



STATUTORY INSTRUMENTS.

S.I. No. 222 of 2018



MEDICAL COUNCIL (EVIDENCE OF INDEMNITY) RULES 2018

MEDICAL COUNCIL (EVIDENCE OF INDEMNITY) RULES 2018

The Medical Council, in exercise of the powers conferred on it by section 11 (as amended by section 3 of the Medical Practitioners (Amendment) Act 2017 (No. 10 of 2017)) of the Medical Practitioners Act 2007 (No. 20 of 2007), hereby makes the following rules:-

Citation

1. These Rules may be cited as the Medical Council (Evidence of Indemnity) Rules 2018.

Commencement

2. These Rules come into operation on 18th May 2018.

Definitions

3. In these Rules—

“2017 Act” means the Medical Practitioners (Amendment) Act 2017 (No. 10 of 2017);

“Principal Act” means the Medical Practitioners Act 2007 (No. 25 of 2007).

Evidence to be submitted in relation to indemnity

4. The evidence to be submitted to the Council by a medical practitioner in relation to his or her level of indemnity under section 45(1A) (as inserted by section 7 of the 2017 Act) of the Principal Act, is—

- (a) in the case of a medical practitioner applying for first registration or restoration to the register, a completed and signed declaration in the form set out Schedule 1 or, where the Council provides for internet application, an equivalent online form,
- (b) in the case of a registered medical practitioner applying for renewal of registration, a completed and signed declaration in the form set out in Schedule 2 or, where the Council provides for internet application, an equivalent online form, or
- (c) in the case of a medical practitioner providing services in the State on a temporary and occasional basis pursuant to Part 4 of the Regulations of 2017, a completed and signed declaration in the form set out in Schedule 3 or, where the Council provides for internet application, an equivalent online form,

and includes any certificate required to be enclosed with such form.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th June, 2018.

Content of certificate

5. Where a medical practitioner is required to enclose with any of the forms referred to in Rule 4 a certificate from his or her insurer, broker or indemnity provider as evidence of his or her insurance or indemnity, such certificate shall be in the English language and shall state, in particular—

- (a) the name of the policyholder or person indemnified,
- (b) the period of cover of the insurance policy or indemnity,
- (c) the area(s) of practice covered by the policy or indemnity, as described in the notice published by the National Treasury Management Agency pursuant to section 8A of the National Treasury Management Agency (Amendment) Act 2000 (as inserted by section 10 of the 2017 Act), and
- (d) the level of indemnity provided.

Timing of submission of evidence

6. The evidence referred to in Rule 4 shall be submitted to the Council as follows:

- (a) in the case of an application by a medical practitioner for first registration or restoration to the register, the declaration and any accompanying certificate shall be submitted at the time of the application;
- (b) in the case of an application by a registered medical practitioner for renewal of registration—
 - (i) the declaration shall be submitted at the time of the application, and
 - (ii) any accompanying certificate shall be submitted to the Council not later than 14 days after the date of issue of the registration certificate renewing or restoring the registration; or
- (c) in the case of a medical practitioner providing services in the State on a temporary and occasional basis pursuant to Part 4 of the Regulations of 2017, the declaration and any accompanying certificate shall be submitted with the declaration required to be made under Regulation 13(1) of those Regulations and any renewal of that declaration under Regulation 13(2) of those Regulations.

Evidence to be displayed at principal place of practise

7. The evidence to be displayed by a medical practitioner, under section 43(7A) (as inserted by section 6 of the 2017 Act) of the Principal Act, of the minimum level of indemnity (if any) applicable to him or her at the principal place where the practitioner practises medicine is the certificate referred to in Rule 5.

Manner of display of evidence

8. The evidence referred to in Rule 7 shall, if practicable, be displayed on white paper or white cardboard in a prominent position at the principal place where the practitioner practises medicine such that it is readily visible to a person each time that person is treated by the medical practitioner.

SCHEDULE 1

Professional Indemnity Declaration Form (First Registration or Restoration)

Full Name: (block capital letters)						
Registration number:						

Section 1**Professional Indemnity Requirements**

1. The Medical Council is obliged to ensure that registered medical practitioners who fall into certain classes have minimum levels of indemnity in place.
2. The Medical Council cannot register/restore an applicant unless it is satisfied that the applicant—
 - a. has put in place the minimum level of indemnity, or
 - b. does not fall into any of the classes to which minimum levels of indemnity apply.
3. The National Treasury Management Agency (NTMA) have published various lists of hospitals and healthcare facilities as well as the minimum levels of indemnity that apply to certain classes of medical practitioners. References to “Lists” below are to the NTMA Lists, as amended from time to time.
4. In order for the Medical Council to consider your application for registration/restoration you must respond to the following questions in relation to the issue of professional indemnity.

Section 2**Professional Indemnity Statements**

Please tick the box next to the statement which applies to you:

(Your practice arrangement may require you to tick more than one box).

1. If registered/restored, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a hospital and/or healthcare facility that is listed by the NTMA in List 1.

2. If registered/restored, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine as a consultant in a hospital and/or healthcare facility that is listed by the NTMA in List 2..

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant minimum level of indemnity by way of certificate from your insurer/broker or indemnity provider..*

3. If registered/restored, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a non-consultant position, in a hospital and/or healthcare facility that is listed by the NTMA in List 2..

4. If registered/restored, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine at a facility that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant level of indemnity by way of certificate from your insurer/broker or indemnity provider..*

5. If registered/restored, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a general practice setting that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant level of indemnity by way of certificate from your insurer/broker or indemnity provider..*

6. If registered/restored, you will not immediately be engaged in the practise of medicine under a contract of employment, contract for services or any other arrangement. However, you hope to engage in the practise of medicine during this period of registration.

7. If registered/restored, you will **not** be engaged in the practise of medicine during the period of registration, or your practice of medicine will **not** involve engagement with patients.

(Note that ticking this box excludes you from the entitlement to issue prescriptions)

Section 3

Declarations

1. I declare that the practice arrangement(s) I have ticked above reflect the entire scope of my practice in the State.

2. I declare that if having checked practice arrangement 2, 4 or 5 above, or any combination thereof, I am providing with this form a copy of a certificate which specifies my area(s) of practice and complies with the other requirements of Rule 5 of the Medical Council (Evidence of Indemnity) Rule 2018 (S.I. No. 222 of 2018), and I understand that failure to do so could will result in a refusal to register/restore.
3. I declare that, should I intend to commence any other practice outside of my declared scope of practice, or in an area of practice not specified in my certificate, I will put in place the required minimum level of indemnity, if any, prior to commencing such other practice.
4. I declare that I have read section 38A of the Medical Practitioner Act 2007 (set out below) and I understand my obligations under it and I undertake to comply with those obligations.
5. I confirm that the declaration(s) provided above by me are true and I understand that any false declaration may result in my prosecution and/or may be grounds for complaint under Part 7 of the Medical Practitioners Act 2007.

Signed: _____
Medical Practitioner

Date:

Section 38A of the Medical Practitioners Act 2007:

“Duty of medical practitioner — indemnity

38A. (1) A registered medical practitioner shall ensure that the minimum level of indemnity (if any) applicable to him or her is in place at all times during which the practitioner’s registration continues.

(2) A medical practitioner who contravenes subsection (1) shall, not later than 14 working days after the contravention occurs, give notice in writing to the Council of the contravention and particulars of the matters giving rise to the contravention (and whether or not the practitioner has, subsequent to the contravention, ceased to contravene that subsection).”

Rule 4(b)

SCHEDULE 2**Professional Indemnity Declaration Form (Renewal)**

Full Name: (block capital letters)						
Registration number:						

Section 1**Professional Indemnity Requirements**

1. The Medical Council is obliged to ensure that registered medical practitioners who fall into certain classes have minimum levels of indemnity in place.
2. The Medical Council cannot renew the registration of a medical practitioner unless it is satisfied that the medical practitioner—
 - a. has put in place the minimum level of indemnity, or
 - b. does not fall into any of the classes to which minimum levels of indemnity apply.
3. The National Treasury Management Agency (NTMA) have published various lists of hospitals and healthcare facilities as well as the minimum levels of indemnity that apply to certain classes of medical practitioners. References to “Lists” below are to the NTMA Lists, as amended from time to time.
4. In order for the Medical Council to consider your application for renewal of registration you must respond to the following questions in relation to the issue of professional indemnity.

Section 2**Professional Indemnity Statements**

Please tick the box next to the statement which applies to you:

(Your practice arrangement may require you to tick more than one box)

1. If your registration is renewed, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a hospital and/or healthcare facility that is listed by the NTMA in List 1.
2. If your registration is renewed, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine as a consultant

in a hospital and/or healthcare facility that is listed by the NTMA in List 2.

*If this applies to you, you must **PROVIDE EVIDENCE** of the relevant minimum level of indemnity by way of certificate from your insurer/broker or indemnity provider.*

3. If your registration is renewed, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a non-consultant position, in a hospital and/or healthcare facility that is listed by the NTMA in List 2.

4. If your registration is renewed, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine at a facility that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** of the relevant level of indemnity by way of certificate from your insurer/broker or indemnity provider.*

5. If your registration is renewed, you will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a general practice setting that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** of the relevant level of indemnity by way of certificate from your insurer/broker or indemnity provider.*

6. If your registration is renewed, you will **not** be engaged in the practise of medicine during the period of registration, or your practice of medicine will **not** involve engagement with patients.

(Note that ticking this box excludes you from the entitlement to issue prescriptions)

Section 3

Declarations

1. I declare that the practice arrangement(s) I have ticked above reflect the entire scope of my practice in the State.
2. I declare that if having checked practice arrangement 2, 4 or 5 above, or any combination thereof, I will provide a copy of a certificate which specifies my area(s) of practice and complies with the other requirements of Rule 5 of the Medical Council (Evidence of Indemnity) Rule 2018 (S.I. No. 222 of 2018) within 14 days of the issuing of my registration certificate, and I understand that failure to do so could will result in removal of registration.

3. I declare that, should I intend to commence any other practice outside of my declared scope of practice, or in an area of practice not specified in my certificate, I will put in place the required minimum level of indemnity, if any, prior to commencing such other practice.
4. I declare that I have read section 38A of the Medical Practitioner Act 2007 (set out below) and I understand my obligations under it and I undertake to comply with those obligations.
5. I confirm that the declaration(s) provided above by me are true and I understand that any false declaration may result in my prosecution and/or may be grounds for complaint under Part 7 of the Medical Practitioners Act 2007.

Signed: _____
Medical Practitioner

Date:

Section 38A of the Medical Practitioners Act 2007:

“Duty of medical practitioner — indemnity

38A. (1) A registered medical practitioner shall ensure that the minimum level of indemnity (if any) applicable to him or her is in place at all times during which the practitioner’s registration continues.

(2) A medical practitioner who contravenes subsection (1) shall, not later than 14 working days after the contravention occurs, give notice in writing to the Council of the contravention and particulars of the matters giving rise to the contravention (and whether or not the practitioner has, subsequent to the contravention, ceased to contravene that subsection).”

SCHEDULE 3

Professional Indemnity Declaration Form (Temporary and Occasional Services)

Full Name: (block capital letters)	
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Section 1**Professional Indemnity Requirements**

1. The Medical Council is obliged to ensure that registered medical practitioners who fall into certain classes have minimum levels of indemnity in place.
2. The Medical Council cannot register an applicant in the Visiting EEA Practitioners Division of the register, for the purpose of the provision of services in the State on a temporary and occasional basis, unless it is satisfied that the applicant—
 - a. has put in place the minimum level of indemnity for the period of registration sought, or
 - b. does not fall into any of the classes to which minimum levels of indemnity apply.
3. The National Treasury Management Agency (NTMA) have published various lists of hospitals and healthcare facilities as well as the minimum levels of indemnity that apply to certain classes of medical practitioners. References to “Lists” below are to the NTMA Lists, as amended from time to time.
4. In order for the Medical Council to include you in the Visiting EEA Practitioners Division of the register you must respond to the following questions in relation to the issue of professional indemnity.

Section 2**Professional Indemnity Statements**

Please tick the box next to the statement which applies to you:

(Your practice arrangement may require you to tick more than one box)

1. You will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a hospital and/or healthcare facility that is listed by the NTMA in List 1.

2. You will be engaged, in whole or in part (including on a locum basis), in the practice of medicine as a consultant in a hospital and/or healthcare facility that is listed by the NTMA in List 2.

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant minimum level of indemnity for the period of provision of services by way of certificate from your insurer/broker or indemnity provider.*

3. You will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a non-consultant position, in a hospital and/or healthcare facility that is listed by the NTMA in List 2.

4. You will be engaged, in whole or in part (including on a locum basis), in the practice of medicine at a facility that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant level of indemnity for the period of provision of services by way of certificate from your insurer/broker or indemnity provider.*

5. You will be engaged, in whole or in part (including on a locum basis), in the practice of medicine in a general practice setting that is not listed by the NTMA in either List 1 or 2.

*If this applies to you, you must **PROVIDE EVIDENCE** with this form of the relevant level of indemnity for the period of provision of services by way of certificate from your insurer/broker or indemnity provider.*

Section 3

Declarations

1. I declare that the practice arrangement(s) I have ticked above reflect the entire scope of the services I will be providing in the State pursuant to the declaration I am submitting under Regulation 13 of the Regulations of 2017.
2. I declare that if having checked practice arrangement 2, 4 or 5 above, or any combination thereof, I am providing with this form a copy of a certificate which specifies my area(s) of practice and complies with the other requirements of Rule 5 of the Medical Council (Evidence of Indemnity) Rule 2018 (S.I. No. 222 of 2018), and I understand that failure to do so could will result in the loss of my entitlement to provide services on a temporary and occasional basis in the State.
3. I declare that, should I intend to provide any service outside of my declared scope of services, or in an area of practice not specified in my certificate, I

will put in place the required minimum level of indemnity, if any, prior to providing such other service.

4. I declare that I have read section 38A of the Medical Practitioner Act 2007 (set out below) and I understand my obligations under it and I undertake to comply with those obligations.
5. I confirm that the declaration(s) provided above by me are true and I understand that any false declaration may result in my prosecution and/or may be grounds for complaint under Part 7 of the Medical Practitioners Act 2007.

Signed: _____
Medical Practitioner

Date:

Section 38A of the Medical Practitioners Act 2007:

“Duty of medical practitioner — indemnity

38A. (1) A registered medical practitioner shall ensure that the minimum level of indemnity (if any) applicable to him or her is in place at all times during which the practitioner’s registration continues.

(2) A medical practitioner who contravenes subsection (1) shall, not later than 14 working days after the contravention occurs, give notice in writing to the Council of the contravention and particulars of the matters giving rise to the contravention (and whether or not the practitioner has, subsequent to the contravention, ceased to contravene that subsection).”



GIVEN under the Official Seal of the Medical Council,
17 May 2018.

DR ANTHONY BRESLIN,
Vice President.

MR WILLIAM PRASIFKA,
Chief Executive Officer.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Rules set out the evidence in relation to professional indemnity to be submitted to the Medical Council by medical practitioners and to be displayed at the principal place where medical practitioners practise medicine. In addition, these Rules provide for the timing of such submission and the manner of such display.

These Rules may be cited as the Medical Council (Evidence of Indemnity) Rules 2018.

These Rules come into operation on 18th May 2018

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