

# Regulating medical education and professions

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- Problem statement
- Present arrangement
- NITI Aayog (NITI) draft law
- Strategies for reform
- Proposed design

# Part I

## Problem Statement

# *Ninety-Second Report on the Functioning of the Medical Council of India*

*“Game changer reforms of transformational nature are therefore the need of the hour and they need to be carried out urgently and immediately.” (Para 13.5)*

- Analyse failures of the present arrangement
- Propose a design for a sound regulatory system

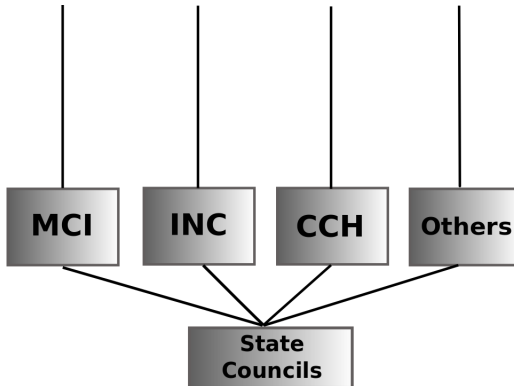
# Why regulate?

- Information asymmetry
- Cost of harm > Capacity to pay compensation

## Part II

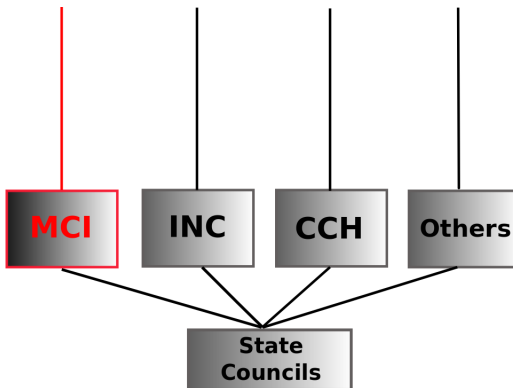
# Present arrangement

# Regulatory landscape of health professions



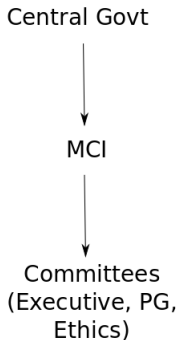


# Regulatory landscape of health professions

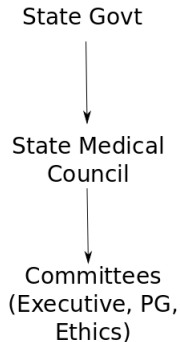


# Regulatory landscape of 'modern medicine'

## Union



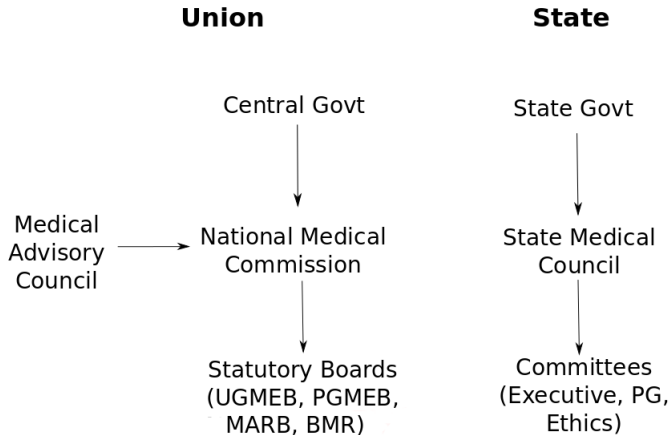
## State



- **Failure of the Medical Council of India (MCI)**
  - Faulty selection method
  - Lack of diversity
  - Lack of accountability and transparency
- **Failure of medical education**
  - Faulty criteria for setting up colleges and study programmes
  - Poor quality of education
  - Shortage of teachers
  - No independent accreditation
- **Failure of the medical profession**
  - No accountability for professional conduct
  - Poor maintenance of database
  - Lack of continuing professional development

## Part III

NITI draft law: *National Medical  
Commission Bill, 2016*



# Areas of concern

- Reform limited to 'modern medicine' and doctors
- Deficient selection method
- Doctors dominate
- Lack of clear demarcation of functions
- Excessive delegation
- No provision for continuing professional development
- No involvement of state governments in the reform process

# Part IV

## Strategies for reform

# Common features

- Regulatory structure
- Medical education
- Registration
- Continuing profession development
- Health professions



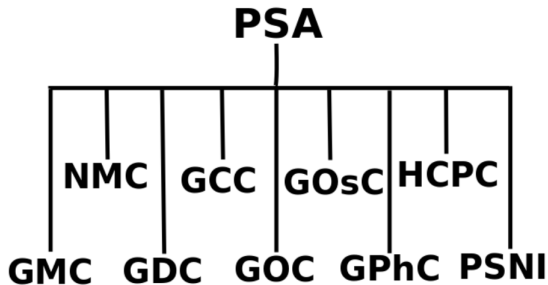
# Regulatory structure: General

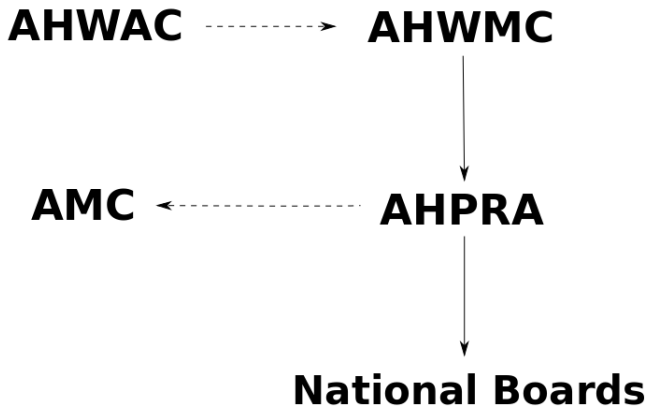
- Board, chairperson, secretariat
- Selection through a statutory system
- Principles of governing
- Advisory councils
- Reporting
- Assessment

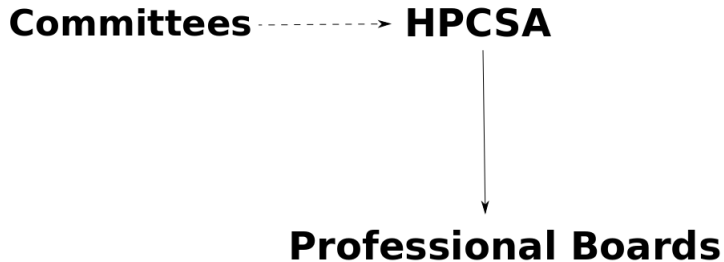
# Regulatory structure: Common features

- Primary objective is public safety
- Specialised board for different branches of health
- Overarching regulator
- Regulator is appointed/nominated
- Regulator comprises of practitioner and lay members

# Regulatory structure: United Kingdom







# Medical education: Common features

- Setting minimum standards
- Framework for compliance with minimum standards

# Minimum standards: Common features

- Learning outcomes
- Education governance systems

# Minimum standards: Illustrations

<b>Country</b>	<b>Learning outcomes</b>	<b>Governance</b>
UK	Justify the selection of appropriate investigations for common clinical cases	Evaluate and review the curricula and assessment frameworks
Australia	Perform a full and accurate physical examination	Regularly monitor and re-view its study programme
South Africa	Perform a physical examination and assess the mental state of a patient.	Develop structures for the internal assessment of study programmes.



# Compliance framework: Common features

- Punitive and supportive
- Enforcement through approvals, reporting, visits, renewal

# Compliance framework: United Kingdom



# Registration: Common features

- Different types of registration
- Conditions imposed depending on registration type
- Publicly available database

# Types of registration

- Jurisdiction of education
- Level of education

# Conditions of registration

- Title restrictions
- Continuing professional development
- Professional indemnity insurance
- Fitness to practice
- Prescribed time period

# Public database: Australia

The screenshot shows the AHPRA website interface. At the top, there is a navigation bar with links for 'Home', 'About', 'National Boards', 'Registration', 'Education', 'Notifications & Outcomes', 'Publications', and 'News'. Below the navigation bar, the main heading reads 'AHPRA - Regulating Australia's health practitioners in partnership with the National Boards'. A white arrow points to a search form titled 'Check your health practitioner is registered'. The form includes a text input field for 'Practitioner's family name or registration number', a dropdown menu for 'Select health profession', and a 'Search' button. To the right of the search form, there are two columns of information. The first column is titled 'Become a registered health practitioner' and contains a button 'Apply for registration' and a list of links: 'Information for overseas practitioners', 'Apply for graduate registration', and 'About student registration'. The second column is titled 'Make a complaint about a health practitioner' and contains a button 'Notify us of your concerns' and a list of links: 'Find out more about the notification process', 'Make a mandatory notification', and 'Outcomes of panel hearings'.

## Prof Anne Louise Tonkin

### Profession: Medical Practitioner

Registration number:	MED0001373425	Endorsements:	No
Status:	Registered	Notations:	No
Registration expiry date:	30/09/2016	Conditions:	No
Principal place of practice:	Adelaide SA 5000	Undertakings:	No
Registration Type:	General Specialist Specialist	Reprimands:	No

[View Details](#)

# Continuing professional development: Common features

- Mandatory
- Monitored through random audits and at the time of renewal

# Health professionals: Common features

- Setting minimum standards
- Framework for compliance with minimum standards



# Minimum standards: Common features

- Positive obligation and soft skills
- Impairment, incompetence and unethical conduct

# Minimum standards: Illustrations

<b>Impairment:</b>	Physical or mental incapacity, criminal conviction
<b>Incompetence:</b>	Failure to comply with conditions of registration, failure to maintain clinical records in the prescribed format
<b>Unethical conduct:</b>	Repeated incidents of incompetence, conduct resulting in harm to the patient

# Compliance framework: Common features

- Due process
- Specialised tribunals
- Warnings, suspension, removal
- Restoration on proof of 'fitness to practice'

# Part V

## Design of a sound law

# Regulatory structure

- Regulator and specialised board
- Members should include practitioners and community members
- Members should be appointed through a statutory process
- Regulator should be assisted with an advisory council
- Robust mechanism for reporting and assessment

- **Regulator**
  - Oversight of specialised boards
  - Maintain a national database
- **Specialised boards**
  - Medical education
  - Health professionals

- Minimum standards focus on learning outcomes and governance systems
- Supportive and punitive
- Enforcement through internal or external body
- Enforcement through approvals, reporting, visits and review

- Different types of registrations
- Public database



# Continuing professional development

- Mandatory
- Mechanism for monitoring

# Health professionals

- Minimum standards based on gravity of violation
- Due process
- **Specialised tribunals**

Thank you