

Overseas Experience

Composition,
Complaint Investigation and
Disciplinary Inquiry Mechanism
of Medical Regulatory Bodies

UK
Australia
Singapore

Comparison among Hong Kong, UK, Australia & Singapore

(as at 31 Dec 2015)	Hong Kong	UK	Australia	Singapore
No. of doctors	~13 700	~273 700	~103 000	~13 000
Population	~ 7.3 million	~ 64 million	~ 24 million	~ 5.5 million
Doctors to population ratio ^{Note}	~1:530	~ 1:270	~ 1:250	~1:440
Average annual no. of complaints received in 2013 - 2015	~ 500	~ 9 600	~ 4 900	~170
Size of the regulatory body	28 (24 doctors and 4 lay persons)	12 (6 doctors and 6 lay persons)	12 (8 doctors and 4 lay persons)	25 (24 doctors and Director of Medical Services)
Operating cost of the regulatory body	substantively borne by the Government	borne by doctors	borne by doctors	partially borne by the Government

Note: Source of UK and Australia figures: OECD

Source of Singapore figure: Annual Report of Singapore Medical Council, 2015

UK Model

"We are not here to protect doctors - their interests are protected by others. Our job is to protect the public."

- General Medical Council

General Medical Council

Functions and Composition

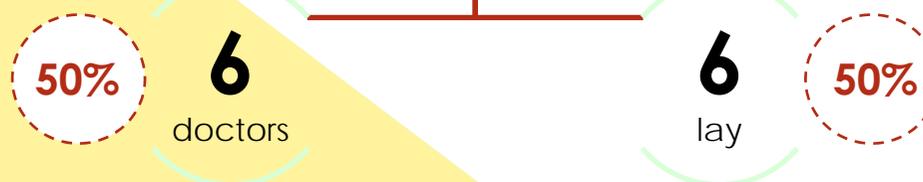
Functions

- Sets standards for doctors
- Oversees doctors' education and training
- Helps to raise standards through revalidation
- Manages medical register
- Investigates and acts on concerns about doctors

Composition

General Medical Council (GMC)

(12 members)



All members are
appointed by the **Government**

Complaint Investigation and Disciplinary Inquiry Process

Initial screening by Registrar
(Chief Executive of GMC)

Refer the case to a Medical and a Lay Case Examiner (two GMC staff) for consideration

The case examiners may –

- conclude the case with no further action
- issue a warning/ letter of advice
- refer the case to investigation committee
- refer the case to the Medical Practitioners Tribunal Service for a hearing
- agree undertakings with the doctor

Investigation Committee

(3 members drawn from a pool of tribunal members)

considers those cases where case examiners:

- have been unable to agree on what should happen at the end of the investigation, or
- consider that a warning is appropriate, but the doctor has disputed the facts, or requested a hearing of the Investigation Committee

MPTS Hearings

- Interim Orders Tribunal Hearings
- Medical Practitioners Tribunal Hearings

Complaint Investigation and Disciplinary Inquiry Process

Medical Practitioners Tribunal Service (MPTS)

MPTS

- Adjudication function
- Managing -
 - ① medical practitioners tribunal hearings
 - ② interim orders tribunal hearings (suspend or restrict a doctor's practice while the investigation continues, if it is necessary for the protection of the public)
- Though accountable to GMC, fully independent in its decision making and separate from the investigatory role of GMC
- Annual report to Parliament

Appointment of a Tribunal

~280
members

A pool of
tribunal members



Appointment
by MPTS

Tribunal

3
members

at least

- 1 doctor
- 1 lay person
chairman either doctor/ lay

Complaint Investigation and Disciplinary Inquiry Process

Major Observations

✓ Independent adjudication function (a separate mechanism under GMC)

✓ No participation of Council Members in adjudication function

✓ Pool of tribunal members (non-GMC members) to participate in MPTS

✓ Use of medical and lay case examiners of GMC to carry out investigation

Australia Model

“The primary role of the National Boards is to protect the public and they set standards and policies that all registered health practitioners must meet.”

- Australian Health Practitioner Regulation Agency

Australian Health Practitioner Regulation Agency (AHPRA)

Australia

Functions

- Governed by the Health Practitioner Regulation National Law, as in force in each state and territory
- 14 health professions are regulated by nationally consistent legislation under the National Registration and Accreditation Scheme
- AHPRA supports the 14 National Boards that are responsible for regulating the health professions
- Each Board has entered into a health profession agreement with AHPRA which sets out the fees payable by health practitioners, the annual budget of the Board and the services provided by AHPRA



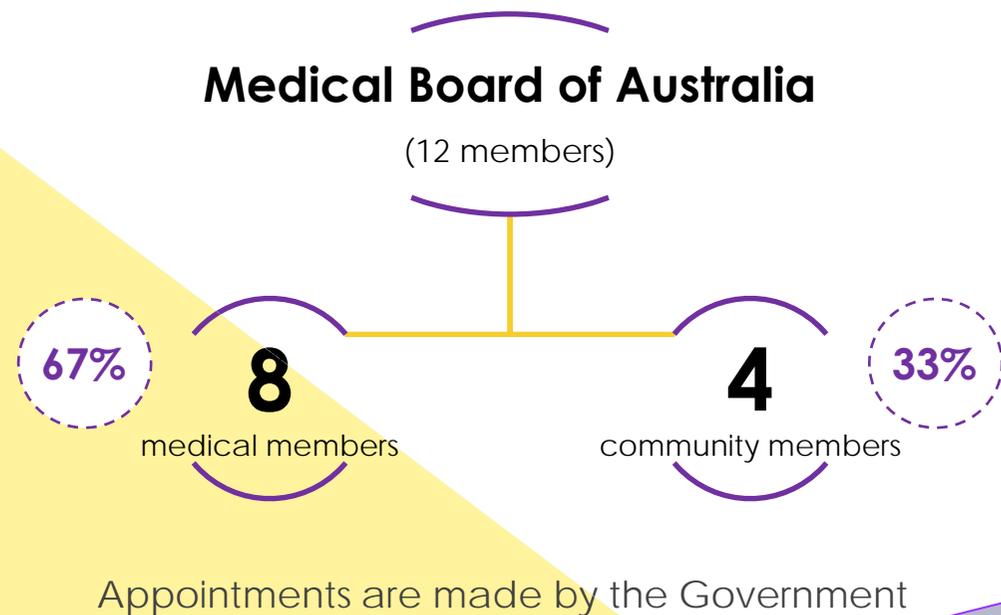
Medical Board of Australia

Functions and Composition

Functions

- Registers medical practitioners and medical students
- Develops standards, codes and guidelines
- Investigates notifications and complaints about medical practitioners, conducts panel hearings and refers serious matters to Tribunal hearings
- Assesses international medical graduates who wish to practise in Australia
- Approves accreditation standards and accredited courses of study

Composition



Complaint Investigation and Disciplinary Inquiry Process

AHPRA receives complaints (notifications) about doctors on behalf of the National Boards (including Medical Board of Australia)

Medical Board of Australia will appoint an investigator via AHPRA to conduct investigation into the complaint

As a result of an investigation, Medical Board of Australia may, among others, refer the matter to a tribunal

Tribunal to conduct hearing

Decision of the Medical Board of Australia

- no further action
- refer to a health assessment
- refer to performance assessment
- refer to a health panel
- refer to a performance and professional standards panel
- refer to a tribunal hearing
- impose conditions on a practitioner's registration
- accept an undertaking from the practitioner, and/or
- caution the practitioner

e.g. South Australian Health Practitioners Tribunal

1 President and 2 Deputy Presidents

- legal practitioners of long standing
- about 100 Tribunal members**
- ~ 80 healthcare professionals
- ~10-20 lay

at least

3

members

Tribunal

- 1 doctor
- 1 lay person
- 1 judicial officer

Complaint Investigation and Disciplinary Inquiry Process

Major Observations

✓ **Separation of functions**
(Medical Board of Australia – investigation ; Tribunals - adjudication)

✓ **Medical Board of Australia will not participate in disciplinary proceedings**

✓ **Use of investigator to carry out investigation**

Singapore Model

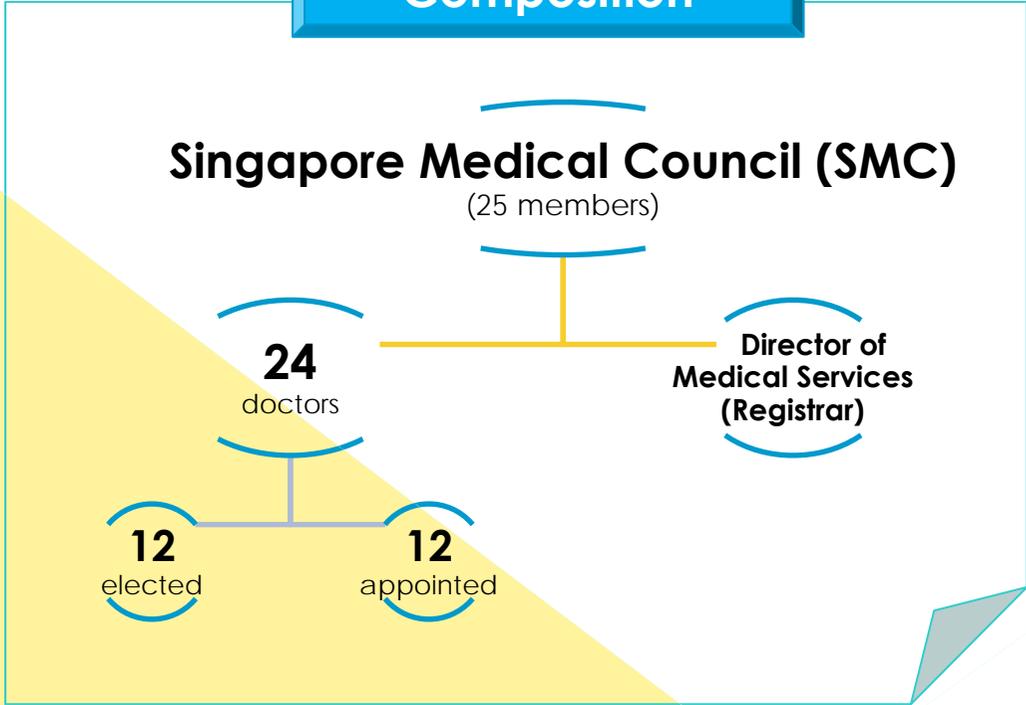
Singapore Medical Council

Functions and Composition

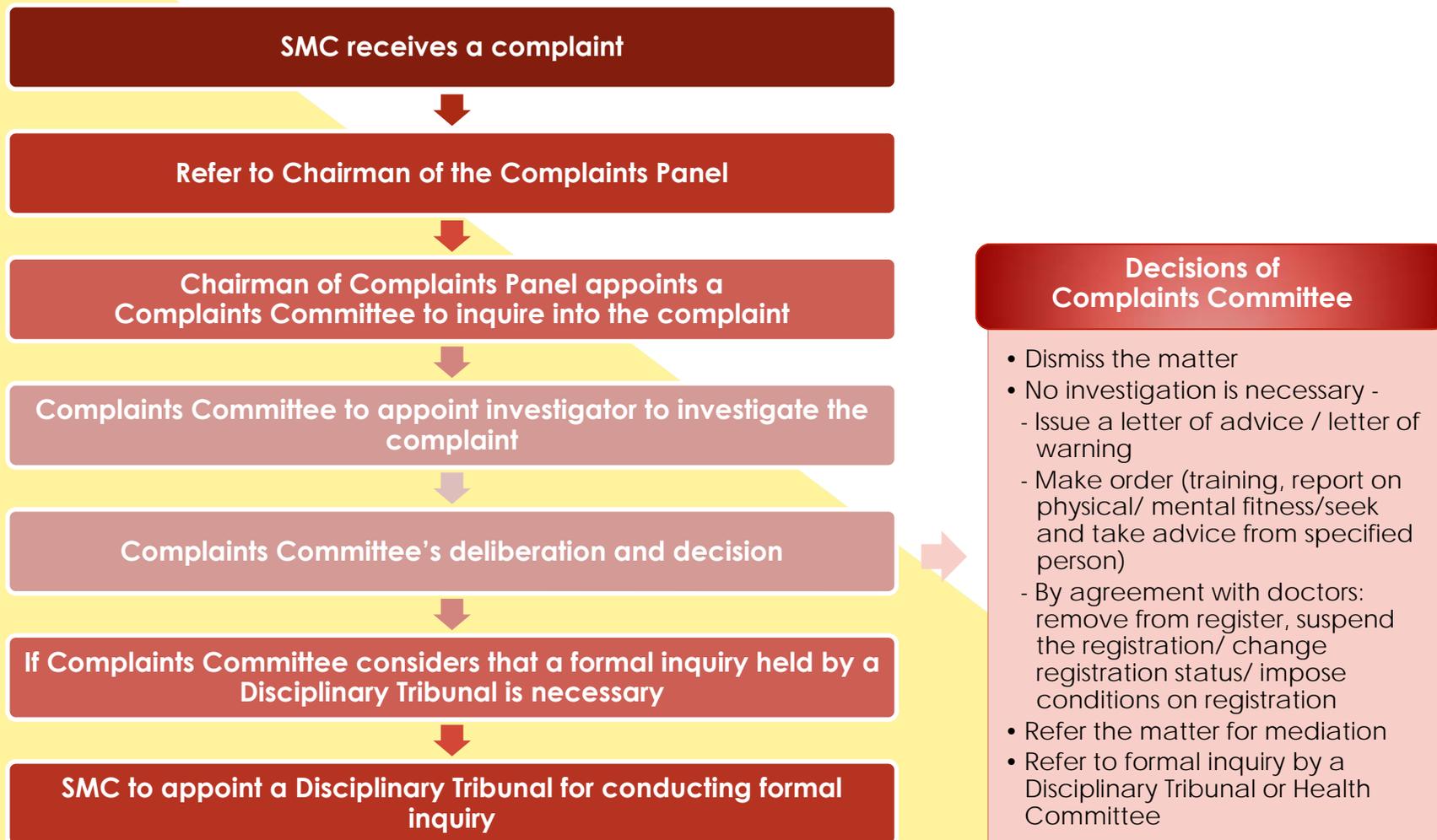
Functions

- maintains the Register of Medical Practitioners in Singapore
- administers the compulsory continuing medical education programme
- governs and regulates the professional conduct and ethics of registered medical practitioners

Composition



Complaint Investigation and Disciplinary Inquiry Process



*** Cases can be referred to Interim Orders Committee at any stage of investigation**
 (suspend registration or make conditions/ restrictions on registration for the protection of public interest)

Complaint Investigation and Disciplinary Inquiry Process

Complaints Panel

Composition

- > 10 members of SMC ("Council member Panelist")
- > 10 and ≤ 100 doctors of at least 10 years' standing ("Doctor Panelist")
- > 6 and ≤ 50 lay persons nominated by Minister ("Lay Panelist")
- Chairman and Deputy Chairman are SMC members

Complaints Committee

(appointed by Chairman of Complaints Panel)

Composition

- 3 members (draw n from Complaints Panel)
- 1 Chairman: Council member Panelist
 - 1 Member: Doctor Panelist
 - 1 Member: Lay Panelist

Disciplinary Tribunal

(appointed by SMC)

Composition

- **Chairman (from a panel appointed by Minister) who is a/an**
 - doctor with ≥20 years experience; or
 - Judge/ Judicial Commissioner of Supreme Court; or
 - Advocate/ Solicitor with ≥15years experience; or
 - Officer in Singapore Legal Services
- **2 Doctor Panelists**
- **1 lay observer/ 1 non-doctor chairman candidate** as a member *(if the tribunal chairman is a doctor)*

Complaint Investigation and Disciplinary Inquiry Process

Major Observations

✓ Semi-separation of functions under SMC (investigation and disciplinary functions)

✓ Limited participation of SMC Members in complaint handling mechanism

✓ Panelists to be appointed to Complaints Committees and Disciplinary Tribunals

✓ Use of investigator to carry out investigation

✓ Doctor (non-SMC member)/ Judge/ Advocate/ Solicitor to be the Disciplinary Tribunal Chairman

✓ Complaints Committee can refer case for mediation (1 in 348 cases considered)

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