

MEDICAL COUNCIL

Mission statement

THE MEDICAL COUNCIL IS AN AUTONOMOUS BODY WHICH AIMS TO PROTECT, PROMOTE AND MAINTAIN THE HEALTH AND SAFETY OF THE PUBLIC BY MAINTAINING THE GOOD PROFESSIONAL AND ETHICAL STANDARDS

ANNUAL REPORT

OF THE MEDICAL COUNCIL OF MALTA

2005

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INTRODUCTION BY THE PRESIDENT

The decision by the Medical Council to publish an annual report predates the provision in the Health Care Professions Act, 2003, which made this publication mandatory. In fact the first annual report was published in 2001, for the basis year 2000, and was instigated by the former President of the Medical Council, Judge Maurice Caruana Curran, who together with past Council members believed that medical / dental practitioners, as well as the public in general, had the right to be informed of the activities of the Council. Since then the format and content of the annual report has been the subject of continuous review and change so as to produce a quality publication. In compiling this report the Council takes the opportunity to appraise its own conduct and activities to guide doctors and dentists, and to better serve the public.

It is not uncommon for losing parties to lambaste decisions of a court of law as being bad or unfair, and not unexpectedly this also happens with decisions of the Medical Council. However, what is not expected is for such parties to draw editors, commentators and reporters of the press, held to be of good standing, into misinforming their readers. Some of the contributions published in the local press over the past year, made denigratory comments about specific decisions of the Medical Council, and expressly invited, even challenged it, to respond. The Council however refuses to enter the arena of the media in order to substantiate its rulings, particularly those made in the exercise of its quasi judicial function.

For the information of the public, the rules of procedure governing the conduct of inquiries by the Medical Council are outlined in this annual report in the section

Although the appointment by the Medical Council of various committees to collect evidence in inquiries has speeded up the hearings, progress to date is still unsatisfactory. One major reason for this is the numerous witnesses being brought forward by the parties concerned, who in most instances are not restrained from so doing in order to assure a fair and equitable hearing.

The professional and ethical code of conduct of medical / dental practitioners in Malta is still governed by the regulations of 1971 established by the former Medical Council. Although these regulations lay a sound yardstick on which to set standards, these have to be continuously reviewed and if necessary amended in keeping with current thought and practice worldwide. One such area which is currently being reviewed by the Medical Council concerns advertising by medical / dental practitioners.

Mr Herbert Guillaumier officially retired from the post of Registrar of the Medical Council on 25th November 2005 after which he continued to serve the Council in an acting capacity until the end of January 2006. His friendly and pleasant disposition, and knowledge and experience accrued over the years, will be sadly missed and difficult to replace. The Council wishes him well in his new posting.

Calls for the post of Registrar to the Medical Council have been published in the Malta Government Gazette and applications are now being processed.

As the Medical Council is committed to financial autonomy, discussions have started with interested parties to decide on and prescribe fees for initial registration and for subsequent retention in the medical registers of Malta. The Council is also exploring the issue of revalidation of medical / dental practitioners, especially with respect to the mechanisms to be adopted and the impact these would have on the said professions.

The Council is in the process of revising its registers to bring them in line with EU directives and the Health Care Professions Act, 2003. Besides the Principal list, the Council will keep a register of specialists licensed to practice in Malta. Inclusion in the specialist register will be upon application and against presentation of a valid certificate of accreditation from a competent authority. It is also hoped that for the first time ever the medical registers will be available on-line.

Judge Victor Caruana Colombo
President
March 13, 2006

REGISTRAR'S ANNUAL REPORT

1. Composition of the Medical Council

According to the Health Care Professions Act, 2003, the Medical Council is composed of thirteen members: five appointed by the Prime Minister, one appointed by the University of Malta, five elected from among registered medical practitioners and another two elected from among registered dental practitioners. Lay representation on the Council is by members appointed by the Prime Minister. Appointed and elected members of the Medical Council hold their office for a maximum period of three years.

Members appointed by the Prime Minister

Judge Victor Caruana Colombo LLD – President

Dr Denis A. Soler MD, FRCGP, MSc

Dr Herbert Messina Ferrante BChD, LDSRCS, FICD

The Reverend Joseph Borg

Mrs Claudia Taylor East

Member appointed by the University of Malta

Prof Frederick F. Fenech MOM, MD, FRCP, FRCPE, FRCPG, FRCPI, FACP

Members elected by the registered medical practitioners

Dr Michael J. Boffa MD, MRCP(UK), MSc, T(Derm), FRCP(Edin), FRCP(Glas)

Dr Karl Causon MD

Prof. Godfrey LaFerla MD, MRCS, LRCP, FRCS, FRCSRCPS, F.R.C.S(Ed), PhD

Dr Conrad Azzopardi MD, LRCP(Ed), LRCS(Ed), LRCPS(Glas), MRCP(UK), FRCP(Lond)

Dr Paul Soler MD, MRCP

Members elected by the registered dental practitioners / surgeons

Dr Alfred Magri Demajo BChD, DGDP

Dr James Galea BChD, FDSRCS

Registrar

Mr Herbert Guillaumier

Duration of appointments

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

The elected members hold their office for three years.

Registered Office

181, Melita Street Valletta

2. Meetings and Attendances

In 2005 the Medical Council held twenty one meetings of an administrative nature in which various topics were discussed, including the applications for licences, medical registers and specialist registration, complaints about medical/dental practitioners, decisions about inquiries, advertising, genetic testing, data protection and medical duties by pre-registration doctors in the health centres.

Attendance during the year 2005 was as follows:

MEMBERS	PRESENT	ABSENT	EXCUSED
Judge Victor Caruana Colombo - President	20	0	1
Prof F.F.Fenech	15	0	6
Dr Denis Soler	17	0	4
Dr Herbert Messina Ferrante	9	0	12
Dr Michael Boffa	17	0	4
Dr Karl Couson	17	0	4
Prof Godfrey Laferla	10	0	11
Dr Conrad Azzopardi	16	0	5
Dr Paul Soler	15	0	6
Dr James Galea	7	1	13
Dr Alfred Magri Demajo	20	0	1
Rev Joseph Borg	16	0	5
Mrs Claudia Taylor East	15	0	6

3. Committees

The composition and function of the various committees set up by the Medical Council was as follows:

Committees to hear inquires

Various committees were appointed to hear and collect evidence in inquires and to submit a reasoned report based on such evidence to the Council for its consideration and judgement. Each committee was composed of the President and another two from the following Council members - Dr Paul Soler, Dr Karl Causon, Dr Herbert Messina Ferrante, Dr Alfred Magri Demajo, the Reverend Joseph Borg and Mrs Claudia Taylor East. In addition the committees were empowered to engage experts to assist in the collection of evidence.

Committee to vet applications for registration of medical practitioners

A committee composed of Dr Conrad Azzopardi, Dr Michael Boffa, Dr Karl Causon and Dr Paul Soler was engaged to vet applications received from medical practitioners (Maltese, other EU nationals and non-EU nationals) and to advise the Council accordingly.

Committee to vet applications for registration of dental practitioners

Dr James Galea, Dr Alfred Magri Demajo and Dr Herbert Messina Ferrante were engaged to vet applications received from dental practitioners and to advise the Council accordingly.

Committee for the registration of postgraduate qualifications

Dr Conrad Azzopardi, Dr Paul Soler, Dr Michael Boffa and Dr Karl Causon were assigned to verify postgraduate and professional qualifications submitted by registered medical and dental practitioners for inclusion in the medical register.

Committee to interview non-EU medical practitioners

Prof Godfrey Laferla and Dr Conrad Azzopardi were appointed by the Medical Council to conduct interviews of non-EU medical practitioners who were offered employment in the National health service in the capacity of specialists. This sub-committee was assisted by the relevant clinical chairperson (or delegate) in whose department the prospective candidate was to work. Candidates were assessed in their medical specialty and in proficiency of the English language. Successful candidates were recommended for limited and temporary registration with the Medical Council.

Representation on the Specialist Accreditation Committee

Prof Godfrey Laferla was reconfirmed to represent the Medical Council on the specialist accreditation committee for matters pertaining to medical practitioners. Dr Paul Soler was reconfirmed as substitute.

Dr Herbert Messina Ferrante was reconfirmed to represent the Medical Council on the Specialist Accreditation Committee for matters related to dental practitioners. Dr James Galea was reconfirmed as substitute.

4. Complaints

During 2005 the Medical Council received eleven (11) complaints against medical practitioners. Nine (9) of these were dismissed upon receipt of a satisfactory statement from the medical practitioner concerned, and the respective complainants were notified accordingly together with a reasoned decision.

The Medical Council decided to inquire into the remaining complaints which concerned an allegation of sexual abuse by a medical practitioner and an allegation of acquisition of a postgraduate diploma by submission of false declarations and references.

5. Inquiries

The Medical Council (Erasure of Names Procedure) Rules, 1959 were not repealed by the Health Care Professions Act, 2003, and are applied by the present Medical Council to regulate the conduct of inquiries.

Upon receipt of a complaint the Council normally informs the relevant medical/dental practitioner in writing and invites him/her to submit a statement of explanation within twenty days. The Council will hold an inquiry if it is not fully satisfied with the explanation and the parties are then notified accordingly by registered mail. The Council will also hold an inquiry if it does not receive a statement within the stipulated time interval. The Council will not hold an inquiry if it is fully satisfied with the explanation, in which case both parties will be informed accordingly together with its reasoned final decision.

Once the decision to hold an inquiry is made, the Council will appoint a committee to hear and collect the evidence. The medical/dental practitioner is then served

with a notice of inquiry describing the charge/s, together with the date, time and place of the first hearing. A copy of the notice of inquiry is also sent to the complainant. In addition the parties are informed of their right to be assisted by a lawyer and also by a member of the relevant profession.

Notice of the hearing is put on the notice board of the Medical Council at 181 Melita Street, Valletta, for the information of the public, at least eight days before. Hearings are public unless the proceedings are considered to be offensive to modesty, or in other exceptional circumstances, in which case the hearing is held behind closed doors.

After hearing all the evidence in an inquiry the committee presents the transcripts together with a reasoned report to the Council for its deliberation and judgement. The President of the Council reads out the final decision, including the penalty if appropriate, in public.

Two (2) inquiries were concluded in 2005 and another thirteen (13) were still pending by the end of the year. The committees appointed to collect evidence held eighteen (18) hearings in three (3) of the pending inquiries, and another four (4) hearings in the concluded inquiries.

The final decision of the Medical Council in the two inquiries concluded were as follows:

MC/D/ 255. on 07/09/05 Mr Anthony Griscti Soler MD FRCS (reg no 872) was found to have exceeded the limits of correctness in his professional attitude towards a patient, and was cautioned.

MC/D/ 251. on 16/11/05 Dr Francis Farrugia MD MRCP (reg no .2186) was found guilty of having designated himself the title of "professor" when he had no such University appointment, of having announced that the services provided in his

private clinic were of superior quality to those of other clinics, and of having offered discounts on some services provided in his private clinic: he was fined LM500.

6. Licences

Permanent Licences

In 2005 the Medical Council received thirty eight (38) applications for full registration from medical practitioners who had completed their two year housejobs in state hospitals/clinics in accordance with Article 11 (1) of the Health Care Professions Act, 2003 (Cap. 464 of the Laws of Malta).

The Council also received and approved various applications for Temporary or Full registration from medical practitioners from EU/non EU members states.

Six (6) newly qualified dentists from the University of Malta applied for and were granted full registration with the Medical Council. Another two (2) dental surgeons from other EU members states applied for and were granted full registration.

Temporary Licences

Temporary licences are granted to medical practitioners from outside the EEA for a period not exceeding two years to work in a Government hospital/clinic under the supervision of a consultant.

In 2005 the Health Division requested renewal of temporary registration or temporary registration *de novo* with the Medical Council on behalf of various medical practitioners in different fields of specialisation.

Some of the medical practitioners had their licence renewed with a new licence. Others were granted a licence for a short stay in relation to a particular operation. A breakdown of their specialities is listed hereunder:

LIST OF LICENCES ISSUED DURING THE YEAR 2005.

ON TEMPORARY BASIS:

Neurosurgery (1) Radiology (6) Obstetrics & Gynaecology (1) Urology (1)
General Surgery (8) Anaesthesia & Resuscitation (23) Ophthalmic (2)
Paediatric Surgery (1)
Orthopaedic and Traumatology (1) ENT (3). Others (7)

ON PERMAENT BASIS:

Neurosurgery (1) Internal Medicine (1) Radiology (2) General Medicine (1)
Pathology (1) Orthopaedics (2) Obstetrics & Gynaecology (1) Urology (2)
Paediatric Gastreterology (1) General Surgery (6) Orthopaedic & Surgery (4)
Anaesthesia & Intensive Care (11) Neurology (1) Ophthalmology (1) General
Medicine (1)
Paediatric Surgery (2) Paediatric Neurologist (1) Facial-Maxillo Surgery (1)
Dental Surgeon (1)

TO MALTESE GRADUATES

Medicine & Surgery (38)
Dental Surgeons (6)

TO FOREIGN GRADUATES

Dental Surgeons (2)

7. Medical Council Registers

Before the coming into force of the Health Care Professions Act 2003, the Medical Council by law kept **The Medical Register**, which contained the Principal List, the Commonwealth List, the Foreign List and the Special Part (foreign physicians/surgeons), and the **Register of Dental Surgeons**, which contained the Principal List, the Commonwealth List and the Foreign List.

In line with EU directives and the Health Care Professions Act, 2003, the medical Council is in the process of compiling.

1. **The Medical Register** for medical practitioners who are citizens of EU Member States and, on certain conditions, for medical practitioners coming from third countries;
2. A **Register** for medical practitioners who are non-EU citizens;
3. A **List of Provisional Registration**;
4. **The Register of Dental Surgeons** for dental surgeons who are citizens of EU Member States and, on certain conditions, for dental surgeons coming from third countries;
5. A **Register** for dental surgeons who are non-EU citizens;
6. **Specialist Registers** for all medical specialists (EU and non-EU) licensed to practise in Malta.

8. Other Business

State examination

A board of examiners was appointed by the Medical Council to hold two examination sessions for non-EU medical practitioners who applied for full registration with the Medical Council. The examination had the format of a viva and long and short clinical cases. Candidates were examined in medicine, surgery, gynaecology and obstetrics, pathology, paediatrics, public health medicine and family medicine.

During the year of review three applicants filed an application to sit for the examination. Two turned up. Both of them failed.

Registration with the General Medical Council of the United Kingdom

Certificates of compliance and of good standing were issued upon request to a number of Maltese medical/dental practitioners who graduated from the University of Malta before May 2004 and who sought registration with the General Medical Council of the United Kingdom.

Meetings

The Medical Council held a meeting with the President and Secretary of the Medical Association of Malta (MAM) in which the registers to be kept by the Council and the medical service provided in health centres were discussed. The MAM agreed to forward to the Council a memorandum on these matters together with their suggestions and recommendations.

The Medical Council also held a meeting with a delegation from the Specialist Accreditation Committee to discuss the registration status of specialists from non-EU countries employed with the health division. The Council indicated to the SAC that these specialists would be included in both the *temporary registration list* and the *specialist register* with the condition that registration would be terminated when the contract of work with the Health Division expires.

Genetic testing

The Medical Council was asked by the Health Division to clarify the position of scientists who carry out genetic testing in Malta but who are not qualified medical practitioners. The Council decided that whereas genetic testing should be allowed in appropriate laboratories, this should only be carried out following referral by a professional person who though not necessarily a medical practitioner should be qualified in pre and post-test counselling.

Concurrent practice of more than one profession

The Medical Council decided that under no circumstances would it permit a medical practitioner or dental surgeon to practice his/her profession concurrently with another health care profession.

Data protection Act

The Medical Council invited the Data Protection Commissioner, Mr Paul Mifsud Cremona, to address it and explain the provisions of the Law with regards to the

practice of the medical/dental professions. The Commissioner informed the Council that in general any patient had the right to be informed of all the data kept about him/her in their personal file and that in general the owner of the personal file was obliged to disclose this information to the patient or an attorney upon request. However the law does not oblige a medical/dental practitioner to hand over the personal notes to the patient or an attorney.

Forum Malta in Europe

The Medical Council applied for representation in the Committee for Employment, Social Policy, Health and Consumer Affairs Council of the Forum Malta in Europe. Through this forum the Council will be in a position to advise on issues related to EU policies in health and to guide in the drafting of EU laws.

Medical service in health centres

The Medical Council expressed its concern that pre-registration doctors were being detailed to work in the various health centres without adequate supervision and decided that such postings should only be filled by fully registered medical practitioners.

9. COURT CASE

The Annual Report 2002 carries a summary of the events leading to Dr. Joseph Xuereb, then a member of the Medical Council, suing the Council demanding that it be restrained from debating a motion of no confidence in him.

The Civil Court First Hall delivered judgement on 28th June 2006 rejecting Dr. Xuereb's demands.

Michael Bonnici Dip.Soc.Stud.(H&S)

Acting Registrar