

PHECC Council Meeting Minutes
22 April 2021
Via Videoconference



Present:

Jacqueline Burke (Chairperson)

Apologies

Don Brennan

Videoconference:

Jason van der Velde (Vice-Chair)

William Merriman

David Menzies

Dennis Keeley

Fiona McDaid

Hillery Collins

Aidan O'Brien

Jimmy Jordan

Tomás Barry

Niamh Collins

Patrick Fleming

Tess O'Donovan

Conor Deasy

In attendance:

Richard Lodge, PHECC Director (VC)

Con Foley, Council Secretary (VC)

Barry O'Sullivan, Deputy Director/Registrar (VC)

Brendan Cawley, PHECC Manager

Ricky Ellis, PHECC Manager (VC)

Ray Carney, PHECC Manager

Pauline Dempsey, PHECC Manager (VC)

Karen O'Neill, Council Administrator

Tom Ward, IPA (VC, item 1. only)

David Irwin, Vice-Chair MAC (VC, item 5. only)

The Chair opened the meeting by welcoming all attendees. Deepest sympathies were extended to the Director, Richard Lodge, on the passing of his father, PHECC staff member Claire Finn on the passing of her stepfather and former PHECC Programme Manager Jacqueline Egan on the passing of her father. The Chair called for and a minute's silence was observed in remembrance of the recently deceased. Ar dheis Dé go raibh a n-anamacha.

Item 2 of the Agenda was addressed first to facilitate a presentation by Tom Ward (IPA).

2.0. Chairs Business

2.1. Correspondence

Council was informed of correspondence from the Minister dated 21 April 2021 in response to the Chair's 2018 Confidential Report and Certified Financial Statements. The development of the Strategic Plan was welcomed as was the appointment of new Council members. The matter of legislative change was under contemplation as was a possible future visit by the Minister.

It was agreed that correspondence from Council member, Tomás Barry, would be considered under Agenda item 5.1.

2.2. Committees Chair/Vice-Chair/Membership*

Following consideration of Expressions of Interest sought for positions of Committee Chair, Vice-Chair and committee membership, the Chair announced the appointment of the following Council Committee Chairs.

Quality & Safety Committee

Education & Training Committee

Research Committee

Registration Committee

Medical Advisory Committee

Fitness to Practise Committee

Preliminary Proceedings Sub-Committee

Appeals Panel

Fiona McDaid

Aidan O'Brien

Patrick Fleming

Hillery Collins

David Menzies

David Menzies

Jason van der Velde

Tess O'Donovan

Resolution: That Council ratifies the appointment of Council Committee Chairs as stated above.
Proposed: Niamh Collins **Seconded:** William Merriman
Carried without dissent.

All new appointees were congratulated and thanked for offering to take up said positions. The appointment of Vice-Chairs and determination of committee membership will now be proceeded with by the Chair of Council and the recently appointed Chairs of Council Committees.

Tom Ward joined the meeting.

1.0. Council Training Programme

Tom Ward of the IPA provided Council with a presentation on Governance, inter-alia, referencing the following topics:

- Behaviours/Conduct/Attitudes of Boards
- Stewardship and Fiduciary Duty
- Performance versus Conformance
- Separation of Duties between Board and Executive
- Features of Effective Boards

Appreciation was extended to Mr. Ward for delivering an informative session. Further similar brief training sessions will take place at Council meetings on an ongoing basis.

It was noted that the survey conducted as part of the PHECC commissioned 2019 Governance Review will be repeated by the IPA over the coming weeks.

Tom Ward departed the meeting.

3.0. Minutes & Matters Arising

3.1. Draft Minutes 08 April 2021*

The draft minutes of the previous meeting were reviewed, and Council passed the following resolution.

Resolution: That Council approves the minutes of the Council meeting of 08 April 2021.
Proposed: David Menzies **Seconded:** Hillery Collins
Carried without dissent.

3.2. Matters Arising

3.2.1 The Terms of Reference [TOR] for Council Committees are being reviewed by the IPA at present and will feed into the work already indicated as to the appointment of Committee Vice-Chairs and committee members.

4.0 Directors Report

4.1 Directors Report to Council

The Director thanked all for their sentiments of condolence on his recent bereavement and apologised for the late circulation of the Director's report.

4.1.1 COVID-19 Arrangements

The Executive continue to modify the return to work, working remotely, office protocols and the deployment of staff in response to the most recent restrictions. There have been no reported COVID-19 incidents involving staff, examiners, students or in external reviews.

4.1.2 COVID-19 Crewing Model

The situation remains whereby no requests have been received from CPG providers to change the current minimum crewing level standard.

4.1.3 Future UCD AP Programme*

This matter was deferred to the end of the meeting and was addressed under item 8. of the Agenda.

4.1.4 Cross Border Working

The Director provided Council with a summary of the meeting between the Director and Deputy Director of PHECC and the CEO of the Health Care Professionals Council [HCPC] in the U.K., in relation to the matter of cross-border working. It was agreed that a joint response is required while current practice, of necessity, must continue. Other matters raised, included:

- Mutual Recognition: possible pathways for same and complexities involved.
- Legislative change in either or both jurisdictions.
- Indemnity arrangements to protect practitioners and the public.
- Significance of “Under Medical Direction”, which has been referred to MAC.
- Consideration of all affected Ireland-wide registered emergency service organisations.
- Protection of the public is paramount.

Council welcomed these initial discussions and endorsed the proposal whereby each Regulator will agree in principle the approach outlined in Council papers with their Board/Council, obtain legal advice on said approach, engage with other healthcare regulators and keep the DoH informed of developments as they progress, while ensuring that the current status quo is maintained.

4.1.5. Fitness to Practise [FTP] Process Review*

An overview of the Director’s proposal outlined in Council papers, as the mechanism by which PHECC will carry out a review of their FTP Policy and Procedures, was provided to Council. In summary the two-step approach comprises of:

- i. A review of the procedures and systems PHECC currently have in place including consideration of current FTP best practice, to determine which issues can be dealt with via policy/procedure and which may require legislative amendment. Resulting from this review, the existing policies will be re-drafted to incorporate the suggested changes, current best practice, and legal requirements.
- ii. Convening a panel of interested parties to consider and review these proposals prior to making a recommendation to Council.

Following consideration of same, Council passed the following resolution:

Resolution: That Council endorses the two-step approach proposed by the Director, as included in Council papers, for a review of PHECC FTP Policy and Procedures.

Proposed: Hillery Collins **Seconded:** Jason van der Velde

Carried without dissent.

The Director will now explore the most efficient and compliant tender process to advance the above.

4.1.6. Committee Terms of Reference [TOR]*

Draft committee TORs, together with the comments submitted to date, are being considered by Tom Ward (IPA). As no deletions or substitutions have been proposed, it is not envisaged that substantive changes will be made. It is proposed that incoming committee Chairs and Vice-Chairs then further consider the TORs, particularly in relation to the skillset required for their relevant committee, the selection of its members and term of office duration, if these are to differ from the 4-year terms previously agreed. These will then be brought back to Council for formal adoption at the next, or subsequent Council meetings, as they become available.

4.1.7 2021 PHECC Staffing Structure Proposal*

Already highlighted as part of the PHECC commissioned 2019 HR Review, certain staffing constraints exist for PHECC as an organisation in meeting its objectives as a statutory health services Regulator and in satisfying the various governance and compliance regulations required. The recommended staffing structure, as included in Council papers, was explained and proposed as a solution to same.

Following consideration by Council, the proposal to formally request additional staffing posts, as outlined in Council papers, was approved and will be submitted to the DoH in conjunction with the revised 2021 Schedule of Fees proposal.

Resolution: That Council approves the staffing structure proposal, as included in Council papers, and endorse the Director to submit a request to the DoH for approval of additional headcount and associated required funding.

Proposed: David Menzies **Seconded:** Hillery Collins

Carried without dissent.

It was agreed that any future staffing requirements can be considered as they arise.

Council took a short recess.

4.1.8. Schedule of Fees*

This matter was addressed following Agenda item 7.1., Governance & Finance, to allow consideration and approval of POL048 Conflict-of-Interest Policy.

As agreed at the 08 April 2021 Council meeting, a definition of parameters for the classification of Not-for-Profit/Non-Governmental Organisations [NGOs] was presented in Council papers, as an Appendix to POL006_Council Policy & Schedule of Fees. Following consideration of same, Council passed the following resolution:

Resolution: That Council accepts the proposed discount qualifying criteria as outlined in Council papers, as an appendix to the proposed Schedule of Fees approved at the Council meeting of 08 April.

Proposed: Patrick Fleming **Seconded:** Fiona McDaid

Carried without dissent.

5.0. Clinical Matters

David Irwin, previous Vice-Chair of MAC, joined the meeting to provide clarity on any issues arising.

5.1. CPG 2021 Edition*

The revised suite of CPGs and documentation outlining the main changes therein, as included in Appendix 1 to Council papers, were noted.

Correspondence from Tomás Barry in relation to concerns regarding expanded scope of practice was noted. Patient safety issues, governance of PHECC practitioner upskilling on CPGs and PHECC's role in same was discussed. The Registrar outlined the current online/digital CPG familiarisation support system in place for EMTs as part of the CPC process. The introduction and roll out of the new CPGs will be supported by extending an appropriate digital support module to Ps and APs.

Council took a short recess.

The 2021 edition of CPGs were approved in groups, as follows, by practitioner layer:

Resolution: That Council accept L1 CFR V1.4 and L1a CFR Advanced V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: Niamh Collins

Seconded: Fiona McDaid

Carried without dissent.

Resolution: That Council accept L2 FAR V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: Dennis Keeley

Seconded: Jimmy Jordan

Carried without dissent.

Resolution: That Council accept L3 EFR and BTEC V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: Jason van der Velde

Seconded: Patrick Fleming

Carried without dissent.

Resolution: That Council accept L4 EMT and BTEC V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: Tomás Barry

Seconded: Hillery Collins

Carried without dissent.

Resolution: That Council accept L5 Paramedic V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: William Merriman

Seconded: Hillery Collins

Carried without dissent.

Resolution: That Council accept L6 AP V1.4 Clinical Practice Guidelines, as included in Council papers.

Proposed: Jason van der Velde

Seconded: Hillery Collins

Carried without dissent.

Concerns surrounding an AP Scope of Practice regarding procedural sedation, as referenced in Mr. Barry's correspondence, were discussed during which the following points were considered:

- Maintenance of common core skills and specialist individual competencies.
- The differing degree, type and level of education required as a consequence of individual changes in the revised CPGs.
- Current annual self-declaration of professional competence.
- A requirement for a decision-making algorithm/framework to provide guidance on individual scope of practice.
- A requirement for close consideration of education requirements for new CPGs incorporating knowledge, skills, and attitude.
- The importance of a formal link between the Education & Training Committee and MAC being incorporated in their TORs.
- Consideration of the context of changes to CPGs by the Education & Training Committee going forward.
- Legality surrounding 'under medical direction'.
- Examination of batch vs phased release and the current format of CPGs going forward.
- Issues with access to training for non-statutory bodies.
- Agreement that Recognised Institutions [RIs] at EMT level can apply to PHECC for approval to deliver Paramedic training/upskilling courses.

Considering matters discussed, Council passed the following resolutions:

Resolution: That Council resolves that CPG providers shall ensure that their registrants complete a PHECC accredited training/upskilling course prior to being privileged to implement new and/or updated CPGs. RI's must submit such courses to PHECC in advance for approval.

Proposed: Niamh Collins **Seconded:** David Menzies

Carried without dissent.

Resolution: That Council requests Education & Training Committee to develop a process to accredit training/upskilling courses for new and/or updated CPGs.

Proposed: Jason van der Velde **Seconded:** Patrick Fleming

Carried without dissent.

Council requested that the Executive explore the development of a decision-making algorithm/framework to provide guidance on the individual scope of practice.

The Chair thanked all those involved in producing the revised CPGs to Council.

Conor Deasy joined during the above Agenda item.

Fiona McDaid, Jimmy Jordan, David Irwin and Richard Lodge departed the meeting.

6.0. Education & Examinations

6.1. Draft RFT Specification 2021 Education & Training Standards & Competency Framework*

A number of amendments were suggested for the document tabled and it was agreed that the Chair and Tomás Barry would liaise with the Executive to resolve any outstanding issues to expedite the publication of the tender, so as not to delay, unduly, the review process proposed.

Resolution: That Council resolves that, so as not to delay the process, final sign-off of the RFT Specification for 2021 Education & Training Standards & Competency Framework will be provided by the Chair of Council.

Proposed: Niamh Collins **Seconded:** Hillery Collins

Carried without dissent.

Fiona McDaid rejoined the meeting during the above discussion.

Aidan O'Brien departed the meeting.

6.2. RUL006 Council Rules for Recognition of Institutions & Approval of Training Institutions V8*

Following a legal review of the proposed revisions to RUL006 Council Rules for Recognition of Institutions & Approval of Training Institution, the Education & Training Committee have recommended to Council the revisions outlined in Council papers. Following consideration of same, Council passed the following resolution:

Resolution: That Council approves RUL006 Council Rules for Recognition of Institutions & Approval of Training Institutions V8, as included in Council papers.

Proposed: Niamh Collins **Seconded:** Hillery Collins

Carried without dissent.

7.0. Governance & Finance

7.1. POL048 Conflict-of-Interest Policy*

Following consideration of the legal advisor's amendments highlighted in Council papers, Council passed the following resolution:

Resolution: That Council, considering legal advisor amendments, approve POL048 Conflict-of-Interest Policy.

Proposed: Hillery Collins

Seconded: Tomás Barry

Carried without dissent.

7.2. POL033 Code of Governance & Business Conduct*

Revised POL033 Code of Governance & Business Conduct, to include the provisions of the amended Conflict-of-Interest Policy, were considered and Council passed the following resolution:

Resolution: That Council, approve the updated version of POL033 Code of Governance & Business Conduct Policy, as included in Council papers.

Proposed: Niamh Collins

Seconded: Hillery Collins

Carried without dissent.

7.3. LEG012 Council Standing Orders*

Amendments to LEG012 Council Standing Orders, to reflect the provisions of the amended Conflict-of-Interest Policy were considered, and Council passed the following resolution:

Resolution: That Council, approve the updated version of POL033 Code of Governance & Business Conduct Policy, as included in Council papers.

Proposed: Hillery Collins

Seconded: Dennis Keeley

Carried without dissent.

The matter of a pre-declaration of a conflict arising on future Council Agendas will now be implemented. The responsibility of each Council member to consider this and, where required, submit a completed pre-declaration to the Chair or the Council Secretary was noted. Technology to enable members to do this electronically will be implemented over the coming months.

8.0. AOB

Item 4.1.8. [Schedule of Fees], as previously noted was addressed at this point.

Item 4.1.3. [Future UCD AP Programme], deferred until Agenda item 7.0. had been considered was now addressed.

The Vice-Chair chaired the meeting. It was agreed that legal opinion received by the Director on the above matter would be outlined without further comment by the meeting, hence no recusal by any Council member was required.

All were reminded that the information relayed in said correspondence was to be considered extremely confidential by all Council members until such time as discussion can take place at a future Council meeting. Additionally, members could consider the issue of whether they were potentially conflicted in the light of hearing the summary of the legal advice, in the event of further discussions of the matters involved at future Council meetings.

The Chair thanked all attending for their stamina, considering that the meeting had lasted seven hours in total.

The meeting concluded at 16:05hrs approx.

Signed:

Jacqueline Burke
Chairperson

Date:

20/05/2021