DÁIL ÉIREANN

BILLÉ NA LIA-CHLEACHTÓIRÍ 2007
MEDICAL PRACTITIONERS BILL 2007

LEASUITHE TUARASCÁLA
REPORT AMENDMENTS

[No. 2a of 2007] [27 March, 2007]
DÁIL ÉIREANN

BILLE NA LIA-CHLEACHTÓIRÍ 2007
—AN TUARASCÁIL

MEDICAL PRACTITIONERS BILL 2007
—REPORT

Leasuithe
Amendments

1. In page 9, between lines 26 and 27, to insert the following:

“(2) The collective citation “the Health Acts 1947 to 2007” shall include section 57(9).”

—An tAire Sláinte agus Leanáí.

2. In page 11, line 35, after “a” to insert “significant”.

—Liz McManus.

3. In page 16, line 11, to delete “where appropriate.”.

—An tAire Sláinte agus Leanáí.

4. In page 16, line 43, after “including” to insert the following:

“the advances, limitations and risks of current medical knowledge and practice”.

—Liz McManus.

5. In page 17, line 44, after “order” to insert the following:

“following consultation and agreement by the Council”.

—Caoimhghín Ó Caoláin.

6. In page 17, line 45, before “confer” to insert “with the agreement of the Council”.

—Liz McManus.

7. In page 18, to delete lines 24 to 32.

—Liz McManus.

8. In page 19, lines 4 and 5, to delete “and in accordance with the request”.

—Liz McManus.

9. In page 22, lines 26 and 27, to delete all words from and including “in” in line 26 down to and including “Minister” in line 27.

—Caoimhghín Ó Caoláin, Liam Twomey.

10. In page 22, to delete lines 36 to 39.

—Liam Twomey.

11. In page 22, to delete lines 40 to 44 and in page 23, to delete lines 1 to 4.

—Liam Twomey.

12. In page 23, to delete lines 5 to 7.

—Liam Twomey.

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13. In page 24, lines 5 to 8, to delete all words from and including “in” in line 5 down to and including “Minister)” in line 8.

—Liam Twomey.


—Liam Twomey.

15. In page 24, lines 14 and 15, to delete all words from and including “relates,” in line 14 down to and including “Minister.” in line 15 and substitute “relates.”.

—Liam Twomey.

16. In page 24, to delete lines 16 to 22 and substitute the following:

“(3) The Council shall, in preparing a business plan, have regard to the policies and objectives of the Minister and the Government as they relate to the functions of the Council.”.

—Liam Twomey.

17. In page 24, to delete lines 23 to 30.

—Liam Twomey.

18. In page 25, to delete lines 15 to 17.

—Liam Twomey.

19. In page 25, lines 25 and 26, to delete all words from and including “the” where it firstly occurs in line 25 down to and including “and” in line 26 and substitute the following:

“a proportion of the members of the Council shall be appointed by the Minister, a proportion shall be appointed through election by the bodies regulated by the Medical Council, and the Council”.

—Liam Twomey.

20. In page 25, line 26, after “Minister” to insert the following:

“, following consultation and approval by the Joint Oireachtas Committee on Health and Children”.

—Caoimhghín Ó Caoláin.

21. In page 25, line 26, after “Minister” to insert the following:

“or, where a nominating body is specified in this section, appointed by that body”.

—Liz McManus.

22. In page 26, to delete lines 8 to 17.

—Liz McManus.

23. In page 26, to delete lines 36 to 42.

—Liz McManus.

24. In page 27, line 24, to delete “paediatrics” and substitute “anaesthesia”.

—An tAire Sláinte agus Leanaí.

25. In page 27, to delete lines 28 to 35 and substitute the following:

“(d) one medical practitioner registered, or able to be registered, in the Specialist Division in relation to pathology or radiology,

(e) one registered medical practitioner, not being a consultant, practising medicine in a hospital, and
(f) one registered medical practitioner not falling within any of paragraphs (a) to (e).”.

—An tAire Sláinte agus Leanaí.

26. In page 27, to delete lines 36 to 45 and in page 28, to delete lines 1 to 5 and substitute the following:

“(9) Without prejudice to the generality of the other provisions of this Act relating to the membership of the Council—

(a) the Minister may not refuse to appoint as a member of the Council a person nominated under subsection (1)(a), (b), (c), (d), (e), (g), (h), (i), (j), (k), (l) or (m) or elected as referred to in subsection (1)(f), and

(b) a person who was a member of the Council immediately before the commencement of section 3 shall, on that commencement, cease to be a member of the Council unless the person is appointed pursuant to subsection (1) to be a member of the Council.”.

—An tAire Sláinte agus Leanaí.

27. In page 28, line 6, to delete “Subject to subsection (2), the” and substitute “The”.

—An tAire Sláinte agus Leanaí.

28. In page 28, to delete lines 10 and 11.

—An tAire Sláinte agus Leanaí.

29. In page 29, line 18, to delete “not”.

—Liam Twomey.

30. In page 29, lines 20 and 21, to delete “(except the Fitness to Practise Committee)”.

—Liam Twomey.

31. In page 30, line 14, after “satisfied” to insert the following:

“on the recommendation of the President of the Council”.

—Liz McManus.

32. In page 31, line 7, to delete “Where” and substitute “Subject to subsection (7), where”.

—An tAire Sláinte agus Leanaí.

33. In page 31, to delete lines 7 to 9.

—Liz McManus.

34. In page 31, line 10, to delete “The Minister may” and substitute the following:

“Subject to subsection (7), the Minister may, by order,”.

—An tAire Sláinte agus Leanaí.

35. In page 31, line 10, to delete “The Minister may” and substitute “Both Houses of the Oireachtas may, by resolution,.”

—Liz McManus.

36. In page 31, to delete lines 16 to 18.

—Liam Twomey.
37. In page 31, between lines 23 and 24, to insert the following:

“(7) An order under subsection (5) or (6) removing the members of the Council from office shall not have effect unless—

(a) a draft of the proposed order and a statement of the reasons for the order have been laid before the Houses of the Oireachtas, and

(b) a resolution approving the draft has been passed by each House.”.

—An tAire Sláinte agus Leanaí.

38. In page 31, line 42, after “subsection (5)” to insert “or (6)’”.

—An tAire Sláinte agus Leanaí.

39. In page 35, between lines 13 and 14, to insert the following:

“(8) A disclosure under this section or section 31 shall be recorded in a register together with particulars of any interest of members of the Council or committee or persons to whom section 31 applies, and the register shall be available to public inspection during office hours.”.

—Liz McManus.

40. In page 38, line 40, to delete “after consulting” and substitute “on the recommendation of”.

—Liz McManus.

41. In page 38, line 40, after “Council” to insert “or pursuant to a recommendation of the Council”.

—An tAire Sláinte agus Leanaí.

42. In page 39, line 5, to delete “and”.

—An tAire Sláinte agus Leanaí.

43. In page 39, line 8, to delete “designated.” and substitute “designated, and”.

—An tAire Sláinte agus Leanaí.

44. In page 39, line 8, after “designated” to insert the following:

“and having due regard to the rights of any persons using the title prior to any proposed exercise of that power”.

—Liz McManus.

45. In page 39, between lines 8 and 9, to insert the following:

“(c) the regulations made in exercise of that power provide that a person who was, immediately before the commencement of the regulations, lawfully using the title but who, on that commencement, would contravene section 40(2) if the person continued to use the title, may continue to use the title for the period specified in the regulations (being a period reasonable in the circumstances but, in any case, not less that 6 months) without contravening that section.”.

—An tAire Sláinte agus Leanaí.

46. In page 39, line 34, to delete “A” and substitute “Subject to section 39(2)(c), a”.

—An tAire Sláinte agus Leanaí.
47. In page 41, line 1, to delete “establish and maintain a” and substitute the following:

“establish, maintain and make available to the public a published”. —Liam Twomey.

48. In page 41, to delete lines 27 and 28 and substitute the following:

“(3) The register may be established and maintained in paper or electronic form.”.

—An tAire Sláintí agus Leanaí.

49. In page 41, to delete lines 27 and 28.

—Liam Twomey.

50. In page 42, between lines 31 and 32, to insert the following:

“(9) A registered medical practitioner shall not be required to register his or her home address in any part of the register which is open to public access.”.

—Liz McManus.

51. In page 49, line 12, to delete “A” and substitute “Subject to subsections (2) and (7), a”.

—An tAire Sláintí agus Leanaí.

52. In page 49, line 19, to delete “without first being registered”.

—Liam Twomey.

53. In page 54, line 16, after “offence” to insert the following:

“(being an offence which does or could potentially reflect on the registered medical practitioner’s fitness to practice medicine)”.

—Liz McManus.

54. In page 54, between lines 19 and 20, to insert the following:

“(2) A complaint shall be made on a form prescribed by the Council and shall contain sufficient particulars to enable the registered medical practitioner to which the complaint relates to respond to the complaint.”.

—Liz McManus.

55. In page 55, between lines 22 and 23, to insert the following:

“(9) A complaint is a protected disclosure under the Health Act 2004 (as amended by the Health Act 2007).”.

—An tAire Sláintí agus Leanaí.

56. In page 56, line 41, to delete “affidavit” and substitute “statutory declaration”.

—Liz McManus.

57. In page 57, between lines 27 and 28, to insert the following:

“(b) whether the nature of the complaint is such that it is capable of being resolved by means referred to in section 62,”.

—Liz McManus.
58. In page 60, to delete lines 39 to 44 and in page 61, to delete lines 1 to 5 and substitute the following:

“(2) A record shall be kept by the Fitness to Practise Committee of the proceedings before that committee, and the record shall be made available to the public by the Committee in the event of there being a finding adverse to the registered medical practitioner concerned, with the exception of any part of the record which the Committee decides to omit because it contains personal matters about any person which the Committee considers should not be published, or because the Committee decides it would otherwise be appropriate to do so. The hearings of the Committee shall otherwise be held in private unless the Committee otherwise decides for substantial reasons.”.

—Liz McManus.

59. In page 65, lines 25 and 26, to delete all words from and including “(other” in line 25 down to and including “71(a)” in line 26.

—Liz McManus.

60. In page 66, to delete lines 13 and 14.

—Liz McManus.

61. In page 71, to delete lines 15 to 21 and substitute the following:

85.—The Council shall, if satisfied that it is in the public interest to do so—

(a) advise the public when—

(i) any measure referred to in section 84(1) takes effect under this Part in respect of a medical practitioner,

(ii) any measure referred to in section 84(2) in respect of a medical practitioner comes to the knowledge of the Council,

(b) after consultation with the Fitness to Practise Committee, publish a transcript of all or any part of the proceedings of the Committee at an inquiry, whether with or without any information which would enable all, or any one or more than one, of the parties to the proceedings to be identified.”.

—An tAire Sláinte agus Leaná.

62. In page 71, line 16, after “public” to insert “or any section of the public”.

—Liz McManus.

63. In page 71, to delete lines 24 to 42 and in page 72, to delete lines 1 to 39.

—Liz McManus.

64. In page 73, lines 18 and 19, to delete all words from and including “with” in line 18 down to and including “Minister” where it firstly occurs in line 19 and substitute “after it”.

—An tAire Sláinte agus Leaná.

65. In page 73, line 18, to delete “with the consent of the Minister”.

—Liam Twomey.
66. In page 74, to delete lines 19 to 23 and substitute the following:

“(a) on foot of proposals received from the Health Service Executive under section 86(3)(c) specify the number of intern training posts it approves for the purposes of intern training.”.

—Liam Twomey.

67. In page 80, to delete lines 23 to 25 and substitute the following:

“93.—(1) The Health Service Executive must provide appropriate resources and funding to facilitate the maintenance of professional competence of registered medical practitioners.”.

—Liam Twomey.

68. In page 80, lines 24 and 25, after “practitioners” to insert the following:

“pursuant to a professional competence scheme applicable to the practitioners concerned”.

—An tAire Sláinte agus Leanaí.

69. In page 80, line 28, after “practitioners” to insert the following:

“pursuant to a professional competence scheme applicable to the practitioners concerned”.

—An tAire Sláinte agus Leanaí.

70. In page 80, to delete lines 29 and 30 and substitute the following:

“94.—(1) The Health Service Executive and the registered medical practitioner shall ensure that practitioner’s professional competence is maintained on an ongoing basis.”.

—Liam Twomey.

71. In page 80, line 30, after “basis” to insert the following:

“pursuant to a professional competence scheme applicable to that practitioner”.

—An tAire Sláinte agus Leanaí.

72. In page 85, line 10, to delete “subsection (2)(a)” and substitute “subsection (3)(a)”.

—An tAire Sláinte agus Leanaí.