

# THE MEDICAL COUNCIL

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## MALTA

Correspondence to be  
addressed to:  
'The Registrar'

SLH-OPD, Level 1,  
St. Luke's Square,  
G'Mangia, Malta  
WEBSITE: <https://health.gov.mt>

TEL: 21 255 540  
FAX: 21 255 541  
E-MAIL: [medicalcouncil@gov.mt](mailto:medicalcouncil@gov.mt)

# GUIDANCE ON HOW TO LODGE A COMPLAINT WITH THE MEDICAL COUNCIL MALTA

OCTOBER 2021



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### **1. What is the Purpose of these Guidelines?**

- (a) These guidelines are meant to facilitate the public's awareness of the proper method of lodging complaints to the Medical Council.

### **2. How to lodge a Complaint with the Medical Council?**

- (a) Any person may submit a complaint about a medical or a dental practitioner to the Medical Council in writing. As per article 4(2) of Subsidiary Legislation 458.08 Medical Council (Erasure of Names Procedure) Rules, the complaint has to be submitted to the Registrar by means of a declaration on oath. This means that the complaint needs to be confirmed on oath according to law by a Commissioner of Oaths.
- (b) Such letters of complaint should be addressed to 'The Registrar, Medical Council, St. Luke's Hospital, Outpatients' Department, Level 1, St. Luke's Square, Gwardamangia, PTA 1010'.
- (c) While the Medical Council can only act officially on receipt of a physically signed complaint under oath, scans of such documents may be sent via email to [mcmethics@gov.mt](mailto:mcmethics@gov.mt).
- (d) If the Medical Council deems that the complaint warrants further investigation, the complainant has to tender his/her evidence against the medical or dental practitioner against whom a complaint has been made.
- (e) All witnesses, including the complainants and the accused, will be required to testify under oath and asked to appear during proceedings if an inquiry is warranted.
- (f) Only complaints against registered medical practitioners and dental surgeons can be accepted by the Medical Council.
- (g) Complaints against other Health Care Professionals should be directed to the appropriate Regulatory Council.

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- (h) Complaints against Health Care institutions, such as private clinics and/or hospitals, should be directed to the Superintendent of Public Health.

### **3. What type of Complaints can the Medical Council act on**

- (a) These are examples of the type of cases where the Medical Council may need to act:
- (i) Medical or dental practitioners who are in breach of the Health Care Professions Act 2003, Cap. 464.
  - (ii) Medical or dental practitioners behaving in an unethical or unprofessional way.
  - (iii) Medical or dental practitioners failing to abide by the Professional and/or Ethical Standards.
  - (iv) Serious breaches in patient confidentiality by medical or dental practitioners.
  - (v) Medical or dental practitioners breaching the Code of Ethics on Advertising.
- (b) All prevailing legislation may be accessed from the Medical Council's website: [https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Laws\\_Circulars.aspx](https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Pages/Laws_Circulars.aspx)

### **4. What Information should the Complaint contain?**

- (a) A complaint must always contain the following information:
- (i) Full name of the medical or dental practitioner against whom the complaint is being made.

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- (ii) When possible, the Medical Council Registration Number is to be included together with contact details of the medical or dental practitioner against whom the complaint is being made.
- (iii) Full name of the patient involved in the complaint.
- (iv) Details of the complaint.
- (v) Date of when and where the incident took place.
- (vi) Full name and contact details of the person making the complaint.
- (vii) Any relevant documentation/prescriptions/referral letters which are connected to the complaint.

### **5. What happens after that the Medical Council receives a Complaint?**

- (a) When the Medical Council receives a complaint, it will be considered during its meetings and a decision on whether to investigate further will be taken.
- (b) The medical or dental practitioner against whom the complaint has been lodged will be informed and sent a copy of the complaint received by the Medical Council and will also be requested to submit their version of events.
- (c) The medical or dental practitioner's version of events will be copied to the complainant.
- (d) After considering both versions of events, the Medical Council will then decide on whether to launch an inquiry.
- (e) Inquiries are held by the Medical Council according to the Health Care Professions Act.

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- (f) In all stages of the Inquiry all parties involved may be assisted by their legal representative.

### **6. What actions can the Medical Council take on Conclusion of an Inquiry?**

If the inquiry results that the charge against the practitioner has been proved, then the Medical Council may recommend to the President of Malta that any one of the following measures in respect of the medical or dental practitioner concerned, is taken:

- (i) A cautionary warning.
- (ii) A penalty, the maximum amount being stipulated by the Health Care Professions Act Regulations.
- (iii) Temporary suspension from the Medical/Dental Council Register.
- (iv) A recommendation for Erasure from the Medical/Dental Council Register.
- (v) A period of training or practice of the profession under the appropriate supervision for such a period as the Medical Council may determine.

### **7. Is the Decision of the Medical Council final?**

- a) In all cases, the involved parties may refer the case to the competent Maltese Courts if they feel aggrieved by the judgment or by the process as per said legislation.
- b) As aforesaid, in all stages of the inquiry all parties involved may be assisted by their legal representative.