



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

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HSE HR Circular 019/2012

17th October, 2012.

To: Each Member of Management Team, HSE
Each Regional Director of Operations, HSE
Each Regional Assistant National Director of Human Resources, HSE
Assistant National Director of National HR Services, HSE
Each Employee Relations Manager, HSE

Re Protocol on Notification of Section 38 Agencies and PCRS of erasures and sanctions advised to the HSE by the statutory regulatory authorities.

The HSE HR Circular 12/2012 re *Policy on Erasures and Sanctions issued by Regulatory Authorities against HSE employees* details the actions to be taken in the event of HSE employees being the subject of an erasure or sanction issued by a regulatory authority.

This circular sets out how the HSE will circulate notifications in respect of erasures or sanctions to Section 38 agencies and assess their relevance in relation to contracted independent registered practitioners.

(1) SECTION 38 AGENCIES

Under The Health Act 2004, section 38 the HSE may enter into an arrangement with a person for 'the provision of health or personal social services by that person on behalf of the HSE.' The Service Agreement between the Provider and the HSE establishes that *the Provider Personnel shall not be, nor deemed to be, employees of the Executive for any purpose or in any circumstance and the Provider shall hold the Executive harmless in respect of all such persons.*

Notifications issued by the statutory regulatory authorities

The regulatory authorities¹ advise the Minister of Health, the HSE and the employer, if known to the statutory authority, of erasures and sanction issued by the authority in respect of registered practitioners.

Notwithstanding the possibility that an agency, as the employer, has been informed of an erasure or sanction by a regulatory authority, the HSE will, due to the nature of the communications between the statutory authorities and the HSE, advise the Section 38 agencies of notifications of erasures and sanctions received from the regulatory authorities in the manner set out below.

Notification of Section 38 agencies of erasures and sanctions received.

On receipt of the notifications of erasure or sanctions from the CEO's office National HR Services will, having verified that the person named in the notification is not recorded on the SAP HR system, send the documentation received together with a standard cover letter to the Section 38 agencies advising them to

- establish if any of the named persons are employed in an agency as a registered practitioner,
- cease the employment as a registered practitioner of any person erased from a statutory register,
- assess the implication of any sanction on the scope of practice or employment of named persons as appropriate and
- take any action the agency deems appropriate in the interest of its patients, service users and employees.

The letter will also advise the agencies that they are responsible for taking the appropriate action on receipt of these notifications in compliance with the Service Arrangements, *Part 1, Provider Personnel, section 16.2 and part 2, Schedule 2, Quality and Safety.*

(2) INDEPENDENT REGISTERED PRACTITIONERS

The HSE engages independent registered practitioners under section 38 of the Health Act 2004 to deliver services described in the Health Act 1970; sections 58, 59 and 67.

These registered practitioners are required to produce proof of their professional registration on engagement and on an annual basis to the service manager who manages their contract.

As these individual registered practitioners are not employees they are not listed on the HSE's PPARS system or other HR employee records. They are however listed on the central database of contracted individual registered practitioners by PCRS.

Given the above, the HSE needs to put in place a process specifying how it will assess if any of the contracted independent registered practitioners have been erased from a statutory register or have had sanctions applied to their professional practice. The proposed process is outlined below.

¹ Medical Council, An Bord Altranais, the Dental Council The Pharmaceutical Society of Ireland, Pre-Hospital Emergency Care Council, (PHECC) Health, Social Care Professional Council and The Opticians Board

Notification of PCRS by National HR Services

On receipt of a notification from a regulatory authority relating to the erasure from a statutory register, or the imposition of sanctions or conditions on the practice of a member of a regulated profession, National HR Services will, having verified that the person named in the notification is not recorded on the SAP HR system, forward the notification electronically to the Director of PCRS requesting that a search of PCRS's contractors' payroll is carried out to ascertain if the individual or individuals named in the notifications are providing a contracted service on behalf of the HSE.

Action by PCRS

PCRS will carry out a search of the appropriate database to ascertain if the named individual is contracted by the HSE.

If a person who has been erased from a regulated profession is identified as a contracted registered practitioner then the Director of PCRS will immediately cancel the contract and advise the person without delay.

In the case where a person who has had sanctions or conditions applied to their practice is identified as a contracted registered practitioner then the Director of PCRS will ensure that the relevant Regional Director of Operations is notified of the correspondence from the regulatory body without delay.

Action by Regional Director of Operations

On receipt of this information from PCRS the relevant Regional Director of Operations will inform the manager of the service or location where the independent registered practitioner is practicing and request that an assessment is carried out to examine the effect of the sanction or condition on the continued engagement of the named person

The outcome of any assessment carried out will be advised to the National Director of Integrated Services Directorate PFM and the CEO's office by the Regional Director of Operations.

The assessment file will be retained on the file of the independent registered practitioner.

The outcome of an assessment received by the CEO's Office will be attached to the original notification.

This is effective from 17th October 2012.

All queries in relation to this Circular should be directed to Mr. Paddy Duggan, Performance Management and Management Information, paddy.duggan2@hse.ie or (045) 882541

Yours sincerely



Barry O'Brien
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