

Minutes

PHECC Council Meeting

22nd February 2018

Present:

Jacqueline Burke (Chair)
Hillery Collins (Vice Chair)
Jason van der Velde
Martin Dunne
Patrick Fleming
Mick Molloy
Shane Knox
Tess O'Donovan
Stephen Brady
Pat Hanafin
Shane Mooney
David Menzies
Patrick Plunkett (not present for FTP,
present for Strategic Plan)

Apologies:

Conor Deasy
Fiona McDaid
Jimmy Jordan
Thomas Keane

In attendance:

Peter Dennehy, Director
Barry O'Sullivan, Registrar (in attendance for FTP)
JP McDowell, Solicitor, legal advisor to PHECC (in attendance
for FTP)
Con Foley, Chair, Compliance and Audit Committee
Evelyn Murphy, Council Secretariat
Margaret Bracken, Programme Development Support Officer

1. Chair's Business

The Chair welcomed everybody and thanked everyone for attending.

2. FTP

The Chair introduced Mr J P McDowell, Solicitor and legal advisor to PHECC, to the meeting. Mr McDowell presented to the members on the role of Council in respect to fitness to practice and the process involved. Council was advised it had two roles, one is the issue of sanction and the other is in relation to the issue of publication. Mr McDowell outlined the background to two FTP cases which were conducted on 7th and 8th November 2017 and informed the members that the first case involving two registrants required a sanction and the second case was for noting and no sanction was required.

Clarification was sought from the members regarding legal representation to Council. Mr McDowell advised that as the fitness to practice reports were being presented to Council for sanction it was not a requirement to have a legal advisor present and should Council require legal advice this can be provided at a later stage.

Following discussions, any Council members who had a previous involvement in the case, all representatives and PHECC executive staff, withdrew to allow Council to deliberate on the reports of the FTP hearings and all associated documents.

* It is noted that Tess O'Donovan and Martin Dunne left the meeting at this point due to a conflict of interest.

Following deliberations, the meeting reconvened. The Chair advised that during proceedings should Council require legal advice the proceedings would adjourn until legal advice was sought. The two registrants in the first case, Mr Patrick McDonald and Mr David Kiernan entered the room and were welcomed by the Chair. Council members introduced themselves individually to the registrants. Both registrants were unaccompanied by legal representation. Mr McDonald was given the opportunity first to speak and opted not to make a statement to Council. Mr Kiernan was then afforded the same opportunity to speak, he thanked Council and made his statement. Following this both registrants left the room.

* Mr McDowell, the Registrar, the Director, and the Stenographer withdrew to allow Council to make their decision.

There was a discussion on Council's duty re publication.

Resolution: Record fitness to practice sanctions on practitioner's registration record.

Proposed: Pat Hanafin

Seconded: Jason van der Velde

Carried without dissent

Resolution: Publish sanctions as per previous cases, and review the process for publication of Council's determinations, and the publication of the report from the Fitness to Practice Committee.

Proposed: Mick Molloy

Seconded: Jason van der Velde

Carried without dissent

Case Number 1: Practitioner A - Mr. Patrick Thomas McDonald, Paramedic (PHECC PIN 5289)

Council considered the Report of the Fitness to Practice Committee inquiry into an allegation of professional misconduct which was made against Mr. McDonald. On consideration of the Report and all the evidence provided, Council accepted the findings of the Report compiled by the Fitness to Practice Committee. Council have accepted and confirmed a finding of Professional Misconduct against Mr. Patrick Thomas McDonald, Paramedic (PHECC PIN 5289), with respect to conduct as follows;

On the 17th August 2013 Mr McDonald;

- a) failed to carry out adequately, an appropriate patient assessment; and/or failed to ensure that an appropriate patient assessment was carried out;
- b) failed to ensure that the patient was questioned as to whether he had any allergies; and/or failed to ensure that the information recorded in the PCR in respect of allergies was accurate and/or complete;
- c) failed to measure and/or record the patient's vital signs; and/or failed to ensure that this was carried out;

- d) allowed and/or failed to object to the patient being left unattended in the back of the ambulance for the transit to the hospital;
- e) failed to communicate and/or interact with the patient in transit to the hospital and/or failed to ensure adequate communications were maintained;
- f) failed to adequately complete the PCR; and/or failed to ensure same was adequately completed.

Sanction: Council have determined the behaviour in this case falls far below the standard expected of a registrant and that Mr. McDonald be admonished in relation to his conduct.

Council also decided to;

- I. recommended that his employer and the complainants should be informed of the outcome of the case,
- II. record the findings on the Register and
- III. to give further consideration to wider publication of these findings.

Proposed: Hillery Collins
Carried without dissent

Seconded: Pat Hanafin

Case Number 1: Practitioner B - Mr. David Kiernan, Advanced Paramedic (PHECC PIN 2402)

Council considered the Report of the Fitness to Practice Committee inquiry into three (3) allegations of professional misconduct which were made against Mr. Kiernan. Council also considered his submission to them in relation to the findings of the Fitness to Practice Committee. On consideration of the Report, the submission and all of the evidence provided, Council accepted the findings of the Report compiled by the Fitness to Practice Committee. Council have accepted and confirmed a finding of Professional Misconduct against Mr. David Kiernan, Advanced Paramedic (PHECC PIN 2402), with respect to his conduct as follows;

Allegation Number 1:

On the 17th August 2013 Mr Kiernan;

- a) failed to carry out adequately, or at all, an appropriate patient assessment;
- b) failed to ask the patient whether he had any allergies and/or failing to record on the Patient Care Report (PCR), that the patient had an allergy in circumstances where the patient is allergic to penicillin;
- c) failed to measure and/or record the patient's vital signs;
- d) placed the patient in the back of the ambulance unattended for the transit to the hospital while both paramedics remained in the front of the ambulance;
- e) failed to communicate and/or interact with the patient while in transit to the hospital;
- f) failed to adequately complete the PCR.

Allegation Number 2:

In or around September 2013, Mr Kiernan created or caused to be created a second PCR purporting to relate to the patient which contained additional and different information, which you knew or ought to have known was;

- a) inaccurate and/or;
- b) false.

Allegation Number 3:

On the 7th September 2013 Mr Kiernan called to the home of the patient and spoke to the patient's wife about the complaint the patient and his wife made to the National Ambulance Service, which he knew or ought to have known was inappropriate.

Sanction: Council have determined Mr Kiernan's behaviour in this case falls far below the standard expected of a registrant and that Mr Kiernan be censured in relation to his conduct.

Council also decided to;

- I. recommend that his employer and the complainants be informed of the outcome of the case,
- II. record the findings on the Register and
- III. to give further consideration to wider publication of these findings.

Proposed: Hillery Collins
Carried without dissent

Seconded: Stephen Brady

* It is noted that Mr McDowell, the Registrar, the Director and Stenographer returned at this point.

The Chair gave Council's decision on Case 1.

Case Number 2:

Mr McDowell provided the background to Case 2 for noting by Council.

* It is noted that Mr McDowell left the meeting.

A discussion ensued among the members and clarification was sought regarding cases presented for noting and the meaning and implications. It was proposed to seek legal advice in relation to how this fits into Council rules. All members were in agreement with this proposal.

Proposed: David Menzies
Carried without dissent

Seconded: Shane Mooney

* David Menzies left the meeting and Patrick Plunkett, Tess O'Donovan and Martin Dunne joined the meeting at this point.

3. Strategy 2018 - 2020

- 3.1. Strategy Consultancy Tender
- 3.2. Strategic Plan 2015 - 2017
- 3.3. Implementation Report - Strategy 2015/2017 (To be tabled)

The Director addressed the meeting and introduced two team members from the Organisation Genesis, an international strategic marketing and development consultancy, who have been awarded the tender to work with Council to develop a Strategic Plan for 2018 - 2020. The Chair welcomed Genesis and conveyed that Council and the Executive are looking forward to working with them.

Genesis made a presentation to Council and a discussion with questions and answers ensued. Genesis will send an email to the members with questions regarding the development of the strategic plan and the members agreed to respond with their answers within a two-week timeframe.

The strategic plan 2018 - 2020 will be discussed further at the March meeting.

4. Minutes from January Council Meeting

4.1 Minutes and matters arising

This agenda item is deferred to the March meeting.

5. AOB

There was no other business and the meeting concluded at 4.30pm approximately.

The next meeting will be held on Thursday 15th March @ 10am in the PHECC office.

Signed:



Dr Jacqueline Burke
Chair

Date:

15/03/2018