

Number 25 of 2007

MEDICAL PRACTITIONERS ACT 2007

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

- 1. Short title and commencement.
- 2. Interpretation.
- 3. Repeals and revocations.

PART 2

CONTINUANCE IN BEING OF COUNCIL AND OBJECT AND FUNCTIONS OF COUNCIL, ETC.

- 4. Continuance in being of Council.
- 5. Seal of Council.
- 6. Object of Council.
- 7. Functions of Council.
- 8. Conferral of additional functions on Council.
- 9. Ministerial directions to Council.
- 10. Immunity.
- 11. Council's power to make rules.
- 12. Council's power to issue guidelines.

PART 3

STATEMENT OF STRATEGY, BUSINESS PLAN AND ANNUAL REPORT OF COUNCIL

- 13. Council to prepare and submit statement of strategy.
- 14. Publication and implementation of statement of strategy.

- 15. Council to prepare and forward business plan to Minister.
- 16. Council to submit annual report to Minister.

MEMBERS, COMMITTEES AND STAFF OF COUNCIL

- 17. Members of Council.
- 18. Elections.
- 19. First meeting of Council under this Act.
- 20. Committees of Council.
- 21. Expenses of members of Council and committees.
- 22. Payment of allowances.
- 23. Removal of members of Council from office.
- 24. Chief executive officer.
- 25. Staff of Council.
- 26. Age limits.
- 27. Superannuation.
- 28. Membership of either House of Oireachtas by member of staff of Council.
- Membership of local authority or European Parliament by member of staff of Council.
- 30. Disclosure of interests by members of Council or committee.
- 31. Disclosure of interests by members of staff of Council.

PART 5

ACCOUNTS AND FINANCES OF COUNCIL

- 32. Accounts of Council.
- 33. Power of Council to borrow.
- 34. Acceptance of gifts by Council.
- Expenses of Council and Minister.
- 36. Fees that Council may charge.

PART 6

REGISTRATION OF MEDICAL PRACTITIONERS

37. Unregistered medical practitioners shall not practise medicine.

- 38. Circumstances in which unregistered medical practitioners may practise medicine.
- 39. Designated titles.
- 40. Use of designated titles.
- 41. Offences and penalties.
- 42. Recovery of fees, etc.
- 43. Register.
- 44. Transitional provisions applicable to register.
- 45. Registration of medical practitioners general.
- 46. Medical practitioners to be registered in General Division.
- 47. Medical practitioners to be registered in Specialist Division.
- 48. Medical practitioners to be registered in Trainee Specialist Division.
- 49. Internship registration in Trainee Specialist Division.
- 50. Visiting EEA practitioners providing services on temporary and occasional basis.
- 51. Registration of additional qualifications.
- 52. Application to have registration removed, etc.
- 53. Conditions attached to first registration.
- 54. Refusal of registration, etc., and appeal to Court against Council's decision.
- 55. Correction of register.
- 56. Publication of register.

COMPLAINTS TO PRELIMINARY PROCEEDINGS COMMITTEE CONCERNING REGISTERED MEDICAL PRACTITIONERS

- 57. Complaints concerning registered medical practitioners.
- 58. Persons to assist Preliminary Proceedings Committee.
- 59. Consideration of complaints by Preliminary Proceedings Committee.
- 60. If immediate suspension of registration is necessary to protect public.
- 61. No further action or referral of complaint to another body or authority or to professional competence scheme.
- 62. Resolution of complaints by mediation or other informal means
- 63. Referral of complaint to Fitness to Practise Committee.

COMPLAINTS REFERRED TO FITNESS TO PRACTISE COMMITTEE

- 64. Duty to notify registered medical practitioner and complainant or other witnesses of referral to, and hearing by, Fitness to Practise Committee.
- 65. Conduct of hearing.
- 66. Powers and protections relating to witnesses and evidence.
- 67. If registered medical practitioner consents to censure or remedial action, etc.
- 68. If complaint is withdrawn while it is being considered by Fitness to Practise Committee.
- 69. Report to Council by Fitness to Practise Committee.
- 70. Steps to be taken by Council after receiving report.

PART 9

Imposition of sanctions on registered medical practitioners following reports of Fitness to Practise Committee

- 71. Duty of Council to decide on appropriate sanction.
- 72. Provisions supplementary to section 71.
- 73. Duty to notify registered medical practitioner of Council's sanction.
- 74. Confirmation by Court required before certain decisions become effective.
- 75. Appeal to Court against Council's decision under section 71.
- 76. Application to Court for confirmation of Council's decision.
- 77. Evidence relating to appeal under section 75(1) or application under section 76(1) to Court.
- 78. Duty to notify registered medical practitioner of compliance with decisions confirmed or given by Court.
- 79. Removal of registration for failure to pay fee.
- 80. Restoration, etc., of registration following payment of certain fees.
- 81. Restoration of registration which has been cancelled.
- 82. Removal of conditions attached to registration.
- 83. Appeal to Court against Council's decision under *section 81* or 82.
- 84. Notification to Minister, Health Service Executive and employer of certain matters relating to sanctions.
- 85. Information Council may publish in public interest.

EDUCATION AND TRAINING

- 86. Duties of Health Service Executive in relation to medical and dental education and training.
- 87. Functions of Council in relation to Directives of European Union relating to medical education and training.
- 88. Duties of Council in relation to medical education and training.
- 89. Training bodies and qualifications for the purposes of the Specialist and Trainee Specialist Divisions.
- 90. Appeal to Court against Council's decision under section 88(2)(a)(i)(II) or (ii) or 89(3)(a)(ii) or (b).

PART 11

MAINTENANCE OF PROFESSIONAL COMPETENCE

- 91. Duty of Council in relation to maintenance of professional competence of registered medical practitioners.
- 92. Appeal to Court against Council's decision under section 91(4)(a) or (b).
- 93. Duty of Health Service Executive and other employers in relation to the maintenance of professional competence of registered medical practitioners.
- 94. Duty of registered medical practitioners to maintain professional competence.
- 95. Confidentiality.

PART 12

DISSOLUTION OF POSTGRADUATE MEDICAL AND DENTAL BOARD

- 96. Interpretation of *Part 12*.
- 97. Transfer day and dissolution of Board.
- 98. Minister may require information from Board.
- 99. Transfer of staff.
- 100. Transfer of property and liabilities to Health Service Executive.
- 101. Preservation of certain contracts and adaptation of references.
- 102. Pending legal proceedings.
- 103. Preparation of accounts.