



Public Consultation Feedback form

Draft Registration Rules

Please complete this questionnaire and return to section11consultation@mcirl.ie by noon Tuesday 8th December 2020. The feedback provided will be collated with other submissions and will be presented to the Medical Council for review in finalising the rules as per Section 11 of the Medical Practitioners Act 2007.

Please refer to the document entitled Public Consultation - Draft Section 11 Registration Rules which is available on the Medical Council Website at www.medicalcouncil.ie.

While the data may be identifiable, you have several rights under data protection legislation, including the right to access the data you have provided; the right to rectification the data you provide; the right to be erased from the dataset; the right to restrict or object to the processing of the data you have provided and to obtain and reuse your personal data (data portability). If you would like further information on your rights as a data subject, please contact our Data Protection Officer at dp@mcirl.ie.

Participation in this consultation is entirely voluntary.

Please note that all submissions may be subject to Freedom of Information requests.

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Do you have any initial comments to make on the draft rules as presented?

Paragraph 4 (e) and 8 (e) – It is important that the home address of Interns and registered Medical Practitioners remain unpublished.

Fees – The Regulated Professions (Health and Social Care) (Amendment) Act 2020 separates the process of recognition of medical qualifications from the registration process. Amendments to process and to the rules and regulations for recognition and registration with the Medical Council should not incur an increase in fees.

Part 2 – REGISTER OF INTERNS

Paragraph 5 – The IMO has welcomed the provisions in the Regulated Professions (Health and Social Care) (Amendment) Act 2020 which removes a legal barrier to access to the Trainee Specialist register, allowing non-EU/EEA qualified doctors to compete for higher trainee specialist posts on an equal footing with Irish and EU/EEA qualified doctors.

The Medical Council must be certain that the requirement for the period of internship referred to in section 36F(3) of the Act to be a minimum of twelve months of supervised practice does not recreate a barrier for non-EU/EEA doctors in accessing training.

Edit to Paragraph 7 (b) the person would be in a position to have his or her qualification recognised under the Regulations of 2017 if he or she was an “eligible person”...

Is there any topic or issue you would like to see included or edited in the draft rules?

BREXIT

The prospect of recognition of professional qualifications forming part of a Free Trade Agreement between the UK and the EU, when the UK leaves the EU on the 31st December 2020, is now unlikely. From 31st December 2020, applications for registration with the Medical Council from doctors with UK qualifications will no longer be entitled to automatic recognition under EU Directive 2005/36/EC, but will be processed in the same way as applications from doctors who have qualified from a third country outside the EU/EEA.

Certainty is needed in relation to UK qualifications and the other third country qualifications that are recognised by the Medical Council and referred to in the draft rules.



Part 3 – REGISTER OF MEDICAL PRACTITIONERS

6. Recognition of qualification as general qualification

Paragraph 6 (2) Lays out the grounds referred to in Section 44B (1) of the amended Medical Practitioners Act 2007, on which a person with a qualification from outside the State and the EU/EEA is exempted from the requirement to pass the PRES (Pre-Registration Examination System).

Paragraph 6 (2) (b) (i) Schedule 1 lists the post-graduate qualifications which provided they have completed the requirements under paragraph 6 (2) (b) (ii) may exempt a person from the requirement to pass the PRES. The IMO welcomes the addition of UK qualifications to the list of post-graduate qualifications under Schedule 1.

Paragraph 6 (2) (d) (i)

The Medical Council website lists the overseas internships that are recognised as equivalent including completion of the UK Foundation Year 1.

See <https://www.medicalcouncil.ie/registration-applications/what-division-of-the-register-are-you-eligible-for/overseas-internships-recognised-as-equivalent.html>

The IMO would welcome confirmation of the list the documents and overseas internships that are recognised as equivalent to a certificate of internship.

7. Recognition of qualification as specialist qualification

Paragraph 7 (a)

Currently the Medical Council provides a list of qualifications approved by the Medical Council for recognition as a specialist qualification under Section 47 (1) (f) of the 2007 Act. See <https://www.medicalcouncil.ie/registration-applications/first-time-applicants/route-4-category-f-specialist-qualifications-july-2020.pdf>

The list includes a number of UK qualifications, but not all, which are currently automatically recognised under Annex V 5.1.2 of EU Directive. The IMO would welcome the publication of an updated list of specialist qualifications from third countries (including a full list UK specialist qualifications) that are approved by the Medical Council under Section 44C (1) (a) (ii) of the Medical Practitioners Act 2007 as amended by the Regulated Professions (Health and Social Care) (Amendment) Act 2020.

Part 2 - REGISTER OF INTERNS

Section 36 D of the Medical Practitioners Act 2007, as amended by Regulated Professions (Health and Social Care) Amendment Act 2020 makes no provision to recognise qualifications awarded in a third country outside the EU/EEA. In the absence of an agreement between the UK and the EU, once the UK leaves the EU on the 31st December 2020, it will be considered a third country and graduates of medical schools in the UK will no longer be eligible to apply for internship registration here.

Currently there are insufficient internship places to meet the number of graduates from Irish medical schools and the IMO is seeking an increase in the number of intern positions. Nonetheless, the IMO is concerned that graduates from medical schools in Britain and Northern Ireland will from the 1st January 2021 be excluded



from applying for intern positions in Ireland and calls for this matter to be urgently rectified.

Do you have any other feedback or comments to make?

Trainee Specialist Division

As mentioned above, the IMO has welcomed the provisions in the Regulated Professions (Health and Social Care) (Amendment) Act 2020 which remove a legal barrier for non-EU/EEA qualified doctors in accessing the Trainee Specialist register, however, without an increase in trainee specialists posts, this will simply mean that there will be a larger number of doctors competing for a limited number of higher specialist training positions.

Successive Medical Council Workforce Intelligence Reports recognise the lack of opportunities for training and career progression as a major factor contributing to difficulties in retaining non-EU/EEA doctors in Ireland. Currently there are approximately 2,400 doctors in non-training scheme posts of which broadly 22% are Irish graduates and 78% are foreign graduates. According to the HSE NDTP office, approximately 650 of the current non-training NCHD posts could potentially be converted to training posts – although it is recognised that this would require a corresponding increase in the number of consultants employed in order to deliver training to these Doctors. The IMO is calling for an increase in the number of both Basic and Higher Specialist Training posts.