

## **Expression of Interest**

### **Appointment to the Disabled Drivers Medical Board of Appeal**

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| Location:            | National Rehabilitation Hospital, Dublin. There are also typically two Regional Health Service Executive clinics per annum.                 |
| Number of Vacancies: | Five  |
| Remuneration:        | €607.20 per day.<br>If a locum needs to be sourced to cover the Board Member's practice, a rate of €331.50 per session can also be claimed. |
| Time Requirements:   | Approximately 24 days/year  |
| Closing date:        | Tuesday 5th July 2022   |

#### **1. Expressions of Interest Invited**

The Minister for Health and the Minister for Finance invite expressions of interest from suitably qualified and experienced medical practitioners interested in being appointed as a member of the Disabled Drivers Medical Board of Appeal ("the Board"). Expressions of Interest will be accepted up to and including 4 p.m. Tuesday 5th July 2022.

The Board determines appeals by applicants to the Revenue Commissioners' *Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme* (DDS), who have been refused a Primary Medical Certificate by the Health Service Executive. A Primary Medical Certificate is a requirement for the DDS.

#### **2. Background**

The Disabled Drivers Medical Board of Appeal was established in 1989, on foot of the enactment of Section 92 of the Finance Act 1989 and S.I. 340 of 1989 to act as

an appeals body for those applicants refused a Primary Medical Certificate by a Health Service Executive Principal Medical Officer or Senior Medical Officer in respect of the Scheme.

S.I. 353 of 1994 (<https://www.irishstatutebook.ie/eli/1994/si/353/made/en/print>) further elaborates the membership and functions of the Board. Amendments set out in S.I. 469 of 2004 now governs the operation of the Board and the Scheme more generally. (<https://www.irishstatutebook.ie/eli/2004/si/469/made/en/print>).

There have been a number of statutory amendments since, slightly modifying operational aspects of the Board including S.I. 566 of 2005 in respect of reserve members and S.I. 368 of 2009 in respect of an Acting Chair.

The Regulations specify the nomination by the Minister for Health, and appointment by the Minister for Finance, of five (5) members to the Board, one of whom is appointed by the Minister for Finance to be the Chairperson of the Board.

Each term of office is four years, with the possibility of successive re-appointments, on the nomination of the Minister for Health. The Board is independent in the exercise of its functions.

### **3. Overview Disabled Drivers & Disabled Passengers Scheme**

The *Disabled Drivers & Disabled Passengers Scheme* (DDS) provides relief from VRT and VAT on the purchase and use of an adapted car, as well as an exemption from motor tax and an annual fuel grant.

In order to qualify for relief, the applicant must hold a Primary Medical Certificate issued by the relevant Health Service Executive Principal Medical Officer or Senior Medical Officer; or a Board Medical Certificate issued by the Board. Certain other qualifying criteria apply in relation to the vehicle, in particular that it must be specially constructed or adapted for use by the applicant.

To qualify for a Primary Medical Certificate an applicant must be permanently and severely disabled, and satisfy at least one of the following medical criteria:

- be wholly or almost wholly without the use of both legs;
- be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- be without both hands or without both arms;
- be without one or both legs;
- be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

In the event that a Primary Medical Certificate is not granted by the relevant HSE Medical Officer, an appeal may be made to the independent Board.

The medical criteria are included in the Finance Act 2020, by way of amendment to Section 92 of the Finance Act 1989. Further information on the *Disabled Drivers and Disabled Passengers Scheme* is available at <https://www.revenue.ie/en/importing-vehicles-duty-free-allowances/guide-to-vrt/reliefs-and-exemptions/scheme-for-persons-with-disabilities.aspx>

#### **4. Functions of the Board**

##### Appeals Process

A person who is dissatisfied by a decision of the Health Service Executive Principal Medical Officer or Senior Medical Officer in respect of primary medical certification may appeal to the Board within 28 days of the person first being informed of that decision, or such longer period as the Board may allow, and the person concerned is informed of the right to so appeal.

During the appeals process three doctors are present, a relevant history is taken, the scheme and criteria are explained and the appellant is examined, if appropriate, and asked to demonstrate their level of mobility. Following the assessment, the Board members discuss each case and make a careful decision, based on the criteria, as to whether the applicant qualifies for the Primary Medical Certificate. A letter is then

sent out to the appellant noting whether they have been successful or unsuccessful in meeting any specified named criteria. The format of the letter is specified in regulations.

Where the Board determines that the appellant meets one or more of the criteria specified in Section 36 of the Finance Act 2020, it can issue a Board Medical Certificate, allowing the appellant to apply for DDS provisions from the Revenue Commissioners. Appellants who have been refused can submit a request for another appeal hearing 6 months after the notification of refusal. The actions and decisions of the Board can be reviewed by the Ombudsman in accordance with the Ombudsman Acts.

### Appeal hearings

The National Rehabilitation Board originally hosted the Board, from 1989 to 2000. Since 2000, the National Rehabilitation Hospital (NRH) has hosted the Board, as it provides the appropriate clinical setting. Before COVID-19 restrictions, the Board typically held around 24 appeal hearings a year, 22 or 23 in the NRH, while up to 2 other appeal hearings are in regional settings. Each hearing typically assessed 30 appeal cases. COVID-19 restrictions reduced both the frequency of hearings and the number of cases that could be heard in a given hearing.

## **5. Person Specification**

It is essential that candidates:

- Are registered with the Irish Medical Council.
- Can commit to the time required;
- Can capably participate in a hearing, with impartiality and efficiency to produce sound, reasoned and robust decisions within a specified timeframe, details as set out above at Section 4 above;
- Are familiar, or can quickly gain familiarity, with the requirements of medical assessments as set out in statutory schemes such as the DDS

It is desirable that candidates:

- Have expertise in Rehabilitation medicine
- Have demonstrable evidence of clinical experience and professional expertise in working with those with a disability;

- Are familiar with disability supports and services provided in Ireland, nationally and at a community level
- Have working knowledge of Irish strategies and policy objectives with respect to people with a disability.

## **6. Submitting your Expression of Interest**

Your expression of interest, including a completed application form, Curriculum Vitae and a signed cover letter should be e-mailed to [medical\\_board@health.gov.ie](mailto:medical_board@health.gov.ie)

The application form can be downloaded from:

- [gov.ie](http://www.gov.ie) - Department of Health ([www.gov.ie](http://www.gov.ie))
- [gov.ie](http://www.gov.ie) - Department of Finance ([www.gov.ie](http://www.gov.ie))
- [gov.ie](http://www.gov.ie) - Department of Children, Equality, Disability, Integration and Youth ([www.gov.ie](http://www.gov.ie))

### **Important Note**

Please take care when submitting your expression of interest. As the Selection Panel will generally make its recommendation (s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. Ensure that your cover letter and supporting C.V. clearly specifies how your particular background and experience meets the requirements specified in this booklet; and
2. Ensure that you fully complete the Application Form.

This will help to ensure that the Selection Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this Board. Please only include information that is directly relevant to the role for which you are applying.

If you have any questions regarding the application process, please forward your queries by e-mail to [medical\\_board@health.gov.ie](mailto:medical_board@health.gov.ie)

## **7. Assessment Process**

A Selection Panel (the “Panel”) will be convened by the Department of Health to consider and assess the expressions of interest received. The Panel will:

- Review and discuss the expressions of interest received against the specific appointment criteria for the roles, as advertised in this information booklet;
- Assess potential candidates further once they meet the specified appointment criteria by undertaking the following steps:
  - Consideration of the written applications; and/or
  - Meeting/conference call; and/or
  - Any other selection or verification method deemed appropriate.
- Arrive at a shortlist of the most suitably qualified candidates based on the information provided by the candidates.
- Subject to verification of Irish Medical Council Registration, qualifications, satisfactory referee checks and Garda clearance, the names of suitably qualified candidates who qualify for the short list, will be sent forward for consideration by the Minister for Health for nomination to the Minister for Finance.
- All applicants will be informed of the outcome of their application in due course.

Please note that the Department of Health will not be responsible for any expenses incurred by candidates as part of the selection process.

## **8. Confidentiality**

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquiries, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

## **9. Data Protection**

The Data Protection Act 2018 provides that the processing of personal data shall be lawful where such processing is necessary for the performance of a statutory function of a controller.

On receipt of your expression of interest to the e-mail [medical\\_board@health.gov.ie](mailto:medical_board@health.gov.ie) (including your CV, cover letter and Application Form requested as part of the application process), the Department of Health will act as a data controller of such data and will retain it for up to one year following the appointments. Unless you request the withdrawal of your application, such data may be used in considering your suitability for other similar vacancies that arise for this Board, for a period of up to one year.

## **10. Other information**

The Ministers will have regard to the desirability of gender balance on the Board, as the Ministers consider appropriate.

By submitting an expression of interest the applicant accepts that appointments are made in the exercise of a statutory discretion, that the Ministers are not obliged to consider the expressions of interest offered, that they are not confined to recommending an appointment from amongst those who have expressed an interest and are not bound by any statement set out in the notice.

Applicants should also set out clearly any actual or potential conflicts of interest that may arise should they be appointed to the Board.