

# **MEDICAL COUNCIL**

**2006**

## **MISSION STATEMENT**

**The Medical Council is an autonomous statutory/regulatory Council which aims to protect, promote and maintain the health and safety of the public by ensuring good professional and ethical standards of medical and dental practitioners in Malta**

## **FORWARD BY PRESIDENT**

During 2006 the Medical Council encountered difficulties with respect to its Registrar. Mr. Herbert Guillaumier, who had been Registrar for nine years, officially retired from the post on 25<sup>th</sup> November 2005, after which he carried on serving the Council in an acting capacity up to the end of January 2006.

On 10<sup>th</sup> May 2006, Mr. Josef Cutajar, the new appointee, attended his first meeting as Registrar. Barely two months later Mr. Cutajar resigned and was replaced by Miss Paula Casha in August 2006. Miss Casha in turn resigned after the council's meeting of 7<sup>th</sup> February 2007. The reasons for these resignations have not been made known. The Council is most grateful to Mr. Michael Bonnici - Registrar of the Specialist Accreditation Committee, for having acted, and is at the moment acting, very efficiently as Registrar of the Medical Council. Had it not been for him the Council, would have had a very big problem. The office of Registrar with the Medical Council carries great responsibility and involves extensive duties. It seems clear that the Registrar deserves a better remuneration than he receives at present, and requires auxiliary staff.

One matter which was given particular attention by the Medical Council was the "General Notice for the Guidance of Practitioners." These regulations, although laying a sound yardstick on which to set professional standards, had for some time been considered outdated, especially with respect to that part under Advertising and Canvassing. The Council introduced several amendments, mostly to that part.

The Medical Council considered at length allegations that by participating in some radio and television programmes a number of doctors and dentists had been in breach of their professional standards, and it decided to hold inquiries on some of these allegations. The Council certainly does not preclude practitioners from giving health information on the media, provided that is done in accordance with the guidelines mentioned further up.

One function of the Medical Council is to inquire into allegations of professional misconduct. As the law now stands the Council may hold an inquiry on an allegation made by one or more of its members. In point of fact there are such inquiries pending before the Council. In such inquiries the Council would be acting as judge and prosecutor. It is suggested that the function of inquiring into allegations of professional misconduct be removed from the Medical Council and assigned to a body to be established, named perhaps Disciplinary Committee or Tribunal for Medical and Dental Practitioners. Such Tribunal would be separate from and independent of the Council. The Medical Council and its members, as well as other individuals, would then be able to request this Tribunal to inquire such allegations.

The term of office of all members of the Medical Council elapsed on the 17<sup>th</sup> instant, and the elections for membership are being held. I have completed my second term as President and so this is my last contribution to the annual report of the Medical Council. I offer my very best wishes to the Council and its members.

Judge Victor Caruana Colombo  
29<sup>th</sup> March 2007

# REGISTRAR'S ANNUAL REPORT

## 1. COMPOSITION OF THE MEDICAL COUNCIL

According to the Health Care Professions Act, 2003, the Medical Council has thirteen members: five appointed by the Prime Minister, one appointed by the Council of the University of Malta, five elected from among registered medical practitioners and another two elected from among registered dental surgeons. 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 period of three years.

### *Members appointed by the Prime Minister*

Judge Victor Caruana Colombo LLD.

Dr. Denis A. Soler MD., FRCGP., MSc.

Dr. Herbert Messina Ferrante B.Ch.D., LDSRCS., FICD

Rev. Fr. Joseph Borg B.S.Th., M.S.Th., Dip. Comm. Studies.

Mrs. Claudia Taylor East.

### *Member appointed by the Council of 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., FRCS(Edin), Ph.D.

Dr. Conrad Azzopardi MD., LRCP(Edin), LRCS(Edin), LRCPS(Glas), MRCP(IK)  
FRCP(Lond)

Dr. Paul Soler MD., MRCP

### *Members elected by the registered Dental Surgeons*

Dr. Alfred Magri Demajo B.Ch.D., DGDP

Dr. James Galea B.Ch.D., FDSRCS

### *Acting Registrar*

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

## **2. RETIREMENT AND RESIGNATION OF REGISTRARS**

The year under review was not an easy one for the Medical Council. At the end of January 2006, the registrar Mr. Herbert Guillaumier retired from service and frankly speaking he left a great void. His sterling service during the previous nine years was characterized by his ability and the smooth running of the Medical Council.

A call by the Public Service Commission to fill his post was unfortunately issued late and during the interim period the Registrar of the Specialist Accreditation Committee Mr. Michael Bonnici was asked to step in to carry out the duties of acting Registrar of the Medical Council as well.

On the 28<sup>th</sup> of April Mr. Josef Cutajar was appointed Registrar. His position was short lived because he resigned just two months after his appointment.

Again Mr. Michael Bonnici was asked to intervene until the next in line of the successful applicants could be called in. Again the bureaucratic procedure took almost seven weeks to fill the post.

On the 17<sup>th</sup> August, Miss Paula Casha was appointed Registrar but she herself resigned after five months.

The change of three Registrars within a span of 12 months was a major problem but despite this, the fortnightly meetings were held as usual and the number of hearings of inquires were actually increased from the past years.

## **3. MEETINGS:**

The Medical Council held 20 meetings (just one less from the previous year) and the workings were varied as described below.

## **4. FEES**

The Medical Council, held consultation meetings with the Medical Association of Malta as well as the Dental Association of Malta to discuss the issue of levy of Fees from its registered medical practitioners and dental surgeons, for initial registration and yearly retention fee thereafter according to Art. 10 (1) (i) of the Health Care Professions Act.

Unfortunately the issue of the publication of the legal notice took up to the last days of the year under review to be issued. This matter delayed the update of the Medical Registers which was planned to be issued during the year to be in time for the elections of the Medical Council that are due in 2007.

The new fees are as follows – Legal Notice 330/2006

In respect of every new registration in the Medical Register.....Lm20  
In respect of an annual retention fee.....Lm15  
In respect of each entry in one of the Specialist Register annually.....Lm20  
For every certificate issued to a medical practitioner or dental surgeons.....Lm05  
For every complete exam or part thereof as prescribed.....Lm500

## **5. MEDICAL REGISTERS**

Though the updated registers were for the reasons aforesaid not issued, a supplement to the Registers for the year 2006 (basis 2005) was published in the new format as prescribed by the Health Care Professions Act. That is: The Provisional list. The EU list. And the non EU List.

Early in the year 2007 the much needed update of the registers will be carried out with the eventuality of having a complete register as soon as possible. Hopefully this will also include the Specialist Register.

On the other hand the necessary computerized data has been installed so as to be able to issue an electronic format of the Medical Registers to all those who require such data on line.

The following is an indication of the total numbers of medical practitioners and dental surgeons on the various lists as on March 2007. Margin of error is allowed.

Medical Practitioners: 1308 have their registered address in Malta. (1)

Medical Practitioners: 203 have their registered address abroad.

Medical Practitioners: 53 on contract within the Government Service. (2)

( 23 coming from EU Countries and 30 coming from non EU countries

Dental Surgeons: 168 have their registered address in Malta.

Dental surgeons: 22 have their registered address abroad.

## **6. LIST OF NEW REGISTRATIONS ISSUED TO EU and non EU CITIZENS**

Eight medical practitioners coming from EU countries were issued with a permanent licence.

Fourteen medical practitioners coming from non EU countries were granted temporary licence to work within the Government service.

In the same period the Medical Council registered 64 Maltese Nationals as medical practitioners and recommended the issue of their licence to His Excellency the President of Malta.

In like manner the Medical Council registered 7 Maltese Nationals as Dental Surgeons.

During this year there was no revocation of any license.

(1) a number of doctors do not inform the Medical Council of any change in their address especially those who are taking up post-graduate courses in foreign institutions or working abroad.

(2) foreign medical practitioners coming from non EU countries working within the Government Service are being urged to register for Specialist Accreditation. Their Specialist Accreditation will cease once their contract of service is not renewed.

## **7. REVIEW OF THE GENERAL NOTICE FOR THE GUIDANCE OF PRACTITIONERS**

It had been felt for a long time that there was a need for a review of the General Notice for the guidance of practitioners together with the Ethics of the Medical and Dental Profession.

The first code of Ethics for medical practitioners, dental surgeons, veterinary surgeons and pharmacists were first issued in the year 1959 when the Medical Council was established under the Ordinance (Constitution) of the Department of Health.

Though the principles involved have not changed, guidelines regarding Advertising and Canvassing required a thorough review for various reasons.

The Medical Council is much grateful to Dr. Denis Soler a long serving member of the Council who reviewed the whole set of rules and submitted the necessary amendments in line with modern trends particularly those being experienced in the media.

The Medical Council approved the revised booklet during the first half of the year under review and took the initiative to order a new print and make available this information on the web site of the Medical Council.

Dr. Denis Soler also reviewed the whole pack of circulars issued by Council and other information handed out to new medical / practitioners. Some of these circulars were first issued more than ten years ago and were either obsolete or had been incorporated in a new format in the amendments of the General Notice booklet.

The circular issued on 21.08.1991 re clinical trials was not deemed relevant anymore in view of the formation of the Bioethics committee which is now concerned with these issues.

## **8. AMENDMENT TO THE EU DIRECTIVE**

The Medical Council according to Art. 10 (1) (e) and (f) of the Health Care Professions Act introduced a register in which are listed the names of medical practitioners who are reported by an EU Member State of having been guilty of a serious matter, in order to be able to control applications for registration in Malta.

In like manner the Medical Council will inform the member states of any professional misconduct by any local medical practitioner/dental surgeon when such person requests a good standing certificate for submission to the respective member state.

To date no medical practitioner or dental surgeon is on this list.

## **9. ADVERTISEMENTS AND TALK SHOWS**

In the year under review, the Medical Council was seriously concerned that a number of TV and radio programmes concerning medical occurrences with strong elements of advertising.

This matter was discussed at length by the Medical Council during the year. The Chief Executive and the Chairman of the Malta Broadcasting Authority as well as the Chief Executive of the Public Broadcasting Authority were invited to a meeting of the Medical Council to obtain a first hand information and to exchange views about all these programmes including that of “*Arani Issa*’.

It is being proposed that an Advisory Committee on medicinal products and medicinal treatment (medical care) will be appointed among all the stakeholders and the Medical Council under the auspices of the Broadcasting Authority as the watchdog of all Media Programmes. This was the result of a meeting the Medical Council had with Mr. Joseph Scicluna as chairman of the Broadcasting Authority and Dr. Kevin Aquilina the Chief Executive Officer.

The Express Guides – Professionals, published by Info Express as a first hand guide to various professionals including the medical profession is being monitored by the Medical Council.

It is to be noted that the Medical Council had never given its approval for such publication and medical/dental practitioners intending to publish their name in this publication are advised to abide by standards prescribed by the Medical Council in its code of Ethics and The General Notice for the guidance of practitioners.

## **10. MEETING WITH THE EMPLOYMENT AND TRAINING CORPORATION**

The Medical Council met a delegation from the employment and Training corporation on the latter’s request for any action deemed to be taken. The salient point being that doctors be warned on the issuing of medical certificates for those unemployed persons who may be called by ETC to attend interviews for eventual training thus increasing their chances of employment.

The Medical Council heard the views of Dr. Sue Vella – the Chief Executive Officer, the General Manager Mr. Felix Borg and the Senior Executive of the Registration Unit Ms. Jennifer Debono.

The ETC delegation was informed that unless the Medical council is presented with specific facts alleging professional misconduct, Council cannot take any action. If a formal complaint is lodged, as prescribed by law, the Medical Council would act accordingly. A circular was issued by the ETC warning medical practitioners that ETC would investigate any irregularities from the medical profession.

## **11. MEETING WITH HON. MINISTER FOR HEALTH ELDERLY AND COMMUNITY CARE**

A meeting was held with the Hon. Minister of Health, Elderly & Community Care to discuss the following items: (a) the obligatory proficiency in the Maltese Language by non-EU medical/dental practitioners who apply for registration with the Medical Council with the intention of practicing in the private sector. The EU Directive stipulates this requirement in its new directive with the possibility of being introduced by the beginning of 2007. The Minister stated that this matter is not yet transposed to Maltese law.

(b) the lack of provision by the law on the recovery of the penalty imposed by the Medical Council on a member of the medical/dental professions found guilty in an inquiry. The Minister was to take up the matter with the legal office in the Ministry as well as with the Attorney General for their direction through a proposed draft legal notice.

## **12. KNOWLEDGE OF THE MALTESE LANGUAGE**

The Medical Council made representations with the University of Malta to introduce a course in the Maltese language in line with the recommendations of the EU Directive regarding the question of knowledge of language of the adopted state. Council was assured this course was to be set up within the University of Malta by February 2007.

## **13. REGISTRATION AND ASSIGNMENT/ROTATION OF HOUSEMAN**

The Medical Council recommended to the Hon. Minister of Health, Elderly and Community Care, the Director General Health and others to assign the rotation of housemen in state hospital. Of the six month currently being spent on each of the medical and surgery, two months can be spent in medical and surgical sub-specialties.

## **14. ADMINISTRATIVE PLAN**

The Medical Council is considering a review of its workings what improvements are required and what additional staff is necessary to meet the challenges of the future. At present all the administrative work of the Medical Council together with the processing of licenses, correspondence through the post or electronic mail, keeping of registers and updating data, collecting of registration/retention fees, filing of records, attending and recording inquiries and other day to day work are solely performed by the Registrar.

Council would recommend appointing a deputy registrar so as to ensure continuity in the absence by registrar.



## **15. MEETING WITH THE MALTA INSURANCE AGENCY (MIA)**

On the request of the Malta Insurance Agency a meeting was held with the Medical Council to establish a relationship with the Council and most important to explain some of the problems MIA members are facing in their day-to-day business with regard to medical practitioners who issue certificates of illness/injury to health policy holders and subsequently to be in order to lodge a claim.

The Medical Council while acknowledging their concern reiterated that if any of the insurers felt that a doctor/dentist had conducted himself unprofessionally, such insurance company should file a complaint with the Council.

While MIA remarked that at times it was difficult to prove misconduct, the President stated that no one may justly be found guilty unless misconduct is satisfactorily proved.

## **16. MEMO REGARDING SPECIAL CARE BABY UNIT**

The Medical Council discussed in detail an extensive report from the Special Care Baby Unit at St. Luke's Hospital.

This report was carefully dealt with in detail and several recommendations were referred to the Health Authorities in support of all those who submitted the detailed report.

## **17. ASSOCIATION OF PRIVATE FAMILY DOCTORS**

The Medical Council discussed a letter from the Association of Private Family doctors about the need for a doctor to write the diagnosis of the illness on the national insurance certificate. Such certificates are handled by non-medical staff in the course of its administrative process with the risk of breaching data protection. The Association pointed out that doctors are not permitted to divulge clinical findings except with the permission of the patient.

The Medical Council recommended that the doctors would overcome their difficulty by asking the consent of the patient whether to include the results of the diagnosis on the national insurance certificates.

## **18. COLLEGE OF FAMILY DOCTORS**

The Medical Council approved the curriculum of the College of Family Doctors for the acquisition of Specialist Accreditation through an extensive three year training course leading to the specialty in Family Medicine.

## **19. CONCURRENT PRACTICE OF PROFESSION**

The Medical council discussed the Legal Notice 105/2006 under the Health Care Professions Act – Practice of concurrent Professions Regulations 2006, which states that “No medical doctor or dentist can be registered or practice his profession concurrently with another health care profession, except in the exceptional case of the specialty of oro-maxillo facial surgery.” The Medical Council unanimously disagreed with the said exception and submitted its disapproval to the Hon. Minister and the Director General (Health).

## **20. PRESS RELEASES**

The Medical Council issued four Press releases during the year under review:

- a) re publication of Express Guidance - Professionals,
- b) the TV Programme ‘Arani Issa’
- c) re a medical practitioner for allegedly breaching both the law and medical ethics.
- d) re updated General Notice for the guidance of practitioners and ethics of the Medical Profession and Dental Profession.

## **21. EXAMINATIONS**

Two applicants sat for the examination as recommended by the reviewing panel vetting applications by non EU citizens applying for registration with the Medical Council. Both applicants failed.

The Council intends to review the method this examination is to be held in the future.

## **22. LIST OF REGISTRATIONS ISSUED TO NON EU CITIZENS**

The number of new registrations to non EU citizens during the year 2006 was 6.

During this period of time the renewal of licenses to non EU citizens amounted to 53.

## **23. APPROVAL OF FIRST LIST OF SPECIALISTS TO BE LISTED IN THE SPECIALISTS REGISTERS.**

The Medical Council authorized the Registrar to start registering the name of those medical practitioners/dental surgeons who have been granted Specialist Accreditation by the Specialist Accreditation Committee.

This process is underway and it is hoped that the complete list will be issued simultaneously with the publication of the medical registers during 2007.

24. Attendances during the year were as follows:

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Judge Victor Caruana Colombo - President	20	0	0
Profs. F.F.Fenech	13	0	7
Dr.Denis Soler	16	0	4
Dr.Herbert Messina Ferrante	9	4	7
Dr.Michael Boffa	16	0	4
Dr. Karl Causon	11	2	7
Prof. Godfrey Laferla	14	5	1
Dr. Conrad Azzopardi	17	0	3
Dr. Paul Soler	16	2	2
Dr. James Galea	7	5	8
Dr.Alfred Magri Demajo	19	0	1
Rev. Joseph Borg	17	2	1
Mrs. Claudia Taylor East	16	1	3

## **25. APPOINTMENTS WITHIN THE MEDICAL COUNCIL**

### ***Panel reviewing applications of medical practitioners***

Dr. Conrad Azzopardi  
Dr. Michael Boffa  
Dr. Karl Causon  
Dr. Paul Soler

### ***Panel reviewing applications of dental surgeons***

Dr. James Galea,  
Dr. Alfred Magri Demajo  
Dr. Herbert Messina Ferrante

### ***Panel reviewing post graduate qualifications***

Dr. Conrad Azzopardi  
Dr. Michael Boffa  
Dr. Karl Causon  
Dr. Paul Soler

### ***Committee to hear inquiries***

Rev. Joseph Borg  
Dr. Karl Causon  
Dr. Alfred Magri Demajo  
Dr. Herbert Messina Ferrante  
Dr. Paul Soler  
Mrs. Claudia Taylor East.

### ***Election Commission***

Dr. George Depasquale  
Dr. Joseph Farrugia  
Dr. Roy Schembri Wismayer

### ***Representative on the Specialist Accreditation Committee (Medical)***

Prof. Godfrey Laferla  
Substitute: Dr. Paul Soler

### ***Representative on the Specialist Accreditation Committee (Dental)***

Dr. Herbert Messina Ferrante  
Substitute: Dr. James Galea

### ***Experts appointed for a particular investigation***

Dr. Paul Vassallo Agius MD., M.R.C.P., (Lond) F.R.C.P  
Mr. Charles Swain M.D., F.R.C.S., (Eng)

## **26. LIST OF COMPLAINTS RECEIVED DURING 2006**

### **Ref:MC/D/293**

Letter head of a dentist bearing, (Hons) to his primary qualification B.Ch.D., and the qualification MFDS for which it is being alleged that these additional merits in fact are not supported by any degree/diploma or certificate. Inquiry is still pending

### **Ref: MC/51/06**

Advertisement on a billboard showing a medical practitioner advertising a private clinic's services and sponsored by a commercial bank.  
Inquiry is still in its preliminary stages.

### **Ref: MC/D/303/07**

Complaint on a medical practitioner smoking in a clinic while attending to his patients..

### **MC/D/291/06**

A patient alleges that his new denture was not fixed in a professional manner by a dental surgeon. Complainant also demanded a remedy.

From the evidence submitted it resulted that there was no indication of unethical professional conduct. Medical Council does not provide a remedy and thus it was decided not to inquire any further.

### **MC/D/305/07**

An Insurance Agency alleges that a policy holder submitted a claim for medical expenses in connection with the medical condition of his minor son wherein it resulted that the latter was already suffering from his ailment before the insurance contract was signed. In the interim period a medical practitioner issued medical certificates on specified dates in support of the policy holder's claims.

### **Ref: MC/D/292/06**

(a) Withdrawal of a result of a laboratory test before being seen by consultant

(b) Holding a consultant against his will in an empty clinic.

The resulting factors from the correspondence by the doctors concerned received by the Medical Council it was amply proved that this was a case of misunderstanding and did not involve any unprofessional or unethical behavior. In view of this the Medical Council decided not to hold an inquiry.

## **27. DECISIONS FROM INQUIRIES:**

### **Ref: MC/D/269**

Complaint by a patient., re acute pain after a filling of a tooth and that Dental Surgeon was not wearing overall and no face mask, and that instruments used were stained with blood.

Medical Council inquiry conclusion: Dental Surgeon was not found guilty since allegations were not proved.

### **Ref: MC/D/294**

(a) Advertisements on Newspapers and (b) the distribution of T.shirts bearing the name of a dental clinic to supporters of a band club. (a) Dr.Marlene Pullicino was not found guilty of the first complaint. (b) Dr. Marlene Pullicino was admonished on the grounds that she was in default through her obligations in safeguarding the professional standards and ethics when distributing T-Shirts advertising her name and her dental clinic.

### **Ref: MC/D/268**

Five alleged charges of sexual abuse against a medical practitioner. Medical Council found that the first four charges were time barred.

The other alleged charge is still being investigated.

### **Ref: MC/D/261**

On a charge that a medical consultant was negligent in his profession when he certified that a child with intracranial problems under his care did not require a *shunt*. The Medical Council found the consultant not guilty but recommended that he keep his temper in check when dealing with patients.

### **Ref: MC/D/276**

Dr. John Bonnici Mallia was cautioned on being found guilty of issuing a medical certificate with respect to a child without having medically examined the child. He was not found guilty of having issued the certificate without consulting the person having custody of the child.

### **Ref: MC/D/270**

A charge on a medical practitioner who allegedly issued a false medical certificates to an employee for a specified period of time when in fact the employee was hospitalized for an amount of days – thus rendering an amount of certificates as false.

It resulted that the allegations on the medical practitioner misconduct were not proved but the inquiry cautioned the medical practitioner to be more accurate when issuing medical certificates.

## LIST OF PENDING INQUIRIES

**Ref: MC/D/255**

File still not closed due to Medical Practitioner did not pay the fine imposed.

**Ref: MC/D258**

Complaint by a patient regarding his psychiatric treatment by a medical practitioner

**Ref: MC/D/262**

Complaint by a medical practitioner querying breach of Code of Ethics by another medical practitioner.

**Ref: MC/D/264**

Patient complaint on a company doctor re a medical certificate issued by his family doctor.

**Ref: MC/D265**

Patient complaint of misconduct by a medical practitioner.

**Ref: MC/D/272**

Director of a Government Department querying various backdated medical certificates by a medical practitioner.

**Ref: MC/275**

Patient querying breach of code of ethics and professional misconduct by a doctor.

**Ref: MC/D278**

Complaint by patient regarding bad manners and temperament from a company doctor.

**Ref: MC/279**

Complaint by a patient regarding misconduct by a medical practitioners in relation to diagnosis.

**Ref:285/D/2007**

Director of a Government Department referring to the Medical Council a court decision on a dental surgeon.

**Ref: MC/D/290**

A charge on a medical practitioner having obtained a postgraduate diploma by untruthful and deceptive declarations supported by an equally untruthful and deceptive testimonial.

**Ref: MC/D/293**

Complaint on a dental surgeon have added superfluous qualifications on his letterhead.

Michael Bonnici Dip.Soc.Stud. (H&S)  
a/Registrar

Printed 14.05.2007