

Medical Council - Malta

Annual Report 2014



Published by

MEDICAL COUNCIL MALTA

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

<https://health.gov.mt>

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1 Foreword by the President of the Medical Council

The Medical Council of Malta (MCM) has during the year 2014 worked on a number of issues. The number of Medical and Dental Practitioners on its registers have increased by two hundred thirty and it is envisaged that the number will continue to increase in the coming years, not only because of the number of Maltese graduates but also because of the developments that are happening in health-care in Malta. The introduction of compulsory professional indemnity insurance has not immediately affected the number of registered practitioners although the effect of this requirement on the numbers of practitioners who can practice the medical and dental profession in Malta may only be seen in the future years.

The MCM is an active member of the European Network for Medical Competent Authorities (ENMCA) and its counter-part for the Federation of European Dental Competent Authorities and Regulators (FEDCAR). In November 2014, the Council organised the ENMCA meeting. This meeting was well received by all the participants present.

During this year, a number of Subcommittees were established. Amongst the *ad hoc* Subcommittees established to report to the Medical Council was the Subcommittee offering recommendations on the introduction of the mandatory compulsory professional development which will be imposed by the European Union within the next years and the Subcommittee entrusted with the organisation of the ENMCA meeting held in November 2014.

Significant work was also done towards the setting MCMSE for Dental Surgeons which was long over-due. I would like to thank the Rector of the University of Malta and the Faculty of the Dental Surgery for organising this examination on behalf of the MCM.

In the year 2014, the MCM published on its website 'Guidelines on How to Lodge a Complaint with the Medical Council of Malta' in order to facilitate information for the general public who intended to make a formal complaint against a Medical / Dental Practitioner on ethical issues or lack of professional standards.

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It is also with satisfaction to note that the Administrative arm of the MCM has been strengthened. The increasing number of Practitioners on the Registrars and the increasing workload warrants that the Executive arm of the MCM have additional personnel as it is the point of reference to the Medical and Dental Practitioners and to the general public.

The year 2014 also saw some changes in the composition of the MCM. I take the opportunity to thank all the out-going Members for their contribution and dedication towards the Council and welcome the new Members on board.

Dr Ilona Debono B.A., LL.D., Adv.Trib.Eccl.Melit.
President of the Medical Council

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2 Composition of the Medical Council during the year 2014:

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

President Medical Council

(Appointed by the Prime Minister Term of Office from 22nd September 2011 to 21st September 2014; 22nd September 2014 to 21st September 2015)

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

Members appointed by the Prime Minister

(Appointed by the Prime Minister from 22nd September 2011 to 21st September 2014)

Dr John Felice BChD¹

Dr Silvio John Grixti M.D. (Malta) MRCP (INT), MMCFD, CCST

(Appointed by the Prime Minister from 19th May 2014 to 22nd September 2014)

Dr Pauline Vassallo BChD, 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 23rd October 2013 to 24th October 2016)

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

Members elected by the Registered Medical Practitioners

(Elected Term of Office from 30th April 2013 to 29th April 2016)

Dr Michael J. Boffa, M.D., M.R.C.P.(UK), F.R.C.P.(Lond), C.C.S.T.(Derm)(UK),
M.Sc.(Derm)(Lond), D.Derm.(Lond), D.G.U.M. (Lond)

Dr Doreen Cassar M.D., Dip W.H.(ICGP), Dip PC & GP(Ulster), M.M.C.F.D

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

Dr Alex Magri M.D.

Dr Paul Soler, M.D., M.R.C.P.(UK), M.R.C.P.C.H.

¹ Dr John Felice B.Ch.D. resigned on 4th March 2014. Dr Pauline Vassallo B.Ch.D., D.D.P.H.(R.C.S.), M.Sc., MBA, FFPH was appointed on 19th May 2014.

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Members elected by the Registered Dental Surgeons

(Elected Term of Office from 3rd May 2013 to 2nd May 2016)

The Hon Dr Herbert Messina Ferrante H.E., M.O.M., B.Ch.D.(Malta), L.D.S.R.C.S.(Eng),
F.I.C.D.(USA), F.P.F.A.(USA), F.R.S.M.(UK), F.R.S.H.

Dr David Muscat, B.D.S.(Lond)

Members representing the Public – appointed by the Prime Minister

(Appointed by the Prime Minister Term of Office from 22nd September 2011 to 21st September 2014; 22nd September 2014 to 21st September 2015)

Mr Philip Borg Ph.Lic., S.Th.B., Dip.Soc.Sc.²

(Appointed by the Prime Minister Term of Office from 22nd September 2011 to 21st September 2014)

Ms Gabriella Abela M.A., MSc

Registrar

Ms Svetlana Cachia B.Com.(Hons.)(Melit.), M.A.(Public Policy)(Melit.)

² Mr Philip Borg Ph.Lic., S.Th.B., Dip.Soc.Sc was appointed by the Prime Minister through letter of appointment dated 3rd September 2013.

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3 Legal Functions of the Medical Council

The Medical Council of Malta is the regulatory body for the registration and regulation of Medical and Dental Practitioners in Malta and its territories. The Medical Council aims at promoting, protecting and maintaining the health and safety of the general public by ensuring proper standards in the practice of medicine. The Functions of the Medical Council of Malta are established by Article 10 of the Health Care Professions Act (HCPA) 2003, Chapter 464, of the Laws of Malta.

3.1 Medical Council Election Commissioners for the year 2014

In accordance with the HCPA 2003, Chapter 464 of the Laws of Malta, Subsidiary Legislation, 'Medical Council (Elections) Regulations', Legal Notice 35 of 2004, Article 3, during Council Meeting No. 01/2014, held on 8th January 2014, Dr George Depasquale, M.D., Dr Joseph Farrugia, M.D., and Dr Roy Schembri Wismayer, M.D., D.C.P.(Lond.), Dip.Bact.(Lond.), M.C.A.P. (Aff.), were appointed as the Medical Council Election Commissioners for a period of one year.

3.2 Challenges faced by the Medical Council and developments

The Medical Council of Malta occupies a unique role in the national and international health sectors. Its activities have both direct and indirect implications on a substantial number of local and international stakeholders.

Over the past years, the Medical Council has strived to exercise its role in a highly sensitive and dynamic environment. Towards the end of this year, the Medical Council had positive developments in the capacity of Human Resourcing and Premises with promising improvements in the near future.

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- **Lack of Human Resources:**

Throughout this past year, the Medical Council was still subject to lack of adequate human resources which led to several difficulties in achieving goals. In fact, during the first half of this year, the Registrar of the Council was not provided with any clerical assistance.

Ms Janette West, public servant, joined the Medical Council on a full-time basis in end June 2014, but she was soon replaced by Ms Joanne Vella, a Public Servant, in end October 2014. Ms Lara Sultana, who is a clerk employed through subcontracting on a full-time basis, joined the administrative team of the Council during the first week of November 2014.

The Registrar of the Medical Council aims to fully train and integrate Ms J. Vella and Ms L. Sultana within the administrative environment of the Council by end mid-year 2015.

- **Lack of Adequate Offices:**

The Medical Council of Malta is yet located in a small office within the premises occupied by the Superintendent of Public Health, in St. Luke's Hospital, in the former Outpatients' Department. This situation tracks back to early February 2012 when the premises in Valletta were urgently evacuated due to safety reasons.

The present set up does not offer adequate office and storage facilities for the operations of the Council and its archives.

However, during the past year, the Superintendent of Public Health was in the initial phase for the refurbishment of another section in the former Outpatients' Department with the aim of relocating the five Health Professionals Regulatory Councils in this area. Consultation meetings were held with all the Councils in order to identify their needs.

The Medical Council has also held meetings with the Hon. Minister for Health and Energy and the Hon. Parliamentary Secretary for Health, about this issue.

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- **Financial Resources:**

The funds of the Medical Council are deposited in a below-the-line account at The Treasury. Funds are administered by the Directorate of Public Health Financial Regulations and therefore the Medical Council requires approval in order to incur any expenses, even minimal. This situation hinders financial flexibility which in turn limits autonomy and efficiency.

This matter was referred to the attention of the Hon. Minister for Health and Energy and to the Hon. Parliamentary Secretary for Health for direction.

- **IT System:**

The Medical Council of Malta is responsive for the operation and maintenance of the data held on each registered Medical and Dental Practitioner within the Maltese territory. In 2006, the Medical Council has commissioned the development of a tailor-made database management system in order to meet its requirements. In line with the provisions of the HCPA 2003, Chapter 464 of the Laws of Malta, one of the main functions of this system is that of the publishing of the Registers held by the Council. These are uploaded on the Medical Council's website at least once a month.

This database management system is constantly being updated in order to keep abreast with the requirements imposed by the National and International Laws. However, in view of changes envisaged by the National Government for the year 2016, in line with the transposition of the European Directive, the Council's IT system needs a drastic change.

During the past year, the Medical Council has discussed this matter with the Superintendent of Public Health and also with the Hon. Minister for Health and Energy and the Hon. Parliamentary Secretary for Health, with the aim of designing an action plan for the coming years.

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4 Meetings and Attendance

The Medical Council held 19 Meetings from 1st January 2014 and 31st December 2014:

	Present	Excused
Dr Ilona Debono, President	19	-
Ms Gabriella Abela ³	10	4
Dr Michael J. Boffa	12	7
Mr Philip Borg	17	2
Dr Doreen Cassar	13	6
Dr Daniel Farrugia	17	2
Dr John Felice ⁴	2	2
Dr Bryan Flores Martin	17	2
Dr Silvio John Grixti	7	12
Dr Alex Magri	19	-
Dr Herbert Messina Ferrante H.E., M.O.M	7	12
Dr Pauline Vassallo ⁵	4	1
Dr David Muscat	13	6
Dr Paul Soler	10	9

³ Term of Office expired on 21st September 2014

⁴ Dr John Felice resigned on 4th March 2014.

⁵ Appointed by the Prime Minister from 19th May 2014 to 22nd September 2014.

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5 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 Doreen Cassar, Dr Alex Magri and Dr Bryan Flores Martin.

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

This Sub-committee was responsible for the vetting 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 John Felice / Dr Pauline Vassallo⁶, Dr David Muscat and Dr Herbert Messina Ferrante H.E., M.O.M

- **Representative on the Medical Specialist Accreditation Committee (MSAC)**

Dr B. Flores-Martin and Dr Michael J. Boffa (substitute) represented the Medical Council on the Medical SAC, during the year 2014.

- **Representative on the Dental Specialist Accreditation Committee (DSAC)**

Dr Herbert Messina Ferrante H.E., M.O.M and Dr David Muscat (substitute) represented the Medical Council on the Dental SAC, during the year 2014.

- **Representative on the Post Graduate Training Advisory Committee**

Dr Michael J. Boffa represented the Medical Council on the Post Graduate Training Advisory Committee.

⁶ Dr John Felice resigned on 4th March 2014; Dr Pauline Vassallo was appointed on 19th May 2014.

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- **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; Ms Gabriella Abela⁷ and Mr Philip Borg (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. In line with the provisions of the Financial Regulations, a Call for Expression of Interest for filling of the Post of Members with the Medical Council Quality Assistance Committee (MCQAC) was issued on the Government Gazette dated 17th January 2014. The Council appointed Dr John Felice, Dr Paul Soler and the Registrar as Members of the Selection Board.

Dr Doreen Cassar and Dr Bryan Flores Martin were appointed to sit on the MCQAC for the Foundation School Programme for a period of three (3) academic years starting from 14th May 2014.⁸

- **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/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 Statutory Examinations are by law to be conducted twice a year.

The Medical Council fully identifies the need to develop standard procedures and guidelines on these examinations, which better ensures transparency. Three Sub-committees were entrusted with these tasks:

⁷ Term of Appointment expired on 21st September 2014.

⁸ The remuneration for this post shall be that of three thousand four hundred ninety-four Euros and six cents (Euro 3494.06) for the specified period of appointment, and shall be in three (3) divided annual instalments of one thousand, one hundred sixty four Euro and sixty nine cents (Euro 1164.69).

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The **Sub-committee** responsible for the Dental Surgeons Examinations was formed by Dr John Felice, Dr David Muscat and Dr Herbert Messina Ferrante H.E., M.O.M. Several meetings were held with the Faculty of Dental Surgery, University of Malta (UoM), with the aim of reaching a Memorandum of Understanding in order to conduct the MCMSE for dentists.

The **Sub-committee** responsible to design an improved structure for the MCMSE for Medical Practitioners was formed by Dr Doreen Cassar or Dr Alex Magri (by rotation).

Another **Sub-committee** was appointed and entrusted to formulate a set of guidelines regarding the MCMSE for Doctors. This subcommittee was composed of Dr Daniel Farrugia, Dr Doreen Cassar, Dr Alex Magri and Ms Gabriella Abela.

- **Sub-Committee on the Advertising and Financial Conduct by Medical/Dental Practitioners**

This Sub-committee was appointed in 2013 with the aim to review of the guidelines concerning the Advertising and Financial Conduct by Medical/Dental Practitioners. This was composed of Mr John Cauchi and Dr John Felice⁹. During 2014, Dr David Muscat was entrusted to take over this task and delivered his report in mid-May 2014.

- **Sub-Committee to the Implementation of the EPC and Revalidation**

This Sub-committee was composed by Dr Doreen Cassar, Dr Bryan Flores Martin, Medical Practitioners, and Dr David Muscat, Dental Surgeon and Dr Daniel Farrugia, Member of the Council Representative of the University of Malta, Dr Doreen Cassar, Dr Bryan Flores Martin, Medical Practitioners, and Dr David Muscat, Dental Surgeon regularly represent the Council during meetings and conferences held overseas. This Sub-committee was entrusted to draft a detailed report regarding the process of Revalidation for both Doctors and Dentists and the European Professional Card (EPC), with the aim to present the position of the Medical Council to the Legislative and the National Contact Point.

⁹ Mr John Cauchi's term expired in April 2013, while Dr John Felice resigned on 4th March 2014.

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- **Sub-Committee for the organisation of the 12th European Network for Medical Competent Authorities (ENMCA) Meeting held in Malta in November 2014**

The Twelfth Meeting of the European National Medical Competent Authorises (ENMCA) was held in Malta between Sunday 23rd and Monday 24th November 2014. Mr Philip Borg Dr Doreen Cassar and Dr Alex Magri were appointed as Sub-committee Members entrusted with the organisation of this event (refer to Section 11.1, '11th Meeting of the European Network of Medical Competent Authorities in Malta', on pages 54 and 55).

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6 Participation in Conferences and Training held Overseas

- **Conference ‘Modernisation of the Professional Qualifications Directive: safe mobility’
12th February 2014, Brussels**

Dr Bryan Flores Martin represented the Medical Council during this meeting.

Annex 1: report presented to the Council by Dr B. Flores Martin

- **Cross-Border Healthcare in Europe: Improving Co-operation to Deliver a Patient-Centred System, 18th June 2014, Brussels**

Dr Bryan Flores Martin represented the Medical Council during this meeting.

Annex 2: report presented to the Council by Dr B. Flores Martin

- **Federation of Dental Competent Authorities and Regulators (FEDCAR), Autumn
General Assembly, 8/9th May 2014, Rome.**

Dr David Muscat represented the Medical Council during this meeting.

Annex 3: report presented to the Council by Dr D. Muscat

- **Federation of Dental Competent Authorities and Regulators (FEDCAR), Spring
General Assembly, 28th November 2014, Paris.**

Dr David Muscat represented the Medical Council during this meeting.

Annex 4: report presented to the Council by Dr D. Muscat

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7 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 EU Directive 2005/36/EC stipulates that the MCMSEs for Medical and Dental Practitioners are to be offered to a minimum of twice a year.

During this past year, the Medical Council has dedicated its recourses in the development of standard procedures and regulations with a set of guidelines regarding these examinations, and aims to finalise this document in the coming year.

7.1 MCMSE for Medical Practitioners

The MCMSE for Medical Practitioners was held in April and September, as stipulated by the above-mentioned directive. Ms Gabriella Abela was entrusted to act as the Examination Coordinator during the MCMSE held in the past year.¹⁰

7.1.1 MCMSE for Medical Practitioners, April 2014¹¹

The MCMSE was scheduled to be held on Wednesday 16th April 2014, at the Medical School, Mater Dei Hospital. Three (3) applicants confirmed their attendance; however, none of them paid the stipulated examination fee¹² of one thousand, one hundred sixty-four Euros and sixty nine cents (Euro 1164.69), by the deadline stipulated. The MCMSE was cancelled.

¹⁰ This was unanimously decided during Council Meeting No. 19/2013 held on Wednesday 27th November 2013.

¹¹ The full report of the MCMSE may be accessed from:

https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Mlt_Stat_Exam.aspx

¹² In line with the as per Legal Notice 330/2006 of the HCPA 2003, Chapter 464 of the Laws of Malta

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7.1.2 MCMSE for Medical Practitioners, September 2014¹³

The MCMSE was held on Wednesday 17th September 2014, at the Medical School, Mater Dei Hospital. Two (2) applicants confirmed their intention to sit for this examination session and paid the fee stipulated in Legal Notice 330/2006, by the deadline stipulated.

The MCMSE was conducted in the form of an interview (Viva Voce) in English, during which the candidates were tested in the following subjects with two examiners during each session. All subjects were failing, that is, a pass-mark of fifty (50) *per centum* has to be obtained all the subjects in order to be successful. Candidates may only sit for the examination twice.

The examination was organised in the follows Groupings:

Medicine and Surgery

General Practice and Psychiatry

Pathology and Public Health

Obstetrics & Gynaecology and Paediatrics

Table 1: Results of the MCMSE dated 17th September 2014

DATE	NUMBER OF APPLICANTS	RESULTS	
		PASS	FAIL
17.09.2014	2 candidates sat for whole examination	1	1

¹³ The Report of the MCMSE may be accessed from:

https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Mlt_Stat_Exam.aspx

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7.2 MCMSE for Dental Surgeons

7.2.1 Developments on the organisation of the MCMSE for Dentists and the MoU:

The Medical Council of Malta and the Faculty of Dental Surgery, University of Malta, are presently discussing the setting up of a Memorandum of Understanding (MoU) and aim to finalise it before the June 2015 Examination session.

7.2.2 MCMSE for Dental Surgeons scheduled in June 2014:

The MCMSE were not held in June 2014 since none of the applicants had shown interest in sitting for these examinations. The Faculty of Dental Surgery was informed accordingly during the meeting held on 14th May 2014 as reported in 7.2.1. above.

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8 Registration granted during year 2014

Total Number of Medical Practitioners and Dental Surgeons registered during the year 2014¹⁴:

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	39	61	100
Medical Practitioners: Temporary Register ¹⁵	13	34	47
Medical Practitioners: Provisional Register	62	50	112
Dental Surgeons: Principal Register	3	7	10
Dental Surgeons: Temporary Register	-	-	-
Grand Total			269

¹⁴ Data retrieved from the Medical Council database.

¹⁵ Temporary Registration is granted for a period of one year, renewable annually, on the condition that such practice is carried out only under supervision in a Government hospital/clinic or any other branch of the health service provided by the Government. Temporary Registration is not equivalent to Full Registration in terms of the HCPA 2003, Chapter 464 of the Laws of Malta, and the EU Directive 2005/06/EC.

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Total Number of Medical Practitioners and Dental Surgeons registered in Malta as at 31st December 2014:¹⁶

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	605	1,163	1,768
Medical Practitioners: Temporary Register ¹⁷	13	34	47
Medical Practitioners: Provisional Register	279	258	537
Dental Surgeons: Principal Register	88	152	240
Dental Surgeons: Temporary Register	-	5	5
Grand Total			2,597

¹⁶ Data retrieved from the Medical Council Registers database.

¹⁷ Temporary Registration is granted for a period of one year, renewable annually, on the condition that such practice is carried out only under supervision in a Government hospital/clinic or any other branch of the health service provided by the Government. Temporary Registration is not equivalent to Full Registration in terms of the HCPA 2003, Chapter. 464 of the Laws of Malta and the EU Directive 2005/06/EC.

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8.1 Provision of Temporary Service Lists

Medical Practitioners and Dental Surgeons included in the Provision of Temporary Service Lists during year 2014¹⁸:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List - Medical Practitioners	8	17	25
Medical Council Temporary Service List – Dental Surgeons	-	-	-
Grand Total			25

Medical Practitioners and Dental Surgeons included in the Provision of Temporary Service Lists as at 31st December 2014:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List - Medical Practitioners	28	106	134
Medical Council Temporary Service List – Dental Surgeons	-	2	2
Grand Total			136

¹⁸ 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://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Registers.aspx>

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9 Laws, Circulars and other Publications

9.1 Legal Notices

9.1.1 Indemnity Insurance for Health Professionals Regulations, 2014:

In line with the provisions of Legal Notice 84 of 2014, 'Indemnity Insurance for Healthcare Professionals Regulations, 2014' and the Press Release issued by the Ministry for Health, PR140142 dated 29th January 2014, all registered practitioners are requested to return a duly filled Declaration Form to the Medical Council by the end of January of each year.

All Practitioners are requested to return a duly filled Declaration Form is to be automatically returned together with the Annual Retention Fee in January of each year. The Medical Council published a set of Frequently Asked Questions in order to offer further guidance to registered Medical and Dental Practitioners.

All the related documentation may be downloaded from our website¹⁹.

9.2 Standing Orders of the Medical Council (LN 375 of 2009)

9.2.1 Addendum No. SOA 01/2014

During Council Meeting No. 11/2014, held on Wednesday 9th July 2014, the Medical Council has unanimously approved and endorsed the Addendum on the 'Recognition of graduates from the University of Malta', as uploaded on the website in May 2014.²⁰

This stipulates that 'Any Medical or Dental graduate from Malta is to be recognised by the Medical Council Malta within the limitations of the Law'.

¹⁹ This may be accessed from the Medical Council's website, in the section 'Law & Circulars':

https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx

²⁰ This may be accessed from the Medical Council's website, in the section 'Law & Circulars':

https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx

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9.3 Publications

9.3.1 Guidelines on How to Lodge a Complaint with the Medical Council of Malta

In January 2014, the Medical Council engaged in the drafting of a set of guidelines on how to file a complaint with the Medical Council for the benefit of the practitioners, general public and stakeholders.

During Council Meeting No. 08/2014, held on Wednesday 7th May 2014, Members unanimously approved the guidelines and these were published on the Medical Council's website²¹

²¹ This may be accessed from the Medical Council's website, in the section 'Reports & Publications':
https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Reports_Publications.aspx

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10 Complaints, Inquires, Criminal Proceedings and Court Cases²²

The actions undertaken by the Medical Council of Malta are established in the Subsidiary Legislation 458.08, entitled 'Medical Council (Erasure of Names Procedure) Rules, 24.12.1959. The Medical Council is bound by the provisions of the HCPA 2003, Chapter 464 of the Laws of Malta, Article 32(1)(b) to initiate any inquiry it deems necessary, independently from any other measure taken by other entities with respect to all registered Medical and Dental Practitioners.²³

In May 2014, the Medical Council published a set of guidelines on how to lodge a complaint with the Council (refer to section 9.2.1, 'Guidelines on How to Lodge a Complaint with the Medical Council of Malta', on page 25.)

10.1 Complaints

10.1.1 Complaints pending from the year 2013:

- **MC/15/2011**

In February 2011, the General Medical Council UK (GMC UK) notified the Medical Council about the suspension of a Medical Practitioner registered in Malta. The Doctor's Licence to Practice was temporary revoked for a period of eighteen (18) months pending further investigations. The Council asked the GMC and the named Practitioner for more information about the case.

In March 2011, in line with the provision of Mutual Agreement to the EU Directive 2005/36/EU, the Doctor's Licence to Practice in Malta was revoked from a period of eighteen (18) months, pending further evidence. The Medical Council made its recommendation to H.E. the President of Malta. The Hon Minister for Health, the Elderly and Community Care and the Director General Health Care Services were also notified about the matter.

²² During year 2013, the Medical Council was legally assisted by Dr Ian Spiteri Bailey LL.D. LL.M. EU and Dr Victoria Cuschieri LL.D., EU.

²³ All prevailing legislation may be accessed from the Medical Council's website:
https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx

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In June 2011, the Practitioner filed a complaint with the Office of the Ombudsman against the Medical Council. The Office of the Ombudsman investigated the proceedings of the Medical Council. Dr Ian Spiteri Bailey, Legal Adviser, assisted the Medical Council in this case.

In July 2011, the Medical Practitioner submitted his position about the case in the UK to the Medical Council. The Practitioner had previously informed the Council about his/her psychiatric problem at the time of the investigations held by the GMCUK.

In September 2011, the Medical Council held a sitting with the Practitioner. In December 2011 a, Fitness to Practice Board composed of three (3) independent Psychiatrists, was appointed to investigate this case and present its recommendations to the Council. The Board presented its report in mid-February 2012.

After having evaluated and discussed the conclusions and recommendations submitted by the expert board, the Council decided that suspension for a period of eighteen (18) months be lifted with the condition that for a period of one (1) year, which conditions will come into effect from the date the Practitioner resumes his/her duties, he / she is to: work under supervision; submit a certificate every four (4) months from a named senior colleague, who is a Specialist in Family Medicine, confirming whether the practitioner is coping with his/her daily activities; and submit a certificate every four (4) months from his psychiatrist, indicating whether he/she is coping with the daily activities. The Council has communicated its positions to all parties concerned in March 2012.

The Medical Practitioner has regularly submitted the documentation stipulated in the decision to the Council.

All the restrictions on the Doctor were lifted as of 1st March 2014

Case Status: Closed.

- **MC/63/2011**

An advert on a local parish publication was brought to the attention of the Medical Council for alleged breach of the Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Dental Surgeon was asked to clarify his/her position.

This case has been put on hold pending developments from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

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- **MC/88/2011**

The Medical Council received a letter of complaint against a Medical Practitioner for alleged professional misconduct. In October 2011, the Practitioner was asked to clarify his/her position on this case.

This case was preliminarily discussed and evaluated by the Council in October 2012 where it was unanimously decided that this case merited an Inquiry in plenary sessions.

The Medical Council was however unable to proceed with an Inquiry during the year 2013, due to logistic and administrative problems.

This case was re-discussed end February 2014 in the light of further submissions presented by the practitioner and it was decided that the Medical Council cannot proceed with this case, in line with the provisions of the Article 31 (2) of the Health Care Professions Act 2003, Chapter 464. All parties were informed in June 2014.

Case status: Closed

- **MC/92/2011**

In October 2011, an article concerning a Doctor published on a local magazine was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Practitioner was asked to clarify his/her position end October 2011.

This case has been put on hold pending developments from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/13/2012**

In January 2012, the Superintendent Public Health (SPH) brought to the attention of the Medical Council that the Minister for Health had received a complaint about alleged irregularities in the processing of the application for specialist recognition of a Dental Surgeon registered in Malta. This allegation was supported by Representatives of the Faculty of Dental Surgery, University of Malta, on the Dental Specialist Accreditation Committee (DSAC).

The Medical Council was asked to postpone the inclusion of the Dental Surgeon in the specialist register for oral surgery until the said allegations are investigated. The Medical Council was formally asked to investigate this case by the SPH in mid-November 2012. The report of the

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Board of Inquiry established to investigate the workings of the DSAC dated April 2011 was provided.

The President of the Council abstained from this case because of conflict of interest.

The Dental Surgeons Members of the Council were asked to abstain from this case.

This case was referred to the Medical Council's legal adviser for assistance on whether this case fell within its remit to investigate. In November 2013, the Council held a meeting with the Attorney General for advice about this case.

The Dental Surgeon was forwarded a copy of the report for clarifications in December 2013 and a reply was received in end year 2013.

In May 2014, the Medical Council decided that the Dental Surgeon 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 Practitioner was informed accordingly in May 2014. The Hon. Minister for Health, the SPH and the DSAC were copied.

The Dental Practitioner filed an appeal with the Health Care Professional Appeals Committee on 26th May 2014. He/she further filed a Case in the Courts of Appeal against the Medical Council on 29th May 2014, and another Case in front of the Civil Courts of Malta on 24th October 2014.

Please refer to pages

Case Status: The execution of the decision of the Medical Council is pending the Court cases.

- **MC/89/2012**

Beginning July 2012, a patient filed a complaint with the Council against a Dental Surgeon for alleged unethical and unprofessional behaviour. The Dentist was asked for his/her position regarding this case in mid-July 2012.

This case is yet to be evaluated by the Medical Council.

Case status: Pending

- **MC/95/2012**

In June 2012, the Medical Council received an anonymous complaint which alleged that a letter-head which was being used by a Medical Practitioner was in breach of Article 29, 'Specialists', of the HCPA 2003, Chapter 464 of the Laws of Malta. The Practitioner was asked to clarify his/her position regarding this matter in August 2012.

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This Medical Council discussed this case end April 2014, where it was decided that the action taken by the Practitioner to rectify his/her action were satisfactory. The Doctor was cautioned not to repeat this action in future. The Medical Council decided that this case does not merit any further action.

Case status: Closed.

- **MC/98/2012**

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

This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending.

- **MC/99/2012**

An advert about a Doctor published on a local magazine November 2011 issue was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Medical Practitioner was asked to clarify his/her position in mid-June 2012.

This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/100/2012**

An advert about a Medical Practitioner published on a local magazine in November 2011, was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Practitioner was asked to clarify his/her position in mid-June 2012. This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

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- **MC/101/2012**

An advert by a Dental Surgeon published on a local newspaper in December 2011, was brought to the attention of the Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Practitioner was asked to clarify his/her position in June 2012.

This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/102/2012**

The photo of a Dental Practitioner on a poster attached to a carnival float during the year 2012's carnival parade was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Practitioner was asked to clarify his/her position in June 2012.

This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/103/2012**

An advert by a Medical Practitioner published on a local magazine was brought to the attention of the Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Practitioner was asked to clarify his/her position in August 2012.

This case has been put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/114/2012**

It was alleged that a number of Dental Surgeons were delegating work that fell under the remit of a Dental Technologist, to individuals who were not registered in the respective Register held by the Council for the Professions Complementary to Medicine (CPCM). A number of reference

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letters in support to this allegation were provided. This case was referred to the Medical Council for any action deemed necessary.

In September 2012, all the Dental Practitioners were asked to clarify their position on this matter within two (2) weeks. All the Practitioners submitted their clarifications by the date stipulated.

This case was analysed by the Council end April 2014. It was decided that this case did not merit further investigation. All parties were informed accordingly in May 2014.

Case status: Closed

- **MC/132/2012**

All the Medical and Dental Practitioners who had failed to pay the Annual Retention Fee (in line with LN/330/2006) as at end year 2013 were reminded about their dues along with the requests for payment for the year 2014. A substantial number of these Practitioners have regulated their position by the end of this year.

The Medical Council will repeat this process in order to regulate the position of all the Medical and Dental Practitioner who failed to pay as at end year 2014. The Council will initiate Inquiry procedures against these Practitioners, by the powers conferred on it by the HCPA 2003, Chapter 464, if necessary.

Case status: Ongoing

- **MC/15/2013**

In February 2013, the parents of a two-year-old girl, who had died 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 investigated in Court for being allegedly responsible for the death of their daughter when admitted at Mater Dei Hospital. A Magisterial Inquiry had been appointed. The Medical Council filed its counter protest in March 2013.

In June 2013, the parents filed a formal letter of complaint with the Medical Council against the named seven (7) Medical Practitioners for alleged unethical and unprofessional behaviour, which allegedly led to the death of their daughter. The Medical Practitioners were notified about this complaint and asked to submit their position to the Council in August 2013.

The Practitioners replied in July 2013 and subsequently filed a Judicial Protest against the Medical Council in order to suspend its investigation until the Court's decision is taken. The Medical Council filed a counter protest in September 2013.

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The President of the Council has abstained from this case.

Case status: This case has been stopped suspended Court's Decision.

- **MC/41/2013**

In May 2013, a Journalist of a local newspaper brought to the attention of the Medical Council a newspaper article regarding a case being currently investigated by the Court, alleging the Medical Practitioner for unethical and unprofessional behaviour. The Practitioner, who was provided with a copy of the complaint and asked for his/her position during the first week of June 2013, replied in mid-June 2013.

In July 2013, after having preliminarily discussed and evaluated this case, the Council decided that this case merited an Inquiry. The Medical Council aimed to proceed with an Inquiry during year 2014, however, due limitations faced during this year, this Inquiry was not held.

Case status: Inquiry is to be initiated during the first quarter of year 2015.

- **MC/45/2013**

The Medical Council was referred to a set of adverts, which were being published on a local magazine, on a regular basis, by a Dental Surgeon. It was alleged that these were in breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners.

This case is yet upheld, pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

Case status: Pending

- **MC/51/2013**

In October 2012, the Council received an anonymous letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. The Practitioner was asked to clarify his/her position in June 2013. This was provided in July 2013.

This case is yet to be reviewed by the Medical Council in order to determine whether it merits further investigation.

Case status: Pending

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- **MC/80/2013**

In November 2012, a Medical Practitioner filed a complaint against three Medical Practitioners for alleged unethical and unprofessional behaviour. The doctors were asked to submit their position on this case in mid-year 2013.

This case is yet to be reviewed by the Medical Council in order to determine whether it merits further investigation.

Case status: Pending

- **MC/81/2013**

In November 2012, the Council received a letter of complaint, from the relative of the patient, against a Medical Practitioner employed at Mater dei Hospital, for alleged unethical and unprofessional behaviour. This complaint was filed also with the administration of Mater Dei Hospital.

The Medical Council asked the Practitioner to clarify his/her position in mid-July 2013. A reply was received end July 2013.

In mid-July 2013, the complainant asked the Medical Council not to disclose his/her details in its investigations. In August 2013, the complainant was however informed that in accordance with the provision of the HCPA 2003, Chapter 464 of the Laws of Malta, and the Medical Council's Standing Orders, this request could not be adhered to.

This case is yet to be reviewed by the Medical Council in order to determine whether it merits further investigation.

Case status: Pending

- **MC/85/2013**

In September 2012, the Medical Council received a complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. The Doctor was provided with a copy of the complaint and asked for clarifications in July 2013. The Medical Practitioner submitted his/her version end July 2013.

The Medical Council is preliminarily discussing and evaluating this case, in view of the position submitted by the Practitioner, in order to determine whether it merits further investigation.

Case status: Pending

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- **MC/86/2013**

In January 2013, the Council received a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. The doctor was asked to clarify his/her position on this case in mid-year 2013. Clarifications were provided during the first week of August 2013.

This case is yet to be reviewed by the Medical Council in order to determine whether it merits further investigation.

Case status: Pending

- **MC/87/2013**

In February 2013, the Council received a letter of complaint against a Medical Practitioner from a mother, for alleged unethical and unprofessional behaviour during the treatment given to her daughter. However, the Council noted that the Practitioner being referred to 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 Medical Council with the correct details about the practitioner against whom the complaint was being filed.

This case is yet to be further investigated. The Council aims to provide a copy of the complaint to the Practitioner for clarifications during the first quarter of year 2015.

Case status: Pending

- **MC/101/2013**

In August 2013, a patient filed a letter of complaint against her Medical Practitioner for alleged unethical and unprofessional behaviour. The Medical Council reviewed the merits of this case in line with its procedures.

In May 2014, the complainant updated the Medical Council that he/she will not testify in any investigations endeavoured by the Council.

This case is to be further discussed by the Council.

Case status: Pending

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- **MC/106/2013**

The Medical Council received a letter of complaint against a Doctor for alleged unethical and unprofessional in February 2013. The Practitioner was asked to provide the Council with his/her position about this complaint in mid-year 2013. A reply was received in October 2013

The Council reviewed this case and in June 2014, and decided to proceed with an Inquiry. The Medical Council aims to start this Inquiry during the first quarter of the year 2015.

Case Status: Inquiry is to begin in year 2015.

- **MC/146/2013**

The Medical Council received a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour in mid-May 2013.

In May 2014, after having reviewed this complaint, it was decided that this case could not be investigated by the Medical Council in line with the provisions of the HCPA 2003, Chapter 464, Part VII, 'Disciplinary Action, Offences and Erasure of Names, Article 31(2)'. The Complainant was informed accordingly. However, the complainant opposed this decision by means of letter sent in July 2014.

The case is to be re-discussed by the Medical Council in the light of the new correspondence received.

Case status: Pending

10.1.2 Complaints received during the year 2014:

- **MC/17/2014**

A patient filed a complaint with the Medical Council against a Doctor for alleged unethical and unprofessional conduct in mid-July 2013. After having preliminary reviewed this complaint, the complainant was asked to submit the certificate mentioned in the complaint, in order to be better able to discuss this case. This was submitted in end-February 2014.

The Practitioner was provided with a copy of the complaint and asked for his/her version in end-December 2014. The Council is waiting for the Doctors' position.

Case Status: Pending.

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- **MC/18/2014**

The Medical Council received an anonymous complaint against a Practitioner which alleged that he/she was practicing as a Specialist in Family Medicine, even though not being included in the respective register held by the Council, in August 2013.

The Doctor was asked for clarifications in mid-February 2014. A reply was received in end-February 2014. This case is scheduled for discussion during the first quarter of the year 2015.

Case Status: Pending.

- **MC/54/2014**

The Qormi Local Tribunal forwarded to the attention of the Hon. Dr Owen Bonnici, Minister for Justice, Culture and Local Government, to Hon. Mr Evarist Bartolo, Minister for Education and Employment, and to the President of the Medical Council, a report against a Doctor for alleged unethical and unprofessional behaviour. The report was received by the Council in mid-April 2014.

The Tribunal alleged that the medical certificate issued to a patient by the Medical Practitioner was false.

The Practitioner was provided with a copy of the complaint and asked for his/her position in April 2014. A reply was received in May 2014.

This case is scheduled for further discussion during the first quarter of the year 2015.

Case Status: Pending.

- **MC/56/2014**

During the last week of April 2014, the Director of the Human Resources and Administration Department at Mater Dei Hospital (MDH) forwarded to the attention of the Medical Council a report issued by the Consultant of the Haematology Department, MDG, against a Basic Specialist Trainee (BTS) in Pathology, for alleged unethical and unprofessional conduct. The Medical Council was asked to take any action deemed necessary. The Chairperson in Pathology, MDH, the Chairperson in Haemato-Oncology, MDH, and the Clinical Lead in Haematology, MDH, the Legal Officer of MDH, and the President of the Malta College of Pathologists were provided with a copy of the report.

This was a serious and complex case and was urgently reviewed by the Council during a Council Meeting held in end April 2014. The Practitioner was provided with a copy of the report

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and asked to clarify his/her position within two (2) weeks from the receipt of the letter. The Director of the Human Resources and Administration Department at MDH was copied.

In mid-June 2014, the Council reviewed the position of the Practitioner, as per letter dated mid-May 2014. After having preliminarily discussed the merits of this case, the Council decided that an Inquiry is to be initiated. In view of the nature of the case the case will be heard in plenary sessions.

The Medical Council aims to start this Inquiry during the first quarter of the year 2015.

Case Status: Inquiry to beginning in year 2015.

- **MC57/2014**

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

The Practitioner was provided a copy of the complaint and asked for his/her version during the second week of May 2014. A reply was received end May 2014.

The Medical Council aims to discuss this case during the first quarter of the year 2015.

Case Status: Pending.

- **MC/58/2014**

A patient filed a complaint with the Medical Council of Malta against a Medical Practitioner for alleged unethical and unprofessional conduct during in mid-December 2013. The Doctor was asked for his/her version in mid-May 2014.

The Medical Council discussed this case in September 2014, where it was decided that it did not merit any further investigation. Both parties were informed accordingly in December 2014,.

Case Status: Closed.

- **MC/60/2014**

The Medical Council received a formal letter of complaint against a Dental Surgeon by a patient for alleged unethical and unprofessional conduct in mid-October 2013.

The Dentist was asked to submit his/her position with respect to this complaint in mid-May 2014, and he/she submitted a report in end-May 2014. Further documentation was received in mid-June 2014.

The Council aims to discuss this case during the first quarter of the year 2015.

Case Status: Pending.

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- **MC/114/2014**

In end December 2013, a patient filed a Judicial Protest against a Medical Practitioner and the Honour Minister for Health for alleged unethical and unprofessional conduct in his/her regards, at the Gozo General Hospital.

This case was reported in a local newspaper, which later asked the Council whether this matter was being investigated by the Council and what steps had been taken.

An official copy of the Judicial Protest was received in mid-December 2013.

The Medical Council asked the Practitioner to submit his/her clarifications in mid-September 2014.

The Legal Office of the Mater Dei Hospital submitted a reply of the Practitioner in mid-October 2014.

The Council aims to discuss this case during the first quarter of the year 2015.

Case Status: Pending.

- **MC/115/2014**

In December 2013, the Medical Council received an anonymous complaint against a Dental Surgeon for listing himself/herself as a specialist in the yellow pages while not being included on the Medical Council Specialist Register.

The Medical Council learned that the Dental Specialist Accreditation Committee (DSAC) had approved his/her entry on the said register beginning May 2014, however specifying that his/her entry is to date back March 2014. The Practitioner submitted application with the Council for the inclusion in the respective Specialist Register end May 2014.

The Practitioner was provided with a copy of this anonymous complaint and asked for his/her clarifications in mid-September 2014. A reply was received end September 2014.

This case is scheduled for further discussion during the first quarter of year 2015.

Case Status: Pending.

- **MC/126/2014**

In mid-September 2014, a decision of the Court of Magistrates acting a Court of Criminal Inquiry, presided by Magistrate Dr Claire L. Stafrace Zammit B.A. LL.D., dated 11th September 2014, was brought to the attention of the Medical Council. Following a series of media reports, the Office of the Superintendent of Public Health forwarded this matter to the Council for any investigations and actions deemed necessary.

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The Medical Council received a letter from the Practitioner in view of the various news reports published on local newspapers following his testimony in Court, in end September 2014.

In end October 2014, the Doctor was provided with a copy of the Court Judgement and was asked to clarify his/her position about this matter within twenty-one (21) days. The Practitioner submitted his clarifications within the stipulated period.

During a Medical Council Meeting held in end-October 2014, the Council evaluated and discussed the position submitted by the Doctor, in the light of the Ethics and Regulations of the Medical Profession. It was unanimously decided that this case merits an Inquiry. A Board of Inquiry was appointed.

The Medical Council aims to proceed with the Inquiry during the first quarter of the year 2015.

Case Status: Inquiry to be appointed in 2015

- **MC/153/2014**

In mid-October 2014, the Foundation School Malta notified the Medical Council and the Director Human Resources, Mater Dei Hospital (MDH) that a second-year Foundation Doctor was being suspended from the training programme in result of failure of progress. This case was referred to the attention of the Council due to serious concerns with regards the fitness to practice of the Doctor.

The Foundation School Malta was asked to provide the Medical Council with further information about this case. A detailed report about this case was forwarded in the first week of November 2014.

The Medical Council held a meeting with the Directors of the Foundation School Malta in mid-December 2014.

The Council aims to proceed with its investigation during the first quarter of the year 2015.

Case Status: Pending

- **MC/160/2015**

In mid-January 2013, the Council received a report against two Medical Practitioners from the husband of a patient, for alleged unethical and unprofessional practice with the wife. In mid-November 2013, the Police requested information from the Medical Council, regarding the allegations filed by the complainant, since this matter was being investigated in Court.

The Police was informed that the Medical Council acted solely within the powers conferred to it by Law during the first week of March 2014.

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During the first week of April 2014, the complainant informed the Council that he wished to give evidence on oath regarding this case. In May 2014, the Medical Council asked the complainant to confirm against whom the complaint was being filed since the complaint named a number of medical practitioners.

In end May 2014, the complainant withdrew this case.

Case Status: Case withdrawn by the Complainant.

10.2 Inquiries

10.2.1 Inquires Pending from year 2013

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

The Medical Council is presently holding an Inquiry against a Medical Practitioner who claimed to be a specialist without holding any specialisation certificate.

Case status: Pending

10.2.2 Inquires appointed during year 2014

- **MC66/2009/B**

An article from The Sunday Times of Malta published on 1st April 2012, concerning a Practitioner, was brought to the attention of the Council for alleged breach of the Code of Ethics of the Medical Council concerning an advertisement in the newspaper. The Medical Practitioner was requested to clarify his/her position on this matter in June 2012. After having preliminarily discussed the merits of this case, and since the Medical Practitioner failed to comply in submitting his/her version to the Council, it was decided to proceed with an Inquiry.

The Medical Council aimed to proceed with an Inquiry during year 2013, however, due of limitations faced during this year, this Inquiry was not held. During a Council Meeting held in the beginning of May 2014, the Board of Inquiry for the investigation of this case was appointed and the Notice of Inquiry was sent. The first sitting was held in mid-June 2014. Three (3) sittings were conducted during this year.

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The Council aims to deliver the decision during the first quarter of the year 2015.

Case status: Decision to be delivered.

- **MC/39/2012**

The Medical Council received a letter of complaint against a Medical Practitioner regarding the outcome of the cosmetic procedures carried out in a local private hospital. The complainant specified that the Doctor was not included in the Specialist Register held by Medical Council, though the hospital listed him/her as an aesthetic physician. The Doctor was asked to clarify his/her position on this case.

After having primarily discussed this case, the Council decided that this case merited an Inquiry and the Board of Inquiry was appointed end year 2013. The Notice of Inquiry was sent during the first week of February 2014 and the first sitting was held in end-February 2014.

The second sitting was held in April 2014. During this sitting the complainant officially withdrew the case against the Practitioner

Case status: Case withdrawn by the complainant.

- **MC/40/2012**

In mid-March 2012, the Medical Council received a complaint against a Dentist for alleged unethical and unprofessional conduct, through the outcome of the work performed and a significantly lower gold content in alloy composition to that agreed prior to the treatment. The Practitioner was asked to clarify his/her position on this case in end April 2012.

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

The Medical Council held a sitting for the hearing of this case in end May 2014, during which sitting both parties gave evidence and made their submissions. The Council aims to conclude this case and deliver the decision during the first quarter of the year 2015.

Case Status: to deliver decision in 2015.

- **MC/41/2012**

In mid-March 2012, a patient filed a complaint against a Dental Surgeon with the Medical Council for alleged unethical and unprofessional behaviour, through the outcome of the work performed, and a significantly lower gold content in alloy composition to that agreed before the

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treatment was performed. The Dentist was asked to submit his/her position regarding this complaint in end April 2012.

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

The Council held a sitting for the hearing of this case in end May 2014, during which sitting both parties gave evidence and made their submissions. The Medical Council aims to conclude this case and deliver its decision during the first quarter of the year 2015.

Case Status: to deliver decision in 2015.

- **MC/43/2012**

In mid-April 2012, a patient filed a formal complaint with the Medical Council against a Dental Surgeon for allegedly unethical and unprofessional behaviour, during treatment provided at Mater Dei Hospital (MDH) in end April 2010. The Dentist was asked to clarify his/her position on this case in end April 2012

After having preliminarily discussed and evaluated this case, the Council decided that this case merited an Inquiry. The Board of Inquiry was appointed end year 2013, and the Notice was issued during the first week of February 2014. The President of the Medical Council abstained from this case, and Dr Herbert Messina Ferrante H.E., M.O.M was appointed to preside this Inquiry. The Council held five (5) sittings for the hearing of this case, during which the Board of Inquiry was assisted by the legal adviser of the Council. The Board of Inquiry delivered its report during the first week of December 2014, and this was approved by the Council in end year 2014.

The Medical Council aims to conclude this case and deliver its decision during the first quarter of the year 2015.

Case Status: Decision to be delivered in 2015

- **MC/92/2012**

An article concerning a Medical Practitioner published on a local magazine was brought to the attention of the Medical Council for alleged breach of the Medical Council's Code of Ethics (L.N./303/2008) and the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Medical Practitioner was asked to clarify his/her position end July 2012, and a reply was received in August 2012.

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This case was preliminarily discussed and evaluated by the Council in April 2014 where it was unanimously decided that this case merited an Inquiry and a Board of Inquiry was appointed. The first sitting was scheduled to be held on 19th August 2014, however, this was not held since the Practitioner explained that he/she was unable to attend due to a pre-scheduled commitment. All parties were informed.

In mid-August 2014, the complainant informed the Medical Council that he/she was no longer interested in furthering this complaint. In mid-October 2014, the Medical Council decided to archive this case. The Practitioner was informed accordingly.

Case status: Closed – Complaint withdrawn by the Complainant

10.2.3 Inquiries Decisions Delivered in the year 2014

The following decisions were delivered by the Medical Council of Malta during this year:

- **MC/D/290(a)**

The Medical Council investigated a Medical Practitioner for having allegedly supported a false application to sit for a post-graduate examination held overseas, submitted by another Medical Practitioner. In November 2013, the Medical Practitioner filed a complaint with the Office of the Ombudsman against the Medical Council.

This case was concluded and decided upon by the Medical Council during a Council Meeting held in end November 2013. In cognizance of the findings and conclusions of the Medical Council Inquiry MC/D/290A, which decision was delivered in end-May 2011, the Council agreed that there was not enough evidence in support of the allegations filed against the Practitioner. The decision of the Council was delivered in-mid May 2014. The Office of the Ombudsman was proved with a copy of this decision.

Current status of the Case: Closed.

- **MC/43/2013**

In end October 2012, a patient filed a complaint with the Administration of Mater Dei Hospital against Dr Teimur Youssefi M.D. (Poland) 2008, Medical Council Provisional Registration Number MC 5381, for alleged unethical and unprofessional conduct during his first year

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Foundation Programme. In March 2013, the Medical Director of Mater Dei Hospital (MDH) forwarded to the Council this complaint and the report of the Board of Investigation appointed by MDH delivered during the first week of February 2013. Dr T. Youssefi was suspended from his Foundation Programme pending further investigations by the parties concerned.

Dr T. Youssefi was provided with a copy of the report and asked to submit his position about this case in during the first week of June 2013. A reply was received mid-June 2013.

In mid-June 2013, after having preliminarily discussed and evaluated this case, the Medical Council decided that this case merited an Inquiry and the Board of Inquiry was appointed.

The Council held five (5) sittings for the hearing of this case, during which the Board of Inquiry was assisted by the legal adviser of the Council.

The Medical Council delivered its decision on 27th August 2014. Dr T. Youssefi, who was unable to attend, was represented by his legal adviser. A copy was provided to all parties concerned.

Decision by the Medical Council: after having conducted an Inquiry against Dr T. Youssefi, by virtue of Article 31 of the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta, of having acted in an unethical and unprofessional way towards a patient in breach of Article 4(a) of Ethics of the Medical Profession Regulations (Legal Notice 303 of 2008) which provides that “The following offences shall be deemed to be offences which may entail erasure from the registers or any other disciplinary action (a) acts of immorality, indecency or dishonesty or any other act involving the abuse of a professional relationship” and Article 5 of the “Ethics for Medical Practitioners which provides that ‘A doctor shall by his conduct and in all matters set a high standard’, after considering all the acts of the case the Medical Council decided that:

- 1) Dr T. Yousseffi is found NOT GUILTY on the charge as provided in Article 4(a) of Ethics of the Medical Profession Regulations (Legal Notice 303 of 2008) which provides that “The following offences shall be deemed to be offences which may entail erasure from the registers or any other disciplinary action (a) acts of immorality, indecency or dishonesty or any other act involving the abuse of a professional relationship”

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Dr T. Yousseffi is found GUILTY on the second charge namely Article 5 of the “Ethics for Medical Practitioners which provides that ‘A doctor shall by his conduct and in all matters set a high standard’.

Dr T. Yousseffi is being reprimanded as provided for in article 32 (1)(iv) -of the Health Care Professions Act, Chapter 464 of the Laws of Malta.

The Medical Council also considers that this case warrants the application of that article 32 (1) (v) of the Healthcare Professions Act, Chapter 464 of the Laws of Malta and orders that defendant in addition to the Foundation School programme undergoes a year of training or practice under supervision.

Current status of the Case: Dr Teimur Youssefi was removed from the Provisional Register held by the Medical Council of Malta. Case Closed.

10.3 Court Cases

- ***MC/D/262 (Court Case 1100/2009AE, Dr Frank Portelli vs Medical Council)***

The Council investigated a complaint 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 was delivered on 1st July 2009; Dr F. Portelli was found guilty of professional misconduct. Dr F. Portelli did not attend for the delivery of the decision and personally collected it from the Council’s office at a later date. A number of articles were published in the local newspapers regarding the decision of the Council.

Decision by the Medical Council: Dr F. Portelli was fined 10,000 Euros, and if failed to pay within three (3) months, he was to be struck off the Registers.

Dr F. Portelli filed an appeal against the decision of 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.

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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 No. 1100/2009AE). 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 ghadda 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.*
- 4. In vista ta' din id-dikjarazzjoni m'hemmx htiega ta' xi dikjarazzjoni ulterjuri fir-rigward tat-tielet sas-seba' talba tal-attur.²⁴*

The Medical Council filed an Appeal on 15th May 2014.

Current Status of the case: The Medical Council awaits the Court to appoint the hearing of this appeal.

²⁴ 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.

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- **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.

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 is presently contesting the Council's decision 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 proceeding with the investigation of Case No. 1196/2010JRM, filed before the First Hall of the Civil Court, whereby he attacks the validity of the decision of the Council.

The Court heard the evidence of the plaintiff and the next sitting is scheduled to be held on 29th January 2015.

- **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

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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 has filed an appeal towards end year 2012, which case has yet to date not been appointed by the Court of Appeal.

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

In 2009, a family that had filed a complaint in 2008 (Case No. MC/78/2008; Case Closed) had to 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.

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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. The Court is hearing the evidence of the plaintiff and the next sitting is scheduled to be held on 3RD March 2015.

- **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 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 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)

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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 this case in front of the First Hall Civil Court against the Medical Council. Court Case No. 740/2011JRM has been reviewed by the Judicial Assistant during this past year and the Court's decision is scheduled for delivery on 29th January 2015.

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

Refer to pages 28 and 29 above.

Decision by the Medical Council: In May 2014, the Medical Council decided that the Dental Surgeon 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 Professional Appeals Committee, and those fielded in Court.

The Dental Practitioner 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 is presently being investigated by the Court; submission in Appeal is scheduled on 10th June 2015.

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

Refer to pages 28 and 29 above.

Decision by the Medical Council: In May 2014, the Medical Council decided that the Dental Surgeon 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 Professional Appeals Committee, and those fielded in Court.

The Dental Surgeon filed a Case in front of the Civil Courts of Malta on 24th October 2014. The reply of the Medical Council was submitted on 15th December 2014.

Current Status of the Case: This case is pending awaiting determination of Appeal (Court Case No. 12/2014EG)

10.4 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 Care Professions Appeals Committee²⁵ within 20 calendar days from the receipt of the decision delivered by the Council.

During the year 2014, one Appeal has been filed against the Medical Council of Malta, however this Appeal Committee has yet to be appointed.

- **MC/13/2012**

Refer to pages 28 and 29 above.

Decision by the Medical Council: In May 2014, the Medical Council decided that the Dental Surgeon 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

²⁵ 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>

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decision is pending cases filed by the Practitioner with the Health Care Professional Appeals Committee, and those fielded in Court.

The Dental Practitioner filed an appeal with the Health Care Professional Appeals Committee on 26th May 2014. The Medical Council filed its position on 12th June 2014.

Current Status of the Case: date of the sitting to be appointed

11 Important Events, Achievements and Contributions of the Council

11.1 11th Meeting of the European Network of Medical Competent Authorities in Malta

The Medical Council of Malta hosted the Eleventh Meeting of the European Network of Medical Competent Authorities (ENMCA), between the 23rd and 24th of November this year. This was held at the Corinthia Palace in Attard. Thirty-five international delegates attended this meeting, during which Mr András Zsigmond, the European Union Commission Director General, was also present

The Network (ENMCA) brings together European competent authorities responsible for the recognition of medical qualifications, in line with Directive 2005/36/EC on the recognition of professional qualifications. Network participants meet regularly in order to share their experiences in the implementation of Directive 2005/36/EC on the recognition of professional qualifications; to exchange views on the ongoing modernisation of Directive 2005/36/EC; and also, to develop common positions and jointly respond to EU proposals and consultations. The Network has considerable expertise and practical experience in managing the implications of high levels of professional mobility.

This meeting has mainly focused on:

1. The Recognition of Professional Qualifications Directive

1.1 Recognition of professional qualifications in Malta

Dr Doreen Cassar, Malta Medical Council

1.2 Implementation of the European professional card

Mr András Zsigmond, the European Union Commission Director General has delivered a detailed presentation concerning the plans of the European Commission for the implementation of the new Directive. This discussion evolved in an intensive and full exchange of views on the implementation and the questions and concerns of ENMCA participants.

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1.3 ENMCA alert mechanism survey

Mr Alexander Jakel, Bundesärztekammer

1.4 Implementation of the alert mechanism

Mr András Zsigmond, European Commission

2. Health workforce

2.1 Standardisation in European healthcare

Mr Alexander Jakel, Bundesärztekammer

2.2 Involvement of competent authorities in the development of standards

Mr Patrick Waterbley, Public Health Authority Belgium

ENMCA Participations were provided with the results of the EU-funded study into Continuous Professional Development (CPD). A discussion was also conducted about how developments in European standardisation may affect the medical workforce.

3. ENMCA and participant activities

3.1 Professional incompetence decree in France

Professeur Robert Nicodème, Conseil National de l'Ordre des Médecins

3.2 Private universities and quality assurance

Mr Alexander Jakel, Bundesärztekammer

3.3 Survey of recognition fees charged by competent authorities

Ms Juliane Hernekamp, Ministry of Health Luxembourg

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11.2 Quality Assurance for the Malta Foundation School Programme

In 2009, the UK Foundation Programme has entrusted the Medical Council of Malta to conduct the Quality Assurance of the Foundation School Malta (FSM). The Foundation Programme of Malta is an affiliate of the UK Foundation School and in principle it follows the same aims, methodologies and assessment processes. However, the nomenclature and the structure of the Malta Foundation School tend to deviate from that in the UK.

In October 2009, Dr Doreen Cassar and Dr Bryan Flores Martin attended Quality Assurance visits of the Foundation Programmes held by the GMC and PMETB in the UK as observers, and were then appointed as the Quality Assurance Team in order to conduct this process in Malta.

Since 2009, the Quality Assurance exercise was carried out for two consecutive academic years with notable success²⁶. In 2010, the United Kingdom Foundation Programme (UKFP) guidelines, 'The New Doctor', for the F1 and F2 doctors, were adopted as the standard competences required for Full Registration by the Medical Council of Malta

In 2011, the UK Foundation School Programme was highly satisfied with the first Quality Assurance report, and decided to extend the Agreement with the Malta Foundation School until year 2016. The Malta Foundation School had been granted re-affiliation by the UK Foundation School Programme.²⁷

Following a Call for Interest to appoint the Members of the Medical Council Quality Assistance Committee (MCQAC) for three (3) academic years, in line with the Financial Laws regulating the management of the Medical Council's below-the-line account, Dr Doreen Cassar and Dr Bryan Flores Martin were appointed to sit on the MCQAC for the Foundation School Programme for a period of three (3) academic years starting from 14th May 2014²⁸.

²⁶ The Quality Assurance reports of the Foundation School Malta, February 2011 and July 2012 may be downloaded from:

https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Reports_Publications.aspx

²⁷ More information may be accessed from Malta Foundation School website: <http://fpmalta.com/>

²⁸ This post carries the remuneration of Euro 3494.06 for the specified period of appointment, which are paid in three divided annual instalments of Euro 1164.69.

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11.2.1 Quality Assurance Exercise 2014

The frequency of the Quality Assurance for UK Foundation Schools occurs every two to three years, or as deemed necessary.

Within the first three year since the set up the Foundation School Malta in 2009, the Medical Council undertook two substantial and extensive quality assurance exercises. These concluded successfully. The Quality Assurance Programme was not repeated during the year 2013 in order to allow ample time for the Malta Foundation School to focus on the outcomes on the Quality Assurance exercise held in 2012. The Foundation School Malta has since then dedicated its full resources in the implementation of the recommendations made by the Council.

Dr Doreen Cassar and Dr Bryan Flores Martin conducted the 4th Quality Assurance Programme in November this year and aim to deliver their report in January 2015. The Medical Council will analyse the response of the Malta Foundation School to this exercise and determine the need to hold a fifth exercise in 2015.

11.2.2 Future Quality Assurance Exercises

The aim of the Medical Council of Malta is to quality assure the Malta Foundation Programme so as to ensure that its Foundation Doctors fully qualify for Full Registration and Licence to Practice in Malta, with the core aim of ensuring that these Medical Practitioners are well trained to assist the public in a high standard of ethical and professional behaviour. The Council also seeks to ensure that this Programme retains its affiliation to the UK Foundation Programme.

The Medical Council, under the leadership of its Quality Assurers, is fully committed towards the achievement of these successful outcomes in future.

11 The Way Forward

11.1 Code of Ethics

The aim of the Medical Council of Malta is to continuously safeguard patients' rights and safety by ensuring proper standards in the practice of Medicine, and concurrently to safeguard the values and integrity of Professionals. The Council's aim requires that the Laws and Regulations in place reflect today's society with its threats and needs, in order to be better able to meet the challenges encountered by its stakeholders in today's dynamic environment

To this effect the Medical Council continuously seeks to identify issues, filtered through the vast scenarios and cases encountered throughout its operation, that call for its Code of Ethics to be updated. The Council aims to review its Code of Ethics in the coming years.

11.2 Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners

During year 2012, the Medical Council appointed a Sub-Committee, composed of Mr John Cauchi and Dr John Felice²⁹, to review the guidelines concerning Advertising and Financial Conduct by Medical/Dental Practitioners in today's dynamic environment. This Sub-committee reviewed the present guidelines, in the light of the complaints received throughout the past years, with the aim of better addressing the exigencies of the national and international dynamic environments in which the Professionals strive to perform their duties.

During this year, Dr David Muscat took over this task and delivered his report in mid-May 2014. The Medical Council aims to finalise this document during the year 2015, so as to actively address the pending queries and complaints regarding this issue.

11.3 Medical Council Malta Statutory Examinations (MCMSE) for Medical Practitioners and Dental Surgeons

The number of non-EU Doctors and Dentists in the possession of a non-EU first degree, who are requested to sit for and successful pass the Medical Council Malta Statutory Examination (MCMSE), in order to be granted Full-Permanent registration in Malta, is in constant increase. The Medical Council, through its Sub-committees, is presently:

²⁹ Mr John Cauchi's term expired in April 2013, while Dr John Felice resigned on 4th March 2014.

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- holding discussions with the Faculty of Dental Surgery, University of Malta (UoM), with the aim of reaching a Memorandum of Understanding in order to conduct the MCMSE for dentists.
- designing an improved structure for the MCMSE for Medical Practitioners
- developing a set of standard procedures and guidelines for the conduct of the MCMSE for Doctors and Dentists, with the primary aim of ensuring transparency and accountability to all its candidates, and most importantly to the national and international stakeholders.

11.4 European Professional Card (EPC)

An extensive debate on the adopting and the implementation of the European Professional Card (EPC) throughout the European Union (EU) commenced during the past year. The aim behind the EPC and its implementation by all Member States in January 2016 is to further facilitate the free movement of professionals throughout the EU. It aims towards the simplification for the recognition of the professional qualifications, which in turn will enhance transparency for EU citizens and increase trust among authorities across the EU.

The Medical Council has for the past year sought to keep abreast with ongoing developments regarding this new system, primarily by attending Conferences and Meetings held overseas with other EU Medical and Dental Competent authorities. It was very important for the Council to be present during these meetings, since the participants shared and discussed the benefits vis à vis the difficulties being envisaged in order to design an achievable goal.

11.5 Compulsory Language Requirements for Registrations as a Health Care Professional

The Medical Council of Malta, as early as August 2014, has had discussions with the SPH on the amendments to the Health Care Professions Act (HCPA) 2003, Chap. 464 of the Laws of Malta, it felt were necessary in view of the changes to the EU Directive which had come into force in 2014 and also the changes to Article 22 of the EU Directive 2005/36/EC. These require that EU Member States shall, in accordance with the procedures specific to each Member State, ensure by encouraging continuous professional development, that professionals, whose professional qualification is covered by Chapter III of this Title, are able to update their knowledge, skills and competences in order to maintain a safe and effective practice and keep abreast of professional developments. As planned, these came into force 18th January 2016.

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13 Concluding Remarks and Acknowledgments

The Annual Report 2014, similarly to the past reports issued by the Medical Council of Malta, aims at providing a detailed, comprehensive and transparent record of the work performed by the Medical Council of Malta throughout the past year. This report clearly indicates that the Council has had yet another exhaustive year presently several challenges to the Council and its Members.

This report provides an overview of the changes experiences in the composition of the Council and statistical information concerning registrations granted during this year. Its proceeds with a brief summary of the disciplinary cases and related decisions delivered by the Council, as well as information on going Court Cases is also provided in this report. This report ends with a brief overview of the matters being experienced by the Medical Council throughout operations, and the future plans of the Council in order to be better equipped to address these issues.

I take this opportunity to welcome the new Members on board and to thank our President, Dr Ilona Debono, and all the past and present Members of the Council, for their continuous dedication and commitment towards the Medical Council and its mission statement.

I also feel it is my duty to welcome my colleagues, Ms Joanne Vella and Ms Lara Sultana on board, wishing them a prosperous carrier with the Medical Council of Malta.

Svetlana Cachia B.Com.(Hons.)(Melit.), M.A.(Public Policy)(Melit.)

Registrar

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**Annex 1: Report submitted by Dr Bryan Flores Martin
Conference on the 'Modernisation of the Professional Qualifications
Directive: safe mobility', held on 12th February 2014 in Brussels**

On behalf of the Medical Council, Malta, I attended the one day conference organised by the Directorate General Internal Market and Services of the European Commission which was intended to highlight the changes in the amended EU Directive 2005/36/EC.

The meeting was addressed, amongst others by Mr M. Barnier, Commissioner, Internal Market and Services, Ms Clare Bury Deputy Director General DG Internal Market and Services, Mr P. Delseux Deputy Director, Mr M. Frohn, Head of Unit Free Movement of Professionals, Mr J. Tiedje Head of Unit Business to Consumer and Ms B. Vergnaud MEP rapporteur to the European Parliament on the discussions on the changes to the EU Directive 2005/36/EC.

During the four workshops held throughout the day, changes effected and the way forward before the implementation of the law into national law by January 2016 were discussed. Ample time for all to express opinions and grievances was given.

The main items discussed were:

1. Language problems. Language testing after registration
2. Qualification re-organisation. Minimum requirements set but harmonisation of basic principles advised. Partial excess to non-health carers.
3. Continuing Professional Development.
4. European Professional Card and Alert Mechanisms. The importance of participating in the Focus Groups stressed.
5. Trans-border medicine issues.

(sgd) Dr Bryan Flores Martin, M.D., M.M.C.F.D, Cert. Diab (ICGP)
Member, Medical Council of Malta

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Annex 2: Report submitted by Dr Bryan Flores Martin
Cross-Border Healthcare in Europe: Improving Co-operation to Deliver a Patient-Centred System, held on 18th June 2014 in Brussels

On behalf of the Medical Council, I attended the full day symposium “*Cross-Border Healthcare in Europe: Improving Co-operation to Deliver a Patient-Centred System*” organised by Public Policy Exchange / The International Centre for Parliamentary Studies.

The meeting was chaired by Dr R. Lies, President, Policy President of the European Association of Senior Hospital Physicians (AEMH) and was addressed by various authoritative figures from all aspects of Health Care delivery amongst which were the following;

Tapani Piha, Head of Unit, Health Technology and Risk Assessment and Science, Directorate General, Health and Consumers, European Commission.

F. Erixon, Director, European Centre for International Political Economy.

Jeff Coxon, Education and Engagement Manager, Medical Tourism Association.

Paul Giepmans Policy Analyst, European Health Management Association.

Vincenzo Costigliola, President, European Medical Association.

The first session “*Shaping Healthcare Policy in Europe – Towards a Patient-Centred Approach*” discussed the current challenges in European Health Law, focusing on the Health for Growth Programme 2014-2020, especially the financial aspect in policy making and the need to review the manner by which decisions regarding allocations of funds are made in these times of austerity. The importance of proper cost analysis (in view of EU Directive 2011/24/EU, this should include trans-regional or trans-European trading of health services to reduce expenses and ensure better specialised treatment). It was evidenced how the current trends in Europe are not sustainable and how policy makers have to face decisions on limitation of services whilst ensuring individual patients’ medical rights.

The second round of discussions “*Innovations in Cross-Border Healthcare Landscape*”, centred on Dr Tapani Piha’s exposition of the technological advances in medical devices and IT. The sharing of best practices and collaborative projects in Cross-Border health promotion and disease prevention was discussed. The EU’s ongoing assessment of these advances and the continual review of regulations to facilitate the efficient use of health technology assessment and E-Health infrastructures controls were discussed.

During the third session “*Promoting a Sustainable Health Workforce across Europe*” the need to balance human resources in healthcare with the patients’ needs of medical services was

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discussed. Ensuring patients' rights and their trust in cross-border treatment since the approval of EU Directive 2011/24/EU on the application of patients' rights in cross-border healthcare was associated with the important role that the National Contact Points have in providing clear and reliable information. One should mention that the National Contact Point in Malta is an E-mail address: crossborderhealth@gov.mt. Dr Piha stressed that the EU is planning a thorough review of the services in 2015 to assess the application, progress and lessons learned of the said Directive. The role of national regulatory bodies such as the Medical Council in this planned review of the Patient Cross-Border Directive was mentioned.

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**Annex 3: Report submitted by Dr David Muscat
Federation of Dental Competent Authorities and Regulators (FEDCAR),
Autumn General Assembly, held between 8th and 9th May 2014 in Rome**

The FEDCAR Spring meeting was held in Rome by FNOMCeO at the NH Hotel Leonardo da Vinci on 9 May 2104. It was attended by 20 delegates from 13 countries.

After the adoption of the minutes of the last meeting there were several items discussed

1. THE IMI DIRECTIVE 2013/55

The IMI technical adaptation –this act involve notification by member states of the specific competent authority sending and receiving the alert, that is, not automatically the CA or the registration body.

Training on IMI during 2015 and operational by 18/2/2016.

Member states who send an alert will also have to update the EPC file accordingly. Updates will include all information relating to prohibition or restriction.

Forging documents is subject to alert only after a decision to sanction ‘who have subsequently been found by courts to have falsified evidence of professional qualifications.’

2. DENTAL SPECIALITIES

PARTIAL ACCESS-The professional must be fully qualified. He may be rejected for overriding reasons of general interest.

3. PROFESSIONAL CARD

NO PLANS FOR THIS IN DENTISTRY. Selected activities such as nurses, doctors, pharmacies, physiotherapists, engineers, mountain guides and real estate agents.

4. EVALUATION OF REGULATED PROFESSIONS NEW ARTICLE 9 of RPQ Directive.

Member states shall examine whether requirements restricting the access to a profession by the holders of a specific professional qualifications are compatible with the following;

- a. must not be discriminatory on the basis of nationality or residence
- b. must be justified by reasons of national interest

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- c. must be suitable for securing the objective and not go beyond what is necessary to attain that objective.

5. EU INITIATIVES TO REPORT

There is a working group set up to identify the top 10 obstacles to market entry in terms of hampering, complicating or slowing down business operations such as documentation, financial reporting, re registration, reconfirming qualifications or labour legislation.

Minimal professional standards and compliance with codes of professional ethics are considered appropriate to protect the trust of the service recipients. There has to be a balance between the identity and the objective of mobility.

The commission will welcome a 'one stop shop', 'once-only reporting'; electronic submissions and sampling procedures. The commission will work towards the development of common framework of professional standards.

The next steps of the commission are:

- a. formal representation of the liberal professions
- b. create a liberal professional forum
- c. explore creation of working groups

DENTAL DEVELOPMENTS

COSMETICS- recommendations to include procedures on injectables lip augmentation procedures, with different rules at national level.

DATA PROTECTION-the rules regarding data protection office, conduction of risk assessment and impact assessment and requesting prior authorisation from national supervisory authority are too unrealistic and these have to change.

AMALGAM there is still not enough information to make comprehensive risk assessment on environment. One has to look at what alternatives such as resins contain.

RADIATION- COUNCIL DIRECTIVE 2013/59. Basic safety standards for protection against the dangers arising from exposure to radiation in force.

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6. RESULTS OF SURVEY

BLOOD TAKING BY DENTISTS FOR PLATELET RICH PLASMA for use in implant surgeries- rules vary in different countries as to who is allowed to do this.

NITROUS OXIDE SEDATION –some countries allow properly trained dentists usually supported by another member of the dental team. In some countries such as Estonia, Croatia and certain parts of Spain such as Madrid and Canary Islands an anaesthetist has to be present.

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**Annex 4: Report submitted by Dr David Muscat
Federation of Dental Competent Authorities and Regulators (FEDCAR),
Spring General Assembly, held on 28th November 2014 in Paris**

IMPLEMENTATION OF THE ALERT MECHANISM

An alert is to be sent to all members states proactively. There is a restriction or prohibition of a professional. This is done through the ITI system and within 3 days. This has limited information and involves data protection.

PRESENTATION OF EU DENTAL AUTHORITIES

Regulate the professional activity of dentistry.

Monitor the sharing of competencies among the dental team.

Participate in updating dental education

Register the practitioner and alert in case of misconduct

Participate in public health organisation and legislation.

COMMON CODE OF CONDUCT FOR DENTISTS COMMON TO FEDCAR MEMBERS

1. Put patients first
2. Respect the right of patients to be cared for by the dentist of their choice.
3. Provide care with respect, dignity and without discrimination.
4. Never overstate or embellish abilities and qualifications, or engage in any activity, including advertising or speech that could mislead a reasonable person.
5. Communicate effectively with patients
6. Accept responsibility for the care provided by authorised dental personnel in a safe and healthy office environment
7. Work with colleagues in a way that is in patients best interests
8. Protect the confidentiality of the personal and health information of patients
9. Raise concern if patients are at risk
10. Decide freely about the treatment and services needed for the patients oral health
11. Be truthful and obey all applicable laws of the country where you practice.
12. Maintain, develop and work within your professional knowledge and skills.
13. Make sure your personal behaviour maintains patients' confidence in you and the dental profession.
14. In case of professional mobility, liaise with your host competent authority.

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ADEE-INVITATION TO PARTICIPATE IN JOINT CONSULTATION PROCESS AND PROPOSAL FOR EDUCATION PROGRAMME FOR DENTISTS – approved by FEDCAR

A DENTIST MUST BE COMPETENT TO

1. Demonstrate a contemporary knowledge of dentistry and an understanding for evidence-based dentistry and for the need for CPD.
2. Apply knowledge and understanding of the biological, biomedical, behavioural, technical and clinical sciences, in order to recognise the pathological conditions relevant to dentistry, and understanding of the interactions between oral and general health, with the aim to contribute to improvement of the quality of life.
3. Acquire appropriate scientific information and apply it in a critical and effective manner, using clinical reasoning and clinical decision making.
4. Understand the moral and ethical responsibilities, demonstrate a caring behaviour towards patients, recognise their rights and communicate effectively with them ,their relatives, the dental team and other health professionals.
5. Manage and maintain a safe working environment and be an effective leader of the dental team.
6. Record a comprehensive medical, oral and dental history of the patient, perform physical examination, organise further examinations and develop a diagnosis and treatment plan, including patient referral if necessary.
7. Perform in an interdisciplinary manner preventive, restorative, prosthetic and minor surgical procedures, diagnose dentition abnormalities, manage dental emergencies and oro-facial pain.
8. Understand the management of maxilla-facial trauma and identify and refer patients with oral cancer and other life-threatening oral mucosal diseases.
9. Apply and/or prescribe appropriate pharmaceutical agents and anaesthetic techniques, manage dental fear and anxiety and carry out Basic Life support and defibrillation.
10. Educate patients on prevention and risk assessment of oral and dental diseases, provide dietary and nutrition counselling supportive to oral and general health, implement a dental recall system and develop prevention programmes for individuals and communities.

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ACTION PLAN FOR EU HEALTH WORKFORCE-JOINT ACTION FOR HEALTHCARE AND WORKFORCE PLANNING-4 ACTIVITIES

Method for gathering qualitative information

Insight into future skills and competencies

Web content on horizontal scanning

Pilot study on future of general practitioners

PLATFORM FOR BETTER ORAL HEALTH IN EUROPE

Has responded to EC consultations on horizon 2020 priorities

Definition of primary care

Comments on opinion of report on a systematic review of the dangers to health arising from amalgam and alternative filling materials.

To increase integration of oral health into general health and work in closer collaboration with other organisations.

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