SAINT VINCENT AND THE GRENADINES
HEALTH PROFESSIONALS REGISTRATION BILL 2015
ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

1. Short title
2. Interpretation

PART II
HEALTH PROFESSIONALS COUNCIL
Establishment, Constitution and Functions of the Council

Establishment of Council
Constitution of the Council
Functions of the Council
Committees of the Council
Standing committees
Delegation
Remuneration
Protection from personal liability

Procedure of the Council

Seal
Meetings
Disclosure of interest

Staff of the Council

Appointment of staff
Registrar

Financing of the Council

Funds of the Council
Financial year
Accounts
Audit by Director of Audit and report to the House
Exemption from taxes

Commented [A1]: The numbering of these provisions will be done upon completion of the draft.
PART III
REGULATED PROFESSIONS
Regulated professions
Amendment of regulated professions
Limitation on practising
Restriction on recovering remuneration

PART IV
REGISTRATION AND LICENSING
Application for Registration
Application for registration
Notice of receipt
Function of Accreditation Committee
Approval, deference or acceptance of registration
Review of decision
Review of procedure

Registers
Registers
Evidence from registers

Registration
Registration
General registration
Interim registration
Provisional registration
Temporary registration
Certificate of registration
Return of certificate of registration
Reinstatement

Licences
Licence
Licence deemed cancelled
Publication of names

Continuing Competence Programmes
Competence programmes
PART V
DISCIPLINARY PROCEEDINGS
Lodging a complaint
Form of complaint
Preliminary investigation
Notice of inquiry
Orders
Appeal

PART VI
OFFENCES
Registration offences
Use of title
Restricting on practising
Penalty

PART VII
MISCELLANEOUS
Exception
Regulations
Repeal
Transitional provisions
SCHEDULES
SAINT VINCENT AND THE GRENADINES
BILL FOR
ACT NO. OF 2019
I ASSENT

Governor-General

AN ACT to repeal and replace the Medical Registration Act and the Veterinary Surgeons Act; to provide for the establishment of a Health Professionals Council; for the registration and discipline of persons in various health professions, and for related matters.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:

PART I
PRELIMINARY

Short title and commencement
1. (1) This Act may be cited as the Health Professionals Registration Act 2019.
   (2) This Act comes into force on such day as the Governor-General may appoint by Proclamation published in the Gazette.

Interpretation
2. (1) In this Act, unless the context otherwise requires:

   “Accreditation Committee” means the Committee maintained in accordance with section 7;
“certificate of registration” means a certificate of registration issued by the Council under section 37;

“Chief Medical Officer” means the person appointed as Chief Medical Officer under the Medical Officers Act;

“complaint” means a complaint made to the Council alleging professional misconduct on the part of a regulated member;

“Council” means the Health Professionals Council established by section 3;

“Minister” means the Minister responsible for health;

“practice” means the practice of a regulated profession;

“practicing certificate” means a certificate issued under section [ ];

“Preliminary Proceedings Committee” means the Committee maintained in accordance with section 7;

“President” means the President of the Council and “Vice-President” shall be construed accordingly;

“Professional Conduct Committee” means the Committee maintained in accordance with section 7;

“professional misconduct” includes any conduct which in the opinion of the Council is of a nature likely to bring the profession [of a regulated member] into disrepute and includes –

(a) contravention of a condition subject to which the regulated member is registered;
(b) conviction for an indictable offence;
(c) abandoning a patient in danger without reasonable cause, and without giving him an opportunity to retain the services of another regulated member;
(d) directly or indirectly holding oneself out to the public as a specialist or as being specially qualified in any particular field of a regulated profession if a special course in that field has not been taken; or
(e) gross negligence or incompetence in the performance of one’s professional duties;

“registered” means registered under this Act;

“Registrar” means the Registrar of the Council appointed under section 15;

“regulated member” means a person who is registered as a member of a regulated profession;

“regulated profession” means a profession that is regulated by this Act;

“Regulations” means the regulations made under this Act.

PART II
HEALTH PROFESSIONALS COUNCIL

Establishment, Constitution and Functions of the Council

Establishment of Council
3. (1) There is established a body to be known as the Saint Vincent and the Grenadines Health Professionals Council.
(2) The Council –
(a) is a body corporate with perpetual succession and a common seal;
(b) may enter into contracts;
(c) may sue and be sued in its corporate name;
(d) may acquire, hold, mortgage, lease and dispose of all kinds of property, moveable and immovable; and
(e) may, subject to the provisions of this Act, do and perform such acts and things as bodies corporate may by law do and perform.

Constitution of the Council
4. (1) The Council consists of –
(a) the following \textit{ex-officio} members –
(i) the Chief Medical Officer; and
(ii) the Registrar;
(b) the following members to be appointed in writing by the Minister after the approval of the Cabinet –
   (i) three medical professionals who have [practiced] [been registered] in Saint Vincent and the Grenadines for not less than eleven years, nominated by the Saint Vincent and the Grenadines Medical Association;
   (ii) one member other than a person who is qualified to be a regulated member, nominated by the Minister.
(2) The members of the Council shall elect from among their number a President and a Vice President.
(3) A member of the Council, other than an ex-officio member, shall be appointed for a term not exceeding 2 years which appointment is subject to renewal under the terms fixed by the Minister in the instrument of appointment.
(4) Except for an ex officio member, the Minister may at any time after the approval of the Cabinet revoke the appointment of a member for just cause.
(5) Except for an ex officio member, a member of the Council may resign his office by instrument in writing addressed to the President for submission to the Minister and from the date of receipt of the instrument by the Minister, the member shall cease to be a member of the Council.
(6) The names of the members of the Council and their title if any shall be published annually in the Gazette and in at least one local newspaper of general circulation in Saint Vincent and the Grenadines.
(7) Every change in membership of the Council shall be published in the Gazette.

Functions of the Council
5. (1) The Council shall –
   (a) examine all applications to be a regulated member;
   (b) interview applicants for the purpose of determining their suitability to be regulated members;
   (c) hold examinations where it is considered necessary to determine the suitability of the applicant to be a regulated member;
(d) register persons who satisfy the requirements for registration as regulated members;

(e) determine, establish, maintain and enforce proper standards of professional conduct and ethics;

(f) establish, maintain and enforce standards for registration, continuing competence and practice of the regulated professions;

(g) hear complaints against regulated members alleging breach of standards of practice and professional ethics;

(h) hold disciplinary proceedings against regulated members in accordance with the provisions of this Act;

(i) advise the Minister on matters related to the practice of regulated professions in Saint Vincent and the Grenadines; and

(j) do such other things as may be necessary to achieve the objects of this Act.

(2) Subject to this Act, the Council has all the powers that are reasonably necessary or expedient to enable it to carry out its functions.

Committees of the Council

6. (1) The Council may establish committees as it considers necessary or expedient for the purpose of carrying out its functions under this Act.

   (2) The Council shall determine the composition of a committee established under this section except that –

   (a) at least one member is to be a member of the Council;

   (b) the persons appointed to the committee are to have expertise in the matters to be considered by the committee.

Standing committees

7. (1) Without limiting section 6, the Council shall maintain the following standing committees –

   (a) Education Committee;

   (b) Accreditation Committee;

   (c) Preliminary Proceedings Committee; and

   (d) Professional Conduct Committee.

   (2) The Education Committee shall exercise functions conferred on it by the Council.

Commented [A2]: Contrary to what the original provision stated, the Bill does not confer functions on the Education Committee so this provision is necessary.
(3) The Accreditation Committee, Preliminary Proceedings Committee and Professional Conduct Committee shall exercise functions conferred by this Act.

(4) Where no specific composition is set out in this Act for the composition of a standing committee, the Council shall determine the composition.

(5) Where the Council determines the composition of a standing committee section 8 (2) applies.

**Delegation**

8. (1) The Council may, in writing and subject to the conditions as it may specify, delegate to a member of the Council or a committee any of its functions as it thinks expedient for the purpose of effectively transacting the business of the Council.

(2) A delegation under this section may at any time be revoked by the Council and shall not prevent the discharge by the Council of any function that it has delegated.

**Remuneration**

9. A member of the Council or of a committee shall be paid remuneration for carrying out his functions as may be determined.

**Protection from personal liability**

10. A member of the Council or a committee or [staff of the Council] shall not be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of operations of the Council.

**Procedure of the Council**

**Seal**

11. (1) The seal of the Council shall be kept in the custody of the President or the Registrar.

(2) All documents made by the Council, other than those required by law to be under seal, shall be signified under the hands of the President or any other member authorised to act in that behalf, and the Registrar.

**Meetings**

12. (1) The Council shall meet at such times and places as may be necessary or expedient for the transaction of its business, as the Council may determine.
(2) Where for any reason the President is unable to preside at any meeting of the Council –
(a) the Vice President shall preside if he is present and able;
(b) if the Vice President is absent or unable to preside, then the members of the Council present shall elect one of their number to preside.
(3) A quorum of the Council is [] members.
(4) The decisions of the Council shall be by a majority of votes, and, where there is an equality of votes the President or other person presiding at the meeting has a casting vote.
(5) Minutes in proper form of each meeting of the Council must be kept.

Disclosure of interest
13. (1) A member of the Council or of a [standing] committee who in any way directly has an interest in a deliberation or transaction of the Council shall disclose the nature of the interest at a meeting of the Council or [standing] committee.
(2) The disclosure shall be recorded in the minutes and that member shall not take part in any deliberation or transaction of the Council or [standing] committee with respect to that matter.

Staff of the Council

Appointment of staff
14. The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit staff and agents that are necessary for the proper carrying out of the provisions of this Act.

Registrar
15. (1) The Council shall appoint a person to be the Registrar of the Council.
(2) The Registrar shall be the Chief Executive Officer of the Council and his duties includes –
(a) keeping registers in which shall be entered the names, addresses and qualifications of regulated members and all other matters required by this Act to be so kept; and
(b) publishing in the Gazette annually, a list of all regulated members that are licensed to practise under this Act.
Financing of the Council

Funds of the Council

16. (1) The funds and resources of the Council consists of –
   (a) amounts of money as may be appropriated by the Parliament for the purposes of the Council;
   (b) fees and other income accruing to the Council; and
   (c) other money or property lawfully received by the Council or made available to the Council for the purpose of the Council.

(2) The funds and resources of the Council shall be applied by the Council solely for the execution of its functions and discharge of its obligations under this Act.

Financial year

17. The financial year of the Council is the twelve month period beginning on the 1st day of January and ending on the 31st day of December.

Accounts

18. (1) The Council shall—
   (a) keep proper books of accounts of its income and other receipts and expenditures; and
   (b) ensure that—
      (i) all money received is promptly and properly brought to account,
      (ii) all payments out of its money are correctly made and properly authorised, and
      (iii) adequate control is maintained over its property and over the incurring of liabilities by the College.

(2) The books of accounts kept under subsection (1) shall—
   (a) be sufficient to record and explain the College’s transactions;
   (b) enable the College’s financial position to be determined with reasonable accuracy at any time; and
(c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Council shall cause to be prepared—

(a) the following financial statements together with proper and adequate explanatory notes—

(i) a statement of the assets and liabilities of the College at the end of the financial year,

(ii) a statement of the revenue and expenditure of the College during the financial year,

(iii) such other financial statements for the financial year as may be specified in writing by the Minister; and

(b) an annual report of the College on the implementation of the business plan and such other matters as the Council considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Council shall furnish a copy of each to the Director of Audit.

Audit by Director of Audit and report to the House

19. (1) Not later than three months after receipt of the financial statements and annual report from the Council, the Director of Audit shall audit the financial statements.

(2) Without delay after the completion of his audit of the College, the Director of Audit shall submit a copy of his report together with the financial statements and annual report to the Minister, the Minister responsible for finance and the Council.

(3) The Minister responsible for finance shall, not later than seven days after the House of Assembly first meets after he has received the report together with the financial statements and annual report of the College lay it before the House.

(4) If the Minister responsible for finance fails to lay the report together with the financial statements and the annual report of the College before the House of
Assembly in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Assembly.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the College have been laid before the House of Assembly, the Council shall cause the report, the financial statements and the annual report of the College to be published in the Gazette.

Exemption from taxes
20. The Council is exempt from liability for any tax, duty, levy or other charge.

PART III
REGULATED PROFESSIONS

Regulated professions
21. The professions set out in Schedule 1, 2 and 3 are regulated professions for the purposes of this Act.

Amendment of regulated professions
22. (1) On the recommendation of the Council, the Minister may, by an order published in the Gazette, amend the Schedules to the Act to include a profession as a regulated profession.

(2) The Council shall, in deciding whether to make a recommendation to the Minister, do the following –

(a) evaluate the risk to the physical and psychological health and safety of the public from incompetent, unethical or impaired practice of the profession;
(b) ascertain what constitutes the practice of the profession;
(c) evaluate and make recommendations on the services normally provided by a person practising the profession, including the complexity of the services and how they are carried out;
(d) consider whether the services normally provided by persons practising the profession are regulated by any enactment;
(e) consider whether the profession is a distinct and identifiable profession;
(f) consider whether the proposed protected title is appropriately descriptive and whether it is likely to cause public confusion;
(g) consider the potential costs and benefits of regulating the profession, including the expected effect on enhancement of quality of service;
(h) ascertain the qualifications and minimum standards of competence that are required for a person applying to practise the profession and how the continuing competence of practitioners is to be maintained;
(i) evaluate the effect, if any, that there would be on any agreements on trade and mobility to which Saint Vincent and the Grenadines is a signatory if the profession were to become a regulated profession;
(j) consider any other matter that are compatible with the public interest; and
(k) on the request of the Minister, consider any other matter.
(3) The Council shall, in making a recommendation to the Minister, include a name, title and initials, if any, for the proposed regulated profession and its members.
(4) An order under subsection (1) is subject to negative resolution of the House of Assembly.

Limitation on practicing
23. (1) Subject to section 52, a person shall not practice as a member of a regulated profession unless he is registered under this Act and has a valid practicing certificate.
(2) A person who contravenes subsection (1) commits an offence.

Restriction on recovering remuneration
24. Subject to the provisions of this Act, no person shall be entitled to demand, claim, accept, receive, retain, sue for or recover by any means any charge, fee, expense or remuneration for or in connection with any purported practice of a regulated profession unless at the time of rendering such services the person is registered under this Act and has a valid licence.
PART IV
REGISTRATION AND LICENSING

Application for Registration

Application for registration
25. (1) An application for registration as a regulated member may be made to the Council.
   (2) An application for registration as a regulated member is complete for the purpose of consideration under section 27 if it is in the required form and is accompanied by –
      (a) evidence of meeting the requirements for competence in the practice of the profession as required by subsection (2);
      (b) the prescribed fee;
      (c) evidence of being a person lawfully permitted to work in Saint Vincent and the Grenadines, if required by any law;
      (d) evidence of good character;
      (e) evidence of meeting standards of proficiency in the English language;
      (f) proof of identity and date of birth;
      (g) any further information required by the Registrar.
   (3) An applicant may provide evidence of competence in the practice of the profession –
      (a) by fulfilling one or more of the following –
         (i) education requirements from an accredited institution which demonstrates the successful completion of a program of study;
         (ii) certificates or letters of reference indicating periods of experience in the profession;
         (iii) successful completion of competency examinations; or
         (iv) holding certificates or diplomas from an accredited institution;
      (b) by being registered in another jurisdiction recognised by the Council as having substantially equivalent competence and practice requirements and meeting the requirements for persons to be registered with that profession in that jurisdiction; or
(c) by satisfying the Council of having a combination of education, experience, practice or other qualifications that demonstrate the competence required for registration as a regulated member.

(4) Notwithstanding subsection (3) (b), an application for registration may be made by an applicant and considered in respect of an applicant whose name has been removed from a register of practitioners in any jurisdiction recognised by the Council as falling within subsection (3) (b).

(5) If there are reasonable and probable grounds that an applicant, by practising as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the Council may require the applicant to undergo a physical or mental examination by a person agreed on by the applicant and the Council, and failing an agreement, designated by the Council for the purpose of assisting the Council in determining whether the applicant by practising as a regulated member would create a danger to the public or be unsafe.

**Notice of receipt**

26. (1) The Registrar shall, as soon as is reasonably possible, on receipt of an application for registration as a regulated member, give notice to the applicant that –

(a) the application has been received;

(b) whether the application is complete and if it is not complete, why it is not complete.

(2) When an incomplete application is made complete by the applicant, the Registrar shall, as soon as is reasonably possible, give notice to the applicant that a complete application is received.

(3) On receipt of a complete application by the Registrar, the Accreditation Committee shall consider the application and make a decision and notify the applicant of the decision as soon as is reasonably possible.

**Functions of Accreditation Committee**

27. (1) The Accreditation Committee shall scrutinize all applications for registration.

(2) The Accreditation Committee may interview the applicant for registration and make such inquiries as it thinks necessary or expedient for discharging its functions under this Act.
(3) Where in respect of an application to be a regulated member –
(a) the Accreditation Committee is of the opinion that any qualification specified in section 25 which the applicant holds is not evidence of satisfactory qualification or training; or
(b) a question has arisen with respect to the evidence presented by the applicant as to his qualification or training,
the Accreditation Committee may require that the applicant submit to examination in the subjects it considers necessary to establish that he possesses satisfactory training.

(4) The Accreditation Committee shall fix a time and place for the holding of the examination which shall be notified to the applicant and the subject or subjects in which the applicant has to submit.

(5) The Council may charge a fee for an examination.

(6) If as a result of the examination the Accreditation Committee finds that the applicant is satisfactorily trained, he shall be qualified to be registered as a member of a regulated profession.

(7) Where the applicant has been unsuccessful in the examination –
(a) he shall not, unless the Accreditation Committee so recommends, be permitted to present himself for further examination until the expiration of one year from the date of the examination in which he was unsuccessful;
(b) he may be granted interim registration in accordance with section 34.

(8) If the applicant fails to pass the examination after three attempts, he shall not be allowed to sit for further examination without the special permission of the Council.

Approval, defferance or acceptance of registration
28. (1) On considering a complete application for registration, the Accreditation Committee may –
(a) approve the application;
(b) defer registration if in the opinion of the Accreditation Committee it is in the best interest of the public to defer the registration of the applicant until the applicant complies with conditions imposed by the Accreditation Committee;
(c) refuse the application for registration.

Commented [A3]: Thus the “or” at the end of paragraph “iv” is to be deleted? In relation to my previous comment on this provision – the question was to solicit information on whether the provisions in this paragraph were to be conjunctive. If yes, an “and” should be at the end of paragraph (a).
(2) The Accreditation Committee may impose conditions on an approval under subsection (1) (a) that in its opinion are in the best interest of the public.
(3) On making a decision under subsection (1), the Accreditation Committee shall –
   (a) give notice of the decision to the applicant;
   (b) give notice of the decision to the Registrar;
   (c) in the case of a decision to impose conditions on an approval, to defer a registration or to refuse an application, give reasons for the decision and notify the applicant as to how the applicant may request a review of the decision under section 29.
(4) An applicant may, on request, review the documents used by or created by the Council when considering the applicant’s application.

**Review of decision**

29. (1) An applicant whose application for registration is accepted subject to conditions or whose registration is deferred or whose application is refused may, within 30 days after being given a copy of the decision, request a review by the Council in accordance with subsection (2).
(2) A request for a review shall –
   (a) be in writing;
   (b) be addressed to the Registrar; and
   (c) set out the reasons why the application for registration should be approved with or without conditions.
(3) On being given a request for a review, the Registrar shall, within 30 days, notify the applicant of the date, time and place at which the Council will conduct the review.
(4) A review shall be commenced not later than 60 days after the Registrar is given the request for a review.
(5) The Council may charge a fee for a review.

**Review of procedure**

30. (1) An applicant or the Accreditation Committee may have legal representation at a review.
(2) On reviewing the decision the subject of a request for a review, the Council may –
(a) confirm, reverse or vary the decision and make any decision that the Accreditation Committee could have made;
(b) refer the matter back to the Accreditation Committee and direct the Accreditation Committee to make a further assessment of the application and a decision under section 27 on the application; and
(c) make any further order the Council considers necessary for the purposes of carrying out its decision.

(3) The Council shall conduct the review as soon as is reasonably possible and on making a decision under subsection (2), the Council shall give the applicant and the Registrar a copy of its decision with the reasons for the decision.

Registers

31. (1) The Council shall establish and maintain a register for members of each regulated profession.
(2) The Registrar shall enter the following information for each regulated member in the appropriate category of register maintained under subsection (1) –
   (a) the person’s full name;
   (b) the person’s address;
   (c) the person’s qualifications, including the date of receipt of the qualification;
   (d) the date of the person’s registration;
   (e) the person’s unique registration number;
   (f) whether the person’s registration is restricted or subject to any condition;
   and
   (g) any other particulars of that person as the Council may determine.
(3) Every person whose name is entered in a register shall inform the Registrar in writing of any change in his address, qualifications or other particulars.
(4) The Registrar may, in accordance with this Act, remove information from a register.
(5) The registers shall during regular business hours be open to inspection at the office of the Registrar.
(6) The Registrar may correct or remove any entry made in error in a register.
Evidence from registers
32. (1) A copy of an entry in any register purporting to be signed by the Registrar is evidence that the entry was duly made.
(2) A certificate purporting to be signed by the Registrar in relation to any entry made in a register is evidence of the matters stated therein.

Registration
33. The Council may grant general registration as a regulated member to an applicant if –
   (a) the applicant is qualified for registration under section 25;
   (b) the circumstances are such that sections 34, 35 and 36 do not apply; and
   (c) the applicant has paid the prescribed fee.

Interim registration
34. (1) The Council may on payment of the prescribed fee grant an applicant interim registration if the Registrar reasonably considers that the applicant is eligible to be registered as a regulated member but that it is not practicable to wait until the application is considered.
(2) Interim registration may be granted unconditionally or subject to conditions.
(3) The Council shall issue an interim certificate of registration to the person who is granted interim registration.
(4) The interim certificate of registration must be in the form and contain the conditions, as the Council determines.
(5) A person to whom interim registration is granted is taken to be a regulated member for the period during which the interim registration is in force subject to the conditions, if any, determined by the Council and specified in the interim certificate of registration.
(6) An interim registration is in force from the date on which it is granted until the date on which the person to whom it has been granted receives notice that the Council has –
   (a) registered the person;
   (b) refused to register the person; or
   (c) cancelled the person’s interim certificate.

Commented [A4]: Will Government medical officers be exempt from paying these fees as under section 9 of the Medical Registration Act, Chapter 293?
(7) The Council may cancel a person’s interim registration for any reason it considers sufficient.
(8) If the Council decides to cancel a person’s interim registration it shall without undue delay give the person notice of its decision and the reasons for its decisions.
(9) A notice under subsection (8) shall be served personally on the affected person, and on the service of the notice the person’s interim registration is cancelled.

**Provisional registration**

35. (1) The Council may approve the provisional registration of a person who satisfies the Council that he has been selected for employment as an intern or in such other similar capacity as may be approved by the Council in a hospital or other institution approved by the Council for the period of internship or capacity.
(2) Registration under this section may be effected without payment of any fee.

**Temporary registration**

36. (1) The Council may on payment of the prescribed fee approve the temporary registration for a period not exceeding six months of the name of any duly qualified, fit and proper person who satisfies the Council that –
   (a) he is in Saint Vincent and the Grenadines for the purpose of teaching, research or postgraduate study in a regulated profession under a training programme in an institution recognised, from time to time, by the Council for that purpose; or
   (b) he possesses knowledge, experience and skill in relation to a regulated profession which the Council considers to be of international standing or will have special value to the people of Saint Vincent and the Grenadines.
(2) The Council may renew the temporary registration of any person registered under this section on the fulfillment of the conditions specified in subsection (1).

**Certificate of registration**

37. Where a person is registered as a regulated member, the Council shall issue to him a certificate of registration, and the Council may require that there be affixed to the certificate a photograph of that person or any other evidence of identity as the Council may direct.
Return of certificate of registration
38. When the name of a regulated member is removed from any register, the Council may in writing require the regulated member to return to the Registrar his certificate of registration.

Reinstatement
39. (1) Where the name of a registered member is removed from any register pursuant to an order made by the Professional Conduct Committee under section 48 the Council may, upon application by the regulated member, if it thinks fit direct that the name be restored to the register.
(2) An application for the restoration of a name to the register under this section shall not be made to the Council –
   (a) before the expiration of two years from the date of the removal; or
   (b) more than once in any period of twelve months by or on behalf of the regulated member;
unless the regulated member has complied with all of the terms of the order made against him.

Practicing certificate
40. (1) A regulated member shall apply to the Council for a practicing certificate in the form and manner as may be required by the Council.
(2) The application must be accompanied by the prescribed fee.
(3) A practicing certificate is valid for a period of one year from the date of its issue but may be renewed upon application by the holder.
(4) An application for renewal of a practicing certificate must be made in the form as the Council may require.
(5) A practicing certificate may be renewed –
   (a) in accordance with the period of the certificate;
   (b) upon payment of the prescribed fee; and
   (c) where applicable, upon proof of the fulfillment of any other requirements of law.
(6) Where a practicing certificate is lost, mutilated or otherwise destroyed, it may be replaced by the Council by issuing a copy of the certificate on the application of the holder of the certificate and on the payment of the prescribed fee.
Practicing certificate deemed cancelled
41. Where the Council removes the name of a regulated member from a register under this Act or the registration is suspended, a practicing certificate is deemed to be cancelled and the regulated member shall forthwith surrender the certificate to the Council.

Publication of names
42. The Registrar shall, from time to time, prepare and publish in the Gazette a list of the names and the designation of the qualifications of all regulated members who have in force a valid practicing certificate.

Continuing Competence Programmes

Competence programmes
43. (1) The Council shall establish continuing competence programmes with respect to any or all regulated professions as it considers appropriate.
(2) A continuing competence programme shall provide for regulated members to maintain competence and to enhance the provision of professional services and shall be administered in a manner as may be determined by the Council.
(3) A regulated member who is granted general registration under section 33 shall satisfy continuing competence programmes.
(4) The licence of a regulated member who fails to satisfy continuing competence programmes may be suspended until such time as the Council is satisfied that the member has met the requirements of the continuing competence programme.

PART V
DISCIPLINARY PROCEEDINGS

Lodging a complaint
44. (1) A person who is aggrieved by the professional conduct of a regulated member may complain to the Council.
(2) A complaint may be made or dealt with under this Part even though the person who is the subject of the complaint was suspended at the time of the matter the subject of the complaint is made or heard.
Form of complaint
45. (1) A complaint shall –
   (a) be made in writing;
   (b) contain particulars of the matter complained of;
   (c) identify the person making the complaint; and
   (d) be lodged with the Registrar.
(2) On receipt of a complaint the Registrar shall –
   (a) record the date on which the complaint was received;
   (b) place the complaint before the Preliminary Proceedings Committee without undue delay.

Preliminary investigation
46. (1) Subject to subsection (2), the Preliminary Proceedings Committee shall conduct a preliminary investigation into each complaint made to it.
(2) The Preliminary Proceedings Committee may require the complaint to provide further particulars of the complaint.
(3) The Preliminary Proceedings Committee may refuse to investigate a complaint if it considers that the complaint is frivolous or vexations or that the matter complained of is unsubstantial.
(4) The Preliminary Proceedings Committee shall notify the regulated member of the nature of the complaint and call upon him to state in writing before a specified day any explanation or representation he may wish to make in respect of the complaint.
(5) Having regard to any explanation or representation made by the regulated member the Preliminary Proceedings Committee may –
   (a) determine that no formal inquiry shall be held; or
   (b) forward a conclusion on the matter to the Professional Conduct Committee for a formal inquiry into the matter.

Notice of enquiry
47. (1) In the conduct of a formal inquiry the Professional Conduct Committee shall serve on the regulated member against whom the formal inquiry is to be instituted a notice which shall –
   (a) specify the nature of the charge in respect of which the inquiry is to be held; and
(b) state the time and place at which the inquiry is proposed to be held.

(2) At an enquiry a regulated member shall –
   (a) have the right to legal representation; and
   (b) be permitted to give evidence, call witnesses and make oral or written submissions on his own behalf.

(3) If, at the conclusion of the hearing the Professional Conduct Committee is of the opinion that the regulated member is not guilty of professional misconduct, he shall be immediately notified of its findings, but if he is found guilty of the charge, proceedings shall be instituted under section 48.

Orders

48. (1) Where a regulated member is found or judged by the Professional Conduct Committee to be guilty of professional misconduct at the conclusion of proceedings under this Part, the Professional Conduct Committee may exercise one or more of the following powers –
   (a) by order direct the Registrar to remove the name of the regulated member from the Register;
   (b) by order suspend the registration of the regulated member for a period of not less than four months and not more than two years;
   (c) by order impose such conditions as are necessary to restrict the practice of the regulated member in the manner the Professional Conduct Committee thinks fit for a period not exceeding two years;
   (d) by order impose on the regulated member a penalty not exceeding ten thousand dollars;
   (e) in writing, censure the regulated member;
   (f) by order require the regulated member to give such undertaking as the Professional Conduct Committee thinks fit to abstain in future from the conduct complained of; or
   (g) make any other order as the Professional Conduct Committee thinks fit.

(2) Where the Professional Conduct Committee makes an order under this section, the Registrar shall as soon as practicable serve on the person to whom the order applies a notice of the order.

(3) Subject to subsection (4), an order made by the Professional Conduct Committee for the removal of any name or for the suspension of registration under
subsection (1) shall not take effect until the expiration of thirty days after the order is made.

(4) On making an order for the removal of any name or for the suspension of registration under subsection (1), the Professional Conduct Committee, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of the regulated member concerned, may order that his registration in the Register be suspended or that his name be removed from the Register as soon as practicable.

(5) Where an order under subsection (4) is made, the Registrar shall as soon as practicable serve a notice of the order on the person to whom it applies, and if that person was present or represented at the proceedings of the Professional Conduct Committee, the order shall take effect from the time the order is made.

(6) Where the person concerned is neither present nor represented at the proceedings of the Professional Conduct Committee, the order made under subsection (5) shall take effect from the time of service of the notice of the order on him.

(7) An order of the Professional Conduct Committee, other than an order for the removal of any name or for suspension of registration, shall take effect from the time the order is made.

(8) Notwithstanding anything contained in this section, where a regulated member has appealed to the High Court against an order of the Professional Conduct Committee, the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or is withdrawn.

(9) While an order of suspension of registration remains in force, the person concerned shall not be regarded as being registered notwithstanding that his name still appears in any register, but forthwith on the expiry of such order his rights and privileges as a regulated member shall be revived as from the date of such expiry provided that the regulated member has complied with all the terms of the order.

Appeal

49. A person who is aggrieved by –
(a) the refusal of the Council to grant him registration; or
(b) an order of the Professional Conduct Committee under section 48,
may within ninety days after the service on him of the notice of the refusal or order appeal to the High Court.

PART VI
OFFENCES

Registration offences
50. A person who –
(a) procures or attempts to procure registration or a certificate of registration as a regulated member or a practicing certificate under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;
(b) wilfully makes or causes to be made any false entry in the Register;
(c) forges or alters a certificate of registration as a regulated member or a practicing certificate issued under this Act;
(d) fraudulent or dishonestly uses as genuine a certificate of registration as a regulated member or a practicing certificate which he knows or has reason to believe is forged or altered; or
(e) buys, sells or fraudulently obtains a certificate of registration as a regulated member or a practicing certificate issued under this Act;

commits an offence.

Use of title
51. (1) A regulated member shall not use any qualification, title or description other than those which have been approved by the Council for his use.
(2) No person shall use any qualification, title or description either alone or in combination with any other word or words to the effect that he is –
(a) a person eligible to be a regulated member; or
(b) a regulated member of a regulated profession.
(3) A regulated member who contravenes this section commits an offence.

Restriction on practising
52. (1) A regulated member whose registration is suspended shall not practise during the suspension.
(2) A regulated member who contravenes subsection (1) commits an offence.
Penalty
53. A person who commits an offence under this Act for which a penalty is not provided is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both.

PART VII
MISCELLANEOUS

Exception
54. Nothing in this Act shall prevent –
   (a) a person from giving necessary aid which may be provided by a member of a regulated profession in cases of emergency; or
   (b) the domestic administration of home or family remedies and treatment.

Regulations
55. (1) The Minister may, on the recommendation of the Council, make Regulations to give effect to the provisions of this Act.
   (2) Without limiting subsection (1), the Regulations may be in respect of any or all of the following purposes –
      (a) the registration of regulated members;
      (b) the fees and other charges for the purposes of this Act;
      (c) the grant and renewal of practising certificates, including prescribing conditions for the grant and renewal.

Repeal
56. The following Acts are repealed –
   (a) Veterinary Surgeons Act;
   (b) Medical Registration Act.

Transitional provisions
57. (1) In this section “repealed Acts” means the Acts referred to in section 56.
   To transition from registration under the repealed Acts to this Act, certain provisions may be needed. Kindly address the following –
      1. What would be the status of existing registrations, for example, a registration as a medical practitioner under the Medical Registration Act? Would those...
persons who have been registered be automatically registered under the new legislation? For how long? And will they be issued with a licence?
2. What would be the status of an existing register?
3. Are there any pending proceedings for misconduct or any investigations or inquiries?
4. Does the present Council have any ongoing proceeding, contract, agreement or arrangement or any other matter.
The answers to the above questions will assist with a determination on the provisions (if any) that must be provided given the repeal of the Acts at clause 56.

SCHEDULE 1

MEDICAL PROFESSIONALS

1. Physicians
2. Dentists
3. Orthodontists
4. Medical Specialists
5. Ear Nose & Throat Specialists
6. Orthopedic Surgeons
7. Radiologists
8. Pathologists
9. HistoPathologists
10. Oncologists
11. Gynecologists/Obstetricians
12. Hematologists

SCHEDULE 2

ALLIED HEALTH PROFESSIONALS

1. Medical Laboratory Technologists
2. Radiographers – Radiographic Technologists (RTs)
3. Medical Sonographers – Ultrasonographers
4. Pathologic Technologists – Microbiologists,
5. Histo Technologists
6. Phlebotomists
7. Hematological Technologists
8. ElectroCardioGraphy/ElectroKardioGraphy Technologist
9. Emergency Medical Technologists
10. Medical Physicist
11. Environmental Technologist

SCHEDULE 3

ADJUVANT HEALTH PROFESSIONALS

1. Herbalists
2. Chiropractors
3. Podiatrists
4. Optometrists
5. Opticians

Passed in the House of Assembly this day of 2019.

Clerk of the House of Assembly
OBJECTS AND REASONS

This Bill seeks to repeal and replace the Medical Registration Act and the Veterinary Surgeons Act; to provide for the establishment of a Health Professionals Council; for the registration and discipline of persons in various health professions, and for related matters

Minister of Health