



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

The Emergency Department
Cork University Hospital

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1st December, 2008.

Superintendent W. G. Dillane,
Regional Traffic,
Superintendent's Office, Southern Region,
Garda Siochana,
Anglesea Street,
CORK.

Dear Superintendent,

Your letter to Mr. Tony McNamara of 24th October, 2008 has been forwarded to me for comment.

It has long been the situation in this country and in many others that the treating doctor is, in general, not the same doctor as the doctor who acts on behalf of the state. There are significant and inherent difficulties and contradictions should the one doctor act on behalf of both the patient and the state. That is why we have the system that we have and that is why the gardai use a so called "designated doctor".

I have once again reviewed our policy on that matter (which I have forwarded to Mr. McNamara some time ago) and I have consulted with Professor Denis Cusack, Professor of Forensic Medicine at UCD and Director of the Medical Bureau of Road Safety. It would seem that the Minister has not yet even signed the statutory instrument required to effect the changes that you think are in place. Secondly, this issue has come up at other hospitals and the status quo ante remains in place. Thirdly, the professional organisations (and in particular the Irish Nurses Organisation) have got serious reservations with regard to this legislation. Finally, I am informed that the Medical Bureau has not even changed its documentation to take account of any of this type of change as yet and is not in a position to put these changes into its procedures. I am told that if you contact Assistant Commissioner Rock in Dublin that he will be able to appraise you of developments in this area. The policy undertaken in this department is in line with all other Emergency Departments in Ireland at present. Dr. Murphy was quite correct in his opinion to Sergeant Coughlan. If you come upon any further information that is of relevance to this matter I would be more than happy to hear from you. We are not about to change local policy until there has been action nationally.

Yours sincerely,

Stephen Cusack, M.B.,B.Sc.,F.R.C.S.I.,F.C.E.M.,
Consultant in Emergency Medicine.

c.c./Mr. Tony McNamara, General Manager, CUH.
Dr. Iomhar O'Sullivan, Consultant in Emergency Medicine. (For Handbook)