

**Health Professions Council
Education and Training committee, 5th December 2006**

Healthcare Professionals Crossing Borders Agreement - Update

Executive Summary and Recommendations

Introduction

The Healthcare Professionals Crossing Borders Agreement is an agreement developed by competent authorities and other stakeholders across Europe to ensure a common, coherent and effective approach to fulfil obligations resulting from Directive 2005/36/EC (on the recognition of professional qualifications). It was put together as part of the patient safety project run as part of the work around the UK EU Presidency.

Decision

This paper is for information only.

Background information

The agreement was made at a consensus conference held in Edinburgh in October 2005, attended by competent authorities, government departments, and others, to debate and develop, and then to agree, the recommendations.

Since Edinburgh, regular updates have been issues, and an update meeting was held in October 2006 to share information about the implementation of the recommendations.

Resource implications

Not applicable.

Financial implications

Not applicable.

Background papers

None.

Appendices

- 1) Health Professionals Crossing Borders Summary of Edinburgh Agreement
- 2) Certificate of Current Professional Status

Date of paper

22nd November 2006

Healthcare Professionals Crossing Borders Agreement - Update

Introduction

The Healthcare Professionals Crossing Borders Agreement is an agreement developed by competent authorities and other stakeholders across Europe to ensure a common, coherent and effective approach to fulfil obligations resulting from Directive 2005/36/EC (on the recognition of professional qualifications). As a regulator, HPC is classified as a competent authority.

Key principals underpinning the agreement

- Mutual trust between competent authorities
- Ensuring a high level of quality in healthcare and the security and protection of patients
- Facilitating professional mobility
- Ensuring the public's confidence in healthcare professionals and their regulation
- Avoiding unnecessary bureaucracy
- The presumption of innocence until found guilty in all cases of investigation into professional practice or allegations of criminal activity
- Fully respecting personal data protection legislation. This will include only exchanging information necessary for protection of patients, registration of professionals or conferring right to practise

Current status of the agreements relevant to HPC

Agreement 1) Certificate of Current Professional Status:

The certificate shows the current registered status of a registrant including any FTP orders that are in place against them. An applicant would typically request a certificate of current professional status when applying to be registered outside the UK.

The template agreed at the Edinburgh conference for certificate and cover letter is available to registration officers, and has been used since 2nd August 2006. This certificate has replaced what was previously referred to as the 'Letter of Good Standing'.

This is currently sent out as a letter, and we are considering future developments for this which could include external printing, and security features.

Agreement 2) Case-by-case exchange of information

The Order allows us to comply with this agreement in articles 22(10) and 3(5)(b). The communication between competent authorities must be on a case-by-case basis when regarding restrictions of practice.

Article 22 (v) allows us to consider allegations that a registrant's fitness to practise is impaired by reason of a determination by another regulator or licensing body. Therefore the communication of this information is important to us, but also receiving the information from other regulators about our registrants, where appropriate.

Agreement 3) Proactive exchange of information

This agreement recommends that there should be a rapid warning system that will inform other potential regulators if a professional's right to practise has become restricted because of a serious performance, conduct, health or criminal issue. This may also be used if there is a potential risk of the person committing identity or document fraud.

In these circumstances a warning should be sent to the individual's home country, any Member State where the individual has previously been registered or where there are objective reasons to believe they may move in order to seek registration.

The committee may also be interested to note that the European Commission have proposed a pilot scheme for information exchange between European regulators. The 4 professions proposed to take part are 2 from the Sectoral Directives: doctors and pharmacists and 2 from General Systems Directive: **physiotherapists** and accountants.

The Internal Market Information System (IMI) derives from Directive 2005/36/EC and the pilot is being funded by the Commission. It will be run through the national co-ordinators. It is a centralised electronic system.

The aim is that the system will allow all competent authorities in charge of registering professionals in their territory to exchange information on qualifications, certificates and recognition. The host Member State will be able to verify with its home Member State counterpart the legal establishment, the validity of the certificates sent by the migrant and the right to practice the profession.

It will be equipped with translation capacities in all EU languages on the basis of standard questions / answers.

Agreement 4) Exchange information regarding criminal records

Currently, HPC will exchange information with other competent authorities, where appropriate, about fitness to practise cases that result from convictions. We are currently considering this recommendation, and whether we need to take any further action.

Agreement 5) Disclosure of pending cases

The order allows us to disclose information about cases where we have yet to reach a decision, in articles 22(10) and 3(5)(b) on a case-by-case basis with the balance on presumption of innocence.

Agreement 6) Exchange of information via websites

a) We host the website www.healthregulation.org which links to the websites of other competent authorities, where information is available.

We need to ensure that we have more complete information published on this site and that there is a facility where competent authorities can contact us through the site to make sure their details are on the website (they can currently email).

b) The availability of information on our website in more than one language.

This recommendation states that some information should be available on the websites of competent authorities in least 2 other European languages. This ties in with work being undertaken concerning the accessibility of the website to people whose first language is not English.

We have put together information about HPC for translation, explaining who we are, what we do and how to make a complaint. We are currently planning that this PDF should be published online in 10 languages (Turkish, Kurdish, French, Somali, Farsi, Portuguese, Bengali, Arabic, Polish, and Russian). These languages were chosen by reference to the languages most commonly requested by health services who use our translation supplier. We plan to review these languages on a regular basis, taking account of data which shows how frequently accessed the information is.

Appendix 1

Health Professionals Crossing Borders Summary of Edinburgh Agreement

Agreement one

- a) The European Certificate of Current Professional Status will include all the categories of information detailed in the template. Member States should use this template for their Certificate.
- b) The Certificate will be issued on organisational headed paper that displays the name and registered address of the competent authority and that of the addressee. Where the Certificate is issued electronically, this too will display an organisational logo and registered address.
- c) The Certificate will contain a date and an original signature when issued in hard copy format. The Certificate will contain an electronic signature when being sent electronically following prior agreement with the recipient organisation.
- d) All Certificates transmitted by any means will be designed to reduce or avoid fraudulent production or reproduction.
- e) Where recipient competent authorities have further questions relating to a received Certificate, where a Certificate has not been issued, or where there is a need to authenticate its validity, the issuing competent authority will seek to make an effective response to enable the registration process to proceed efficiently and within a timeframe agreed between the host and home authorities.
- f) The Certificate will expire after three months of the issue date.

Agreement two

- a) The agreed scope of the European Certificate of Current Professional Status does not preclude the sharing of more detailed information within, or in addition to, the Certificate of Current Professional Status at the discretion of the issuing authority.
- b) In cases where there is a restriction to practise, including temporary measures (suspension), and on request from a competent authority in a host country, the competent authority of a home country should, as a minimum, respecting personal data protection legislation provided for in Directives 95/46/EC and 2002/58/EC and in the context of implementing Directive 2005/36/EC on the recognition of professional qualifications, communicate the relevant facts of the case.
- c) Relevant facts should be sufficient for the host competent authorities to make their own decisions, on a case-by-case basis, in the context of their own national laws and regulatory practices. Relevant facts should include at least the category of the problem,

e.g. conduct, criminal activity etc and the sanction, but more details should be given where there is the potential for a different outcome due to a difference in national laws or regulatory practice.

d) In the case of total or partial restriction on practise for health reasons, the decisions of one competent authority should not be questioned by another and no further questions should be asked.

Agreement three

Competent authorities should proactively exchange information when:

- A healthcare professional's right to practise has been restricted because of a serious performance, conduct, health or criminal issue; and/or
- The competent authority has objective reasons to believe that identity or document fraud has been used in the past or may be used in the future by the individual concerned, either to avoid restrictions or to falsely register.

In these serious circumstances, as a minimum, a rapid warning should be sent to:

- the individual's home country; and
- other Member States where the individual has previously been registered, is currently registered or where there are objective reasons to believe they may move in order to seek registration.

Agreement Four

Competent authorities working with their judicial systems should make full use of the Council Decision [Inter-institutional File 2004/238/CNS; COM (2004) 664] on the exchange of information from the criminal record.

Agreement Five

Some Member States' competent authorities have the power to impose urgent and effective interim restrictions on, or removal from, practise pending full and final determination of a case. In these pending cases where the balance is that patients or healthcare systems are at risk, and especially where a temporary or interim sanction has been imposed pending an appeal or final decision, competent authorities should reactively, or proactively, exchange information with other competent authorities on a case-by case basis.

Agreement Six

- a) All competent authorities should run a website and this should be signposted and accessed via the 'health Regulation' website (developed and currently managed by the Health Professions Council UK – www.healthregulation.org).
- b) Each competent authority's website should contain agreed minimum information, and the competent authority should consider publishing information in more than one language.

Agreement Seven

- a) Competent authorities agree to work collaboratively and share best practice in innovation in information exchange. A start should be made by one or more competent authorities on piloting the sharing of electronic information (e.g. smart cards).
- b) Support from the European Commission should be sought for this pilot.

Agreement Eight

In the context of exchanging good practice, competent authorities should collaborate at a European level. The establishment of European associations of professional competent authorities should be investigated.

Agreement Nine

The Glossary of terms in Appendix 1 should be updated and expended to reflect the published Directive.

Appendix 2

Certificate of Current Professional Status

A N Other
XXX XXXXXXXXXXX XXXXX
XXXXX XXXXX
XXXXXXXX XXXX XXX
SE11 4BU

Date: 27 November 2006

Ref: **PH00000**

Dear A N Other

Please find enclosed a Certificate of Current Professional Status (also sometimes known as Certificate/Letter of Good Standing) as requested.

Please note, your current registration status may be verified using our online register services at www.hpc-uk.org

Yours sincerely,

UK Registration

Certificate of Current Professional Status

*Le certificat de Statut Professionnel Actuel / El certificado de la Posición Profesional Actual / Bescheinigung
Jetzigen Beruflichen Status*

(also sometimes known as Certificate/Letter of Good Standing)

Name: A N Other

Nom / Nombre / Name

Nationality:

Nationalité / Nacionalidad / Nationalität

Professional Registration Number: PH00000

Le Nombre professionnel d'Enregistrement / Numero de Registro / Berufliches Kennzeichen

Gender:

Sexe / Género / Geschlecht

Date of Birth:

Date de Naissance / Fecha de Nacimiento / Geburtsdatum

Protected Title:

Titre protégé / Título protegido / Geschützten Titel

Qualification of Specialisation: n/a

La qualification de Spécialisation / El requisito de la Especialización / Qualifikation der Spezialisierung

Registered Address: XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX SE11 4BU

Adresse d'enregistrement / Dirección del Registro / Registrierungsadresse

Registered Status (from – to): n/a -

Le Statut Inscrit (de - à) / Status del Registro (de - a) / Eingetragener Status (von - zu)

Details of fitness to practise orders currently in force are as follows:

NO ORDER IN FORCE AGAINST THIS PERSON

For further information please contact the above named registrant. If this is not appropriate please write to the UK Registration Department for further assistance.

Date: 27 November 2006

Signed:

Registration Officer, Health Professions Council

Please note: The certificate is valid for three months from the date of issue.