



Health Regulators

Consumer Choice looks at how a range of health professionals are regulated in Ireland



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At a glance

- Qualification standards
- Health profession regulation
- Consumer complaints

Healthcare markets have distinctive features, one of which is an imbalance in information between the healthcare provider and the consumer. The provider is more knowledgeable than the consumer meaning the consumer relies on the provider to act in their best interest.

Often consumers can't evaluate health services until they have used them, such as when attending the doctor or dentist. This makes consumers vulnerable and systems of protection are very important in the provision of quality, safe and professional health services. One part of this is effective regulation so standards are kept high. Consumers have the regulator to turn to if they experience problems that can't be resolved between the consumer and the health professional.

According to Irish law, certain health professions must be regulated.

For example, the Irish Medical Council regulates doctors, and the Dental Council the dental profession.

If a health profession is regulated, and someone is practising without being registered with the relevant regulatory body, then they are practising illegally. Registered professionals are deemed competent to practice, meeting the standards set out by the appropriate regulator.

Other health professions not subject to regulation under law. These professions may have a system of self regulation in place that is run voluntarily by its own professional body.

Statutory regulators

Using a regulated health professional means there are standards set out for ethics and professionalism through codes

of conduct and practice. Each regulator maintains a register of the profession it oversees. Other key functions of health regulators include promoting and improving standards within the profession. Regulators also investigate complaints around issues of professional misconduct and decide if further action should be taken.

In 2010 the Medical Council received 361 complaints, a 22% increase on 2009. Close to half of these related to professional standards. Other types of complaint included irresponsible prescribing, treatment, rudeness and failure to supply medical records. If consumers have issues, complaints should be made in writing to the relevant regulator. The statutory regulators of health professionals in Ireland are:

- The Medical Council

- The Dental Council
- The Pharmaceutical Society of Ireland
- The Nursing Board, An Bord Altranais
- The Opticians Board
- The Pre-Hospital Emergency Care Council (regulates pre-hospital emergency care practitioners e.g. paramedics.)

CORU

Under the 2005 Health and Social Care Professions Act, twelve registration boards for health and social care professionals are to be established. The Department of Health and Children established the Health and Social Care Professionals Council (HSCPC) in 2007. CORU is the umbrella body responsible for public protection through regulation of health and social care professionals. It includes the HSCPC and the twelve registration boards to be established under the 2005 Act. The professions to be regulated are: clinical biochemists, dieticians, medical scientists, occupational therapists, orthoptists, podiatrists, physiotherapists, psychologists, radiographers, social care workers, social workers and speech and language therapists.

Since the HSCPC was established it has been working to put in place the necessary structures for registration, education and fitness to practise for the twelve professions to be regulated. Since CORU's formation, just one (the Social Workers Registration Board) of twelve registration boards have been opened. The remaining eleven health professions are not currently subject to statutory regulation.

More registers?

CORU can also add health professions to the list of regulated health professionals. Hearing aid dispensers, osteopaths and chiropractors are among health professions regulated in the UK which are not regulated in Ireland, nor on CORU's list of those which registers are to be established for.

While specific regulators don't exist in some cases, education standards for a number of health professions exist and to work in these professions you have to be approved by the authority responsible. The Department of Health and Children has responsibility for the following professions and ensures they have the appropriate education qualifications: audiologist, chiropodist/podiatrist,

COMPLEMENTARY HEALTH PROFESSIONALS

Internationally voluntary self regulation is more common than statutory regulation of complementary therapies. In the UK, consumer group *Which?*'s *'Guide to Complementary Therapies'* notes there are advantages and disadvantages to voluntary regulation. It's good if voluntary regulatory bodies have a robust set of rules. This can mean regulation is at a decent level, while the Government does not have to invest in funding an independent regulator. However in practice voluntary self regulation can be weak and lacking standardisation. *Which?* has developed a list of the key elements it considers central to a robust voluntary regulatory system, which include the following:

- **A set of validated and accredited education training standards** This should help to ensure practitioners are fit to practice and minimum standards of education have been defined.
- **A code of practice and ethics** This should at least cover: the legal obligations of practitioners, the treatment limitations that a particular therapy can claim to offer, expected professional conduct towards patients, how therapists relate to medical practitioners, what kind of information should be given to patients and claims made.
- **Disciplinary procedures** It should be clear that the practitioners can be disciplined if they fail to comply with code of practice and ethics which can result in suspension or removal of practitioner from the register.
- **A complaints procedure** This should be easy for consumers to use and complaints dealt with fairly and efficiently.
- **A requirement for indemnity insurance** This would provide protection for consumers and health professionals if malpractice or negligence issues arise and result in claims.

Consumers can also consult the Department of Health and Children's guide if considering seeking treatment from a complementary therapist. It highlights important issues that consumers should consider, like consulting your doctor and what the therapist should and should not advise. It is available for download at: www.dohc.ie/publications/complementary_therapists.html

radiographer, dietitian, occupational therapist, orthoptist, psychologist and speech and language therapist. Physiotherapist education standards must be approved the Irish Society of Chartered Physiotherapists.

Self regulation

A number of organisations exist which represent individual health professions. Examples of such organisations include the Chiropractic Association of Ireland and the Irish Nutrition and Dietetic Institute. Such bodies can be a useful resource for consumers receiving health advice and treatment from a practitioner that is outside of the professions currently regulated by the State. They can also help

consumers seeking health advice from a practitioner they don't have experience of attending before because most will maintain a list of members and have set criteria for membership, such as standards of education and a programme for continuing professional development. Professional bodies also often deal with issues, such as consumer complaints that relate to its members, if they cannot be resolved between the practitioner and the patient.

Some unregulated professions, have asked the Government to include them in the health professions covered by the Health and Social Care Professions Act 2005. These include The Osteopathic Council of Ireland and The Chiropractic



Association of Ireland.

Complementary therapies

Another area within the health arena that remains unregulated in Ireland are complementary therapists, such as acupuncturists, herbalists, homeopaths, kinesiologists, massage therapists, naturopaths, nutritional therapists, physical therapists, reflexologists and traditional Chinese medicine practitioners. The Department of Health and Children's professional regulation unit is responsible for management of the Department's position on the regulation of complementary therapies. A National Working Group on the Regulation of Complementary Therapies prepared a report in 2005, which recommended statutory regulation for herbalists, acupuncturists and traditional Chinese medicine practitioners. A robust system of voluntary self-regulation was recommended for all other groups.

According to the Department it has carefully considered the working group's recommendations. However it supports a system of greater voluntary self regulation for all complementary therapies, viewing this as the most effective way of allowing freedom of choice while also protecting patient safety. It also highlighted to *Consumer Choice* that while complementary therapists are not subject to professional statutory regulation, they are not outside the law and are: "subject to legislation, similar to other practitioners, including consumer legislation, competition, contract and criminal law."

Education and training

According to the report of the National Working Group on the Regulation of Complementary Therapies consumers have an obligation to check a complementary therapist's level of qualification. This is quite a responsibility for the consumer as they are not experts in educational qualifications and claims of expertise can seem legitimate to the untrained eye.

Complementary therapies are not regulated professions in Ireland meaning practitioners are neither regulated nor have to get their qualifications approved before they can practise. In the absence of statutory regulation, qualifications obtained here or overseas are not reviewed and approved by regulatory bodies. For example doctors who have

qualified outside of Ireland and wish to practice here are approved by the Medical Council under a different process to Irish qualified doctors, and may be required to take an exam before they are registered to practice. Other statutory health regulators have similar processes in place.

In attempt to set some standards for complementary therapy courses, HETAC developed generic standards which were launched in 2008, and could be applied to acupuncture, herbal medicine and Traditional Chinese Medicine qualifications. However, last year HETAC suspended accreditation of complementary therapy courses pending a review of the regulation.

Consumers considering taking such courses should check their status with the National Qualifications Authority of Ireland (NQAI see *Useful contacts*) which administers the National Framework of Qualifications (NFQ). Courses such as degree, diploma or masters that are NFQ recognised are quality assured.

A misleading example of how a complementary therapy course is described can be found on the website of the Shanghai Acupuncture College Ireland, where it is claimed that its degree course is equivalent to level 7 on the NFQ.

We raised this issue with the National Qualifications Authority who agreed the statement was misleading to potential course participants saying they would ask the college to remove the claim. However because the course provider

doesn't claim it was a level 7, and only equivalent to this level, they are technically not making a false claim. Lack of regulation and standards in this area allows for such misleading practices.

Useful contacts

Department of Education and Science

Tel (01) 8896400
www.education.ie

Medical Council

Tel (01) 4983100
www.medicalcouncil.ie

Dental Council

Tel (01) 676 2069
www.dentalcouncil.ie

Nursing Board - An Bord Altranais

Tel (01) 639 8500
www.nursingboard.ie

Opticians Board

Tel (01) 676 7416
www.opticiansboard.ie

CORU

Tel (01) 293 3160
www.coru.ie

National Qualifications Authority of Ireland

Tel (01) 8871500
www.nqai.ie



Choice Comment

Earlier this year, *Consumer Choice* looked at the provision of dentures and hearing aids in Ireland (see '*Hearing aids*', February 2011, p8 and '*Denture dilemmas*' May 2011, p125). Hearing aid dispensers are not regulated, but denture providers are. Following our undercover investigation on hearing aids we found consumers were offered poor value, shoddy service and unsuitable products which pointed to the need for regulation. In our second undercover report on denture service profession we found unregulated providers prepared to make and fit dentures, which a clinical dental technician or a dentist who is registered with the Dental Council is the only health professional legally entitled to do so. It seems that regulated or not, consumers would benefit from more robust systems of policing. The CAI will seek a meeting with the Minister for Health etc. to lobby for a review of existing poor and inadequate levels of regulatory oversight to guarantee significantly enhanced regulatory protection for Irish consumers.