



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

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**HSE HR Circular 015/2012**

**13 June 2012**

**To: Each Member of Management Team, HSE;  
Each Regional Director of Operations, HSE;  
Each Regional Assistant National Director of Human Resources, HSE;  
Each Employee Relations Manager, HSE  
Clinical Directors, HSE  
Medical Manpower Managers, HSE  
Each CEO HR Manager, directly funded Voluntary Hospital / Section 38  
Agency**

**Re: Professional Competence**

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Since May 2011, all medical practitioners have been required, by law, to maintain their professional competence. The first 12-month period for professional competence concluded on April 30<sup>th</sup> 2012.

Doctors who are actively engaged in an intern training programme, initial specialist training programme or higher specialist training programme fulfil their legislative requirement through these programmes.

All other doctors are required to enrol in a Professional Competence Scheme with a recognised postgraduate training body and engage in professional development activities. The Medical Council is now commencing the process of auditing a sample of doctors to ensure that they have evidence that they are observing their legal duty to maintain professional competence. Failure to provide such evidence may place a doctor's continuing registration and their right to practise medicine risk and, as a result, could jeopardise eligibility for employment.

It is the responsibility of each individual registered medical practitioner to ensure that they are meeting their legislative requirements for the maintenance of professional competence.

The Health Service Executive requires that all doctors in its employment are fulfilling their responsibilities in relation to professional competence and will be seeking assurance from doctors that they are maintaining their professional competence in compliance with the Medical Practitioners Act 2007, Part 11, Section 94. The HSE is supportive of both the implementation of Professional Competence Schemes and the Council's plans to undertake an audit of doctors' activities in relation to such schemes.

Attached are copies of the Medical Council's communications for your information. The Council has recommended that doctors' statements of participation in professional competence should be displayed in a place of prominence, viewable by patients, in order to reiterate doctors' commitment to the provision of safe services and the HSE supports this recommendation.

The new Professional Competence year commenced on May 1<sup>st</sup> last and the new period for Professional Development Programmes will commence in July 2012. All doctors employed in the public health service are required to comply with these requirements. The HSE provides substantial amounts of funding for the training and development of doctors from intern through to consultant level. Doctors who are on the NCHD Contract and registered on the general or supervised division should note that information regarding Professional Development Programmes commencing July 2012 will be circulated shortly.



Barry O'Brien  
National Director of Human Resources

# Maintaining Professional Competence

## Your next steps at a glance



Comhairle na nDochtúirí Leighis  
Medical Council

Professional Competence  
Reaching for Improvement

- April 30th 2012 marks the completion of the first 12-month period of your legal duty to maintain your professional competence.
- The Medical Council is commencing monitoring and audit procedures to satisfy itself that you are fulfilling your legal duty.
- To safeguard your continuing registration and avoid risk of disciplinary action, take time now to ensure you are prepared.
- From May 2012, you will receive a Statement of Participation from your professional competence scheme. This is evidence that you are fulfilling your legal duty to maintain your professional competence so retain this document carefully and safely.
- In June 2012, when you retain registration with the Medical Council, you will be required to declare that you are maintaining professional competence. **Failure to make this declaration will place your continuing registration at risk.**
- Thereafter, the Medical Council will audit doctors to confirm enrolment in professional competence schemes and engagement in activities. When audited, you will be required to provide the Statement of Participation which you received from your professional competence scheme.
- Employers and patients can request sight of your Statement of Participation so as to confirm you are keeping up-to-date.
- There are special arrangements for doctors in recognised training posts and doctors practising overseas – see [www.medicalcouncil.ie](http://www.medicalcouncil.ie).
- Maintaining your professional competence is your legal duty. Observing this legal duty is essential to ensure your continuing registration with the Medical Council.

## Stay connected with the Medical Council

Your continuing registration with the Medical Council is necessary to retain your right to practise medicine in Ireland.

It is essential that you stay connected with the Medical Council to ensure your continuing registration. Staying connected helps to ensure that retaining your right to practise medicine is a streamlined and straightforward process.

**When you apply to retain your registration, and pay your annual fee, you are asked to complete an Annual Declaration regarding your continuing practice to the Medical Council. From 2012, the topics for declaration will include maintenance of professional competence. You must complete this declaration as failure to do so places your continuing registration and retention of the right to practise medicine at risk.**

To help ensure that staying connected with the Medical Council is as easy as possible, we will be shortly launching an online portal for doctors. This is a simple and secure way for you to engage with the Medical Council regarding your registration and allows us to provide you with more timely and effective services across a range of areas including: payment of fees, submission of applications, and requests for certificates.

You will now be very familiar with engaging with a range of different services online and we are confident that you will find this development ensures your engagement with us regarding your registration is modern and efficient.

## What you need to know

You will need to ensure the Medical Council has the correct contact details to allow you to register for its new online portal.

If you have recently changed address or updated your email or phone numbers, please update your contact details on [www.medicalcouncil.ie](http://www.medicalcouncil.ie)



**Comhairle na nDochtúirí Leighis**  
**Medical Council**

Professional Competence  
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**INFORMATION FOR HEALTHCARE ORGANISATIONS  
AND EMPLOYERS OF DOCTORS**

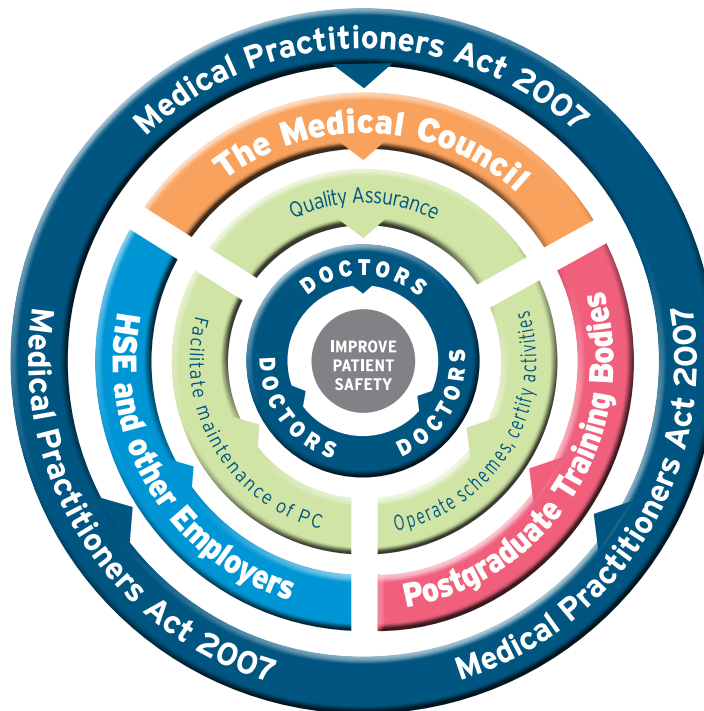
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**PROFESSIONAL COMPETENCE**

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This information is published by the Medical Council. Content was agreed and approved by the Professional Competence Steering Committee - a multi-stakeholder forum to support the Medical Council's work on professional competence, which included representatives of the Medical Council, postgraduate training bodies, the Department of Health and Children, the Health Service Executive, and independent and voluntary healthcare providers. The content is information and does not constitute rules, standards or guidelines as defined under the Medical Practitioners Act 2007. For ease of reading, the term "doctor" is used with the same meaning as "registered medical practitioner" in the Medical Practitioners Act 2007 (MPA 2007).

# PROFESSIONAL COMPETENCE AT A GLANCE

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## WHAT HEALTHCARE ORGANISATIONS AND EMPLOYERS OF DOCTORS NEED TO KNOW

- From May 2011, all practising doctors (except for those in a recognised training post and on the Trainee Specialist Division) are subject to a statutory obligation to maintain professional competence.
- Employers are legally obliged to facilitate doctors' pursuit of professional competence requirements.
- Employers already provide a range of supports to employed doctors to support maintenance of professional competence and the establishment of this new system may present an opportunity to review these arrangements.
- Health service managers should consider how this new system can best integrate with local clinical governance systems and clinical directorate arrangements. For example, an employer may request that a doctor provide evidence that they are pursuing a professional competence scheme as part of an annual clinical appraisal process or performance management process; maintenance of professional competence activities, such as clinical audit, may reflect local service needs as part of a clinical directorate business plan.



## **1. PROFESSIONAL COMPETENCE SCHEMES**

### **1.1 WHAT ARE PROFESSIONAL COMPETENCE SCHEMES?**

Professional competence schemes are the formal structures established by the Medical Council under Part 11 of the MPA 2007 through arrangements with postgraduate training bodies. Doctors are legally obliged to enrol in professional competence schemes and engage in activities to maintain their professional competence.

As well as supporting personal professional development, the schemes aim to promote activities that maintain and develop the competencies which are essential for meeting the changing needs of patients and the healthcare delivery system. The process is self-directed and schemes will enable participants to plan, record and reflect on professional development needs, as part of their engagement in lifelong learning.

### **1.2 WHO IS REQUIRED TO ENROL IN A PROFESSIONAL COMPETENCE SCHEME?**

All doctors are legally obliged to maintain their professional competence (unless they are in a recognised training post and in the Trainee Specialist Division) and to cooperate with requirements specified by the Medical Council in its Rules for the maintenance of professional competence. For more information visit: <http://www.medicalcouncil.ie/Professional-Development/Professional-Competence/PC-Rules.pdf>

### **1.3 WHAT ACTIVITIES WILL A DOCTOR ENGAGE IN THROUGH THE PROFESSIONAL COMPETENCE SCHEME?**

Each doctor is expected to obtain a minimum of 50 credits per year through continuing professional development (CPD) activity (on average one hour of activity



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will accrue one credit). Activities will comprise of relevant external (maintenance of knowledge and skills) and internal (practice evaluation and development), personal learning and research/teaching categories. In addition, each doctor is expected to complete one clinical audit per year. For more information visit: <http://www.medicalcouncil.ie/Professional-Development/Professional-Competence/Info-for-Doctors/>

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## **2. THE ROLE OF EMPLOYERS**

### **2.1 AS AN EMPLOYER OF DOCTORS, WHAT AM I OBLIGED TO DO?**

Part 11 of the Medical Practitioners Act 2007 places a duty on the HSE and other employers to facilitate the maintenance of professional competence.

### **2.2 THERE IS A DOCTOR WORKING IN THE ORGANISATION I MANAGE BUT I AM NOT SURE IF I QUALIFY AS AN 'EMPLOYER'?**

While the Medical Practitioners Act does not define an "employer", the term is defined in other legislation concerning employment in Ireland, e.g. health and safety at work. The provisions of Part 11 apply to the Health Service Executive and other employers of doctors.

### **2.3 WHAT CAN EMPLOYERS DO TO FACILITATE DOCTORS' MAINTENANCE OF PROFESSIONAL COMPETENCE?**

Many employers already facilitate the maintenance of professional competence on a voluntary basis in recognition of the important role this plays in the delivery of safe, high quality care. For example, employers may provide time and financial support to doctors to engage in professional development activities and may support a broad range of local quality assurance activities such as clinical audit. Employers may also, for example, provide access to library facilities and directly provide relevant professional development activities. Some of these arrangements are specified in contracts of employment with doctors. Some healthcare organisations which do not directly employ doctors may also have arrangements in place to facilitate maintenance of professional competence.

Healthcare organisations and employers of doctors recognise that these arrangements not only benefit doctors, they also help to assure and improve the safety and quality of care provided by the organisation.

With the placing of a new legal duty to facilitate the maintenance of professional competence, there may be an opportunity for employers to review these standing arrangements to ensure they are robust and clear.

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Besides support by way of time and funding, facilitation of the maintenance of professional competence could include, for example, providing easy ways to record participation in local quality assurance activities such as Grand Rounds. There are also opportunities for employers and doctors to work together on maintenance of professional competence planning to ensure that local service priorities are addressed.

## **2.4 CAN EMPLOYERS ESTABLISH THAT DOCTORS ARE ENROLLED IN A PROFESSIONAL COMPETENCE SCHEME, ARE COMPLYING WITH SAME, ARE MAINTAINING ENROLMENT AND ARE COMPLIANT WITH REQUIREMENTS?**

As part of local clinical governance, any healthcare organisation will have a range of systems and processes in place to satisfy itself that doctors they employ are fit for purpose on an ongoing basis, including the meeting of regulatory requirements. With the establishment of professional competence schemes, employers will wish to review these arrangements and consider how maintenance of professional competence can be integrated. This may include asking employed doctors to provide documentation to the employer periodically relating to maintenance of professional competence. Doctors enrolled in professional competence schemes operated by recognised postgraduate training bodies will be issued with annual statements regarding participation in maintenance of professional competence.



## **3. QUALITY ASSURANCE**

### **3.1 HOW WILL EMPLOYERS BE AWARE THAT DOCTORS THEY EMPLOY ARE MAINTAINING THEIR PROFESSIONAL COMPETENCE?**

Each year, the professional competence schemes will issue enrolled doctors with a statement of participation which is evidence that the doctor is maintaining their

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professional competence. As part of the organisation's human resource and clinical governance arrangements, employers may seek assurance from employed doctors that they are in good standing with the Medical Council on an ongoing basis and they may ask employed doctors to provide them with this and any other information the employer requires in relation to the doctors' continuing practice.

### **3.2 HOW ARE ACTIVITIES QUALITY ASSURED?**

Postgraduate training bodies operating professional competence schemes also accredit activities for maintenance of professional competence which generate credits for doctors. Approval is on the basis that the activity meets specified quality assurance criteria. These will include external activities such as regional and national scientific meetings, conferences and workshops and international conferences organised by equivalent bodies in other countries. Credits will also accrue for internal activities based in place of practice including multidisciplinary meetings, grand rounds and case conferences. Personal learning, teaching, postgraduate examining and research can also generate credits.

### **3.3 HOW WILL THE MEDICAL COUNCIL SATISFY ITSELF THAT DOCTORS ARE MAINTAINING THEIR PROFESSIONAL COMPETENCE?**

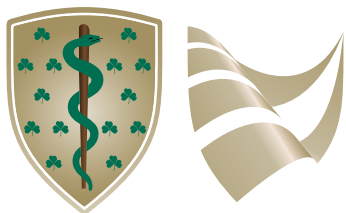
Each year, the Medical Council asks doctors to complete an annual declaration. From 2012, it will ask doctors to declare that they are maintaining their professional competence. Audit processes will be in place and some doctors will be asked to submit additional information to support the declaration made to the Medical Council. The Medical Council has enforcement powers which it can apply when it considers that a doctor has failed, ceased or refused to cooperate with requirements to maintain their professional competence in line with its requirements; ultimately, this may include withdrawing a doctor's registration.

### **3.4 WHAT SHOULD EMPLOYERS DO IF THEY BECOME AWARE OF A DOCTOR WHO IS FAILING TO MAINTAIN PROFESSIONAL COMPETENCE?**

If the employer becomes aware of a doctor who is failing to fulfil their statutory duty, the matter should be discussed with the doctor concerned. Any employer who is concerned that a doctor is in contravention of any provision of the Medical Practitioners Act 2007, including provisions of Part 11 of the Act – Maintenance of Professional Competence, may make a complaint to the Medical Council.

## MORE INFORMATION

For detailed information on doctors' requirements to maintain their professional competence, visit: [http:// www.medicalcouncil.ie/ Professional-Development/Professional-Competence/](http://www.medicalcouncil.ie/Professional-Development/Professional-Competence/). Guidelines, outlining requirements and answering frequently asked questions about doctors' individual requirements (e.g. requirements for those on extended leave, retired doctors, those who work on a part-time or occasional basis) are available on the Medical Council's website.



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Reaching for Improvement

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