

March 2022

MPS submission to the Department of Health and Social Care consultation on Healthcare regulation: deciding when statutory regulation is appropriate

Executive summary

The Medical Protection Society (MPS) welcomes the opportunity to submit evidence to the Department of Health and Social Care consultation on healthcare regulation: deciding when statutory regulation is appropriate.

As a global defence organisation, we support our members, both dental and medical when faced with regulatory investigations.

We welcome the attempt to establish principles for when statutory regulation is appropriate. In recent years we have seen a number of emerging professions grow in prominence and there is a risk that regulatory models based around only long-established professions could become out of date if this policy area is not kept under consideration.

We broadly agree with the proposals of this consultation and the principles for whether a profession should be regulated. We also welcome the recent proposals from the Department of Health and Social Care that suggests that Physician Associate and Anaesthesia Associate will be regulated.

Questions

1. Do you agree or disagree that a qualitative and quantitative analysis of the risk of harm to patients is the most important factor to consider when deciding whether to regulate a health or care profession?
 - **Agree**
 - Disagree
 - I don't know

MPS agrees with this principle.

2. Do you agree or disagree that proportionality, targeted regulation and consistency should also be considered in deciding whether to regulate a health or care profession?

- **Agree**
- Disagree
- I don't know

MPS agrees that proportionality, targeted regulation and consistency should be considered as it will create a fairer regulatory system.

3. Do you agree or disagree that the currently regulated professions continue to satisfy the criteria for regulation and should remain subject to statutory regulation?

- **Agree**
- Disagree
- I don't know

MPS agrees that the currently regulated professions continue to satisfy the criteria for regulation, even more so following the proposal to add Physician Associates and Anaesthesia Associates to regulation.

4. Do you agree or disagree that currently unregulated professions should remain unregulated and not subject to statutory regulation?

- Agree
- Disagree
- **I don't know**

As per our above response, we agree that Physician Associates and Anaesthesia Associates should be regulated and they will be, following the *Regulating healthcare professionals, protecting the power* consultation which the Department of Health and Social Care carried out in June 2021.

We do think there are some activities currently carried out which should only be conducted by regulated healthcare professionals. An example would be the provision of non-surgical cosmetic procedures using dermal fillers which are almost entirely unregulated. We consider that individuals undertaking non-surgical cosmetic procedures such as these should be regulated healthcare professionals.

About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals with more than 300,000 members around the world.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This can include clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

MPS is not an insurance company. We are a mutual non-for-profit organisation and the benefits of membership of MPS are discretionary as set out in the Memorandum of Articles of Association.

Contact

Should you require further information about any aspects of our response to this consultation, please do not hesitate to contact us.

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