



**IMO Submission on the Review of the Operation
of Cuts under the Financial Emergency Measures
in the Public Interest Act 2009**

as covered by

**S.I. No. 473/2010 — Health Professionals
(Reduction of Payments to Consultant
Psychiatrists) Regulations 2010**

4 January 2013

IMO SUBMISSION IN RELATION TO MEDICAL PRACTITIONERS WHO RENDER SERVICES TO, OR ON BEHALF OF, THE MENTAL HEALTH COMMISSION

Financial Emergency Measures in the Public Interest Act 2009 Consultation Process

The Minister for Public Expenditure and Reform announced in Budget 2013 that professional fees will be reduced to save €70 million. The Minister for Health, in accordance with Section 9 of the Financial Emergency Measures in the Public Interest Act 2009, (FEMPI) has initiated a full review of payments under No. 473/2010 - Health Professionals (Reduction of Payments to Consultant Psychiatrists) Regulations 2010.

The IMO wishes to make a submission under FEMPI Consultation process. The Minister for Health signed revised payments under the Health Professionals (Reduction of Payments to Consultant Psychiatrists) Regulations 2010 on the 23rd of December 2011. The IMO made extensive submissions both written and oral as part of this process and all of the arguments advanced in that process are still relevant and apply. It is worth revisiting the submissions made to update on the full extent of the arguments. For the purposes of clarity the IMO wishes to restate the case that has been previously made.

Mental Health Tribunals are established by the Mental Health Commission for patients admitted on an involuntary basis Under Section 33(3) of the Mental Health Act, 2001.

In addition to their normal duties Consultant Psychiatrists provide a vital service in the working of mental health tribunals and fulfilling their responsibilities in terms of:

- a) Participation as members of tribunals
- b) Providing Independent medical examination and case report

The fees which were set in 2006 have been cumulatively been reduced by 25% under the provisions of the Public Interest Act 2009 and the Irish Medical Organisation submit that there should be no further fee reductions and would draw your attention to the following points:

- The current fee for Consultant Psychiatrists to carry out this work is out of line with consultant salary rates
- Consultant Psychiatrists are in receipt of a significantly lower fee than that which applies to other professionals who participate in mental health tribunals
- The fee is paid on a standard basis and does not vary to take account of the differing complexity of cases and the varying time required.

- The structure of the fees does not take account of the fact that these cases are frequently adjourned. This requires an additional time commitment on the part of the Consultant Psychiatrist. There is no additional fee for such attendance.
- Consultant Psychiatrists may be required to undertake additional work where a matter is brought before the High Court. This work will include meeting with the Tribunals Legal team and they will not receive any additional fee for these hours.
- Consultant Psychiatrists may be required to travel to areas outside their own normal working area and this increases their time commitment to the service significantly.
- Consultant Psychiatrists have seen their Travel and Subsistence Allowances cut by 25% over the past 18 months.
- The tax treatment of fees paid to Consultant Psychiatrists for the work undertaken on behalf of the Mental Health Commission is as independent contractors with fee income fully taxable and no provision for expenses allowances.

Conclusion

It remains the IMO position that Tribunals are administered by the Mental Health Commission but are independent of both the Commission and the Department of Health & Children. Therefore medical practitioners who render services to such Tribunals should not have been included under the Financial Emergency Measures in the Public Interest Act 2009.

The Irish Medical Organisation strongly believe that, given the above points, any additional fee cuts would not be justified.