



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

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

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
Dublin 8

All Queries to Paddy Duggan:

Performance Management & Management Information,
HSE, Millennium Park, Naas, Co. Kildare
Tel: 045 880400

Email: paddy.duggan2@hse.ie

HSE HR Circular 012/2012

16th April, 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;**

Re: Policy on Erasures and Sanctions issued by Regulatory Authorities against HSE employees.

The HSE has reviewed Circular 004/2009 Policy on the Management of Professional Registers and Amendments to such Registers and is replacing it with a single policy covering notification of erasures and sanctions issued by the regulatory authorities and separate policies relating to the verification of annual registration of practitioners with the five relevant regulatory authorities.

The attached policy HSE Policy on the treatment of Erasures and sanctions issued by regulatory authorities against HSE employees replaces section 2.4 Action by the HSE on receipt of notifications of erasure or restriction on practice of individuals registered with professional bodies of HSE HR Circular 004/2009 Policy on the Management of Professional Registers and Amendments to such Registers.

This new policy sets out the actions to be taken on receipt of notifications of erasure or the imposition of sanctions on the practice of a registered practitioner. The policy identifies and assigns responsibilities for the implementation of the policy and the procedures to be followed on receipt of amendments from the regulatory authorities.

The policy will be reviewed and audited at an appropriate time after it has been implemented by nominated representatives from Quality and Patient Safety Directorate, the National HR Services and the Office of the Nursing and Midwifery Services Director.

This policy is effective from the 16th April 2012.

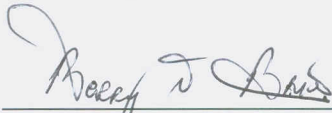
Please bring this policy to the attention of all relevant staff in your area of responsibility.

The policy will be available on the HSE Intranet:

http://hsenet.hse.ie/Working_in_the_HSE/HR_Documents/Policies_Procedures/

Please bring this to the attention of all relevant staff. Any queries on this Circular should be referred to **Paddy Duggan**, Performance Management & Management Information, HSE, Millennium Park, Naas, Co. Kildare; **Tel: 045 880400** or **email: paddy.duggan2@shse.ie**.

Yours sincerely,



Barry O'Brien,
National Director of Human Resources.

Enc.



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

**HSE Policy on the treatment of
Erasures and Sanctions issued by regulatory authorities
against HSE employees**

Document developed by	Quality & Patient Safety, Integrated Services Directorate, Performance & Financial Management (ISD P&FM), Performance Management & Management Information, National HR Directorate (PM & MI)		
Revision number	0	Document approved by	Mr. Barry O'Brien, National Director of Human Resources
Approval date	16th April 2012	Responsibility for implementation	As specified in Section 6
Revision date	November 2012	Responsibility for review and audit	As specified in Section 8

Table of Contents:

- 1.0 Policy**
- 2.0 Purpose**
- 3.0 Scope**
- 4.0 Legislation/other related policies**
- 5.0 Glossary of Terms and Definitions**
- 6.0 Roles and Responsibilities**
- 7.0 Procedure/Protocol/Guideline**
- 8.0 Revision and Audit**
- 9.0 References**
- 10.0 Appendices**

1.0 Policy Statement:

It is the policy of the Health Service Executive (HSE) to critically evaluate the implications of notifications of erasures, sanctions or conditions imposed by regulatory authorities on registered practitioners employed by the HSE.

It is the policy of the HSE not to employ any individual in a regulated profession if they have been erased from the register maintained by the regulatory authority for that profession.

It is the policy of the HSE to carry out a formal risk assessment in respect of individual named in notifications received from the regulatory authorities to assess if the continued employment of the named individual in that profession or in any other employment capacity poses a risk to patients, service users or HSE employees.

2.0 Purpose: The purpose of this policy and procedure is to:

1. protect patients, service users and HSE employees
2. identify the actions to be taken on receipt of the notifications from the regulatory authorities
3. assign responsibility for carrying out the required actions under this policy and,
4. to provide evidence in support of good governance

3.0 Scope: This policy and procedure applies to:

- the CEO's Office
- National Directors
- each Assistant National Director (AND) of Human Resources (HR) in the HSE Regions
- the Assistant National Director (AND) of Human Resources (HR) for National Human Resources Services (NHRS)
- Directors of Nursing and Midwifery Services
- the heads of discipline of regulated professions
- the heads of departments that employ members of a regulated professions

4.0 Legislation/other related policies:

The relevant primary legislation is:

Dentists Act 1985
Health and Social care Professionals Act 2005
Medical Practitioners Act 2007
Nurses Act 1985
Pharmacy Act 2007

Other relevant legislation:

Data Protection Act 1988 and amendment Act 2003

HSE related policies:

Disciplinary Procedure for Employees of the Health Service Executive

5.0 Glossary of Terms and Definitions: Explanation of key technical terms or terminology that are referred to in this document:

- **Regulatory Authorities:** Irish Medical Council, an Bord Altranais, the Dental Council, the Pharmaceutical Society of Ireland, the Health and Social Care Professionals Council
- **Regulated Professions** Doctor, Nurse, Midwife, Social Worker, Pharmacist, Dentist, Orthodontist, Oral Surgeons, Dental Hygienists, Clinical Dental Technicians and Dental Nurses who take radiography
- **Support Directorates** Corporate Performance and Corporate Planning (CPCP), Quality and Patient Safety, Clinical Programs and Strategy, HR, Finance, Commercial and Support Services (CSS) and National Cancer Control Programme
- **PSAC** Patient Safety Assurance Certificate
- **DOB** Date of birth
- **NHRS** National Human Resources Services

6.0 Roles and Responsibilities:

6.1. The CEO's Office is responsible for the transmission of notifications received to the AND of HR NHRS and the AND of HR HSE South and for verifying that the cycle of information and necessary actions have been completed.

6.2. The AND of HR, NHRS is responsible for designating a unit/individual in HRSS to carry out the actions detailed below and for establishing the necessary in house procedures to ensure that this policy and assigned procedures are complied with. **The AND of HR, NHRS is responsible for informing the CEO's Office that all necessary actions have been completed.**

6.3. The AND of HR, HSE South is responsible for designating a unit/individual in HSE South to carry out the actions detailed below and for establishing the necessary in house procedures to ensure that this policy and assigned procedures are complied with. **The AND of HR, HSE South is responsible for informing the CEO's Office that all necessary actions have been completed.**

6.4. National Directors are responsible for establishing procedures within their Directorate to ensure that this policy and assigned procedures are complied with.

6.5. Each AND of HR in the HSE Regions is responsible for establishing procedures within their Region to ensure that this policy and assigned procedures are complied with.

6.6. The heads of discipline of regulated professions, heads of departments and line managers of services that employ members of a regulated profession are responsible for complying with this policy.

7.0 Procedure

7.1. On receipt of a notification from a regulatory authority relating to the erasure from a statutory register, or sanctions or conditions imposed on the practice of a member of a regulated profession the CEO' Office will forward the notification electronically to the AND of HR, NHRS and the AND of HR HSE South requesting:

- that an employee records search is carried out to ascertain if the individual or individuals named in the notifications are employed by the HSE, and
- that it is advised of the outcome of any risk assessment following an identification of a person named in the notification

7.2.1 The AND of HR, NHRS will, using NHRS internal processes, carry out a search using the individuals name and /or unique professional identification number on the SAP HR system to initially ascertain if the named individual is employed in the HSE.

If the person is identified as an employee then the AND of HR, NHRS will ensure that the relevant National Director and the Regional AND of HR are notified of the correspondence from the regulatory body.

The AND of HR, NHRS will also ensure that the notices of erasure, restrictions or conditions attached to the individuals practice are centrally scanned and are attached to the persons record on the SAP HR system as part of the NHRS Scanning Project.

7.2.2. The AND of HR, HSE South, will using HSE South internal processes, carry out a search of the relevant employee records system using the individuals name and unique professional identification number to ascertain if the named individual is employed in the HSE.

If the person is identified as an employee then the AND of HR, HSE South will ensure that the relevant National Director and the Regional AND of HR are notified of the correspondence from the regulatory body.

The AND of HR, HSE South will also ensure that the notices of erasure, restrictions or conditions attached to the individuals practice are attached to the persons record.

7.3. On receipt of this information the relevant Regional AND of HR or National Director of a support directorate (CPCP, Q &PS, Clinical Programs and Strategy, HR, Finance, CSS, NCCS) will inform the manager of the service or location employing the named individual and request that:

- a) **In the case of erasure,** to ensure that the individual is immediately dismissed from the workplace and removed from the payroll
- b) Instigate an investigation to determine, amongst other considerations, the employment circumstances of the individual and if the individual involved had completed a Patient Safety Assurance Statement (PSAC)
- c) **in all other cases,** conditions or sanctions imposed, an assessment is carried out, Appendix 1, to confirm that:
 - (i) the condition or sanction imposed is being complied with
 - (ii) the supervision level required
 - (iii) training or support required

and which examines the effect of the sanction or condition on;

- (iv) the requirement or otherwise to re-deploy the named person
- (v) the continued employment of the named person in existing role
- (vi) other case specific requirements

7.5. The outcome of assessments carried out under 7.3 will be advised to the relevant National Director and the AND of HR, NHRS. The AND of HR NHRS will then inform the CEO's Office of the outcome.

The assessment file will be retained on the personal file of the employee concerned.

- 8.0** Revision and Audit: The Policy and procedure will be reviewed and audited at an appropriate time after the Policy and procedure has been implemented by nominations from Quality and Patient Safety, the AND of HR NHRS and the Office of the Nursing and Midwifery Services Director.

This policy will be reviewed following enactment of additional sections of the Nurses and Midwives Act 2011.

The interrogating the SAP HR system, the transmission, storage and recording of the notifications from the regulatory authorities and risk assessments will be reviewed as part of the HHRS record scanning project.

- 9.0** **References/bibliography:** N/A

- 10.0** **Appendices:** Appendix 1 Assessment Report

Appendix 1 Assessment on the implications of sanctions or conditions imposed on a registered practitioner

Assessment

The HSE's policy on the treatment of Erasures and sanctions issued by regulatory authorities against HSE employees contains the following requirement:

7.3. On receipt of this information the relevant Regional AND of HR or National Director of a support directorate (CPCP, Q &PS, Clinical Programs and Strategy, HR, Finance, CSS, NCCS) will inform the manager of the service or location employing the named individual and request that:

- d) **In the case of erasure**, to ensure that the individual is immediately dismissed from the workplace and removed from the payroll
- e) Instigate an investigation to determine, amongst other considerations, the employment circumstances of the individual and if the individual involved had completed a Patient Safety Assurance Statement (PSAC)
- f) **in all other cases**, conditions or sanctions imposed, an assessment is carried out, Appendix 1, to confirm that:
 - (i) the condition or sanction imposed is being complied with
 - (ii) the supervision level required
 - (iii) training or support required

and which examines the effect of the sanction or condition on;

- (iv) the requirement or otherwise to re-deploy the named person
- (v) the continued employment of the named person in existing role
- (vi) other case specific requirements

7.5. The outcome of assessments carried out under 7.3 will be advised to the relevant National Director and the AND of HR, NHRS. The AND of HR NHRS will then inform the CEO's Office of the outcome.

The assessment file will be retained on the personal file of the employee concerned.

Assessment Report

The format for the Assessment report is attached as page 2.

Confidential

Assessment Report on the implications of sanctions or conditions imposed on a registered practitioner an individual's Professional Registration Status

Name:

Title and Grade:

Service:

HSE Area:

Regulatory Authority:

Sanction/condition applied by the Regulatory Authority (insert text from official document)
Date of issue of sanction or condition
Methodology used in this assessment
Findings
Recommendation:

Signed: _____
Head of Discipline/Service Manager
Title

Date: _____

Signed: _____
HR nominated manager-Title

Date: _____

Signed: _____
HSE Area Asst. National Director of HR

Date: _____

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