

Medical Council - Malta

Annual Report 2016



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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2 Foreword by the President of the Medical Council

The workings of the Medical Council of Malta (MCM) proceeded at a steady step during 2016 and included the elections for the Representatives for the Medical and Dental practitioners on the Council. I would like to thank all the outgoing Members for their invaluable contribution towards the Council and to welcome the new Members on board. The 'new' Members have over the past months already shown their commitment towards the workings of the Council. I also take the opportunity to thank the Members of the Electoral Commission who with professionalism ensure that the elections are transparent and proceed smoothly.

During the last year, the Council has started an exercise to reorganise and better preserve its records. The archives of the MCM offer a wealth of information on both Professions and their development over the years. Even though these records are not accessible to the general public because of issues of confidentiality, this exercise will ensure that the records are preserved for posterity. This exercise was made possible through the archiving expertise voluntarily offered by Dr Nazzareno Azzopardi and to the administration.

During the last year, there was a drive to examine pending complaints which are now being better structured and actioned. It is envisaged that within a reasonable time the number of pending cases will be reasonably reduced.

The MCM is facing new challenges. Amongst other scenarios, there is the establishment of new Medical and Dental schools that are expressing their intent to be established in Malta. As a regulator the MCM has to ensure that the prescribed standards are adhered to and maintained.

It is the duty of the MCM to ensure that standards of care, competence and conduct of the Practitioners on its Registers are maintained. Legislative amendments to the Health Care Professions Act to reflect the developments in practice of the Medical and Dental Professions should be discussed. The MCM has had the opportunity to give the competent authorities its recommendations and expects that some long over-due amendments are considered.

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Finally, I want to thank all past and present Members of the Council, all the staff at the Registrar's office and the administration at the Ministry of Health. It has been indeed an honour and a privilege to work at this high level with all MCM Members for the benefit of both professions where patient safety is of paramount importance.

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

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2 Composition of the Medical Council during the year 2016:

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

2.1 Members of the Medical Council of Malta prior to the Medical Council's Elections held in April-June 2016

President Medical Council

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

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 2015 to 21st September 2017)

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

(Appointed by the Prime Minister from 19th June 2015 to 18th June 2018)

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

Members appointed by the University of Malta

(Appointed by the UoM Term of Office from 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.

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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 2014 to 21st September 2015; 22nd September 2015 to 21st September 2017)

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

(Appointed by the Prime Minister Term of Office from 1st June 2015 to 31st May 2018)

Mr Frederick Cutajar

Registrar

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

2.2 Members of the Medical Council of Malta after the Medical Council's Elections held in April-June 2016

President Medical Council

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

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 2015 to 21st September 2017)

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

(Appointed by the Prime Minister from 19th June 2015 to 18th June 2018)

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

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Members appointed by the University of Malta

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

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

Members elected by the Registered Medical Practitioners

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

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

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

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

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

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

Members elected by the Registered Dental Surgeons

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

Dr Anthony Charles B.Ch.D.

Dr David Muscat B.D.S.

Members representing the Public – appointed by the Prime Minister

(Appointed by the Prime Minister Term of Office from 22nd September 2014 to 21st September 2015; 22nd September 2015 to 21st September 2017)

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

(Appointed by the Prime Minister Term of Office from 1st June 2015 to 31st May 2018)

Mr Frederick Cutajar*

** (Appointed by the Prime Minister from 2nd December 2016 to 1st December 2019)*

Mr David Caruana

Registrar

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

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2.3 Medical Council Elections held in 2016

The elections for the New term 2016-2019 of the Medical Council were held between end-May and mid-June 2016, as stipulated by the Medical Council (Elections) Regulation 2003, in accordance with the provisions of Article 9 (e) and (f) of the Health Care Professions Act, 2003 (Chapter 464 of the Laws of Malta).¹

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

The elections for a representative of the Medical Council on the Appeals Committee for the term 2016-2019, in line with the provisions of Article 49(1) (e) (i) of the Health Care Professions Act, 2003 (Chapter 464 of the Laws of Malta) were held in mid-June 2016.²

2.3.1 Appointment of the Medical Council Election Commissioners for the year 2016

In accordance with the provision of Articles 3(1) and (2) of Legal Notice 35/2004, Subsidiary Legislation 464.04 - Medical Council (Elections) Regulations, during Council Meeting No. 02/2016 held on Wednesday 20th January 2016, the Medical Council appointed the Members of the Medical Council Elections Commission for a period of one year starting 1st January 2016.

The Medical Council Election Commission is composed from:

Dr George Depasquale M.D.

Dr Joseph Farrugia M.D.

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

¹ Report on the Medical Council – Elections April/June 2016, 15th June 2016

<https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/councelec.aspx>

² Report on the Elections for a representative of the Medical Council on the Appeals Committee held in June 2016, 21st June 2016

<https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/councelec.aspx>

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

In accordance to the provision of Articles 3(1) and (2) of Legal Notice 316/2004, as amended by Legal Notice 346/2007, Subsidiary Legislation 464.05 - Appeals Committee (Elections) Regulations, during Council Meeting No. 01/2015 held on Wednesday 7th January 2015, the Medical Council appointed the Members of the Medical Council Elections Commission for a period of three years starting 1st January 2015.

The Medical Council Election Commission is composed from:

Dr George Depasquale M.D.

Dr Joseph Farrugia M.D.

Dr Vincent Carmel Moran M.D.

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

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3 Legal Functions of the Medical Council

The Medical Council of Malta is the Maltese competent authority responsible for the registration and regulation of Medical Practitioners and Dental Practitioners in Malta. The Functions of the Medical Council are established by Article 10 of the Health Care Professions Act (HCPA) 2003, Chapter 464 of the Laws of Malta.

3.1 Challenges experienced by the Medical Council and developments

The Medical Council of Malta has a unique role in the national and international health sectors, therefore including a number of local and foreign stakeholders. However, the Medical Council has over the past years strived to exercise this role due to a limitation of resources.

Even though since end-year 2014, the Medical Council has experienced a number of positive developments in its human resourcing and premises, these are yet inadequate for meeting the ever-increasing workload administered by the Council and the dynamic requirements stipulated by EU and International Laws.

- **Lack of Human Resources**

Ms Joanne Vella and Ms Lara Sultana, who joined the Medical Council in end-year 2014, and the Registrar are presently fully employed with the Council. This set up has however over the past year yet proved to be adequate to the huge increase in the work-load administered by the Council, and moreover, in view of the future requirements of EU and International Laws and Regulations.

Ideally, the Medical Council also requires an acting-Registrar and full-time Council Members in order to ensure better continuity of the Office.

- **Lack of Adequate Offices**

Over the past year, the Council has yet been inadequately located in a very small office within the premises of by the Superintendent of Public Health, located in St. Luke's Hospital, in the

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former Outpatients' Department. This set up does not offer any storage facilities for the archives of the Council.

The Superintendent of Public Health has over the past two years engaged in the refurbishment of another section in the former Outpatients' Department, with the aim of relocating the five Health Professionals Regulatory Councils, however, this project was soon abandoned due to political decisions.

The Medical Council is still waiting direction from higher authorities regarding any developments in this matter.

- **Archives of the Medical Council**

The Medical Council has over the past year engaged in the task of adequately archiving and storing its record which age back to the 1959 in acid-free boxes through the expertise and assistance of Dr Nazzareno Azzopardi, a retired consultant anaesthetist, in archiving, and aims to finalise this task by mid-year 2017.

- **Financial Resources**

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

- **IT System**

In line with the provisions of the HCPA 2003, Chapter 464 of the Laws of Malta, one of the main functions of the Medical Council is the keeping of the Registers, which are published on the Council's website at least once a month. The Council is therefore responsible for the storage and maintenance of all the data with regards to the Medical and Dental Practitioner registered in Malta.

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In 2006, a tailor-made database management system was developed so as to meet these requirements. This has since then been constantly updated in order to keep abreast with the requirements of the National and International Laws. However, in view of changes envisaged by the National Government in line with the transposition of the European Directive, the Medical Council has referred the matter to attention of the Hon Minister for Health and the Superintendent of Public Health (SPH) in order to develop an appropriate IT system.

In the year 2015, the SPH asked the Information Management Unit of the Ministry for Health (IMU-MEH) and the Malta Information Technology Agency (MITA), to develop an adequate IT system in order to meet the requirements of the European Directive. During the past year, MITA and IMU held several meetings with the administration of the Medical Council in order to design an adequate IT system able to meet present and future needs of the Council. The aim is to finalise this system by end-year 2017.

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4 Meetings and Attendance

The Medical Council held 17 Meetings from 1st January 2016 and 31st December 2016:

	Present	Excused
Dr Ilona Debono, President	17	-
Mr Philip Borg	14	3
Dr Michael J. Boffa	12	5
Dr Doreen Cassar	15	2
Dr Anthony Charles ³	9	-
Mr Frederick Cutajar ⁴	11	6
Dr Daniel Farrugia	16	1
Dr Bryan Flores Martin	16	1
Dr Silvio John Grixti	7	10
Dr Alex Magri	16	1
Dr Tanya Melillo Fenech ⁵	5	4
Dr Herbert Messina Ferrante H.E., M.O.M. ⁶	1	7
Dr David Muscat	12	5
Dr Paul Soler ⁷	5	3
Dr Pauline Vassallo	6	11
Mr David Caruana ⁸	-	-

³ Elected on 3rd June 2016

⁴ Term ended on 30th November 2016

⁵ Elected on 3rd June 2016

⁶ Term ended on 2nd May 2016

⁷ Term ended on 29th April 2016

⁸ Appointed on 2nd December 2016

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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 before and after the Medical Council Elections held between April and June 2016.

- **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. Before the Medical Council Elections held between April and June 2016, this sub-committee was composed of Dr Herbert Messina Ferrante H.E., M.O.M., Dr David Muscat and Dr Pauline Vassallo. After the Elections, this was composed from Dr Anthony Charles, Dr David Muscat and Dr Pauline Vassallo.

- **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, before and after the Medical Council Elections 2016.

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

Before the Medical Council Elections, the Medical Council was represented by Dr Herbert Messina Ferrante H.E., M.O.M. and Dr David Muscat (substitute) represented on the Dental SAC. After the Elections, the Medical Council was represented by Dr Anthony Charles and Dr Pauline Vassallo (substitute) on the DSAC.

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

Dr Michael J. Boffa has represented the Medical Council on the Post Graduate Training Advisory Committee until September 2016, since in September 2016 the Malta Postgraduate Medical Governance Board policy has been revised where it was decided that Medical Council will not be represented in this Board.

- **Subcommittee for the Analyses of Complaints (SCAC)**

Before the Elections of the Medical Council of Malta the Subcommittee responsible for the analyses of complaints was composed from Dr Ilona Debono, President of the Council, Dr Daniel Farrugia and Mr Philip Borg. After the Elections, this role was assigned to Dr Ilona Debono, President of the Council, Mr Philip Borg, Dr Daniel Farrugia (Medical Practitioner) and Dr Anthony Charles (Dental Surgeon).

- **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; Mr Philip Borg and Mr Frederick Cutajar/Mr David Caruana (by rotation).

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

The Medical Council of Malta is responsible for the Quality Assurance of the Malta Foundation School Programme. Dr Doreen Cassar 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 on 14th May 2014, following a Call for Expression of Interest issued on the Government Gazette dated 17th January 2014. Their term will expire on the 13th May 2017.

- **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 MCMSE are to be conducted twice a year by Law.

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

The **Sub-Committee (Observers and Quality Assurers)** during the MCMSE for Dental Surgeons was composed of Mr Philip Borg, Dr Daniel Farrugia, Dr Herbert Messina Ferrante H.E., M.O.M., and Dr David Muscat before the Elections of the Medical Council. After the Elections, this was composed of Mr Philip Borg, Dr Anthony Charles, Dr Daniel Farrugia and Dr David Muscat

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). However, after the Elections of the Council, this was replaced by another Subcommittee as per hereunder.

The **Sub-Committee** responsible to design an improved structure for the MCMSE for Medical Practitioners and a set of SOPs was appointed after the Elections of the Medical Council, and this was composed of Dr Daniel Farrugia, Dr Doreen Cassar, Mr Frederick Cutajar, and the Examination Coordinators, Mr Philip Borg 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 Financial Conduct by Medical/Dental Practitioners and at the time this was composed from Mr John Cauchi and Dr John Felice⁹. Dr David Muscat, who entrusted to take over this task, delivered his report in mid-May 2014.

After the Elections, this Subcommittee was composed from Mr Philip Borg and Mr Frederick Cutajar (Members representing the Public), Dr Bryan Flores Martin (Medical Practitioner), Dr David Muscat and Dr Paula Vassallo (Dental Surgeons).

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 to the Implementation of the EPC and Revalidation**

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. Until the Elections of the Council, this Sub-committee was composed of Dr Bryan Flores Martin (Medical Practitioner), Dr David Muscat (Dental Surgeon) and Dr Daniel Farrugia (Member Representative of the UoM). After the Elections, this was composed of Dr Doreen Cassar, Dr Alex Magri and Dr Bryan Flores Martin (Medical Practitioners), Dr David Muscat (Dental Surgeon) and Dr Daniel Farrugia (Member Representing the UoM). The President of the Council attended the Subcommittee when required.

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6 Participation in Conferences and Training held Overseas

- **15th Meeting of the European Network of Medical Competent Authorities (ENMCA), 15th April 2016, General Medical Council, Manchester UK**

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

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

- **Federation of Dental Competent Authorities and Regulators (FEDCAR), Autumn General Assembly, 27th May 2016, Barcelona**

Dr David Muscat represented the Medical Council during this meeting.

Annex 2: report presented to the Council by Dr D. Muscat

- **Health Care Professionals Cross Border, London Conference, 'Promoting Patient Safety Across Borders', 28th October 2016, London UK**

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

Annex 3: report presented to the Council by Dr B. Flores Martin

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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.

7.1 MCMSE for Medical Practitioners¹⁰

In line with the provisions of the above-mentioned Laws, the MCMSE for Medical Practitioners were held in April and September.

7.1.1 Examination Coordinators

During Council Meeting No. 01/2015 held on Wednesday 21st October 2015, Mr Philip Borg Ph.LLic., S.Th.B., Dip.SocSc., Member of the Medical Council, together with Ms Gabriella Abela M.A., MSc., a former Member whose term expired on 21st September 2014 with invaluable past experience, were appointed as the Examination Coordinators during the MCMSEs held the year 2016.

7.1.2 MCMSE for Medical Practitioners, April 2016

The MCMSE was held on Friday 1st April 2016, 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 Article 142 of the Budget Measures Implementation Act, 2015, by the deadline stipulated.

¹⁰ The reports may be accessed from the Medical Council's website:
https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Mlt_Stat_Exam.aspx

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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:

- Surgery & General Medicine
- Paediatrics & Gynaecology
- Family Medicine & Psychiatry
- Public Health & Pathology

Table 1: Results of the MCMSE dated 1st April 2016

DATE	NUMBER OF APPLICANTS	RESULTS	
		PASS	FAIL
01.04.2016	2 candidates sat for whole examination	0	2

The results were communicated to the candidates on 21st April 2016.

7.1.3 MCMSE for Medical Practitioners, September 2016

The MCMSE was held on Friday 16th September 2015, 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 line with the provisions of Article 142 of the Budget Measures Implementation Act, 2015. However, only one (1) candidate attended.

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.

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The examination was organised in the follows Groupings:

Surgery & General Medicine

Paediatrics & Gynaecology

Family Medicine & Psychiatry

Public Health & Pathology

Table 2: Results of the MCMSE dated 16th September 2016

DATE	NUMBER OF APPLICANTS	RESULTS	
		PASS	FAIL
16.09.2016	1 candidate sat for whole examination	0	1

The results were communicated to the candidates on 19th September 2016.

7.2 MCMSE for Dental Surgeons¹¹

7.2.1 Examination Observers & Quality Assurers

During Council Meeting No. 10/2016, held on Wednesday 22nd June 2016, the Medical Council unanimously appointed Mr Philip Borg Ph.Lic., S.Th.B., Dip.Soc.Sc, Dr Anthony Charles B.C.h.D., Dr Daniel Farrugia M.D.(Malta), DEAA, EDIC, and Dr David Muscat, B.D.S as the Examination Observers and Quality Assurers during the MCMSE for Dental Surgeons, scheduled to be held between August and September 2016.

7.2.2 MCMSE for Dental Surgeons held between August and September 2016

The MCMSE was held on between Monday 29th August and Wednesday 7th September 2016, at the Faculty of Dental School of the University of Malta. Four (4) applicants confirmed their

¹¹ The reports may be accessed from the Medical Council's website:
https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Mlt_Stat_Exam.aspx

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intention to sit for this examination session and paid the fee stipulated in Article 142 of the Budget Measures Implementation Act, 2015, by the deadline stipulated.

The MCMSE included written and oral exams in as follows:

- Restorative - written paper
- Restorative Practical - oral
- Oral Medicine Surgery, Pathology and Radiology - written paper
- OMSP Oral Medicine Surgery, Pathology and Radiology - oral
- Child Dental Health and Orthodontics - written paper
- Child Dental Health and Orthodontics - oral
- Preventive and Community Dentistry - written paper
- Preventive and Community Dentistry - oral

Table 1: Results of the MCMSE held in August and September 2016:

DATE	NUMBER OF APPLICANTS	RESULTS	
		PASS	FAIL
29 th August 2016 - 7 th September 2016	3 candidates sat for whole exam 1 candidate failed to attend two Vivas	2	2

The results were communicated to the candidates on 5th October 2016. The two successful candidates were granted Full/Permanent Licence to Practice and Registration in line with the provisions of the Health Care Professions Act (HCPA) 2003, Chap. 464 and EU Directive 2005/36/EC.

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8 Registration granted during year 2016

Total Number of Medical Practitioners and Dental Surgeons registered during the year 2016¹²:

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	54	61	115
Medical Practitioners: Temporary Register ¹³	20	36	56
Medical Practitioners: Provisional Register	56	55	111
Dental Surgeons: Principal Register	8	12	20
Dental Surgeons: Temporary Register	-	3	3
Grand Total			305

¹² Data retrieved from the Medical Council database.

¹³ 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 2016:¹⁴

Register	Gender		Total
	Female	Male	
Medical Practitioners: Principal Register	712	1,281	1,993
Medical Practitioners: Temporary Register ¹⁵	20	36	56
Medical Practitioners: Provisional Register	400	345	745
Dental Surgeons: Principal Register	100	174	274
Dental Surgeons: Temporary Register	-	3	3
Grand Total			3,071

¹⁴ Data retrieved from the Medical Council Registers 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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8.1 Award Ceremony for the presentation of the Licence to Practice

The Medical Council offered its administrative assistance to the Ministry for Health during the organisation of a Ceremony during which the Licence to Practice was presented to all the Medical and Dental Practitioners who have successfully completion of studies in Malta in the year 2016 by the Hons Minister for Health.

The Ceremony was held on 30th August 2016 at the University of Malta, Valletta Campus, Old University Building. Dr Ilona Debono, President of the Council, delivered a speech. The Registrar was also present.

8.2 Provision of Temporary Service Lists

Medical Practitioners and Dental Surgeons who have been included in the Lists for the Provision of Temporary Service during the year 2016¹⁶:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List – Medical Practitioners	3	20	23
Medical Council Temporary Service List – Dental Surgeons	-	-	-
Grand Total			23

¹⁶ 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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Medical Practitioners and Dental Surgeons included in the Provision of Temporary Service Lists by the end-year 2016:

List	Gender		Total
	Female	Male	
Medical Council Temporary Service List - Medical Practitioners	34	141	175
Medical Council Temporary Service List – Dental Surgeons	-	2	2
Grand Total			177

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9 Laws, Circulars and other Publications

During the past year, there were no amendments to the Laws regulating the Medical Council of Malta, and the Medical Council has not issued any Circulars and special Publications.

The Laws, Circulars and other Publications of the Medical Council may be assessed from:

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

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10 Complaints, Inquiries, Criminal Proceedings and Court Cases¹⁷

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 Health Care Professions Act 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.¹⁸

In May 2014, the Medical Council published a set of guidelines on how to lodge a complaint with the Council.¹⁹ In September 2015, the Council appointed a Subcommittee for the Analyses of Complaints (SCAC) with the aim of having better handling of complaints, which proved to be a huge step forward toward efficiency.

10.1 Complaints

10.1.1 Complaints pending from the year 2015

- **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 2015 were reminded about their dues along with the requests for payment for the year 2016. Practitioners were contacted also by emails and by phone. By December 2016, a substantial number of these Practitioners have regulated their position.

The Medical Council repeats this process on a yearly basis in order to ensure that the position of all registered Medical and Dental Practitioner is in line with the provisions of the Law. The Council will initiate Inquiry procedures against these Practitioners, by the powers conferred on it by the HCPA 2003, Chapter 464, if necessary.

Case status: Ongoing

¹⁷ 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.

¹⁸ All prevailing legislation may be accessed from the Medical Council's website:
https://healthcms.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx

¹⁹ 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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- **MC/51/2013**

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

The Medical Council discussed this case during a Council Meeting held during the first week of July 2015, and it was decided that it merits an Inquiry. The Council aims to initiate procedures during by mid-year 2017.

Case status: Inquiry to be initiated during the first quarter of the year 2017.

- **CC/02/2015 (previously by numbered as MC/92/2011)**

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

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

The SCAC discussed this case in November 2015 and presented its recommendations to the Council in the first week of January 2016. The Medical Council decided that this case merited no further investigation.

Case status: Closed

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

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

The Dental Practitioner was asked to clarify his/her position about this matter in mid-June 2012, and a reply was received by end-June. The Dentist emphasised that his/her action was not to be categorised as advertisements. This case was put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners.

The SCAC reviewed this case during a meeting held in end-November 2015 and presented its recommendations to the Council during the first Council Meeting held in 2016. The Medical Council decided that all the complaint for alleged breach of the Code of Ethics on Advertising

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and Financial Conduct, against this Dental Surgeon are to be address as one case and that he/she is to be asked to clarify his/her position.

Case status: Pending (*Refer also to CC/10/2015, CC/01/2016 and to the main file CC/04/2016*)

- **CC/05/2015 (previously numbered as MC/99/2012)**

An advert, about a Medical Practitioner published on a local magazine in the November 2011 issue, 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 Medical Practitioner was asked to clarify his/her position in mid-June 2012. A reply was received during the second week of July 2012.

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

The SCAC discussed this case in November 2015 and presented its report to the Council in the first week of January 2016. The Council confirmed that the case fell under the parameters of advertisement, but decided that the Doctor is to be warned not to repeat this action and that this case merited no further investigation.

Case status: Closed

- **CC/06/2015 (previously numbered as MC/100/2012)**

An advert about a Medical Practitioner published on a local magazine in the November 2011 issue, 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 Medical Practitioner was asked to clarify his/her position in mid-June 2012. A reply was received during the second week of July 2012.

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

The SCAC discussed this case in November 2015 and presented its report to the Council in the first week of January 2016. The Council confirmed that the case fell under the parameters of advertisement, but decided that the Doctor is to be warned not to repeat this action and that this case merited no further investigation.

Case status: Closed

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- **CC/07/2015 (previously numbered as 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 and a reply was received during the first week of July 2012.

This case, which was put on hold pending the report from the Sub-committee on Advertising and Financial Conduct by Medical/Dental Practitioners, was discussed by the SCAC during a meeting held in the beginning of November 2015.

The SCAC presented its recommendations to the Council in the first week of February 2016. The Medical Council decided that this case merited no further investigation.

Case status: Closed

- **CC/08/2015 (previously numbered as 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 Dentist was asked to clarify his/her position in June 2012 and a reply was received during end first week July 2016.

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

The SCAC analysed this case of advertisement during its meeting held in the beginning of November 2015 and presented its recommendations in the first week of February 2016. The Medical Council decided that this case merited no further investigation.

Case status: Closed

- **CC/09/2015 (previously numbered as 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. In his/her reply dated end August 2012, the Practitioner explained that this article was purely educational. This case was

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

The SCAC reviewed this case in end-January 2016 and submitted its recommendations to the Council in end-June 2016.

The Medical Council of Malta decided that this case required no further investigation since the advert was purely educational.

Case status: Closed

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

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

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

Case status: Pending (*Refer also to CC/04/2015, CC/01/2016 and to the main file CC/04/2016*)

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

In November 2012, a Medical Practitioner filed a complaint against three Medical Practitioners for alleged unethical and unprofessional behaviour. The Doctors, who were requested to clarify their position about this case in mid-year 2013, submitted their positions by the date stipulated.

The SCAC discuss this case and presented its recommendations during a Council Meeting held in end-January 2016. This case was re-discussed by the Medical Council in end-June 2016 and subsequently in end-November 2016, where it was decided that an Inquiry is to be held against two of the named Practitioners.

The Council aims to initiate procedures by mid-year 2017.

Case status: Inquiry to be initiated during the year 2017.

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- **CC/14/2015 (previously numbered as 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 requested to submit his/her version in mid-year 2013 and the clarifications were received in the beginning of August 2013.

The SCAC discussed this case during in April and July 2016. It aims to finalise the discussions and present its recommendations to the Council by mid-year 2017.

Case status: Pending

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

In February 2013, the Medical Council received a complaint against a Medical Practitioner from the mother of a patient, for alleged unethical and unprofessional behaviour toward her daughter during treatment. 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.

The complainant provided the correct details about the practitioner against whom he/she was filing with the Council in January 2014. The Council forwarded the complaint to the Practitioner for clarifications in mid-October 2015, and the reply was received two weeks after.

This complaint was discussed during a Council Meeting held in December 2015, where it was decided to proceed with an Inquiry and the Board of Inquiry was appointed. The Notice of Inquiry was approved in end-October 2016. Council aims to initiate the Inquiry during the first quarter of the year 2017.

Case status: Inquiry to be initiated during the first quarter of the year 2017.

- **CC/17/2015 (previously numbered as MC/146/2013)**

The Council received a complaint in mid-May 2013 against a Doctor for alleged unethical and unprofessional behaviour. 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 to this decision by means of letter sent in July 2014.

The SCAC re-discussed this case in the light of the new correspondence received in May and July 2016 and presented its recommendations in end July 2016.

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The Medical Council reconfirmed its decision taken in May 2014

Case status: Closed (Time Barred)

- **CC/18/2015 (previously numbered as 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, and a reply was received in the first week of January this year.

The SCAC discussed this case in May 2015 and delivered its recommendations to the Medical Council in end-September 2016.

The Medical Council decided that this case merited no further investigation.

Case Status: Closed

- **CC/19/2015 (previously number as 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 Doctors was asked for his/her position in mid-February 2014, and a reply was received in end February 2014.

This case was not discussed by the SCAC in the beginning of April 2016 and presented its recommendation to the Council in end July 2016.

The Medical Council decided that this case could not be pursued further due to lack of evidence of breach of ethics and unprofessional conduct.

Case Status: Closed

- **CC/20/2015 (previously numbered as MC57/2014)**

In mid-January 2014, two Medical Practitioners filed a complaint against a Medical Practitioner for alleged unethical and unprofessional conduct (alleged slander). The Doctor was provided with a copy of the complaint and asked to submit for his/her version during the second week of May 2014, and he/she replied by means of a letter received in end-May 2014.

The Medical Council preliminary discussed this case during the year 2015. During a meeting held in end January 2016, it was decided that this case merited an Inquiry which is to be held in

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plenary sessions; this decision was reconfirmed during a meeting held in end-October 2016. The Council aims to initiate procedures by mid-year 2017.

Case status: Inquiry to be initiated during the year 2017.

- **CC/21/2015 (previously numbered as 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 SCAC discussed this case during the first week of May 2015 and decided that expertise input is needed. The SCAC aims to finalise the discussions and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending.

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

In end December 2013, a patient filed a Judicial Protest against a Medical Practitioner and the Hon. Minister for Health for alleged unethical and unprofessional conduct in his/her regards, at the Gozo General Hospital. This case was reported in a local newspaper, which asked the 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 for his/her clarifications in mid-September 2014. The Legal Office of Mater Dei Hospital submitted a reply obo the Practitioner in mid-October 2014.

The SCAC discussed this case during the first of May 2016 and presented its report in end-October 2016. The Medical Council decided that this case merited an Inquiry and the Board of Inquiry was appointed. The Council aims to initiate procedures by mid-year 2017.

Case status: Inquiry to be initiated during the year 2017.

- **CC/23/2015**

A patient filed a complaint against a Medical Practitioner in November 2014 for alleged unethical and unprofessional behaviour.

The SCAC analysed this case during a meeting held in the beginning of October 2015. Since the name quoted by the patient did not refer to a particular Medical Practitioner included in the Medical Council Register, the patient was asked to provide the correct and complete name of

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the Practitioner and his/her registration number in mid-October 2015. The Medical Council did not receive any further correspondence by end year 2015.

The SCAC reviewed this case during meetings held in May and July 2016 and presented its report in September 2016.

The Medical Council decided that this case is to be archived since the patient failed to confirm the name of the Practitioner against whom he had filed the complaint.

Case Status: Closed

- **CC/25/2015**

A patient filed a complaint a Doctor for alleged unethical and unprofessional behaviour in end-November 2014. The Medical Practitioner was asked to submit his version in mid-October 2015 and his/her reply was received by the Council in end-October 2015.

The SCAC discussed this case during a meeting held in end-November 2015 and presented its recommendations in end-June 2016.

The Medical Council decided that this case merited no further investigation, since there was no breach of ethics and unprofessional behaviour.

Case Status: Closed

- **CC/26/2015**

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

This case was discussed by the SCAC during a meeting held in the beginning of October 2015 and the recommendations were presented to the Council in December 2015. The Practitioner was asked to provide his/her version about this case in mid-October 2015 and a reply was received in end-October 2015.

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

The Council aims to finalise this case during the first quarter of the year 2017.

Case Status: Pending

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- **CC/27/2015**

In end-May 2014, the Northern Local Tribunal requested the Medical Council's guidance about two medical certificates issued by two separate Doctors.

The SCAC discussed this case during the first week of October 2015 and subsequently presented its recommendations to the Council during a Council Meeting held the same week. The Medical Council confirmed that the format and contents of the first medical certificate were correct, whilst those of the second certificate were not. These inadequacies were brought to the attention of the Practitioner during the first week of December 2015. The Northern Local Tribunal was informed accordingly. The Medical Practitioner clarified his/her position in mid-December 2015.

The Subcommittee rediscussed this complaint during meetings held in April and July 2016, and presented its recommendation in end July 2016. The Council decided that this case merited no further investigation; however, a Circular is to be sent to all registered Practitioners in order to avoid similar irregularities

The Council aims to circulate this circular by mid-year 2017.

Case Status: Closed.

- **CC/28/2015**

A Medical Practitioner (in the capacity of a General Practitioner) filed a complaint against another Medical Practitioner, (in the capacity of a Company Doctor), in end-December 2014.

The SCAC discussed this case during a meeting held in end-October 2015 and presented its recommendation to the Council in mid-November 2015. The Medical Practitioner was asked to clarify his/her position in the beginning of February 2016. The complainant informed the Council that he/she was no longer interested in pursuing this complaint further.

The SCAC reviewed this case in the beginning of April 2016 and presented its recommendation in the beginning of July 2016. The Medical Council decided that this case is to be archived in view of the complainants' withdrawal.

Case Status: Case withdrawn by the Complainant.

- **CC/29/2015**

In mid-March 2015, the Medical Council received a detailed report about the serious events a patient had experienced at Mater Dei Hospital, before dying. This report was filed by a friend of the late patient.

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This case was discussed the SCAC during its meeting held in mid-October 2015. Since this report failed to clearly and specifically outline against whom it was being filed, the complainant was sent a letter in end-October 2015, in order to regulate his/her complaint. The complainant was also informed that this case also dealt with an element of mismanagement which did not fall within the remit of the Council. A reminder was sent during the first week of May 2016, however, the Council has to date never received any further communication from the complaint. The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/30/2015**

In end-March 2015, the Medical Council received an anonymous complaint against a Medical Practitioner, in which complaint an online newspaper article dated end February 2015, was inserted in full.

The SCAC analysed this report in end October 2015 and presented its recommendation to the Medical Council in mid-November 2015. A letter to the Chief Executive Officer, Primary Health Care Department regarding this case was sent during the first week of December 2015.

The SCAC reviewed this case in May and July 2016 and delivered its report in end July 2016.

The Medical Council decided that this case merited no further investigation on the part of the Medical Practitioner; however, this incident was brought to the attention of the CEO, Primary Health Care Department in order to correct false reports in the media through the appropriate channels.

Case Status: Closed

- **CC/31/2015**

In end-March 2015, the Medical Council received an anonymous letter regarding the health conditions of a Medical Practitioner that allegedly impaired him/her from performing his/her duties in high standards. The SCAC discussed this case during its Council Meeting held in end-October 2015, and the Practitioner was asked for his/her position on this case. A reply was received during the first week of November 2015.

This case was further discussed by the SCAC and its recommendations were presented to the Council in mid-November 2015. The Doctor was asked to submit a medical certificate from a Specialist in relation to his/her condition. This was received in mid-December 2015.

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The Medical Council discussed this case during the first week of February 2016 where it was decided that this case merited no further investigation, however, the Medical Practitioner was requested to submit a yearly medical report to the Council for review.

Case Status: Closed. The Medical Practitioner was asked to submit a yearly medical report.

- **CC/32/2015**

In mid-April 2015, a patient filed a complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour. This case was discussed the SCAC in mid-October 2015, who presented its recommendation to the Council during a Council Meeting held in mid-November 2015.

The Practitioner was provided with a copy of this complaint and asked for his/her version during the first week of December 2015 and a reply was received a week after.

The Medical Council discussed this case in mid-June 2016 and decided that this case merited no further investigation.

Case Status: Closed

- **CC/33/2015**

In end-May 2015, a patient filed a complaint with the Medical Council against a Psychiatrist.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/34/2015**

A newspaper article, issued on the Sunday Times of Malta dated 24th May 2015 was brought to the attention of the Medical Council for alleged unethical and unprofessional behavior in part of the Medical Practitioner being mentioned. The SCAC reviewed this case during the first week of April 2016. The Medical Practitioner was provided with a copy of this complaint and asked for his/her clarification in mid-April 2016 and his/her reply was received in first week of May 2016.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/35/2015**

A patient filed a formal letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour in mid-June 2015. The Practitioner was provided with a copy of

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the complaint and asked to submit his/her version regarding this case in end-August 2015. The Doctor's position was presented to the Council in mid-September 2015.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending.

- **CC/36/2015**

In mid-June 2015, a patient filed a complaint against a General Practitioner for alleged unethical and unprofessional behaviour, however, the name of the Practitioner was not provided. The complainant was provided with the guidelines on how to file a complaint.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/38/2015**

A newspaper article published on the Times of Malta during the first week of July 2015, reported that the Court of Malta found a Plastic Surgeon registered in Malta negligent in performing surgery in a case filed by a patient.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/39/2015**

In mid-September 2015, 1 patient filed a complaint against a Dentist for alleged unethical and unprofessional behaviours, however, the name of the Dental Practitioner was not provided. The complainant was therefore provided with the guidelines on how to file a complaint, however to date no further correspondence has been received.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

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- **CC/40/2015**

In end-February 2014, the Ministry for Health forwarded to the Medical Council a report against a Doctor for alleged unethical and unprofessional behaviour for further investigation.

The SCAC aims to discuss this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/41/2015**

In mid-May 2014, the Council received a letter of a complaint from the parent of a three year old girl, against a Medical Practitioner serving at Emergency Department at Mater Dei Hospital, for alleged unethical and unprofessional behaviour.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/42/2015 (previously numbered as MC/134/2015)**

In mid-July 2015, a patient filed a complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour.

The Doctor was provided with a copy of the complaint and asked to clarify his/her position during the first week of September 2015, and a reply was received in mid-September 2015.

The SCAC aims to analyse this case and present its recommendation to the Council during the first quarter of the year 2017.

Case Status: Pending

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

In February 2013, the parents of a two-year-old toddler who 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 Council submitted its counter protest in Court in March 2013.

In June 2013, the parents filed a formal letter of complaint with the Medical Council against the named seven (7) Medical Practitioners for alleged unethical and unprofessional behaviour,

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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 submitted their position 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.

The President of the Council has abstained from this case.

Case status: This case has been upheld pending Court's Decision.

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

A patient filed a complaint against three Medical Practitioners with the Medical Council, for alleged unethical and unprofessional behaviours, in mid-January 2015. The three Doctors were asked to submit their positions regarding this case during the first week of September 2015.

The Council discussed this complaint, in the light of the Doctors' versions during a Council Meeting held in the first week of October 2015, where it was decided that this case merited an Inquiry which is to be conducted in plenary sessions. The Notice of Inquiry was approved in mid-October 2016.

The Council aims to initialise an Inquiry during the first quarter of the year 2017.

Case Status: Inquiry to be initiated in the year 2017

- **CC/45/2015**

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

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/46/2015**

In end-October 2015, a Pharmacy filed a complaint against another Pharmacy, the latter being administered by a Medical Practitioner, for alleged breach of Ethics in respect to advertisement.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

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- **CC/47/2015**

In end-October 2015, a Medical Practitioner has reported an alleged racially driven comment on social media by a Consultant under whom he/she used to work. The complainant was provided with the guideline on how to proceed with filing a complaint with the Medical Council. In mid-December 2015, the Practitioner informed the Council that he/she was no longer interested in pursuing this case.

The SCAC reviewed this in end-January 2016 and presented its recommendation in end-June 2016. The Medical Council decided that this case is to be archived in view of the complainant's withdrawal.

Case Status: Case withdrawn by the Complainant.

- **CC/48/2015**

In end-March 2015, an insurance company forwarded to the Medical Council a query by one of its clients, whether a particular Doctor was covered by the insurance. The Council noted that the Practitioner was not included on its registers.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/49/2015**

During the first week of May 2014, the Times of Malta reported a case in which the father of a two-year-old girl expressed his anger that his daughter was left unattended for half an hour at the emergency room at the Gozo General Hospital.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/50/2015**

In mid-November 2012, the Medical Council received an anonymous complaint regarding the advert by 'the tooth fairy' Transform Clinic at Smart City, issued on 'Growing Up' Magazine, issue no. 19, Autumn 2012. This complaint brought to the attention of the Council that this advert declared false information and advertising.

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The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/51/2015**

A patient filed a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviours in end-February 2015. However, the name of the Doctor provided by the complaint was not included on the Register of the Council. In-end February 2015, the complainant was provided with the guidelines on how to file a complaint, however to date no further correspondence has been received.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/52/2015**

In line with standard procedures amongst Competent Authorities, in end-September 2015, the Medical Council of New Zealand asked the Medical Council of Malta to verify the authenticity of a Certificate of Good Standing presented by a Medical Practitioner, who at that time was no longer registered in Malta, and to confirm that this document has been issued in Malta.

The Council of New Zealand was immediately notified that this Certificate had not been issued by the Medical Council of Malta and was also provided with the last Certificate issued.

This case was further discussed by the Council in mid-November 2015. Since this Doctor was not included in the Medical Register of the Council he/she no longer fell under the Council's jurisdiction.

The Medical Council forwarded this case to the Commissioner of Police for investigation in end-November 2015. In end-May 2016, the Commissioner of Police informed the Council that since the offences happened in New Zealand the Malta Police had no jurisdiction to investigate the matter.

The SCAC aims to review this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

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- **CC/53/2015**

A patient filed a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviours in end-December 2015.

The SCAC aims to analyse this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

10.1.2 Complaints received during the year 2016

- **CC/01/2016 - Main file CC/04/2016**

During the second week of January 2016, the Medical Council received an anonymous complaint against a Dental Surgeon for alleged articles appearing in written media that 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.

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

Case status: Pending (*Refer also to CC/04/2015, CC/10/2015, CC/01/2016 and to the main file CC/04/2016*)

- **CC/02/2016**

The Medical Council opened a case against a Medical Practitioner for alleged unprofessional and disrespectful behaviour with respect to its Members during an Inquiry.

The SCAC aims to analyse this case during the first quarter of the year 2017.

Case Status: Pending

- **CC/03/2016**

In end-February 2016, a Foundation Doctor filed a Judicial Protect against the Medical Council of Malta concerning his/her eligibility for Full Registration and Licence to Practice. This Foundation Doctor failed to be successfully signed off his/her two-year Foundation Programme

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in Malta as stipulated by the Law. The Medical Council submitted its reply in Court in mid-March 2016.

The Foundation Doctor submitted an application for Registration in October 2016 and this was discussed in December 2016. The Council aims to finalise this case during the first quarter of the year 2017.

Case Status: Pending

- **CC/04/2016**

The Medical Council is presently investigating a series of repeated advertisement by a Dental Surgeon on various local magazines, for alleged breach of the Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners. The Dental Surgeon was asked to submit his/her position about this matter in mid-April 2016 and a reply was received during the first week of May 2016.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/05/2016**

In end-February 2016, a Medical Practitioner forwarded to attention of the Medical Council, the decision of the Health Care Professions Appeal Committee in respect to an appeal filed against the Medical Specialist Accreditation Committee. The Medical Practitioner was provided with the application form in order to be listed on the respective Specialist Register held by the Medical Council.

The Practitioner submitted his/her application during the first week of May 2016, and he/she was included in the respective register, baring the date of entry as stipulated in the named decision. The Council was further notified that this decision will be contested in Court.

The SCAC aims to analyse this case further during the first quarter of the year 2017.

Case Status: Pending

- **CC/06/2016**

During the first week of March 2016, the relative of a patient filed in a letter of complaint on his/her behalf against a Medical Practitioner for alleged unethical and unprofessional behaviour.

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This complaint was sent in connection to another complaint dated end-January 2004, which had been considered not within the remit of the Medical Council for further investigation.

The SCAC aims to analyse this case during the first quarter of the year 2017.

Case Status: Pending

- **CC/07/2016**

A patient filed a letter of complaint against a Medical Practitioner for alleged unethical and unprofessional behaviour in mid-March 2016. The Practitioner was provided with a copy of the complaint and asked for his/her version in mid-April 2016, and a reply was received during the first week of May 2016.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/08/2016**

In end March 2016, the Council received an anonymous complaint against a Doctor for 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.

The SCAC discussed this complaint during the first week of May 2016 and presented its report in mid-July 2016. The Medical Council decided that this case, which was indirectly linked to Case no., CC/19/2015 (refer to page 36), merited no further investigation

Case Status: Closed

- **CC/09/2016**

During the first week of April 2016, the Clinical Director of Mater Dei Hospital filed a report against a Medical Practitioner for alleged unethical and unprofessional behaviour. This matter was also reported in the local media.

The Medical Practitioner was asked to submit his/her version in mid-April 2016.

The Medical Council learnt from the local media that the Medical Practitioner was found dead in his/her residence.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

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- **CC/10/2016**

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

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/11/2016**

In end-April 2016, a Maltese public limited company reported a Medical Practitioner for alleged unethical and unprofessional conduct through the completion of one of its employee's NI form.

The SCAC reviewed this complaint in the beginning of May 2016 and presented its recommendations in end-August 2016. The Medical Council decided that this case no further investigation.

Case Status: Closed.

- **CC/12/2016**

In end-April 2016, a patient who currently resides overseas, filed a letter of complaint with the Council against a Medical Practitioner for alleged unethical and unprofessional behaviour shown in his regards during a visit held in Malta. The Medical Practitioner was asked to submit his version during the first week of September 2016, and a reply was received in end-September 2016.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/13/2016**

In mid-May 2016, a patient filed a letter of complaint concerning advertisement against a Dental Surgeon, for alleged breach of the Code of Ethics on Advertising and Financial Conduct.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

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- **CC/14/2016**

In mid-June 2016, a Medical Practitioner filed a complaint with the National Commission for the Promotion of Equality (NCPE) against the Medical Council for alleged discrimination in the processing of his/her application for registration in Malta. The Medical Council, whose decisions are bound by the provisions of the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta and those of the EU Directive 2005/36/EC, submitted its position to the NCPE in this respect. The case is presently being reviewed by the NCPE.

Case Status: Pending the Decision of the NCPE.

- **CC/15/2016**

The Medical Specialist Accreditation Committee (MSAC) filed a letter of complaint against a Medical Practitioner for alleged unethical, unprofessional and offensive behavior in their regards in end-June 2016. The Doctor was provided with a copy of the complaint and asked to clarify his/her position in mid-July 2016, however, the Practitioner failed to comply.

The SCAC aims to discuss this case and present its recommendations to the Medical Council during the first quarter of the year 2017.

Case Status: Pending

- **CC/18/2016**

In end-October 2016, the Dental Association of Malta filed a letter of complaint concerning advertisement against a number of Dental Surgeons, for alleged breach of the Code of Ethics on Advertising and Financial Conduct.

The SCAC aims to discuss this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

- **CC/19/2016**

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

The SCAC aims to review this case by mid-year 2017.

Case Status: Pending

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- **CC/20/2016**

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

The SCAC aims to review this case by mid-year 2017.

Case Status: Pending

- **CC/22/2016**

The Medical Council received a number of anonymous complaints against a number of Medical Practitioner which alleged that they were practicing as Family Doctors/General Practitioners even though not being included in the respective Specialist Register.

The SCAC aims to review this case by mid-year 2017.

Case Status: Pending

- **CC/23/2016**

In mid-January 2016, a patient notified the Medical Council of her complaint against a Medical Practitioner, for alleged unethical and unprofessional behaviour, but without identifying him/her. The complaint was asked to regulate his/her complaint in line with the guidelines of how to file a complaint with the Council, however to date no further correspondence has been received.

The SCAC aims to review this case by mid-year 2017.

Case Status: Pending

- **CC/24/2016**

In end-September 2016, the sponsorship of a football club by a Dental Surgeon was brought to the attention of the Medical Council for alleged breach of ethics.

The SCAC aims to discuss this case by mid-year 2017.

Case Status: Pending

- **CC/25/2016**

An advert by a Dental Clinic on the Times of Malta issued in September 2014 was brought to the attention of the Medical Council for alleged breach of the Code of Ethics on Advertising and Financial Conduct, in end-September 2016.

The SCAC aims to discuss this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

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- **CC/26/2016**

An advert by a Dental Clinic on the Times of Malta issued in September 2016 was brought to the attention of the Medical Council for alleged breach of the Code of Ethics on Advertising and Financial Conduct.

The SCAC aims to discuss this case and present its recommendations to the Medical Council by mid-year 2017.

Case Status: Pending

10.2 Inquiries

10.2.1 Inquires Pending from year 2015

- **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

- **MC/40/2012**

In mid-March 2012, the Medical Council received of a letter of complaint against a Dental Surgeon for alleged unethical behaviour and professional misconduct in the work performed and in a significantly lower gold content in alloy composition to that which was agreed to prior to the treatment. The Dental Practitioner was asked to clarify his/her position 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 both parties gave evidence and made their submissions. The Council aims to deliver the decision during the first quarter of the year 2017.

Case Status: to deliver decision in 2017.

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- **MC/41/2012**

In mid-March 2012, a patient filed a complaint with the Medical Council against a Dentist for alleged unethical and unprofessional behaviour, in relation to the work performed and to a significantly lower gold content in alloy composition to that agreed before the treatment was performed. The Dental Surgeon was asked to submit his/her position 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 deliver its decision during the first quarter of the year 2017.

Case Status: to deliver decision in 2017.

- **MC/43/2012**

This Inquiry was appointed in February 2014 and its decision was delivered in March 2016.

Refer to pages 56 and 57 hereunder.

- **MC/106/2013**

In February 2013, a couple filed a letter of complaint against a Medical Practitioner, for alleged unethical and unprofessional behaviour with regards to the treatment given to the wife during her pregnancy.

The Practitioner was provided with a copy of the complaint and asked to submit his/her position about this complaint to the Council, in mid-year 2013, and his/her position was filed in October 2013.

This case was analysed by the Council in mid-June 2014, where it was decided to proceed with an Inquiry. The Medical Council held three sittings in the hearing of this case during the year 2015.

The fourth sitting was scheduled to be held during the first week of January 2016, however, the complainants withdrew their claims when asked to confirm attendance for the sitting.

This complaint was discussed by the Medical Council in end-August 2016, where it was decided that this case is archived in view of the complainants' withdrawal and refusal to give evidence any further.

Case Status: Case withdrawn by the Complainants.

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- **MC/56/2014**

This Inquiry was investigated in 2015 and 2016, and the decision of the Medical Council was delivered on 28th September 2016.

Refer to pages 57 and 58 hereunder.

- **MC/153/2014**

In mid-October 2014, the Foundation School Malta brought to the attention of 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 Medical Council asked the Foundation School Malta to provide it with further information about this case, and a detailed report about this case was forwarded in the first week of November 2014. The Council held a meeting with the Directors of the Foundation School Malta in mid-December 2014.

The Council held a meeting with the Foundation Doctor in end-February 2015. He/she was later provided with a copy of the report and asked to submit his/her position in mid-March 2015.

Since this case concerned fitness to practice issues, it warranted an experts' evaluation of the concerns presented to the Council. In end-April 2015, a Fitness to Practice Board composed of three independent experts was appointed to assess the Foundation Doctor's fitness to practice.

The Panel of experts presented its report to the Council during the first week of June 2015.

The Foundation Doctor was provided a copy of this report and granted the opportunity to make his/her comments and / or submission to the Medical Council within twenty days, in end-October 2015. During the first week of November, the Medical Council was informed that the doctor accepted the contents of the report.

The decision of the Medical Council regarding this particular case was communicated to the Foundation Doctor and all parties concerned by means of the report dated 17th February 2016.

The Council decided that the Provisional Registration of the named Foundation Doctors is to be temporarily suspended for a period of one year; that the Council is to be provided with a progress report from his/her psychiatrist every six months; and that after one year the Council is to receive a final progress report from the Fitness to Practice Board and decide whether to allow recommencement of Foundation Programme training.

Case Status: Closed

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10.2.2 Inquires appointed during year 2016

- **CC/37/2015**

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

This case was analysed by the SCAC during a meeting held in October 2015. The position of the Practitioner's in reply to this complaint was requested in end-October 2015, and this was received by the deadline stipulated.

The SCAC presented its recommendations to the Council during a Council Meeting held starting December 2015. The Medical Council decided that this case merited an Inquiry and the Board was appointed.

During this year, three sittings were held between September and November 2016. The Medical Council aims to finalise this case and deliver its decision by mid-year 2017.

Case Status: Pending

- **CC/16/2016**

In end-June 2016, the Medical Specialist Accreditation Committee (MSAC) brought to the attention of the Medical Council a Medical Practitioner's current professional status (conduct) within another EU Member State. In mid-August 2016, the Medical Practitioner was asked to submit his/her version about this matter and a reply was received by the date stipulated.

This case discussed by the Council by end-July 2016. The Medical Council decided that this merited further investigation and the Board of Inquiry was appointed. During this year, two Inquiry sitting were held.

The Medical Council aims to conclude its investigation and deliver its decision by the first quarter of the year 2017.

Case Status: Pending

10.2.3 Inquiries Decisions Delivered

The following decisions were delivered by the Medical Council of Malta during the year 2016.

- **MC/43/2012**

In mid-April 2012, a patient filed a formal complaint with the Council against a Dental Surgeon for allegedly unethical and unprofessional behaviour, with respect to the treatment he /she had

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received 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

End-year 2013, after having preliminarily discussed and evaluated this case, the Council decided that this case merited an Inquiry and the Board of Inquiry was appointed. The Notice was issued during the first week of February 2014. The President of the 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, which was approved by the Council in end year 2014. The decision on this case was drafted and approved by the Council in 2015.

The Decision was delivered on 2nd March 2016. The Defendant and his/her Legal Adviser were present.

The Medical Council after considering all the acts of the case decided that:

The Dental Surgeon (MC0289) was found NOT GUILTY of having acted in an unethical and unprofessional conduct in breach of

Article 4(e) of Subsidiary Legislation 464.17 (Ethics of the Medical Profession) which includes amongst those offences which may warrant erasure from the register or other disciplinary action 'gross or prolonged neglect of duties and disregard of personal responsibilities to patients, clients and the public';

Article 3(3) which provided that 'Communication with patients should be clear and effective and in such a manner that the patient understands fully and clearly what is being said';

Article 5 of Schedule A (Subsidiary Legislation 464.17) which provides that 'a doctor shall by his conduct and in all matters set a high standard';

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Article 9 of Schedule A (Subsidiary Legislation 464.17) which provides that A doctor shall not in any circumstances do, authorise to be done or condone anything that would weaken the physical or mental resistance of a human being, except for the prevention and treatment of disease.

The defendant was provided with an informal copy of the decision while a certified true copy was sent to all parties concerned by registered mail.

- **MC/56/2014**

In end-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 filed in 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, 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 report made referred to the treatment practice adopted by the Practitioner while assisting two patients.

Since this complaint was of a very serious and complex nature, it was given priority and was reviewed by the Council in end-April 2014. The Practitioner was provided with a copy of the report 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.

The Medical Practitioner submitted his position in reply to the allegations made, in mid-May 2014, and his/her position was discussed by the Council in mid-June 2014.

After having preliminary discussed the merits of this case, the Medical Council decided that this case merits an Inquiry and that this is to be heard in plenary sessions. The first sitting was held in mid-year 2015, however due to logistical difficulties the Council was unable to identify any common dates amongst all parties concerned for the holding of the sittings till end-year 2015.

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The Council held three sittings during the first half of the year 2016, during which the Medical Practitioner was assisted by his Lawyer.

The Decision was delivered on 28th September 2016. The Medical Practitioner and his/her legal Adviser were unable to attend as notified in advance. The defendant was provided with a certified true copy of the decision by registered mail.

The Medical Council after considering all the acts of the case decided that:

The Medical Practitioner is found NOT GUILTY of breaching Article 4(e) of Subsidiary Legislation 464.17 (*Ethics of the Medical Profession*) which stipulates that 'gross or prolonged neglect of duties and disregard of personal responsibilities to patients, clients and the public' shall be deemed to be offences which may entail erasure from the registers or any other disciplinary action.

The Medical Practitioner is found GUILTY of violation of Article 5, Schedule A of Subsidiary Legislation 464.17 (*Ethics of the Medical Profession*) and Articles 31 (b) and (c) and was REPRIMANDED.

Case Status: Case Closed

10.3 Court Cases

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

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

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

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

The same allegations, together with other allegations, were also raised in a writ of summons filed by Dr F. Portelli in the First Hall of the Civil Court in a case in the names *Dr Frank Portelli vs. Av. Josella Farrugia et noe* (Citation Number 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 ghadha tali terminu l-Kunsill Mediku ma kellux lawtorita' li jaghti decizjoni fl-inkjesta. Decizjoni li meta nghatat fl-1 ta' Lulju 2009 kienet ultra vires. F'dan ir-rigward tichad leccezzjonijiet tal-Kunsill Mediku li jirreferu ghal dan l-ilment.*
- 3. Thassar id-decizjoni tal-Kunsill Mediku tal-1 ta' Lulju 2009.*
- 4. In vista ta' din id-dikjarazzjoni m'hemmx htiega ta' xi dikjarazzjoni ulterjuri fir-rigward tat-tielet sas-seba' talba tal-attur.²⁰*

²⁰ 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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On 15th May 2014 the Medical Council filed an Appeal in line with the Law which states that when, and if, the lapse of the two (2) years is no fault of the Council, the two (2) year limit may not be applied. The Medical Council made reference to the evidence produced before the Court and to the reasons submitted for the delay in this process. The Council asked the Court of Appeal to determine and decide that the length of time over and above the two (2) years, are for reasons not attributable to any fault of the Council. The Council asked the Appellate Court to revoke the decision of the First Hall of the Civil Court within this context.

Current Status of the case: The Medical Council awaits the Court's date of appointment in the appellate stage.

- **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 contesting the decision of the Medical Council in the Civil Courts of Malta through Court Case No. 1196/2010JRM and Appeal No. 140/2010JRM.

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On 28th March 2014, the Court of Appeal decided in favour of the Council in the proceedings filed by Dr Franco Mercieca by way of appeal from the Council's decision.

The Court has since then proceeded with investigating Case No 1196/2010JRM filed before the First Hall of the Civil Court, whereby Dr F. Mercieca attacks the validity of the decision of the Council. The decision of the Court on this case is scheduled for delivery on 16th February 2017.

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

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

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

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

Dr J. Van't Verlaat filed an appeal towards end year 2012, which case has not been appointed by the Court of Appeal until end year 2015. This case has appointed in end-year 2016, however, the sitting was postponed for the 12th of January 2017.

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

'In 2009, a family who had filed a complaint in 2008 (Case No. MC/78/2008; Case Closed) provide new evidence against Dr Louis Charles Buhagiar (MC 1289) to the Medical Council.

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After evaluating these allegations, it was decided that this case merited an Inquiry for alleged unethical and unprofessional behaviour. This case was investigated through an Inquiry during years 2009, 2010, and 2011, which was concluded on 22nd March 2011.

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

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

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

During the past year, the Court heard the evidence of both parties and declared this stage as closed. The next sitting is scheduled to be held on 11th January 2017.

- ***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.

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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) recognises qualifications but not the right to practise a profession, which right fell under the remit of the Medical Council.

The decision emphasised that both the Medical Council and the Appeals Committee had to abide by the HPCA 2003, Chapter 464 of the Laws of Malta, and they have no competence to decide whether the Act is in conformity or not with the Constitution of Malta. In view of these arguments the appeal filed by the Medical Practitioner was rejected and the Council's decision was confirmed.

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

Current Status of the Case: On 18th August 2011, Dr I. Zananian Desira filed a case in front of the First Hall Civil Court against the Medical Council. Court Case No. 740/2011JRM was reviewed by the Judicial Assistant during in year 2014 and the Court's decision was scheduled for delivery on 29th January 2015, however, in February 2015, the Council was updated by its Lawyer that the Court required more time to deliver the decision and this was postponed. The next sitting is scheduled on 26th January 2017.

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

'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 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 2013.²¹

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

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

Current Status of the Case: This case was investigated by the Court during the past year and the decision was delivered on 14th October 2016. Nevertheless, the Case shall remain suspended until the proceedings currently pending before the Health Care Professions Appeals

²¹ Quoted from Annual Report 2014, page 28 and 29

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Committee are concluded and a decision is delivered by the said Committee. The Case has been deferred to the 24th January 2017 for ulterior information in this regard.

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

Refer to pages 64 and 65 above.

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

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

Current Status of the Case: The proceedings are pending the determination of the Appeal (Court Case 12/2014EG). The Case has been deferred to the 24th January 2017 for ulterior information in this regard.

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 Committee (HCPAC) ²² within 20 calendar days from the receipt of the decision delivered by the Council.

An appeal filed against the decision of the Medical Council during the year 2014 is yet pending to be appointed.

²² 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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During this year, the HCPAC delivered its decision with regards to six, out of eight appeals, filed and investigated during the year 2015. The HCPAC decided in favour of the Medical Council.

During the year 2016, one applicant has contested the decision of the Medical Council of Malta with regards to his/her application for registration with the Council, however, this is to date yet to be appointed.

- **MC/13/2012**

Refer to pages 64 and 65 above.

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

Dr A. Bartolo 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: during the Health Care Professional Appeals Committee held a number of sittings in order to determine whether this case falls under its remit. The next sitting is scheduled on 22nd January 2016.

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11 Important Events, Achievements and Contributions of the Council

11.1 Presentation on the 'Morning After Pill'

The Social Affairs, Family Affairs and Health Committees invited the Medical Council of Malta to deliver a presentation about its position with respect to the 'Morning After Pill' during a Parliamentary Health Committee Meeting held on Tuesday 20th September 2016.

Dr Ilona Debono, President of the Council, Dr Doreen Cassar, Mr Philip Borg and Mr Frederick Cutajar, represented the Council during this sitting. The presentation was delivered by Dr D. Cassar.

11.2 Quality Assurance for the Malta Foundation School Programme

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

In 2010, the Medical Council adopted the United Kingdom Foundation Programme (UKFP) guidelines for the FY1 and FY2 doctors, 'The New Doctor', as the standard competences required for Full Registration in 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.²³

²³ More information may be accessed from Malta Foundation School website: <http://fpmalta.com/>

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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 2014²⁴.

Since 2009, the Quality Assurance exercise has been regularly carried out and with notable success²⁵. The frequency of the Quality Assurance for UK Foundation Schools occurs every two to three years, or as deemed necessary.

11.2.1 Quality Assurance Exercise 2014

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, having the core aim of ensuring that these 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.

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 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 2014 and delivered its report in January 2015. The Medical Council analysed the response of the Malta Foundation School to this exercise.

²⁴ 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.

²⁵ 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

12 The Way Forward

The year 2017 envisages developments and changes to which the Medical Council of Malta is fully committed to dedicate itself and resources.

12.1 Code of Ethics on Advertising and Financial Conduct

The Code of Ethics on Advertising and Financial Conduct by Medical/Dental Practitioners is an important document which seeks to offer guidance to the patients, the professionals and various stakeholders. These guidelines offer direction to all the parties concerned which would in turn alleviate disputes.

Over the past year, the Medical Council of Malta has entrusted a new Sub-committee to review the guidelines on Advertising and Financial Conduct by Medical/Dental Practitioners, with the aim of updating them in the light of the ongoing complaints which result in outcome of the date to date activities of some Practitioners. The Council aims to draft an updated set of guidelines that would better suit the exigencies of the professional environment in which Practitioners strive to perform their duties. The Council aims to publish these new guidelines by end year 2017.

12.2 European Professional Card (EPC) and the Alert Mechanism

Since the year 2014, Member States of the European Union (EU) were highly involved in an extensive debate concerning the adopting and the implementation of the European Professional Card (EPC) and the Alert Mechanism. It was planned that these are implemented by all the Members States on 1st January 2016.

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

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

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

During the past two years, a new 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). Two technical reports were presented to the Council in December 2015 and approved in January 2016.

The Medical Council presented its recommendations for the implementation of the EPC to the Chief Medical Officer, Ministry for Health, in January 2016 and it is fully committed towards the implementation of this requirement as stipulated by EU Legislation.

12.3 Medical Council Malta Statutory Examination for Medical Practitioners

The Medical Council of Malta fully identifies the urgent need to develop a set of standard procedures and guidelines on the holding of these Statutory Examinations, with the main aim to better ensure transparency.

During the past year, a new Sub-committee was entrusted to design an improved structure for these MCMSE and a set of SOPs and aims to finalise its task by end year 2017.

13 Concluding Remarks and Acknowledgments

This Annual Report 2016, in line with its precedents, aims to provide a comprehensive, far from exhaustive, transparent account of all the work performed by the Medical Council of Malta throughout this year.

As clearly illustrated throughout this report, the past year has once again exposed the Medical Council of Malta, its Members and administration, to an exhaustive series of new challenges and experiences, which contributed to the strengthening and empowering of the Council within its environment.

As reported, the Medical Council has during the past year been recomposed in result of the Elections held between April and June 2016, for the Medical and Dental Practitioners. An overview of these changes and the composition of the Sub-committees of the Medical Council entrusted with particular tasks, is therefore illustrated. The matters being experienced by the Council, and its future plans to be better able to address ongoing challenges are reported and also explained.

This report proceeds with referring to one of the main tasks of the Medical Council as stipulated by the Health Care Professions Act 2003, Chapter 464 of the Laws of Malta, which concerns the keeping of the Registers. An overview of the various types of registration granted during this year is provided and this illustrates a constant increase in the number of registrations granted.

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

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I take this opportunity to thank the President of the Medical Council, Dr Ilona Debono, for her dedication and commitment towards the Council and its operations and to welcome the new Members on board.

I would also like to congratulate all the Members who have been re-elected for a further term of three year and to thank all the past Members for their precious contribution to the Medical Council throughout their term.

Finally, I would to express my gratitude to my assistants, Ms Lara Sultana and Ms Joanne Vella, for all their support.

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

Registrar

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Annex 1:

Report by Dr Bryan Flores Martin 15th Meeting of the European Network of Medical Competent Authorities (ENMCA), 15th April 2016, General Medical Council, Manchester UK

On behalf of the Medical Council, Malta, the Manchester 15th Meeting of the European Network of the Medical Competent Authorities hosted by the General Medical Council in its offices in Manchester was attended by Dr B. Flores Martin.

The meeting was attended by delegations from seventeen European Union member states (Austria, Belgium, Cyprus, Denmark, Estonia, France, Germany, Hungary, Ireland, Malta, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden and the UK), together with Niall Dickson, Chief Executive Officer of the General Medical Council, Vassilios Papalois, Secretary General of the European Union of Medical specialists and Maria Olabbaria Uzquiano, European Committee on Standardisation.

On the eve, on Thursday 14th, April 2016, the delegates were given the opportunity to attend the GMC Office for a tour of the Clinical assessment Centre which is the specialised centre within the GMC office where the clinical skills of doctors, including third country nationals, are tested.

The meeting was an opportunity to meet and discuss:

- i. The current positions on recent amendments to the Directive on the recognition of professional qualifications. An introduction by Mr Niall Dickson, Chief Executive of the General Medical Council was followed by an open discussion on the British system and the positions implemented by the other member states.
- ii. The current experience by all member states on the implementation of the RPQ Directive on the Alert Mechanism through the Internal Market Information System (IMI). The tour de table discussion showed that most member states are still unable to completely adhere to the IMI Alert Mechanism either because of national legal constraints or for logistical reasons. However, all delegates indicated that efforts to come in line with the EU requirements were being undertaken.
- iii. Common training frameworks and tests. The views from the Secretary General of the EUMS and of EMNCA as presented by A. Jaekel of the German Medical Association were presented and followed by an open discussion by all present. The common views of the delegates re-iterated that EU enforced-common training frameworks

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were at this point premature. EUMS frameworks were at this point to be seen as useful tools and could be implemented voluntarily by individual member states.

- iv. Standardisation activities in the field of healthcare service and concerns arising were discussed by Maitane Olabarria Uzquitano, European Committee on Standardisation and Eoin Keehan from the Irish Medical Council. The example chosen was the recent publication by the ECS of guidelines for aesthetic surgery. The major concern of the intrusion of the ESC in healthcare was that this body was led primarily by industry and is under no obligation to consult either the medical profession or lay patient organisations.
- v. Other topics discussed were the amended Annex V *Length of Speciality Training* which was still to be published but is expected to be already out-dated, EU survey in breaks in service and a projected standardisation of fitness to practice sanctions.

The meeting was an excellent opportunity during conference breaks for all delegates to bring forwards topics of bilateral interest between them and also an opportunity to learn how the other competent authorities were dealing with situations. Of particular interest to Malta was the issue of adaptation periods, RCSI Bahrain graduates and the logistical problems arising from further standardisation requirements by the EU Commission.

Finally, it was decided that the next meeting of ENMCA will be held in Berlin in November where the focus will be on the implementation of the European Professional Card for medical practitioners.

(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 by Dr David Muscat Federation of Dental Competent Authorities and Regulators (FEDCAR), Autumn General Assembly, 27th May 2016, Barcelona

The FEDCAR (Federation of Dental Competent Authorities and Regulators) conference was held on Friday 27th May 2016 at the COEC (College of Odontology of Catalonia). There were 29 participants from 16 countries. This report will be divided into different sections.

- Challenges and Threats to Spanish Dentistry by Dr Oscar Reino, President of the Spanish Dental Association

The prevalence of oral cancer is 12000 cases per year in Spain. 85% of cases of oral cancer are diagnosed in late stages in Spain. Early detection would reduce mortality by half. There are 12 Public dental schools and 9 Private dental schools in Spain.

One particular Private university had got more students than 7 Public universities together.

In 2020, it is envisaged that there will be 39,709 dentists in Spain.

There is a disproportion between growth and demand for dental care of the Spanish population and the available human resources.

In 2010 only 43% of Spaniards attended the dentist in the previous 12 months. The EU average of attendance is 57%.

Denturism is also a threat. There is also a low demand for dental care.

In 2015 a survey showed that in March 2015 there were on average 199 patients seen per month per dentist but in December 2015 the average per dentist per month fell to 149.

In 2015 simple treatments increased. More complex treatments such as dental implants and aesthetics decreased.

One out of four dentists suffered significant reduction in revenue in 2015.

The three main concerns are a disproportionate number of dentists; merchandising of dentistry and misleading advertising.

- The FEDCAR Website

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There will be charge to FEDCAR members so as to contribute towards the FEDCAR website project.

- The Alert Mechanism by Majula Das - Head of Education Policy and Quality Assurance GDC UK

Article 5a Alert Mechanism stipulates that the Competent Authorities of a Member State shall inform the Competent Authority of all other Member States about a professional whose pursuit on the territory of that Member State of the professional activity has been restricted or prohibited even temporarily, by national authorities or courts.

A FEDCAR survey was carried out to create the opportunity for Members to

- a. Understand each other's approach to issuing alerts and their underpinning disciplinary systems.
- b. Understand how incoming alerts are managed and what further action may follow.
- c. To form an internal view as to the impact of the alert mechanism.
- d. Consider providing feedback to the European Commission about the impact of the alert mechanism in Dentistry.

The GDC response showed

- a. 147 sent 4 received
- b. Used for regulated professions in the UK which include dentists; dental hygienists; dental therapists; dental nurses; orthodontic therapists; dental technicians; clinical dental technicians.
- c. Alerts are issued following a disciplinary hearing when the result is that a practitioner has conditions attached to his registration or suspended for a period of time or is erased.
- d. Alerts are checked against current registration and pending applications for registration.
- e. An alert is treated as the basis for further investigation under the fitness to practice process.

Other EU states have shown differing responsibilities/abilities to issue alerts. Some members have different approaches to disciplinary matters. There is a clear difference in volume of alerts generated.

Some countries have not got an organised system in place so that alerts can be acted on immediately.

- FEDCAR Statement on Tooth Whitening

A statement was voted upon and universally approved-

'By this statement FEDCAR would like to address the risks associated with the use of tooth whitening in beautician centres or similar venues without the supervision of a dentist planned,

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and state that in the interest of high standards of oral healthcare and dentistry, and irrespective of the chemical products used, the treatment of tooth whitening should be restricted to the skilled practice of dentistry.'

- The Order of Dentists of Albania

This was admitted as full FEDCAR Member.

- Recognition of Periodontology as a new Dental Speciality in Europe by Prof David Herrera

Prof D. Herrera addressed FEDCAR on this issue and dealt mainly with:

- a. The growing impact of periodontal disease in the EU.
- b. The importance of specialist care
- c. EU recognition of Periodontology
- d. The EU Federation of Periodontology
- e. Growing impact of periodontal disease in the EU.

Periodontology is the art and science of maintaining the health of the tissues which support teeth and dental implants. It is not only critical to oral health but also for general health and well being. Specialist care is thus very important to ensure that the periodontal disease is treated properly.

Once Sweden, Croatia and Poland, which have recognised Periodontology as a speciality actually regulate the access of the professional to the profession, then there will be a sufficient number of countries so that there can be a legislative calendar to update annex 5. It must be made clear that the issue of grandfathering must be strictly looked at so that only suitably qualified periodontologists actually are listed on the specialist list.

- EU Mercury Strategy: a gradual phase down on the use of Amalgam

Use encapsulated form. Promote environmental protection. Discourage insurance programmes which encourage amalgam use. Encourage dental schools to teach alternatives to amalgam.

- M Health

HCP and patients can work with the patients' generated data by linking apps with the electrical health records or personal health records.

- Data Protection

This entered into force on 24th May 2016 and the deadline for implementation is 25th May 2018.

Consent to the data processing differs from the consent to the healthcare and information must be provided re right and storage uses.

Consent re personal data no longer implicit.

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Individuals can claim for material or immaterial damage from controller or processor.

Organisations have the burden of proving that they are not responsible for the event that has caused damage.

Supervising authorities can impose monetary penalties.

- Ceta-Comprehensive Economic and Trade Agreement

This enables mutual recognition of qualifications by laying down a framework so that legislators can negotiate mutual recognition agreements.

- ADEE – The European Dental Academic Advocate for Quality in Dental Education

This is committed to the advancement of the highest level of healthcare for all people in Europe, and it in collaboration with FEDCAR. This draws on dental schools existing quality assurance processes to offer an opportunity for peer reviewed recognition from the ADEE in Europe.

- Joint Action Workforce Planning

Incorporate health workforce dimensions in all action plans

- International Society of Dental Regulators

This developed a set of competences and has proposed Dental Accreditation Principles.

(sgd) Dr David Muscat, B.D.S.(Lond)
Member, Medical Council of Malta

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Annex 3:

Report by Dr Bryan Flores Martin Health Care Professionals Cross Border, London Conference 'Promoting Patient Safety Across Borders', 28th October 2016, London UK

Healthcare Professionals Crossing Borders (HPCB) is an informal partnership of professional healthcare regulators from within Europe that works collaboratively on a range of regulatory issues.

The purpose is to contribute to patient safety in Europe through the effective regulatory collaboration in the context of cross-border healthcare and free movement of healthcare professionals.

The Medical Council strives at safeguarding patients' rights and safety by protecting, promoting and maintaining the health of the general public. This is by ensuring proper standards in the practice of Medicine as well as by safeguarding the values and integrity of the Medical professions.

The Medical Council's statutory functions are defined in the Health Care Professions Act (HCPA) 2003, Cap. 464 of the Laws of Malta, which abides by the EU Directive 2005/36/EC.

The 2016 HPCB Conference, 'Promoting patient safety across borders', was hosted by the UK General Medical Council and Nursing and Midwifery Council. The conference's aim was to focus on the lessons learnt from the implementation of the recognition of professional qualifications Directive, with a special focus on the European professional card and alert mechanism.

The meeting was held at 30, Euston Square, the headquarters of the Royal College of General Practitioners (RCGP).

The meeting was attended by 95 representatives of health care professionals' regulatory bodies of 27 countries from the EU and the EEA. Each state was represented by regulatory bodies of the various health professions. Malta was represented by Dr Daniel Mallia, the Mutual Recognition Coordinator, National Commission for Further and Higher Education, Dr Bryan Flores Martin for the Medical Council and Mr Joseph Busuttill, Registrar for the Pharmacy Council.

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After the welcoming speech by Susan Goldsmith, Deputy Chief Executive of the General Medical Council, Ms V. Ford MEP, Chair of European Parliament Internal Market and Consumer Affairs Committee talked about “Healthcare Mobility Across Border”.

This was followed by “The Revised Recognition of Professional Qualifications” which was delivered by Caroline Hager, Team Leader, Cross Border Cooperation Healthcare, DG Health and Food Safety 1 in lieu of Martin Frohn, Head of Unit, Free Movement of Professionals, DG Internal Market, Industry, Entrepreneurship and SMEs 10 Caroline Hager, Team Leader, Cross Border Cooperation Healthcare, DG Health and Food Safety, who was unavoidably delayed.

Both sessions were followed by question and answers sessions where the implications and difficulties encountered by representative were discussed. To note was the fact that most representative complained of difficulties being encountered in the implementation of the changes introduced with the recent amendments to the EU law.

John Lucarotti, Head of FTP Legislation and Policy, Nursing and Midwifery Council discussed “Using the alert mechanism effectively” and at the end also the launched the HPCB Sanctions Mapping Survey.

This topic brought out a heated discussion on the complexity of the IMI Alert Mechanism, its apparent abuse by some member states and the inability of some member state regulatory bodies to easily access these alerts due to the sheer numbers involved and human resource limitations. In fact, most speakers admitted that the previous system of individually alerting the other regulatory bodies was still widely practiced.

The speaker also launched the “HPCB Sanctions Mapping Survey”. This new survey was designed to establish the degree of variation, application and dissemination of sanction imposed on practitioners. The aim is to decide whether the information gather can be applied to the IMI Alert Mechanism.

This was further discussed and difficulties and implementation problems confirmed during the “Panel discussion: The implementation of the European Professional Card and the Alert Mechanism”, chaired by Susan Goldsmith, General Medical council. Participating were Şeniz Sari, Dutch Ministry of Health, Corinna Klienschnidt, German Federal Ministry of Health, Tiia Raudma, Estonian Ministry of Education and Research, Helena Scarabin, National Board of Health and Welfare.

This was followed by “Continuing Professional Development in the EU – conclusions from “ticking the boxes – or improving quality care and patient safety” by Caroline Hager, Team

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Leader, Cross Border Cooperation Healthcare, DG Health and Food Safety. The discussion was further strengthened by the presentation of the European Commission's publication "Study concerning the review and mapping of continuous professional development and lifelong learning for health professionals in the EU". Emphasis was made to encourage all member states to move towards an obligatory form of CPD rather than an unenforceable voluntary one.

A panel discussion followed, "Ensuring patient safety through CPD and revalidation" chaired by Jackie Smith, Nursing and Midwifery Council and participating were Anne Trotter, Network of European Nursing Competent Authorities, Üllar Kaljumäe, Federation of European Dental Competent Authorities & Regulators (FEDCAR), Philippe Sterlingot, Forum for Osteopathic Regulation in Europe (FORE) and Ginny Hanrahan, Health and Social Care Professions of Ireland (CORU).

A full discussion by the floor ensued.

During breaks, enquiries were made on the application of the "five year and 5500 hour" requirements for the recognition of the basic medical degrees. The Cypriot Medical Council's Registrar admitted that the Cypriots themselves do not register four year graduates and refer these graduates to the UK and Malta for provisional registration.

The representatives of the Medical Regulatory bodies agreed to meet in December for the Berlin ENMCA meeting to further discuss the implementation of language requirements.

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