



THE PRE-HOSPITAL EMERGENCY CARE COUNCIL

S. I. No 109 OF 2000

S. I. No 575 OF 2004

S. I. No 166 OF 2008

**PHECC e COMPOSITE COPY OF ESTABLISHMENT ORDER / AMENDMENT ORDER /
RECOGNITION OF PROFESSIONAL QUALIFICATIONS REGULATIONS**

S.I. No. 109 of 2000

The Pre-Hospital Emergency Care Council

(Establishment) Order, 2000

The Minister for Health and Children, in exercise of the powers conferred on him by sections 3,4,5, and 6 of the Health (Corporate Bodies) Act, 1961 (No.27 of 1961), as amended by section 22 of the Health (Amendment) (No. 3) Act, 1996 (No. 32 of 1996) and as adapted by the Health (Alteration of Name of Department and Title of Minister) Order, 1977 (S.I.No 308 of 1997) hereby makes the following Order:

1. This order may be cited as the Pre-Hospital Emergency Care Council (Establishment) Order 2000.
2. In this Order:

“the Chairperson” means the Chairperson for the time being of the Council

“the Council” means the Pre-Hospital Emergency Care Council established by this Order.

“emergency medical technician” means a person registered in:

- (a) the emergency medical technician division of the register, or
- (b) the visiting European emergency medical technician division of the register.

“the establishment day” means the 10th day of April 2000

“examination” means an examination conducted by the Council under Article 4 (b) of this Order;

“fund” means the grant or grants paid to the Council by the Minister;

“health board” means:-

- a board established under Section 4 of the Health Act, 1970.
- the Eastern Regional Health Authority established under Section 7 of the Health (Eastern Regional Health Authority) Act, 1999.

“the Minister” means the Minister for Health and Children;

“non-national qualification” means a professional qualification in pre-hospital emergency care obtained outside the State which is recognised by the Council under Article 4 (d) of this Order as being equivalent to the N.Q.E.M.T.

“N.Q.E.M.T.” means the National Qualification in Emergency Medical Technology at the level of competence of emergency medical technician, paramedic or advanced paramedic as the case may be, awarded by the Council under Article 4(c) or 4(d) of this Order and “national qualification” shall be construed accordingly.

“officer” means an officer of the Council;

“recognised course” means a course of education and training in pre-hospital emergency care, the content of which has been approved of under Article 4 (h) of this Order

“recognised institution” means an institution recognised by the Council under Article 4(a) of this Order.

“registered nurse” has the meaning it has in the An Bord Altranais (First Election of Members) Rules 1985 (S.I.No 439 of 1985)

“registered medical practitioner” means a person registered in the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act 1978 (No. 4 of 1978)

“pre-hospital emergency care practitioner” means:

- (i) a person who holds the N.Q.E.M.T. at any of the levels of competence and whose name appears within any division of the Register, or
- (ii) a person who is providing the service of emergency medical technician, paramedic or advanced paramedic in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional

Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008), and whose name appears within any division of the register.

“the register” means the register established under Article 4(s) of this Order”.

“pre-hospital emergency care service provider” means a body corporate or an unincorporated body of persons on whose behalf a pre-hospital emergency care practitioner, whether as a volunteer, contractor or employee, provides pre-hospital emergency care.

“paramedic” means a person registered in:

- (a) the paramedic division of the register, or
- (b) the visiting European paramedic division of the register.

“advanced paramedic” means a person registered in:

- (a) the advanced paramedic division of the register, or
- (b) the visiting European advanced paramedic division of the register.

3.
 - (1) A body to be known as the Pre-Hospital Emergency Care Council is hereby established to perform the functions conferred on it by this Order.
 - (2) The Council shall be a body corporate with perpetual succession and a seal and with the power to sue and be sued in its corporate name and to acquire, hold and dispose of land.
 - (3) All courts shall take judicial notice of the seal of the Council so established and every document purporting to be an instrument made by the Council and to be sealed with its seal (purporting to be authenticated in the manner provided for in this Order) shall be received in evidence and be deemed to be such instrument without further proof, unless the contrary is shown.
4. The functions of the Council shall be to:-
 - (a) recognise, in accordance with the rules made by the Council, institutions providing education and training to persons pursuing the award of the N.Q.E.M.T. at the level of competence of emergency medical technician, paramedic or advanced paramedic, as the case may be.
 - (b) conduct examinations leading to the award of the N.Q.E.M.T. at the level of competence of emergency medical technician, paramedic or advanced paramedic, as the case may be.

- (c) award the N.Q.E.M.T to such persons as have completed a recognised course under sub-article (h)(i) in a recognised institution and have passed the relevant examination conducted by the Council pursuant to sub-article (b) of this Article.
- (d) upon request, assess the equivalence of professional qualifications in pre-hospital emergency care obtained from institutions other than recognised institutions, both within and outside the State, and award the N.Q.E.M.T. as appropriate at the level of competence determined by the Council. In this regard, the Council shall comply with its obligations as competent authority for emergency medical technicians, paramedics and advanced paramedics under the general system of recognition of professional qualifications provided in Part 2 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).
- (e) upon request, advise the Minister, health boards, other Government Departments, public sector employers and other employers of recognised courses.
- (f) advise the Minister, recognised institutions and such other persons as it may consider appropriate of the standards which should inform education and training in relation to pre-hospital emergency care.
- (g) advise the Minister of the specific content of recognised courses.
- (h)
 - (i) in consultation with recognised institutions providing education and training to persons pursuing the award of N.Q.E.M.T., approve of the content of courses for such education and training.
 - (ii) in consultation with institutions providing, or proposing to provide at any time in the future, education and training in pre-hospital emergency care, approve of the content of courses for such education and training.
- (i) assess from time to time, as occasion may require, but in any event not less than once in every three years-
 - (i) the suitability of the education and training in pre-hospital emergency care provided by an institution recognised by the Council for such purpose.

- (ii) the standards of theoretical and practical knowledge required for qualifications in pre-hospital emergency care.
- (j) maintain, in accordance with the rules made by the Council, a record of holders of the N.Q.E.M.T.
- (k) .
- (l) maintain, in accordance with the rules made by the Council, a record of holders of non-national qualifications.
- (m) engage in research into pre-hospital emergency care, including emerging technology, education and training, the formulation of experimental curricula, and the evaluation of existing courses and assessment and examination procedures.
- (n) subject to any data protection legislation in force, maintain statistical records and make such records available for research and planning, including manpower planning purposes.
- (o) prepare clinical practice guidelines for pre-hospital emergency care and make such guidelines available to pre-hospital emergency care service providers and such other persons as it may consider appropriate.
- (p) undertake such other appropriate tasks and functions as may, from time to time, be assigned to the Council by the Minister.
- (q) prepare standards of operation for pre-hospital emergency care service providers to support best practice by pre-hospital emergency care practitioners.
- (r) recognise, in accordance with rules made by Council, those pre-hospital emergency care service providers which undertake to implement the clinical practice guidelines prepared pursuant to sub-article (o) of this Article.
- (s) establish and maintain, in accordance with rules made by the Council, a register of pre-hospital emergency care practitioners (in this instrument referred to as the register) which shall be divided into six divisions as follows:
 - (i) The emergency medical technician division – for holders of the N.Q.E.M.T. at the level of competence of emergency medical technician,

- (ii) The paramedic division – for holders of the N.Q.E.M.T. at the level of paramedic,
 - (iii) The advanced paramedic division – for holders of the N.Q.E.M.T. at the level of advanced paramedic,
 - (iv) The visiting European emergency medical technician division – for those providing the service of emergency medical technician in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
 - (v) The visiting European paramedic division – for those providing the service of paramedic in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
 - (vi) The visiting European advanced paramedic division - for those providing the service of advanced paramedic in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
- (t) register, in the appropriate division of the register, any person who wishes to provide the services of an emergency medical technician, paramedic or advanced paramedic in the State on a temporary or occasional basis and is entitled to provide such services pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
 - (u) comply with its obligations as competent authority in relation to emergency medical technicians, paramedics and advanced paramedics under the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

5.

- (1) The membership of the Council shall consist of not more than seventeen persons who shall be appointed by the Minister as follows-
 - (a) one shall be a person appointed on the nomination of a body recognised by the Minister as being representative of emergency medical technicians.

- (b) three shall be persons appointed on the nomination of a trade union which, in the opinion of the Minister, is representative of the majority of emergency medical technicians,
 - (c) two shall be persons appointed from recognised institution on the nomination of the heads of those institutions,
 - (d) three shall be persons representative of the management of health boards.
 - (e) three shall be registered medical practitioners with an interest and expertise in pre-hospital emergency care.
 - (f) one shall be a registered nurse with an interest and expertise in pre-hospital emergency care.
 - (g) one shall be a person representative of the interests of the general public, and
 - (h) three shall be persons with a special interest or expertise in pre-hospital emergency care.
- (2) The Chairperson of the Council shall be appointed by the Minister from among the membership of that Council.
 - (3) Members of the Council may be paid travelling a subsistence allowances in accordance with such scales as may from time to time be approved of by the Minister with the consent of the Minister for Finance.

6.

- (a) Save as provided for in paragraph (b) of this article, the members of the Council shall hold office for a period of four years.
- (b) At the first meeting of the Council under this Order the appointed members, excluding the chairperson, shall draw lots as to which members shall serve for three years and which members shall serve for four years. A member shall hold office in the case of the first Council appointed under this Order, for such period as is determined at the first meeting of the Council.
- (c) No person shall hold office as a member of the Council for more than two consecutive terms of four years.

7.

- (a) The Minister may at any time terminate the appointment of a member of the Council who was appointed by him.

- (b) A member of the Council may resign his or her membership by giving notice in writing signed by him or her to the Council, but the resignation shall not become effective until the meeting of the Council next held after receipt of the notice of resignation.
- 8. Whenever a casual vacancy occurs among the members of the Council, the Council shall forthwith notify the Minister who, following consultation with such body or organisation as he considers suitable to advise him shall, as soon as is convenient, appoint a person to fill such vacancy and any person so appointed shall serve as a member of the council for such period as is unexpired of the term of office of the person whom he or she replaces.
- 9. The quorum for a meeting of the Council shall be five.
- 10. The Council shall hold at least six meetings in every year and may hold such other meetings as may be necessary for the performance of its duties
- 11.
 - (1) The Council shall, from time to time, elect one of its members to be Vice-Chairperson of the Council
 - (2) A Vice Chairperson of the Council shall hold office for such term as may be specified by the Council at the time of his or her appointment unless -
 - (a) he or she ceases to be, or becomes disqualified from being a member of the Council.
 - (b) he or she resigns the office of Vice-Chairperson and his or her resignation becomes effective under this paragraph,
 - (c) The Council by a resolution for which not less than two thirds of the members of the Council vote, and of the intention to propose which not less than seven days notice is given to every member of the Council, terminates his or her appointment as Vice-Chairperson.
 - (3) A Vice-Chairperson of the Council may at any time resign his or her office by giving notice in writing signed by him or her to the Council but the resignation shall not become effective until the meeting of the Council next held after the receipt by the Council of the notice of resignation.
 - (4) If at an election of the Vice-Chairperson of the Council, there is an equality of votes for two or more persons, it shall be determined by lot which of those persons shall be Vice-Chairperson.

12. The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointments to the Council or in the qualifications of any member thereof.
13. The Chairperson, or in his or her absence, the Vice-Chairperson of the Council may on his or her own initiative, or shall when he or she is requested to do so by a requisition signed by not less than ten members of the Council, convene a meeting of the Council.
14.
 - (1) If the Chairperson or in his or her absence, the Vice-Chairperson of the Council refuses to convene a meeting of the Council after a requisition for that purpose signed by not less than ten members of the Council has been presented to him or her, any five members of the Council may forthwith convene a meeting of the Council.
 - (2) If the Chairperson or in his or her absence, the Vice-Chairperson of the Council without so refusing, does not, within seven days, after the presentation of a requisition for that purpose signed by not less than ten members of the Council convene a meeting of the Council, any five members of the Council may, on the expiration of those seven days, convene a meeting of the Council.
15. At least three clear days before every meeting of the Council, notice signed by the Chairperson or Vice-Chairperson of the Council, as the case may be, or, if the meeting is convened by members of the Council, by such members, of the time and place of the meeting shall be sent to every member of the Council, if the meeting is convened by members of the Council, the notice shall specify the business to be transacted thereat.
16. At a meeting of the Council-
 - (a) the Chairperson of the Council shall, if he or she is present, be the Chairperson.
 - (b) if and for so long as the Chairperson of the Council is not present, or if the office of Chairperson is vacant, the Vice-Chairperson of the Council shall, if he or she is present, be the Chairperson.
 - (c) if and so long as the Chairperson of the Council is not present or the office of the Chairperson is vacant and the Vice-Chairperson of the Council is not present or the office of Vice-Chairperson is vacant, members of the Council who are present shall elect one of their number to be chairperson of that meeting.

17. Minutes of proceedings of all meetings of the Council shall be drawn up and entered in a book kept for that purpose and such minutes shall be signed by the chairperson of the next ensuing meeting.
18. The names of all the members present at a meeting of the Council shall be recorded in the minutes of the proceedings of the meeting.
19. Subject to articles 9 and 11 (4) of this Order, all acts of the Council and all questions coming or arising before the Council may be done and decided by a majority of such members of the Council as are present and vote in relation to the act or matter at a meeting of the Council duly convened according to law.
20. In the case of equality of votes on any question arising at a meeting of the Council (other than the election of the Vice-Chairperson) the chairperson of that meeting shall have a second or casting vote.
21. Save as is otherwise provided for by any order, including this Order, the Council may make standing orders for the regulation of its proceedings and may amend or revoke such standing orders.
22.
 - (1) The Council may establish committees to assist and advise the Council in relation to the performance of its functions.
 - (2) Membership of a committee established by the Council may include persons who are not members of the Council.
 - (3) Any committee so appointed shall act subject to such directives as may be given by the Council, and any expenditure of monies by such committee shall be subject to the approval of the Council.
 - (4) Any committee so appointed may be paid travelling and subsistence allowances in accordance with such scales as may from time to time be approved by the Minister with the consent of the Minister for Finance.
23.
 - (1) The Council shall, as soon as may be after the establishment day, provide itself with a seal.
 - (2) The seal of the Council shall be authenticated by the signature of the Chairperson or some other member of the Council duly authorised by the Council to act in that behalf and the signature of an officer of the Council duly authorised by the Council to act in that behalf.

- 24.
- (1) The Council shall, not later than the 30th day of June in each year, submit to the Minister a statement of its estimated budgetary requirement in respect of the following financial year.
 - (2) The Minister may pay to the Council, in each year out of the monies provided by the Oireachtas a grant or grants, of such amount or amounts as the Minister with the consent of The Minister for Finance and after consultation with the Council may fix.
- 25.
- (1) The Council shall keep all proper and usual accounts of all monies received or expended by the Council including an income and expenditure account and a balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.
 - (2) The financial year of the Council shall be the period of twelve months ending on the 31st day of December in any year and for the purposes of this provision the period commencing on the establishment day and ending on the 31st day of December 2000 shall be deemed to to be a financial year.
 - (3) A statement of accounts of the Council for each financial year shall be prepared and after such preparation be subject to audit by the Comptroller and Auditor General under section 5 of the Comptroller and Auditor General (Amendment) Act 1993 (No 8 of 1993)
- 26.
- (1) The Council shall, not later than 30th day of April in each year, make a report to the Minister of its activities during the preceding year.
 - (2) The Council shall submit to the Minister such information regarding the performance of its functions as the Minister may from time to time request.
- 27.
- (1) There shall be a chief officer of the Council who shall be called the Director of the Council and in this Order is referred to as “The Director”
 - (2) The Director shall be appointed by the Council and shall hold office for such period and upon such terms and conditions (other than terms and conditions relating to remuneration and allowances for expenses) as the Council may, with the approval of the Minister, determine from time to time.
 - (3) The terms and conditions relating to the remuneration and allowances for expenses of the Director shall be such as may be determined from time to time by the Minister.

- (4) The Director shall perform such functions as the Council may determine from time to time.
- (5) The Director shall not be a member of the Council.

28.

- (1) The Council may, with the consent of the Minister, appoint such and so many officers as the Council may, from time to time, to think proper and in appointing any such officers the Council shall comply with any directions given by the Minister relating to the procedure to be followed.
- (2) The Council shall, with the consent of the Minister, determine the remuneration and conditions of service of its officers.
- (3) The Director may, from time to time, assign such duties as he/she considers appropriate to each officer and each such officer shall carry out the duties so assigned.
- (4) Schemes and regulations made under the Local Government (Superannuation) Act, 1980 (No 8 of 1980) shall apply to the Council as if it were local authority.
- (5) The Minister may, whenever and so often as he or she thinks fit, declare that any of the powers conferred on the Council by this article shall be exercisable only with the consent of the Minister, and where any such declaration is in force, the said powers may in relation to any office or employment to which the declaration applies, be exercised only with such consent.

29. Subject to the approval of the Minister, the Council may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions, and any fees and expenses due to a consultant or adviser engaged under this section shall be paid by the Council out of the Fund at its disposal.

30.

- (1)
 - (a) The Council shall not borrow money without the prior consent of the Minister given with the concurrence of the Minister for Finance.
 - (b) The borrowing of money by the Council shall be subject to such terms and conditions (if any) as may be specified by the Minister with the consent of the Minister for Finance.
- (2)
 - (a) The Council may acquire land or buildings subject to any general directions given by the Minister with the consent of the Minister for Finance.

- (b) The Council may, subject to any general directions given by the Minister with The consent of the Minister for Finance, sell, exchange, let or otherwise dispose of any land or buildings vested in it.
- 31. The Council may charge such fees as may, from time to time, be determined by the Council, with the consent of the Minister, for –
 - (a) the admission for any person to an examination conducted by the Council pursuant to Article 4(b) of this Order.
 - (b) the award to any person of the N.Q.E.M.T.
 - (c) the giving to any person of a letter of accreditation
 - (d) any other service which the Council may, from time to time, provide.
- 32. Subject to the approval of the Minister, and with the consent of the Minister for Finance, the Council may accept gifts of money,land, and other property upon such trusts and conditions, if any, as may be specified by the donor.
- 33. The Council may not accept a gift if the conditions attached by the donor to its acceptance are not consistent with the functions of the Council.
- 34. The Council may invest any of its funds in any manner in which a trustee is empowered by law to invest funds.
- 35. A person shall not, without the consent of the Council, disclose any information obtained by that person while performing or as a result of having performed duties as a member or employee of, or a consultant or adviser to, the Council or a committee established pursuant to Article 22 of this Order
- 36.
 - (1) A member of the Council who has either a direct or indirect interest in any company or concern with which the Council proposes to enter in any contract, or in any other contract which the Council proposes to make-
 - (a) shall disclose to the Council the fact and nature of such an interest at the meeting of the Council at which the question of entering into such a contract is first considered or, if he or she has no such interest at that time, as soon as may be after he or she has acquired such interest,
 - (b) shall take no part in any deliberations of the Council relating to such contract save to such extent as the Chairperson of the Council may permit,

- (c) shall not vote on a decision relating to such a contract, and
 - (d) shall not be counted in the quorum present at any meeting while such a contract (if made) or such a proposal is being considered.
- (2) A disclosure under this article shall be recorded in the minutes of the Council.
- (3) Where the Minister is satisfied that a member of the Council has failed to comply with a requirement of sub-article (1) of this article, the Minister may, if he or she thinks fit, remove that member from office and a person so removed shall thenceforth be disqualified from membership of the Council.

37.

- (1) The Council may establish a Fitness to Practise Committee (hereinafter referred to as the Committee), consisting of such persons (whether members or non-members of the Council) as may be appointed by the Council, to conduct inquiries into allegations of professional misconduct or unfitness (or both) to engage in the practice of pre-hospital emergency care on the part of persons whose names are entered on the register.
- (2) Following the completion of such an inquiry, the Committee shall embody its findings in a report to the Council specifying therein the nature of the allegation, the evidence laid before it and its opinion as to the alleged professional misconduct or fitness to practise or both of the pre-hospital emergency care practitioner, as the case may be.
- (3) The Council shall consider the report of the Committee and the Council may if a finding of professional misconduct or unfitness to practise has been made, do any or all of the following:
- (i) determine that the pre-hospital emergency care practitioner should be advised, admonished or censured.
 - (ii) make its determination or the report of the Committee or both available to such persons as it may think appropriate.

L.S.

GIVEN under the Official Seal
of the Minister for Health and Children
this 6th day of April 2000

MICHAEL MARTIN

Minister for Health and Children