

ANNUAL REPORT

OF THE

MEDICAL COUNCIL OF MALTA

2004

**Published by the Medical Council
181, Melita Street, Valletta.**

www.health.gov.mt/statutory-bodies/medcounc.htm

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With effect from 21 November 2003 the Health Care Professions Act 2003 repealed article 20 of the Department of Health (Constitution) Ordinance, thus abolishing the Medical Council which had been constituted by that article in 1959. At the same time the Act established a new Medical Council, distinct from the previous one both in its composition and in its functions.

As regards composition, the newly constituted Council is made up of thirteen members, five appointed by the Prime Minister, one appointed by the University of Malta, five elected by and from amongst medical practitioners and two elected by and from amongst dental surgeons. One important distinction is that the new Council includes two members from amongst the general public who are not health care professionals. These are two of the five members appointed by the Prime Minister. As was expected, these lay members integrated easily in the Council, and together with the professional members have contributed validly in the interest of the general public as well as of the medical and dental professions.

As a result of Malta's accession to the European Union, the present Medical Council now has a number of functions in addition to those which the former Council had. One is to exchange with the other Member States of the Union information regarding members of the medical and dental professions, including information on measures taken against them, and on penalties imposed upon them. Another additional function is to fully register a citizen of any Member State possessing a basic medical qualification or a degree in dental surgery obtained from a European Union university, without proficiency of spoken Maltese any longer being a barrier to full registration. Furthermore the Medical Council now is to keep registers of specialists who are in possession of a certificate issued by the Specialist Accreditation Committee which was established by the Act, and by equivalent bodies of other Member States.

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With the constitution, in November 2003, of the new Medical Council to replace the old, it became necessary to proceed with the appointment and election of the members of the new Council. The new Medical Council could not start functioning before the final results of the elections of the elected members became known. That was on 22nd March 2004.

The first meeting of the present Medical Council was held on 14th April 2004. In the meetings immediately following, the Council dealt mainly with business which had accumulated during the previous five months (since November 2003), with matters which arose as a result of Malta's accession to the European Union, such as registration of foreign professionals, and with inquiries into the conduct of professionals.

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There was a backlog in the carrying out of inquiries on complaints received by the Medical Council against medical practitioners and dentists. Before the Health Care Professions Act came into force, hearings in inquiries could be held by the Council only in plenary session. It had been very difficult to convene at least a quorum of the Council for these hearings. The Act now empowers the Council to set up committees "for the purpose of enforcing professional and ethical standards" of its members, and to "better perform its functions." The Council has set up such committees for the purpose of collecting the evidence in inquiries, and forwarding their opinion to the Council for its consideration and decision. As a result, hearings are now much more frequent, and it is expected that inquiry proceedings will be more expeditious.

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On 23 December 2004 the members of the Medical Council were received by the President of Malta on a courtesy visit at the President's Palace in Valletta.

Judge Victor Caruana Colombo
President Medical Council

Annual report

1. Composition of the Medical Council

The Medical Council constituted under the Health Care Professions Act 2003 came into being on 21st November 2003, and consists of thirteen members, five appointed by the Prime Minister, one appointed by the University of Malta, and seven elected. During 2004 the Medical Council was composed of the following members:

Appointed by the Prime Minister

Judge Victor Caruana Colombo LL.D. – President
Dr Denis A. Soler M.D., F.R.C.G.P., M.Sc.
Dr Herbert Messina Ferrante B.Ch.D., L.D.S., R.C.S., F.I.C.D.
The Reverend Joseph Borg
Ms Ruth Amaira (resigned with effect from 1st October 2004)
Mrs Claudia Taylor East, (appointed in place of Ms Amaira with effect from 2nd November 2004)

Appointed by the University of Malta

Prof. Frederick F. Fenech M.O.M., M.D., F.R.C.P., F.R.C.P.E., F.R.C.P.G.,
F.R.C.P.I., F.A.C.P.

Elected by the registered medical practitioners

Dr Michael J. Boffa M.D., M.R.C.P., M.Sc., T.(Derm.), F.R.C.P., F.R.C.P.
Dr Karl Causon M.D.
Prof. Godfrey LaFerla M.D., M.R.C.S., L.R.C.P., F.R.C.S.,
F.R.C.S.R.C.P.S., F.R.C.S.Ed., Ph.D.
Dr Conrad Azzopardi M.D., L.R.C.P., L.R.C.S., L.R.C.P.S., M.R.C.P.
Dr Paul Soler M.D., M.R.C.P.

Elected by the registered dental surgeons / dentists

Dr Alfred Magri Demajo B.Ch.D., D.G.D.P.
Dr James Galea B.Ch.D., F.D.S., R.C.S.

Registrar

Mr Herbert Guillaumier

The President and the members of the Council appointed by the Prime Minister and the member appointed by the University of Malta hold their appointments for three years with effect from 18th March 2004.

The Reverend Joseph Borg, Ms Ruth Amaira and Mrs Claudia Taylor East were the first non-health care professionals, apart from the President, who were appointed members of the Medical Council in terms of the Health Care Professions Act.

The elected members hold their office for three years.

2. Meetings and Attendances

The appointments of the appointed members of the Medical Council had effect from 18th March 2004. The final results of the elections of the elected members became known on 22nd March 2004. The first meeting of the Council in 2004 was held on 14th April 2004.

In 2004 the Medical Council held twenty two meetings, all of which were of an administrative nature.

Attendances for meetings were as follows:

Member	Attended	Excused	Absent
Judge Victor Caruana Colombo	22	0	0
Ms. Ruth Amaira	3	15	0
Mrs. Claudia Taylor East	3	0	0
Dr. Conrad Azzopardi	20	2	0
Dr. Michael J. Boffa	18	4	0
Rev. Fr Joseph Borg	21	1	0
Dr. Karl Causon	20	2	0
Prof. Frederick F. Fenech	13	9	0
Dr. James Galea	14	8	0
Prof. Godfrey La Ferla	13	9	0
Dr. Alfred Magri Demajo	22	0	0
Dr. Herbert Messina Ferrante	16	6	0
Dr. Denis A. Soler	18	4	0
Dr. Paul Soler	17	5	0

3. Committees

(a) Committee to hear inquiries

The Medical Council set up a Committee for the purpose of hearing and collecting evidence in inquiries, and submitting such evidence and its opinion for the consideration and decision of the Council. This Committee was set up as follows: the President and six other members of the Council, two of the latter being medical practitioners, two dental surgeons and the two lay members. For each inquiry the Committee shall be made up of three members, namely the President, who shall chair the Committee, one medical practitioner or dental surgeon according to the profession practiced by the accused, and one of the lay members.

The Council appointed the following six members to sit on the Committee: Dr Paul Soler and Dr Karl Causon (medical practitioners), Dr Herbert Messina Ferrante and Dr Magri Demajo (dental surgeons), and the Reverend Joseph Borg and Ms Ruth Amaira (lay members.) Ms Amaira was later replaced by Ms Claudia Taylor East..

In 2004 there were hearings by the Committee in two inquiries. Judge Caruana Colombo (presiding) and the Reverend Borg formed part of the Committee in both inquiries. Dr Paul Soler formed part of the Committee in one inquiry, and Dr Causon formed part of the Committee in the other.

(b) Other Committees

The following other Committees were appointed:

To vet applications for registration of medical practitioners: Dr Conrad Azzopardi, Dr Michael Boffa, Dr Karl Causon and Dr Paul Soler;

To vet applications for registration of dental surgeons: Dr James Galea, Dr Alfred Magri Demajo and Dr Herbert Messina Ferrante;

To draft legislation: Judge Victor Caruana Colombo, Dr Denis Soler;

To propose registration / retention fees: Dr Denis Soler and Dr H. Messina Ferrante.

4. Specialist Accreditation Committee

The Health Care Professions Act established a Specialist Accreditation Committee for each of the professions to which the Act applies, including those of medical practitioners and of dental surgeons. The principal function of these committees is to issue certificates of completion of specialist training in specialities listed in the Act. One member of each committee is appointed by the relevant council for a term of three years.

The Medical Council appointed Professor Godfrey La Ferla to sit on the Special Accreditation Committee for medical practitioners, and appointed Dr Paul Soler as his substitute.

The Medical Council appointed Dr Herbert Messina Ferrante to sit on the Specialist Accreditation Committee for dental surgeons, and appointed Dr James Galea as his substitute.

5. Electoral Commission

Dr George Depasquale, Dr. Roy Schembri Wismayer and Dr. Joseph Farrugia (Gozo), were appointed electoral commissioners by the Minister of Health, the Elderly and Community Care to conduct the first ever elections by postal ballot.

Upon publication of the notice of election of five (5) licensed medical practitioners as per regulation 6 (2) of the Medical Council (Elections) Regulations 2004, and of two (2) licensed dental surgeons as per the same regulation, the Registrar received eleven (11) nominations from medical practitioners and three (3) from dental surgeons.

The results of the elections were as follows:

Medical Practitioners

Total votes cast	520
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Invalid	005
Valid	515

Candidates:

Dr Carmel J. Abela	183 votes
Dr Conrad Azzopardi	220 votes (ELECTED)
Dr Michael J. Boffa	357 votes (ELECTED)
Mr George Buttigieg	157 votes
Dr Karl Causon	258 votes (ELECTED)
Dr Mario Grixti	187 votes
Professor Godfrey La Ferla	235 votes (ELECTED)
Dr Tanya Melillo Fenech	185 votes
Dr Antonia Mizzi	132 votes
Dr Paul Soler	207 votes (ELECTED)
Dr Andrew Paul Zammit	156 votes

Dental surgeons

Total votes cast, all valid	81
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Candidates

Dr James Galea	49 votes
Dr Alfred Magri Demajo	51 votes (ELECTED)
Dr Noel Manche'	49 votes

As Dr Galea and Dr Manche' obtained an equal number of votes, a partial election was held between these two candidates. The following was the result of the partial election:

Total votes cast	58
Invalid	01
Valid	57

Candidates

Dr James Galea	35 votes (ELECTED)
Dr Noel Manche'	22

In their report on the elections, the Electoral Commissioners commented that:

1. the low percentage of returned ballots means that the Registers of the Medical Council are constantly being kept updated by the Registrar;
2. several voters did not bother to read the instructions accompanying the ballot; and
3. the 48.6% mark of medical practitioners who voted, is no good augur considering the MAM's persistent notices on its website.

6. Appeals Committee

The Health Care Professions Act established an Appeals Committee for health care professions. The function of this Committee is to hear and decide appeals by the persons concerned upon decisions regarding registrations by the Medical Council, among other councils, and upon decisions of the Specialist Accreditation Committees regarding the award of specialist certificates. Where the appeal concerns a medical practitioner or a dental surgeon, a member of these professions shall be included in the Appeals Committee taking cognizance of the appeal. Such member is elected for a term of three years, and the relevant election is conducted by an Appeals Committee Elections Commission.

The Council appointed Dr George Depasquale, Dr Roy Schembri Wismayer, Dr Joseph Farrugia and Mr Herbert Guillaumier to represent it on the said Commission.

Dr Myra Kay Tilney was the only candidate from among medical practitioners and dental surgeons for election as member of the Appeals Committee. She was thus returned uncontested.

7. Medical Register

It was not possible to have the Registers of the Medical Council printed in 2004 as the Council could not function in the period from November 2003 to the middle of April 2004.

The registers include the names, addresses, registerable qualifications, date and number of registration of medical practitioners and dental surgeons registered on 1st January 2005.

MEDICAL PRACTITIONERS

		Females	Males
Principal List	1170	259	911
Commonwealth List	96	18	78
Foreign List	36	5	31
Special Part	82	19	63

DENTAL SURGEONS

		Females	Males
Principal List	161	44	117
Commonwealth List	19	1	18
Special Part	4	1	3
Foreign List	1	-	1

8. New Registrations

During the year 2004, the Medical Council received thirty four (34) applications for registration from medical practitioners who had served as house physicians/surgeons in a government hospital/clinic or in any other branch of the health service provided by Government for a period of two years in accordance with Article 11 (1) of the Health Care Professions Act, 2003 (Cap. 464 of the Laws of Malta).

There were three (3) other applications for registration with the Medical Council made by Dr Camilla Elisa Knatteroed, a Norwegian, Dr Lars Aakeroy and Dr Mirna Khaled Aoudi for registration with the Medical Council in accordance with Article 11 (2) of the Health Care Professions Act, 2003. Dr Aakeroy and Dr Aoudi were both employed on a yearly basis by the Health Division as Medical Officers at St Luke's Hospital, while Dr Knatteroed left Malta to further her studies in Norway.

During the year 2004, the Medical Council received five (5) applications for temporary registration from dental surgeons who had successfully finished the fifth year of University. All five Maltese dental students were granted a temporary licence up to the end of the year on the basis that they would be graduating late in November. One of them, Dr Jean Paul Demajo, graduated BDS Hons from Queen Mary and Westfield College, University of London. All five (5) dental surgeons were permanently registered on the presentation of the respective certificate awarded to them by the respective University.

There were another two (2) applications for registration and licensing made by Dr med. Dent. Arnold Buddenberg and Dr med. Patrick Huhn, both of German nationality, the former a dental surgeon, the latter a medical practitioner, who were granted a licence to practise as a dental surgeon and a medical practitioner, respectively, by the President of Malta.

Dr Bernardus Disselhoff from the Netherlands was granted temporary registration for two years in November after making a formal application with the Medical Council.

In September 2004, the Medical Council launched a registration form on its website for new applicants. Applicants from overseas could access the Council's website quite easily.

9. Registration of Foreign Medical Practitioners

During the year 2004 the Health Division requested temporary registration with the Medical Council of sixty-four (64) foreign medical practitioners, namely: twenty nine (29) anaesthetists, nine (9) radiologists, four (4) paediatric surgeons, eight (8) general surgeons, two (2) of each of the following, namely, urologists, otolaryngologists, ophthalmologists,

orthopaedic surgeons, general medical officers and obstetrics and gynaecologists, one (1) neurosurgeon and one (1) pathologist.

All the above medical practitioners were granted a temporary licence to practice for a period of one year, under the supervision of a Consultant, in a government hospital/clinic. Temporary registration for a period of one year was granted subject to a favourable report from the Head of Department of the relevant speciality.

Late in April 2004, Dr Robert W. Drenth M.D. (Groningen) 1991, who was interviewed during the previous year in his speciality, was permanently registered.

Eighty-one (81) foreign medical practitioners had their temporary registration renewed for a period of three/twelve months during the year 2004. This renewal was granted upon receipt of a favourable report from the Head of Department of the relevant speciality.

In January 2004, the Medical Council received sixteen (16) applications for registration from the Euro-Mediterranean Centre for Plastic Surgery acting on behalf of French plastic surgeons who were applying for a licence to practise their speciality in one of Malta's leading private hospitals. They were granted a licence by the President of Malta under various conditions.

10. Registration with the GMC

With Malta's accession to the European Union on 1st May, 2004, all Maltese medical practitioners and dental surgeons, applying for registration with Medical/Dental Councils of other member states, had to prove that the curriculum and training leading to the award of the M.D. and the B.Ch.D. degrees were in conformity with article 23 of E.U. Directive 93/16 EEC and E.U. Directive 78/687 EEC respectively.

On Malta's accession to the European Union, the Registrar was faced with a great number of enquiries regarding the Certificate of Good Standing as well as the Certificate of Compliance.

11. Complaints and Inquiries

On receipt by the Medical Council of a complaint on the conduct of a medical practitioner or dental surgeon, the complaint is served on the professional involved who is invited to submit to the Council in writing any explanation which he may have to offer. The complaint is put before the Council, which then considers the complaint and the professional's explanation (if received), and decides whether to hold an inquiry or otherwise. Before this decision is taken, the Registrar may be directed to seek from the complainant or the professional, or from both, the clarifications or explanations which may be considered necessary. The complainant and the professional are then notified with the Council's decision whether an inquiry on the complaint is to be held or otherwise. Such notification is made within three months (barring exceptional circumstances) of the receipt by the Council of the complaint. Where the Council decides not to investigate a complaint, the complainant and the professional are notified of this decision and of the reasons for the decision.

During 2004 the Medical Council received nineteen (19) complaints, seventeen (17) against medical practitioners and two (2) against dental surgeons. It decided to hold an inquiry into seven (7) of these and not to inquire into eleven (11). As regards the remaining complaint, the decision is pending whether to inquire or otherwise.

The allegations made in the seven (7) complaints to be investigated are these:

one complaint on sexual abuse;
one on divulging the professional secret;
three on the issue of false certificates; and
two on unsatisfactory treatment.

The allegations made in the eleven (11) complaints not to be investigated are:

one complaint on unsatisfactory treatment and failure to give the patient access to personal notes;
one on recommending admission to the hospital for mental diseases;

one on the treatment received at, and on the fees charged by a private hospital;

one on the fees charged;

one on failure to provide the treatment that had been paid for;

one on a decision for discharge from hospital service;

two on loss of temper;

one on refusal to provide treatment; and

two on the issue of false certificates.

The allegation made in the complaint on which no decision has yet been taken whether to inquire or not, is on loss of temper and destruction of certificates.

Apart from the above complaints, there are seven (7) others dating from before 2004. Five (5) of these are awaiting decision, one (1) is in the course of inquiry and one (1) awaiting its turn for inquiry.

The Health Care Professions Act empowers the Medical Council even of its own motion to investigate any allegation of professional misconduct or breach of ethics by a medical practitioner or dental surgeon. During the past year the Council considered whether to investigate, even in the absence of a complaint, the conduct of the medical practitioners involved in two separate cases in each of which the patient died following treatment. In both cases the Council decided not to investigate.

12. Other Activities

Dr Conrad Azzopardi and Dr Herbert Messina Ferrante represented the Medical Council on the **MEUSAC** (Malta EU Steering and Action Committee) on matters relating to *Consumer and Health Protection and Free Movement of Persons*.

Herbert Guillaumier
REGISTRAR