilhom u tilliberahom millosservanza tal-gudizzju. Spejjez a karigu tal-attur.*
- 2. Tiddikjara li l-Kunsill Mediku naqas milli jtemm l-inkjesta fil-perjodu ta' sentejn (Artikolu 31(4) tal-Kap. 464 tal-Ligijiet ta' Malta) u ghalhekk wara li ghadha tali terminu l-Kunsill Mediku ma kellux lawtorita' li jaghti decizjoni fl-inkjesta. Decizjoni li meta nghatat fl-1 ta' Lulju 2009 kienet ultra vires. F'dan ir-rigward tichad leccezzjonijiet tal-Kunsill Mediku li jirreferu ghal dan l-ilment.*
- 3. Thassar id-decizjoni tal-Kunsill Mediku tal-1 ta' Lulju 2009.*

Medical Council Malta

Annual Report 2019

4. *In vista ta' din id-dikjarazzjoni m'hemmx htiega ta' xi dikjarazzjoni ulterjuri fir-rigward tat-tielet sas-seba' talba tal-attur.*⁵

On 15th May 2014 the Medical Council filed an Appeal in line with the Law which states that when, and if, the lapse of the two (2) years is no fault of the Council, the two (2) year limit may not be applied. The Medical Council referred to the evidence produced before the Court and to the reasons submitted for the delay in this process. The Council asked the Court of Appeal to determine and decide that the length of time over and above the two (2) years, are for reasons not attributable to any fault of the Council. The Council asked the Appellate Court to revoke the decision of the First Hall of the Civil Court within this context.

On the 19th July 2019, the Court of appeal delivered sentence as follows:

Tiċhad l-appell prinċipali mressaq mill-Kunsill appellant mis-sentenza mogħtija mill-Prim'Awla tal-Qorti Ċivili fil-25 ta' April, 2014, fil-kawża flismijiet premissi;
Tiċhad l-appell incidentali mressaq mill-attur appellat mill-istess sentenza; u

Għalhekk, tikkonferma għal kollox l-imsemmija sentenza, bl-ispejjeż ta' din l-istanza jithallsu mill-Kunsill appellant safejn jirrigwarda l-appell prinċipali u mill-attur appellat safejn jirrigwarda l-appell incidentali, filwaqt li dawk tal-ewwel istanza jibqgħu kif deċiżi fis-sentenza appellata.

Current Status of the case: Case Closed.

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

‘During the year 2009, the Medical Council held an Inquiry in order to investigate of complaint by a patient for alleged unethical and unprofessional conduct with regards to 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*, that is, that, “a doctor must by his conduct in all matters set a high standard”. This case exposed a situation where Dr F. Mercieca failed to:

- Take past Medical history prior to start treatment.
- To take Radiographs.
- To inform the patient beforehand of the costs involved.
- Abide by the patient’s consent regarding local anaesthetic.

⁵ The First Court decided in favour of Dr F. Portelli on the basis that the Medical Council took over two (2) years to determine the case. It was decided that since the Council failed to terminate the investigation of this case within the time-frame stipulated by Law (Article 31(4) of the Health Care Professions Act, Chapter 464 of the Laws of Malta), the Medical Council has no powers to deliver its decision. The Court specified that the decision delivered by the Council on 1st July 2009 was ‘*ultra vires*’, and did not entertain to the position of the Council submitted in Court.

Medical Council Malta

Annual Report 2019

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 19th May 2010.

Decision by the Medical Council: The Medical Council temporary suspended Dr F. Mercieca from its Registers for two (2) months, which period was supposed to come into effect one (1) month from the date of the delivery of this judgement.

Current Status of the case: Dr F. Mercieca contesting the decision of the Medical Council in the Civil Courts of Malta through Court Case No. 1196/2010JRM and Appeal No. 140/2010JRM. On 28th March 2014, the Court of Appeal decided in favour of the Council in the proceedings filed by Dr Franco Mercieca by way of appeal from the Council's decision.

The Court has since then proceeded with investigating Case No 1196/2010JRM filed before the First Hall of the Civil Court, whereby Dr F. Mercieca attacks the validity of the decision of the Council.

Case Status : Pending the decision of the Court .

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

'A patient filed a letter of complaint against Dr Johanna Van't Verlaat (MC 2456), who failed to attend the operating theatre while the patient was already under Anaesthesia. This intervention involved two Surgeons. The Council investigated this case and after due Inquiry it decided that Dr J. Van't Verlaat's behaviour was unethically and unprofessional. The Council delivered its decision on 9th September 2009.

Decision by the Medical Council: Dr J. Van't Verlaat was found guilty of unethical and unprofessional conduct and 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 held on 9th 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 Council. Her request was dismissed by the First Hall of the Civil Court by means of an independent delivery held on 29th May 2012. The Court rejected and dismissed the demands of the plaintiff as filed in her sworn application dated 30th September 2009.

Dr J. Van't Verlaat filed an appeal towards end year 2012, which case has not been appointed by the Court of Appeal until end year 2015. This case has been appointed in end-year 2016; however, the sitting was postponed.

The Court of Appeals remitted back the case to the 'Prim Awla' to go into the merit of the case. Dr Van't Verlaat's lawyer proposed to negotiate the sentence of the 9th September 2009 such that the Council retains the suspension from the Register for three months yet withdraws or

Medical Council Malta

Annual Report 2019

forfeits the fine of €10,000. Should there be an agreement, Dr Van't Verlaat would withdraw all action provided that both parties bear their own costs.

The Council Members came to a conclusion that:

1. A suspension no longer worries the doctor as she has now retired; and
2. A that a sentence cannot be negotiated.
3. Consequently, the Medical Council will proceed to continue to defend the decision taken by the Medical Council in 2009.

Case Status: Deferred for Court Judgement.

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

'In 2009, a family who had filed a complaint in 2008 (Case No. MC/78/2008; Case Closed) provide new evidence against Dr Louis Charles Buhagiar (MC 1289) to the Medical Council. After evaluating these allegations, it was decided that this case merited an Inquiry for alleged unethical and unprofessional behaviour. This case was investigated through an Inquiry during years 2009, 2010, and 2011, which was concluded on 22nd March 2011.

The Medical Council delivered its decision on 27th June 2012. The complainants were present. Dr L. C. Buhagiar failed to attend and was sent a true copy of the decision by registered mail.

Decision by the Medical Council: Dr L. C. Buhagiar was found guilty of unprofessional conduct. Dr L. C. Buhagiar was to be suspended from the Register for a period of one (1) month and fined the sum of five thousand Euros (€ 5000). The suspension was to come into effect after five (5) months from the delivery of the judgment.

Current Status of the Case: On 26th September 2012, Dr L. Buhagiar filed a judicial letter in the Court, which was received by the Council on 2nd October 2012. The Council's legal adviser filed the Council's reply in Court on 5th October 2012. Dr. L. C. Buhagiar is presently contested the Medical Council's decision in the Civil Courts of Malta, Court Case No. 1043/12JRM.

Further Court sittings were scheduled during 2016 and 2017.

Case Status: Awaiting Court judgement.

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

'Dr Isabella Zananian Desira M.D. (Georgia) 2000 filed an application for registration in Malta with the Council on 2nd December 2010. The applicant was asked to produce evidence of her training as a Medical Practitioner, the relevant curriculum and her achievements from the issuing University Medical School. During a Council Meeting held on 3rd February 2011, the

Medical Council Malta

Annual Report 2019

Council accepted her course curriculum as equivalent to a Doctorate in Medicine. However, in line with the provisions of the Law and standard procedures, since Dr I. Zananian Desira is a third country national and has a non-EU primary degree, she was requested to sit for and successfully pass the Medical Council Malta Statutory Examination (MCMSE) for Medical Practitioners in order 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 may file an appeal with the Health Care Professions Appeal Committee.

On 1st March 2011, the Council was informed that the applicant had filed an appeal with the Health Care Professions Appeals Committee. A sitting was held on 31st May 2011. Dr I. Zananian Desira alleged that the Council's decision ran counter to Section 45(2) of the 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 22nd June 2011. It was decided that the Council 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 so and did not act '*ultra vires*'. The decision also stated that the Council is duty bound to assess qualifications within the Law. On the contrary, the Malta Qualifications Council (MQC) recognises qualifications but not the right to practise a profession, which right fell under the remit of the Medical Council.

The decision emphasised that both the Medical Council and the Appeals Committee had to abide by the HPCA 2003, Chapter 464 of the Laws of Malta, and they have no 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 Council's decision was confirmed.

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

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

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

The Medical Council appealed this preliminary judgement. Case was adjourned for submissions.

Court Judgement was delivered on the 2nd March 2018 wherein the Court rejects the appeal application filed by the MCM and confirms the judgement delivered on the 14th February 2017, by the First Hall of the Civil Court.

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

Court Judgement was delivered on the 31st 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

Medical Council Malta

Annual Report 2019

inadmissible in law and is being dismissed at this stage of the proceedings saving defendant's right at law at a future stage.

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)***

Decision by the Medical Council: In May 2014, the Medical Council decided that Dr A. Bartolo is to be removed from the Specialist Register since, in line with Article 35 of the HCPA 2003, Chapter 464 of the Laws of Malta, this was done incorrectly. The implementation of this decision is pending 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 on 29th May 2014. The Medical Council filed its position in Court on 13th June 2014.

Current Status of the Case: This case was investigated by the Court and the decision was delivered on 14th October 2016. Nevertheless, the Case shall remain 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 ulterior information in this regard.

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

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

Dr A. Bartolo filed a Case in front of the Civil Courts of Malta on 24th October 2014. The Council submitted its reply in Court on 15th 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.

Appeals against the Medical Council regarding Registrations

In accordance to 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

Medical Council Malta Annual Report 2019

Care Professions Appeals Committee (HCPAC) ⁶ within 20 calendar days from the receipt of the decision delivered by the Council.

During 2019 there were six new cases, four doctors and two dentists none of which were concluded.

Quality Assurance for the Malta Foundation School Programme

On February 1st 2018, the Medical Council constituted a new Medical Council Quality Assistance Committee (MCQAC) following a call of application in the Government Gazette in 2017. The members appointed were Dr Doreen Cassar, Dr Bryan Flores Martin, and Dr Tanya Melillo Fenech.

A Quality Assurance visit to the Foundation School Malta (FS) was carried out in 2018. The report was published in March 2019 and can be accessed via the following link [Medical Council Malta Quality Assurance Malta Foundation School 2018 Report.pdf \(gov.mt\)](https://www.gov.mt/Quality-Assurance-Malta-Foundation-School-2018-Report.pdf).

A summary of the key findings of this report are listed in point form:

1. The Medical Council's Quality Assurance Team is satisfied that the Foundation School is achieving the requisite standards regarding medical education and training.
2. The Foundation School Malta is on track and has commendable organisational structures and processes in place which are delivering optimal medical education and training outcomes.
3. Adequate Quality Control and Quality Management systems are in place. These provide in depth information for monitoring, analysis and remedial action if needed.
4. Patient Safety is given priority in all areas of medical education and training.
5. Educational Programme planning is in evidence and quality is ensured.
6. Ongoing training of Educational Supervisors is in place.
7. Support for trainers is in place.
8. Support for trainees is functioning well.
9. Adequate mechanisms for raising and addressing concerns are in evidence. However, these mechanisms are impaired by a local culture of fear of repercussions if concerns are raised.
10. Liaison between the Foundation School and the Hospital Management is ongoing and there is a bilateral willingness to strive towards the achievement of medical education and training goals while providing for service provision.
11. Workloads are appropriate. There are some rotations where work beyond time is experienced. These are mostly in some firms in Medicine.
12. The European Working Time Directive (EWTD) can at times create predicaments with service provision and the loss of trainees' ranking positions for the choice of clinical supervisors.
13. Clinical Supervision is not equitable across the departments; and furthermore, some

⁶ 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 2019

clinical supervisors are not cognizant of their role in FY training.

14. Trainees who encounter difficulties are supported by means of sensitive, timely and structured processes.

15. Areas for improvement have been identified and focused on in order to achieve improved outcomes.

16. Trainees are encouraged to make the best use of the medical education and training opportunities offered by the FS Malta.

17. The quality of the facilities, rotations and training opportunities is considered to be good.

18. Induction and handover have been revamped and improved outcomes have been achieved.

19. Recruitment and selection processes are transparent and effective, and an appropriate appeal system is available if required.

The QA Committee (MCQAC) recommended that the FP be approved by the Medical Council Malta. The QA Committee followed up on stated requirements outlined in the QA report.

There was discussion between the FS directors and the Medical Council QA committee such that issues were worked upon and the way forward was outlined by the FS. There is ongoing communication between the MCM and FS.

European Professional Card (EPC) and the Alert Mechanism

Since the year 2014, Member States of the European Union (EU) were highly involved in an extensive debate concerning the adopting and the implementation of the European Professional Card (EPC) and the Alert Mechanism.

The Medical Council has over the past years strived to keep abreast with these developments, by attending Conferences and Meetings held at an EU level. These meetings offer invaluable information regarding the implications of the EPC foreseen by the participants.

The EPC is aimed to further facilitate the free movement of professionals throughout the EU Member States, since this process would simplify recognition of professional qualifications. It is also aimed to enhance transparency for EU citizens and increase trust among competent authorities and other stakeholder across the EU.

The Alert Mechanism is in turn a set up catered for all the regulated professions having patient safety implications such as Medical and Dental Practitioners. This will effectively introduce a fitness to practise alert mechanism mandating the exchange of information about a professional who has been prohibited, even temporarily, from exercising his/her professional activity or who made use of falsified documents, amongst EU Competent Authorities, with the main aim of improving patient safety. This exchange of information will be based on the use of the Internal Market Information system (IMI).

Medical Council Malta
Annual Report 2019

The Medical Council presented its recommendations for the implementation of the EPC to the Chief Medical Officer, Ministry for Health, and it is fully committed towards the implementation of this requirement as stipulated by EU Legislation.

Concluding Remarks and Acknowledgments

During the past year, the Medical Council strived to fulfil its duties and obligations towards the Maltese Society by “safeguarding patients’ rights and safety: by protecting, promoting and maintaining the health of the general public; by ensuring proper standards in the practice of Medicine; as well as by safeguarding the values and integrity of the Medical and Dental professions”.

This report proceeds with referring to one of the main tasks of the Medical Council as stipulated by the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta, which concerns the keeping of the Registers.

It also provides an overview of the regulatory role exercised by the Medical Council of Malta by indicating a brief summary of the disciplinary actions and the related decisions delivered by the Council. Information regarding ongoing Court Cases is also provided.

I would like to thank Dr Ilona Debono, for her dedication and commitment towards the Medical Council and its operations and all the Members, for their work and dedication towards realising the mission of the Medical Council.

Finally, I would like to express my sincere appreciation towards Ms Lara Sultana and Ms Joanne Vella for their support and cooperation.

Inez Cassar
Registrar
Medical Council of Malta

Medical Council Malta

Annual Report 2019

Annex 1

21st, Meeting of the European Network of Medical Competent Authorities (ENMCA) Hosted by the Polish Chamber of Physicians and Dentists Friday 14th, June 2019

On behalf of the Medical Council, Malta, Dr B. Flores Martin attended the 21st Meeting of ENMCA hosted by Polish Chamber of Physicians and Dentists in its offices in Warsaw.

The meeting was attended by delegations from fourteen European Union member states (Austria, Belgium, Cyprus, Denmark, Estonia, France, Germany, Ireland, Malta, the Netherlands, Norway, Poland, Sweden and the United Kingdom).

The main topics of discussions centred on the imminent review of the European Directive on Recognition Professional Qualifications (RPQ), EU Directive 2005/36/EC.

The delegates were welcomed and introduced to the meeting by the Dr Grzegorz Wrona, The Supreme Screener for Professional Liability, who conducts proceedings in cases involving professional liability of physicians and dentists. During his introduction, he also informed and invited all delegates present to the forthcoming international conference dedicated to the Internal Market Information System (IMI) and the Alert Mechanism in May 2020 in Warsaw. This meeting, 3 years after the establishment of the IMI Alert System in the European Union, will not be simply an exchange of information relevant for the medical environment, but also aims to explain the doubts regarding the professional liability of doctors in the EU member states. The aim is to gather statistical data regarding professional liability but also to make an analysis of the differences, particularly of cases regarding revoking the right to practice the profession. The outcome would be of valuable use in the forthcoming review of the RPG Directive.

Session 1.

This was started with a discussion by Dr Marek Szewczyński from the Department of International Cooperation and Integration with the EU on the additional requirements to practice the profession after obtaining the primary medical degree (PMD). Examples given were the Polish internship and the Maltese Foundation Programme. It was highlighted that these additional requirements were evident in the fourth column of the Directive's Annexe V. 5.1.1.

Nicola While, Public Affairs Manager (Europe) at General Medical Council, introduced a round table discussion where all those present discussed their government's EC infringement processes, especially on the regulatory body's participation in the responses to the EU Commission. Some admitted that no liaison between the Council and their government was made whilst others like Malta, were actively involved in the formulation of the response and planned changes in the law to comply with the directives.

Medical Council Malta

Annual Report 2019

Session 2.

Dr Alexander Jaekel from the Department for International Affairs of the Bundesärztekammer / German Medical Association, commenced this session by illustrating what one would be expecting from the new European Parliament and the impending review of the RPQ Directive. The latter was always up for a thorough overhaul every five years. The meeting divided itself into small groups for a brainstorming session on the priorities for the ENMCA network and the possible development of a new position paper to present to the EU Commission. Amongst the major requirements mentioned was the need for the EU Directive to have official explanatory notes as the same law was interpreted differently in different jurisdictions, the need to avoid the introduction of the European Professional Card for the medical profession, partial access to the profession and the alert mechanism itself. The data collected by the rapporteurs will be analysed and a common position paper will be circulated for discussion prior to it being sent to the EU Commission and the CPME.

Session 3.

This session dealt on issues of patient safety. Professor Robert Nicodeme, President of the Formation and Competence Section within the French Order of Doctors and Adam Tornay, Head of the Training and Skills Section with the National Council of the Order of Doctors of France, gave a preview to the new speciality training system in France.

This was followed by a talk on Belgian Case by Case exemptions for a second specialist qualification by Dr Patrick Waterbley of the Federal Public Service for Health, Food Chain Safety and the Environment. General Practitioners and Geneticists were apparently excluded from any such exemptions in Belgium, and this is apparently causing uproar.

Session 4.

Nicola While from the GMC next gave a update on the possible impact of the UK's exit from the EU. It was noted that there were no noticeable changes in inward and outward movement of EU doctors from the registers. The only exception being, Maltese doctors, the latter having had an exponential increase in registration.

Rudi Van Reenen, Chief of Staff of the Training and Registration Staff Office, Royal Dutch Medical Association (KNMG) gave the results of a registration fee survey undertaken to compare all EU member states.

At the end of the meeting, topics for future meetings were discussed. A number of these suggestions were brought up during the informal discussions during the meeting's breaks.

Next ENMCA meeting scheduled for November 22nd, 2019 in Copenhagen.

Dr B. Flores Martin
Member, Medical Council, Malta.

Medical Council Malta

Annual Report 2019

Annex 2

The 22nd meeting of the European Network of Medical Competent Authorities (ENMCA), hosted by the Danish Patient Safety Authority on Friday 22 November 2019 at the Danish Patient Safety Authority, Islands Brygge 67, 2300 København S.

The network discusses issues related to the 2005/36/EC Directive. 23 EU member states were represented at the event which was chaired by the Danish Patient Safety Authority and also attended by Mr Bernhard Zaglymayer, Legal and Policy Officer for Professional Qualifications and Skills on behalf of the EU Commission.

The speakers in attendance were:

- Ms Anne-Marie Vangsted, Director, Danish Patient Safety Authority
- Lars Juhl Petersen, Vice Director, Danish Health Authority
- Bernard Zaglymayer, European Commission
- Peter Talbot, Danish Patient Safety Authority
- Paulina Tomaszewska, Polish Chamber of Physicians and Dentists
- Nicola While, General Medical Council
- Alexander Jaekel, German Medical Association
- Birgitte Drewes, Danish Patient Safety Authority
- Patrick Waterbley, Federal Public Service for Health, Food Chain Safety and Environment
- Signe Pilgaard Laursen, Danish Patient Safety Authority

We were introduced to an overview of the Danish Patient Safety Authority (DPSA) by Ms Anne-Marie Vangsted, Director, Danish Patient Safety Authority and Lars Juhl Petersen, Vice Director, Danish Health Authority. The most recent changes were since 2015 where apart from acting as a regulatory authority it also started handling patient complaints. Later in 2018 the authority divided itself where the Danish Agency for Complaints started handling complaints only.

As part of its duties the DPSA has organised a ‘Learning system’ whereby one may report issues related to patient safety directly to the DPSA in an anonymous manner. This way the authority would be able improve physician learning and outcomes.

Session 1: Recognition of professional qualifications

On behalf of the EU commission Mr Bernhard Zaglymayer gave an overview of how infringements on the EU directive were being examined and managed. ‘*Partial access*’ of services offered by professionals was discussed where some professionals recognised in certain countries as specialists were not allowed to practice as such in another EU country. Certain provisions for this are accepted in the 2005/36/EC Directive. This also influenced insurance providers when it came to service provision. Cases involving allowing ‘*partial access*’ to provide a service to nationals from foreign countries that could speak a particular language was also discussed.

The minimum requirements set for professionals to perform the main core activities established in their profession as noted in the 2005/36/EC Directive was reviewed. If these differ between

Medical Council Malta Annual Report 2019

countries this could go against *Article 4* of the directive. One should also consider *Article 23* in this regard with respect to the ‘*Acquired rights*’ of individuals.

Mr Zaglymayer also discussed with the ENMCA group an exercise carried out to check for ease of application on the websites of the entities responsible for registering doctors. Discrepancies in: language and translation of the website; the electronic procedure of recognition and whether the application was only online were scrutinized.

E-health was also on the agenda as it was an evolving topic that had different definitions and could encompass: an electronic filing system containing patient data; information related to the service provider and recipient; a technical tool/machine used in health; artificial intelligence etc.

Currently the EU commission is evaluating the ‘*Proportionality test Directive*’ (2018/958/EC) related to the skills of nurses and dentists. At the moment it has not yet been extended to the medical profession as no such set of skills currently exist however the Medical Council Malta should be aware it as directed by the Court of Justice of the European Union: ‘during the period prescribed for transposition of a directive, the member state must not to take measures liable to seriously to compromise the attainment of the result prescribed by it.’ The deadline presented at the meeting for the new directive to come into place is the 28th June 2020.

Session 2: Recognition of professional qualifications

The ‘*Internal Market Information System*’ (IMI) was discussed by Peter Talbot, on behalf of DPSA and Paulina Tomaszewska, representing the Polish Chamber of Physicians and Dentists. Mr Talbot described how DPSA was attempting to create an automatic electronic system whereby alerts sent by IMI are picked up by a program screening that interprets the alert. This program has several challenges including the use of personal information, artificial intelligence and must resist attempts at hacking. Currently two individuals at DPSA screen the IMI alerts three times to four times a week receiving around 100-150 alerts per day. Ms Tomaszewska described how the Polish Chamber of Physicians and Dentists introduced the IMI system. The alert would then be forwarded to the regional authority. More than 50 alerts were noted with regards to doctors practicing in Poland when the system came into place. Mr Zaglymayer also pointed out the other mechanism noted in *Article 50 Annex VII* of the *2005/36/EC Directive* was the ‘certificate of good standing’ that had to be issued within the previous three months of application for registration. He went on to emphasize that after issuing disciplinary action against a professional, member states have to inform the IMI system with the relevant details within three days. Reference was made to an IMI conference due 15-16 May 2020 organised by the Polish Regional Chamber of Physicians and Dentists in Poznan and the Faculty of Law of the SWPS University of Social Sciences and Humanities in Warsaw.

Session 3: Accreditation and re-certification

Ms Nicola While, GMC UK representative, gave a presentation on the updates for doctors applying for registration in the United States of America. Further details are available at <https://wfme.org/accreditation/ecfmg-2023/>. ‘Starting in 2023, individuals applying for ECFMG Certification, which is required for international medical graduates to enter graduate medical education (GME) in the United States, must be a student or graduate of a medical school that is appropriately accredited. More specifically, the school must be accredited by an accrediting agency that is officially recognized by the World Federation for Medical Education (WFME).’ The accreditation process takes around 12 months

Medical Council Malta

Annual Report 2019

Alexander Jaekel, German Medical Association, discussed the impact of re-certification on cross border mobility. The time gap between re-certification between countries averaged around 5-6 years. Only two countries, including Malta, did not have a re-certification policy at the meeting. ENMCA representatives remarked that when accepting a doctor in a member state they would ask either for continuous medical education (CME) certification from the country the professional is registering from. If doctors do not have evidence of continuous medical education their degree is recognised however they are not allowed to practice. The duration of certified continuous medical education asked for by each country varied with some countries asking for lifelong CME evidence and others requesting a specified number of years. A template will be forwarded to the EU member states in order to apply conformity when requesting evidence of continuous medical education.

Session 4: Risk based supervision

Mr Birgitte Drewes, Danish Patient Safety Authority, discussed how assessments carried out by the DPISA were carried out. DPISA has 150 inspectors which satisfy 4000 complaints per annum. In order to target complaints more efficiently an automated system employing artificial intelligence was used. Metadata fed from complaints was used to set up the statistical model. Risk scores were then developed with regards to the facilities being targeted. Maintenance for the project was supported financially by the institutions being audited. The department has an obligation to satisfy 10% of the national facilities being audited. Records of inspections and results are made publically available.

Session 5: ENMCA participant activities and close

Mr Patrick Waterbley, Federal Public Service for Health, Food Chain Safety and Environment, Belgium discussed the introduction of nurses in advanced roles. This is a controversial issue that led to protests in a few countries when legislation was introduced regulating it. There were other member states that accepted the practice. The agreement was that these professionals were part of a team with a medical doctor and protocols guiding practice. Patient consent to be reviewed by a nurse with advanced roles was also discussed. Should patients request to evoke another professional, such as a medical doctor or specialised nurse, this option was made available. Such professions are often affected by government policies and requests in view of lack of supporting professionals.

Signe Pilgaard Laursen, Danish Patient Safety Authority, listened to the opinions of the ENMCA group with regards to accelerated medical degrees. There was a consensus that in most EU member states such degrees would not be accepted as representatives felt this did not comply with the *2005/36/EC Directive* and the standards of training that EU member states adopted.

Dr Ian Baldacchino
Medical Council Malta

Medical Council Malta

Annual Report 2019

Annex 3

THE FEDCAR GENERAL ASSEMBLY PORTO 10 May 2019

These are the main points summarised.

THE LATEST EU DEVELOPMENTS

Brexit- National legislation in case of a no deal scenario.

Directive 2005/36- Preindl case law-consequences for regulators and for diplomas as ‘quality control relies on the home Member state.’

Directive 2005/36 states that ‘It is for the home member state ,and not the host member state, to ensure that the overall duration, level and quality of the part-time training are not lower than those of continuous full time training, and .more generally ,that all the requirements in that directive are complied with.’

The system for the automatic and unconditional recognition of evidence of formal qualifications, ‘would be seriously jeopardised if it were open to Member states at their discretion to call into question the merits of a decision taken by the competent authority of another Member state to issue those qualifications.’

Directive 2005/36

Consequences- HOST MEMBER STATE-National legislation in Italy requires one to pursue full time training and prohibits one to be enrolled on two courses at the same time (eg for medical and dental studies) – It ‘must automatically recognise the evidence of formal qualifications covered by that directive and issued by another member state ,even if the person concerned has undertaken part time or has taken a number of courses at the same time ,or during periods which partially overlap, as long as the requirements of the directive in relation to training are met.’

The home Member state has full responsibility.

The national authorities have to supervise the education and training institutions to assure compliance.

In the European Education area member states are invited to carry out external quality assurance by independent quality assurance agencies and registered or moving towards being registered with the European Quality Assurance register.

NEW LAW IN ROMANIA 35/2019 in force since 21 January 2019 –the title is not ‘medic dentist’ but ‘medic stomatolog’. Clinical training is part of the law (Article 488-1).

THE PROPORTIONALITY TEST DIRECTIVE – transposed by July 2020.no obligation before that date. After; no clear ‘direct effect.’

Medical Council Malta

Annual Report 2019

COBALT –It is under re-classification .there are consequences on dental implants. CMR- mutagenic, carcinogenic. Toxic for reproduction.

Regulation of medical devices (26 May 2020)-labelling its presence as ‘CMR Type 1B or Type 2’,or prohibiting its presence.

In the case of new classification, the products already ‘on the market’ should remain valid and keep their CE marking certificate.

EU ELECTIONS- FEDCAR presented its priorities for the next legislature-Fedcar liases with the EU legislature and institutions on issues concerning the mobility and standards of dental health care professionals.

DENTAL ADVERTISING

The Vanderborcht case- C-339/15

There is no general prohibition of professional advertising but a need for a framework to protect the patients from misleading adverts. Also, one must not damage the image of the dentist by distorting the relationship between dentists and their patients. One must not promote the provision of inappropriate and unnecessary care. This may undermine the protection of health and compromise the dignity of the profession of the dentist.

COURT CASE IN FRANCE ORDER c-296/18

REFUSAL OF ANY GENERAL PROHIBITION OF PROFESIONAL ADVERTISING in France. On 24 January 2019 France was notified by EU commission concerning its regulation of advertising for all health professionals.

DRAFT DECLATION ON THE ETHICAL AND DEONTOLOGICAL EQUALITY OF TREATMENT ON THE PROVISION OF SERVICES REGARDING PATIENT SAFETY

There is an increased proliferation of collective and commercial entities investing in self-regulated professions such as dentistry (CORPORATE DENTISTRY), and often based outside the countries in which they operate or even outside the EU. These entities should be under similar supervision and regulatory conditions such as the professionals individually or as employees.

Some dental offices in Europe are becoming dental chains. Some are anonymous societies and we do not know who the owners are. The Irish experience on this is that there are in fact some good companies with good programmes and CPD. With regards to Pharmacy chains the law in Ireland the Pharmacy and Pharmacist are regulated by the same regulator. There is a different standard to the commercial entity and the pharmacist. A superintendent pharmacist must be present.

DENTAL SPECIALITIES IN PORTUGAL

The main specialities are Oral surgery, Orthodontics, Paediatric dentistry and Dental Public Health and these have now been increased with specialities in Endodontics, Prosthodontics, Hospital dentistry and Periodontology.

Medical Council Malta Annual Report 2019

Accreditation processes of dental studies in Europe-CED, ADEE, EDSA and FEDCAR are to draft a common position paper.

We have an aspiration of where we would like to go. Competence in education is the ultimate goal to achieve. In November we will have a draft document and put forward a position.

What is vital is that there must be trust in the quality of the qualifications if there is to be automatic recognition.

PRESENTATION BY PRESIDENT OF PORTUGUESE DENTAL STUDENTS Mr Tiago Nascimento Borges;

The dental students are aggrieved that their course which was previously 6 years is now compressed into 5 years. They think that there is now incoherence and a lack of adaptation of basic medical sciences. They also feel that they should spend more time on their thesis. They state that research is important for their universities ranking and funding. They would like be an increased monitoring of students.

PRESENTATION BY THE PRESIDENT OF THE EUROPEAN DENTISTS ASSOCIATION Ms Alyette Greiveldinger

In the end we need a minimum of competencies in all countries because of free movement across Europe so the students will co-operate with FEDCAR, ADEE and CED. There is a need for an update of the minimum regulations but have to reach competencies. The different local and national issues are clearly defined in annex V of the directive.

Dr David Muscat
Medical Council Member