

# CHAPTER 132A

## HEALTH PRACTITIONERS ACT

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• Act • Subsidiary Legislation •

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### ACT

Act No. 16 of 2010

### ARRANGEMENT OF SECTIONS

#### PART I

##### *Preliminary*

1. Short title and commencement.
2. Objects of Act.
3. Interpretation.
4. Act binds the Crown.

#### PART II

##### *Registration of Medical and Dental Practitioners*

#### DIVISION 1

##### *Establishment of Medical and Dental Council*

5. Interpretation.
6. Establishment of Council.
7. Functions of Council.
8. Powers of the Council.
9. Independence of Council.
10. Delegation of Council.

#### DIVISION 2

##### *Membership and Administration*

11. Membership of the Council.
12. Chairperson and Deputy Chairperson of the Council.
13. Terms of appointment.
14. Disqualification from being a member of the Council.
15. Vacation of office.
16. Leave of absence for a member of the Council.
17. Effect of vacancy of membership.
18. Remuneration of members of the Council.
19. Conduct of business of the Council.
20. Meetings.
21. Quorum.
22. Presiding at meetings.
23. Conduct of meetings of the Council.
24. Establishment of committees of the Council.
25. Disclosure of interests.

26. Directions by Minister.
27. Funds of Council.
28. Accounts.
29. Audit.
30. Auditor's report.
31. Annual report.
32. Seal of the Council.

### DIVISION 3

#### *Registration*

33. Requirement to be registered and have a practising certificate.
34. Categories of registration.
35. Entitlement to registration of persons practising medicine or dentistry immediately prior to commencement of Act.
36. Registration in state of emergency.
37. Applicant and eligibility to apply.
38. Determination of application.
39. Internship conditions.
40. Supervised practice programme conditions.
41. Professional indemnity insurance.
42. Special grounds for refusal of registration.
43. Certificate of registration.
44. Practising certificate.
45. Display of practising certificate.
46. Application for renewal.
47. Practising certificate taken to be in force while application is considered.
48. Inquiries into application.
49. Decision.
50. Discretion to refuse to renew practising certificate.
51. Claims for fees.
52. Rules of Council.

### PART III

#### *Allied Health Practitioners*

53. Interpretation.
54. Declaration of allied health profession.

### DIVISION 1

#### *Establishment of Council*

55. Establishment of Council.
56. Membership of Council.
57. Disqualification from being a member of Council.
58. Functions of Council.
59. Independence of Council.
60. Delegation by Council.
61. Seal.
62. Chairperson and Deputy Chairperson of the Council.
63. Terms of appointment.
64. Resignation.
65. Revocation.
66. Vacation.
67. Leave of absence for a member.
68. Effect of vacancy of membership.

- 69. Remuneration.
- 70. Conduct of business of the Council.
- 71. Council to regulate own procedure.
- 72. Meetings.
- 73. Quorum.
- 74. Presiding at meetings.
- 75. Conduct of meetings of the Council.
- 76. Committees of the Council.
- 77. Declaration of interest and abstention from voting.
- 78. Directions by Minister.
- 79. Funds of Council.
- 80. Accounts.
- 81. Audit.
- 82. Auditor's report.
- 83. Annual report.

## DIVISION 2

### *Registration*

- 84. Requirement to be registered.
- 85. Registration of persons practising as allied health professionals prior to commencement of Act.
- 86. Eligibility of registration.
- 87. Application for registration.
- 88. Determination of application.
- 89. Registration of applicant and issue of licence.
- 90. Licence as evidence of entitlement to practice.
- 91. Application for renewal.
- 92. Licence taken to be in force while application is considered.
- 93. Decision.
- 94. Refusal of issuance of licence.
- 95. Rules of Council.

## PART IV

### *Keeping of Registers*

- 96. Registers.
- 97. Removal from register.
- 98. Surrender of practising certificate or licence.
- 99. Evidentiary provisions.

## PART V

### *Procedure for Complaints*

- 100. Making complaints.
- 101. Specific matters in respect of which a complaint may be under.
- 102. Complaints procedure.
- 103. Certain complaints to be dismissed.
- 104. Investigation of complaints.
- 105. Complaints dealt with by relevant Council.
- 106. Notes of decision.
- 107. Suspension or revocation of practising certificate or licence.
- 108. Revocation of suspension.

## PART VI

*Appeals*

- 109. Establishment of Appeals Board.
- 110. Hearing of appeals.

PART VII

*Offences and Regulations*

- 111. Offences of false statements and forgery.
- 112. Obstruction.
- 113. Prescribing of drugs.
- 114. Penalties where not specifically provided.
- 115. Oath of Confidentiality.
- 116. Confidentiality of information.
- 117. Keeping of records.
- 118. Repeal.
- 119. Regulations.
- Schedule Allied Health Professions

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**CHAPTER 132A  
HEALTH PRACTITIONERS ACT**

**An Act to provide for the registration and regulation of health practitioners, and for other related matters.**

[Act No. 16 of 2010.]

[*To be proclaimed.*]

PART I

*Preliminary*

**1. Short title and commencement**

(1) This Act may be cited as the Health Practitioners Act, 2010.

(2) This Act shall come into force on such day as the Governor-General shall by Proclamation appoint.

**2. Objects of Act**

The objects of this Act are as follows—

- (a) to protect the public by ensuring that health care is delivered by persons registered in accordance with the provisions of this Act, in a professional, safe and competent manner;
- (b) to promote the highest standard of professional health care in Grenada;
- (c) to determine and uphold the standards for registration of health practitioners and for professional health care practice in Grenada;
- (d) to facilitate the continuing competence of health practitioners in Grenada;
- (e) to maintain public confidence in the medical, dental and allied health profession.

**3. Interpretation**

In this Act—

“allied health profession” means an allied health profession listed in the Schedule;

“applicant” means a person who makes an application in accordance with the provisions of this Act;

“category of health care practice” means the practice of medicine, dentistry or an allied health profession listed in the Schedule;

“Chief Medical Officer” means the Chief Medical Officer appointed under the Public Health Act, Chapter 263;

“health practitioner” means a person who is registered as a health practitioner pursuant to the provisions of this Act;

“licence” means an allied health practitioner’s licence issued under section 89;

“Minister” means the Minister responsible for health services;

“practising certificate” means a practising certificate issued under section 44;

“prescribed” means prescribed by Regulations;

“relevant Council” means—

- (a) in the case of medicine and dentistry, the Council that registers a medical or dental practitioner pursuant to the provisions of this Act;
- (b) in the case of allied health care, the Council that registers an allied health practitioner pursuant to the provisions of this Act.

#### **4. Act binds the Crown**

This Act binds the Crown.

## PART II

### *Registration of Medical and Dental Practitioners*

#### DIVISION 1

### *Establishment of Medical and Dental Council*

#### **5. Interpretation**

For the purposes of this Part—

“certificate of registration” means a certificate of registration issued pursuant to section 43;

“Chairperson” means the Chairperson of the Council appointed pursuant to section 12;

“Council” means the Medical and Dental Council established pursuant to section 6;

“Deputy Chairperson” means the Deputy Chairperson of the Council appointed pursuant to section 12;

“profession” means the medical or dental profession;

“recency of practice requirements” means the requirements prescribed by regulations, that if satisfied, demonstrate that an applicant for renewal of a practising certificate has maintained an adequate connection with the medical or dental profession and may include the following—

- (a) the nature, extent and period of practice of the profession of the applicant;
- (b) the nature and extent of any continuing professional education undertaken by the applicant;
- (c) the nature and extent of any research, study or teaching, relating to the profession, undertaken by the applicant;
- (d) the nature and extent of any administrative work relating to the profession undertaken by the applicant; or
- (e) the nature and extent of absence from clinical practice if in excess of six months.

## **6. Establishment of Council**

(1) There is hereby established a body to be known as the Medical and Dental Council.

(2) The Council is a body corporate to which section 49 of the Interpretation and General Provisions Act, Chapter 153, shall apply.

## **7. Functions of Council**

The Council shall have the following functions—

- (a) to assess applications for the registration of medical and dental practitioners;
- (b) to register persons who satisfy the requirements for registration pursuant to the provisions of this Act as medical and dental practitioners;
- (c) to monitor and assess whether a medical or dental practitioner complies with the provisions of this Act;
- (d) to promote high standards in the practice of medicine and dentistry;
- (e) to ensure that all medical research is conducted according to ethical standards;
- (f) subject to section 10(1)(c), to adopt and monitor the quality of programmes for the continuing professional education of medical practitioners and dental practitioners and to encourage their participation in these programmes;  
subject to section 10(1)(c), to develop or adopt training programmes in the practice of medicine and dentistry that are relevant to a person's eligibility for registration as a medical practitioner or dental practitioner;
- (g) to confer and cooperate with educational institutions with respect to the education of persons in the practice of the medical or dental profession;
- (h) to advise the Minister with respect to the operation of this Act;
- (i) to ensure compliance with the provisions of this Act;
- (j) to develop a code of ethics with respect to medical and dental practitioners;
- (k) to investigate complaints made against a medical or dental practitioner and other matters which may be prescribed;
- (l) to determine the scope of practice for each discipline of medicine or dentistry;
- (m) to perform any other functions given to it under this Act or any other Act; and
- (n) to do all within its power to safeguard the objectives of this Act.

## **8. Powers of the Council**

(1) The Council shall have the power to do all things necessary or convenient to be done in connection with the performance of its functions.

(2) Without limiting the power conferred under subsection (1), the Council shall have the power to share information with other medical and dental registration authorities outside Grenada—

- (a) publish and distribute information pursuant to this Act to the public, health practitioners and other interested persons;
- (b) support education and research in medical and dental practice;
- (c) conduct evaluations on persons applying to be registered under this Part;
- (d) co-operate with any university, hospital or institution, whether in Grenada or elsewhere, in order to provide for the education and evaluation of medical and dental practitioners;
- (e) participate in any programme relating to the education or practice of medical or dental practitioners; and
- (f) participate in the formation of, and be a member of, any body or programme concerned with medical or dental practitioners.

## **9. Independence of Council**

In performing its functions and exercising its powers, the Council shall act independently, impartially and in the public interest.

## **10. Delegation of Council**

(1) Subject to subsection (2), the Council may delegate its functions under this Act to—

- (a) a member of the Council; or
- (b) a committee of the Council appointed pursuant to section 24, and

in the case of section 7(g) and (h), to another agency.

(2) The Council shall not delegate its power under this Act to—

- (a) approve or refuse registration;
- (b) cancel registration;
- (c) impose or remove conditions of registration; or
- (d) issue practising certificates.

## **DIVISION 2**

### *Membership and Administration*

## **11. Membership of the Council**

(1) The Council shall consist of the following members appointed by the Minister as follows—

- (a) the Chief Medical Officer who shall be an *ex officio* member;
- (b) seven members appointed by the Minister as follows—
  - (i) one medical practitioner,

- (ii) one dental practitioner,
- (iii) three medical practitioners nominated by the Medical and Dental Association, one of whom shall be a dental practitioner;
- (c) an attorney-at-law of at least eight years standing nominated by the Grenada Bar Association; and
- (d) a member of the public who is not a medical practitioner or a dental practitioner.

(2) The Minister shall, by notice published in the *Gazette*, inform the public of the names of the members of the Council as first constituted and every change in membership of the Board.

## **12. Chairperson and Deputy Chairperson of the Council**

(1) At the first meeting of the Council, the members of the Council shall elect a Chairperson and a Deputy Chairperson from among its membership.

(2) The Deputy Chairperson shall act as Chairperson of the Council—

- (a) during a vacancy in the office of Chairperson;
- (b) during all periods when the Chairperson is absent from duty or, for any other reason, is unable to perform the functions of his or her office.

## **13. Terms of appointment**

A member of the Council shall hold office for a period not exceeding five years and shall be eligible for reappointment.

## **14. Disqualification from being a member of the Council**

A person is disqualified from being a member of the Council and shall not become or continue to be appointed as a member of the Council if the person is or has been—

- (a) declared bankrupt pursuant to the provisions of the Bankruptcy Act;
- (b) declared by a Court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) convicted of a criminal offence except where the offence is a minor traffic offence; or
- (d) convicted of an offence pursuant to the provisions of this Act.

## **15. Vacation of office**

(1) A member of the Council is taken to have vacated his or her office if the member—

- (a) resigns his or her position on the Council by signed notice of resignation presented to the Minister;
- (b) cannot continue as a member under section 14; or
- (c) is absent without the permission of the Council from three consecutive meetings of the Council of which due notice has been given in writing.

(2) In addition to the circumstances stated in subsection (1), a member of the Council appointed pursuant to section 11 (1)(b)(i), (ii) and (iii) is also taken to have vacated his or her office if the member ceases to be a medical practitioner or a dental practitioner registered pursuant to the provisions of this Act.



## **16. Leave of absence for a member of the Council**

(1) The Minister may approve a leave of absence for a member of the Council for a period not exceeding three months.

(2) Pursuant to subsection (1) the Minister may appoint another person to act in the office of the member while the member is absent on approved leave of absence.

(3) A person appointed pursuant to subsection (2) shall belong to the same category of persons to which the member who has been granted leave belongs.

## **17. Effect of vacancy of membership**

The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members of the Council or by any defect in the appointment of a member of the Council.

## **18. Remuneration of members of the Council**

A member of the Council shall be entitled to be paid such fees and allowances as may be prescribed.

## **19. Conduct of business of the Council**

(1) Subject to this Part, the Council may conduct its business, including its meetings, in the way it considers appropriate.

(2) The Minister shall provide the Council with a secretary, staff, accommodation, services and other facilities as appear to the Minister to be necessary or expedient to enable the Council to carry out its functions under the Act.

(3) The secretary shall keep the minutes of the meeting of the Council.

## **20. Meetings**

(1) Meetings of the Council shall be held at the times and place the Chairperson shall decide.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting if asked, in writing, to do so by the Minister or by three members of the Council.

## **21. Quorum**

The quorum for a meeting of the Council shall be five.

## **22. Presiding at meetings**

(1) The Chairperson shall preside at all meetings of the Council at which he or she is present.

(2) If the Chairperson is absent from a meeting of the Council, but the Deputy Chairperson is present, the Deputy Chairperson shall preside.

(3) If the Chairperson and the Deputy Chairperson are both absent from a meeting of the Council, the members shall select a member present at the said meeting to preside.

## **23. Conduct of meetings of the Council**

(1) All decisions of the Council shall be decided by a majority of members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote.

(2) A resolution is validly made by the Council, even if it is not passed at a meeting of the Council, if—

- (a) a majority of the members give written agreement of the resolution; and
- (b) notice of the resolution is given under the procedures approved by the Council.

(3) The Council shall keep in the minutes of its meetings, a record of any resolution made pursuant to subsection (2).

#### **24. Establishment of committees of the Council**

(1) The Council may establish committees of the Council as it considers necessary for effectively and efficiently performing its functions.

(2) The chairperson of a committee established pursuant to subsection (1) shall be a member of the Council.

(3) The Council shall decide the terms of reference of a committee.

(4) The functions of a committee established under subsection (1) shall be—

- (a) to advise and make recommendations to the Council with respect to matters, within the scope of the functions of the Council, referred by the Council to the committee; and
- (b) subject to section 10, to exercise the powers delegated to it by the Council.

(5) A committee established under subsection (1) shall keep a record of any decision it makes when exercising a power delegated to it by the Council.

(6) A member of the committee shall be entitled to be paid such fees and allowances as shall be determined by the Council.

#### **25. Disclosure of interests**

(1) This section applies to a member of the Council or a member of the committee if—

- (a) the member has a direct or indirect interest in an issue being considered, or about to be considered, by the Council or a committee; and
- (b) the interest could conflict with the proper performance of the duties of the member with respect to the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the knowledge of a member, the member shall disclose the nature of the interest to a Council or a committee meeting.

(3) Unless the Council or the committee otherwise directs, the member shall not—

- (a) be present at the meeting when the Council or committee considers the issue; or
- (b) take part in a decision of the Council or committee with respect to the issue.

(4) Pursuant to subsection (1), the member of the Council or committee shall not be present when the Council or committee is considering giving a direction under subsection (3).

#### **26. Directions by Minister**

(1) The Minister may give the Council a written direction in relation to a matter relevant to the performance of its functions pursuant to this Act, if the Minister is satisfied that it is necessary to give the direction in the public interest.

- (2) Without limiting subsection (1), the direction may be to—
- (a) give reports and information; or
  - (b) apply to the Council a policy, standard or other instrument applying to a public sector unit.
- (3) A direction issued pursuant to subsection (1) shall not be in relation to—
- (a) the registration or refusal of registration of an applicant;
  - (b) the suspension or revocation of a practising certificate issued pursuant to this Act; or
  - (c) the imposing or removal of conditions, on the registration of an applicant.

## **27. Funds of Council**

The Funds of the Council shall consist of such monies as may, from time to time, be placed at its disposal for the purpose of this Act by Parliament and such other monies as may be lawfully paid to the Council.

## **28. Accounts**

The Council shall keep proper records of its accounts in accordance with generally accepted international accounting standards and principles, and shall prepare and retain financial statements in respect of each financial year.

## **29. Audit**

(1) The Council shall as soon as is practicable after each financial year, have its accounts audited by the Director of Audit or an auditor appointed by the Director of Audit, who shall conduct the audit in accordance with generally accepted international accounting standards and principles.

(2) The Council and its employees shall grant to the Director of Audit or the auditor appointed by him or her under subsection (1) access to all books, deeds, contracts, accounts, vouchers or other documents which the auditor may deem necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person who is required to appear, make a signed statement or to provide information pursuant to subsection (2) and fails to comply, commits an offence and upon summary conviction is liable to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding two months or to both, and to revocation of his or her appointment as a member of the Council or a committee appointed by the Council under section 24 of this Act.

## **30. Auditor's report**

The Director of Audit or an auditor appointed pursuant to section 29 shall as soon as practicable and not later than three months after the end of each financial year submit copies of the audited financial statement to the Council.

## **31. Annual report**

(1) Subject to subsection (2) and not later than three months after the end of each financial year, the Council shall submit to the Minister an annual report on the work and activities of the Council for that financial year and the Minister shall not later than one month thereafter lay the same in Parliament.

(2) An annual report submitted under subsection (1) shall be accompanied by the auditor's report made pursuant to section 30.

(3) A summary of an annual report pursuant to subsection (1) shall be published in the *Gazette* and a copy of the report shall be available to the public on payment of the prescribed fee to the Council.

### **32. Seal of the Council**

(1) The Council shall have an Official Seal.

(2) The affixing of the Official Seal of the Council shall be in the presence, and witnessed by—

- (a) the signature of the Chairperson or the Deputy Chairperson; and
- (b) the Secretary to the Council.

(3) All documents which are executed by the Council, other than required by law to be under seal, and all decisions of the Council shall be signed by—

- (a) the Chairperson or any other member duly authorised in writing by the Chairperson to act on behalf of the Chairperson; and
- (b) the Secretary.

## DIVISION 3

### *Registration*

### **33. Requirement to be registered and have a practising certificate**

(1) A person shall not practice medicine or dentistry or hold himself or herself out to be a medical practitioner or a dental practitioner in Grenada unless that person is registered in the relevant category of registration in accordance with the provisions of this Act, complies with this Act, and the conditions of registration.

(2) A person shall not practise medicine or dentistry or hold himself or herself out to be a medical practitioner or a dental practitioner in Grenada unless that person holds a valid practising certificate for that purpose issued in accordance with section 44.

(3) A person who contravenes—

- (a) subsection (1) only, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years;
- (b) subsections (1) and (2), at the same time, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years;
- (c) subsection (2) only, commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

(4) For the purposes of this section a person holds himself or herself out to be a medical practitioner or a dental practitioner by using or taking such title or pretending to be a medical practitioner or a dental practitioner and implying that he or she is qualified to practise medicine or dentistry.

### **34. Categories of registration**

(1) Registration as a medical practitioner or dental practitioner pursuant to this Act shall be either Full Registration or Limited Registration and shall be divided into the following categories—

- (a) Full Registration which shall include registration as—
  - (i) General Practitioner,
  - (ii) Specialist Practitioner;
- (b) Limited Registration which shall include registration as—
  - (i) a Temporary Practitioner, or
  - (ii) a Conditional Practitioner.

(2) Registration as a General Practitioner pursuant to the provisions of this Act, entitles a person who holds the qualifications set out in section 37(5)(a) and (b)(i) to practise general medicine or general dentistry unless such registration is cancelled pursuant to the provisions of this Act.

(3) Registration as a Specialist Practitioner pursuant to the provisions of this Act, entitles a person who holds the qualifications set out in section 37(5)(a) and (b)(ii) to practise medicine or dentistry in such area of specialty unless such registration is cancelled pursuant to the provisions of this Act.

(4) Registration as a Temporary Practitioner pursuant to the provisions of this Act, entitles a person who holds the qualifications set out in section 37(5)(a) and (b)(iii) to practise general medicine or general dentistry, or practice medicine or dentistry in an area of specialty pursuant to the provisions of this Act.

(5) Registration as a Conditional Practitioner entitles a person to practise medicine or dentistry subject to conditions stipulated by the Council and shall include a medical practitioner or a dental practitioner in training and on probation.

(6) Save and except in the case of an emergency, a person who is registered as a General Practitioner shall not practise in any area of specialty of medicine or dentistry unless he or she is also registered as a Specialist Practitioner pursuant to the provisions of this Act.

(7) A person who contravenes subsection (6) commits an offence and on conviction, is liable to a fine not exceeding fifty thousand dollars.

### **35. Entitlement to registration of persons practising medicine or dentistry immediately prior to commencement of Act**

(1) The Council shall, immediately upon the commencement of this Act, cause to be entered in the Register the particulars specified in section 96 in respect of all persons who immediately before commencement of this Act, were registered as medical practitioners and dental practitioners under the Medical Practitioners, Dentists and Veterinary, Surgeons Registration Act, without application made on the part of these persons and without the payment of any fee, and pending such entry, such persons shall continue to practise as they did prior to this Act; but shall within six months of passage of this Act file with the Council the necessary applications and prescribed fees to be deemed to be General Practitioners, Specialist Practitioners or Temporary Practitioners as the case may be.

(2) The Council shall within three months of receipt of all necessary documents issue relevant registration and practising certificates in accordance with the provisions of this Act for a period not exceeding—

- (a) in the case of a General Practitioner or a Specialist Practitioner, two years unless cancelled prior to expiry in accordance with the provisions of this Act;

- (b) in the case of a Temporary Practitioner, six months unless cancelled prior to expiry in accordance with the provisions of this Act,

after which time an application is required to be made for re-registration in accordance with section 37.

(3) Upon entering the name of such person entitled to be registered pursuant to this subsection (1) in the Register, the Council shall also issue a practising certificate to him or her pursuant to section 44, for the period referred to in subsection (2) after which time an application for the practising certificate is required to be made in accordance with section 44.

### **36. Registration in state of emergency**

(1) Notwithstanding any provisions of this Act, where at any time in the opinion of the Governor-General, a state of emergency renders it necessary, the Governor-General, acting on the advice of the Chief Medical Officer, may authorise a person to practice as a General Practitioner, Specialist Practitioner or Temporary Practitioner and to issue a practising certificate to a person who shows to the satisfaction of the Governor-General that the person is of good character and holds the qualifications prescribed under section 37.

(2) A person registered by virtue of subsection (1), shall cease to be registered if the Governor-General at any time, by Order, declares that the state of emergency which was the occasion for the registration, has ceased to exist.

### **37. Applicant and eligibility to apply**

(1) A person may, subject to subsection (2), apply to the Council for registration as a medical practitioner or a dental practitioner.

(2) An application pursuant to this section shall—

- (a) be in writing in the prescribed form;
- (b) specify the category of registration being applied for;
- (c) be accompanied by the following—
  - (i) the original or certified copies of the applicant's medical or dental certificates,
  - (ii) the prescribed application fee,
  - (iii) proof that the applicant is a fit and proper person to practise medicine or dentistry in Grenada,
  - (iv) a certificate of good standing from the previous registration body of the applicant, where applicable,
  - (v) a police certificate of character from the last jurisdiction where the applicant was last employed, where applicable,
  - (vi) a valid registration certificate from a jurisdiction where the applicant has practised, where applicable,
  - (vii) an updated curriculum vitae where applicable,
  - (viii) a certified copy of the applicant's work permit, where applicable, and
  - (ix) such other information as the Council may require.

(3) All information submitted with an application pursuant to this section shall be verified by a statutory declaration.

(4) For the purposes of this section, a person shall not be eligible for registration as a General Practitioner, Specialist Practitioner or a Temporary Practitioner pursuant to this Act if the person is—

- (a) declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (b) convicted of a criminal offence except where the offence is a minor traffic offence;
- (c) convicted of an offence pursuant to the provisions of this Act or a criminal offence relating to the practice of medicine or dentistry against another law applying, or that applied, in Grenada or in a foreign state.

(5) For the purposes of this section, a person shall be eligible for registration as a General Practitioner, Specialist Practitioner or a Temporary Practitioner if the person is not disqualified by virtue of subsection (4), and—

- (a) holds a qualification or degree granted by a University or School of Medicine which, in the opinion of the Council, is evidence of satisfactory training in medicine or dentistry for the category of registration being applied for; and
- (b) in the case of—
  - (i) registration as a General Practitioner, subject to sections 39 and 40 the person has completed the prescribed internship or training or has the practical experience in the practice of general medicine or dentistry for the prescribed continuous number of years immediately prior to making the application for registration, or
  - (ii) registration as a Specialist Practitioner, the person has the training or practical experience to practise medicine or dentistry in the area of specialty for the prescribed continuous number of years immediately prior to making the application for registration,
  - (iii) registration as a Temporary Practitioner—
- (d) in the practice of general medicine or general dentistry, the person has completed the prescribed internship or training or has the practical experience in the practice of general medicine or dentistry for the prescribed continuous number of years immediately prior to making the application for registration; or
- (e) in an area of specialty, the person has the training or practical experience to practise medicine or dentistry in the area of specialty for the prescribed continuous number of years immediately prior to making the application for registration.

### **38. Determination of application**

(1) In determining an application, the Council—

- (a) may investigate the applicant;
- (b) may, by notice given to the applicant, require the applicant to give the Council within a reasonable time of at least thirty days as stated in the notice, further information or a document which the Council may reasonably require to consider the application; and

may, by notice given to the applicant, require the applicant to undergo a written, practical or oral examination within a reasonable time of at least thirty days as stated in the notice, and at a reasonable place to determine the applicant's ability to practise medicine or dentistry in Grenada competently and safely;

- (c) shall have regard to—
  - (i) the applicant's ability to communicate fluently in English, and
  - (ii) any other issue which the Council may deem relevant to the applicant's ability to practice medicine or dentistry in Grenada competently and safely, and
  - (iii) the advice and recommendations of any university or other institution which offers training and certification in general medicine or general dentistry or in an area of specialty in medicine or dentistry.

(2) The Council may require the information or document required pursuant to subsection (1)(b) to be verified by a statutory declaration.

(3) An applicant is taken to have withdrawn an application if within the stated time, the applicant—

- (a) does not comply with a requirement under subsection (1)(b); or
- (b) does not undergo an examination under subsection (1)(c).

(4) Where the Council is satisfied that an applicant is entitled to be registered as a General Practitioner, Specialist Practitioner or a Temporary Practitioner as the case may be, the Council shall register the applicant and may do so subject to such conditions pursuant to the provisions of this Act or other conditions which the Council considers necessary or desirable to enable the applicant to practice medicine or dentistry in Grenada competently and safely and shall give notice in writing to the applicant of the conditions.

(5) Where the Council is not satisfied that the applicant is entitled to be a registered General Practitioner, Specialist Practitioner or a Temporary Practitioner as the case may be, it shall refuse to register the applicant.

(6) The Council shall, as soon as is practicable after it makes a decision to refuse to register an applicant, give notice in writing to the applicant of the refusal to register, the reasons for refusal and the applicant's right to appeal pursuant to the provisions of this Act.

(7) If the Council decides to register an applicant subject to conditions as stated in subsection (4), it shall decide the review period applying to the conditions and give the applicant notice in writing with respect to the review period.

### **39. Internship conditions**

(1) This section shall apply if—

- (a) the Council decides to register an applicant as a General Practitioner who has satisfied the requirements of section 37(5)(a); and
- (b) the applicant has not for the purposes of section 37(5)(b)(i) commenced or to the satisfaction of the Council completed—
  - (i) the prescribed internship, or
  - (ii) an internship for the practice of general medicine or general dentistry that is substantially equivalent to the prescribed internship, or the applicant has completed an internship programme but the Council has decided that a further internship period is required.

(2) In making a decision to register an applicant as a General Practitioner where subsection (1) applies, the Council shall have regard to the following—

- (a) the duration of any internship undertaken by the applicant; and
- (b) the nature and extent of the experience gained and training undertaken, during the internship.



(3) The Council shall impose the following conditions on the registration of a person as a General Practitioner where subsection (1) applies—

- (a) if the applicant has not commenced an internship for the practice of general medicine or general dentistry—
  - (i) that the applicant may practise general medicine or general dentistry only in accordance with the prescribed internship, and
  - (ii) that the applicant shall complete the prescribed internship, to the satisfaction of the Council, within the period that is prescribed;
- (b) if the applicant has commenced an internship for the practice of general medicine or general dentistry—
  - (i) that the applicant may practise general medicine or general dentistry only in accordance with the part of the prescribed internship decided by the Council for the applicant, and
  - (ii) that the applicant shall complete the part of the prescribed internship, to the satisfaction of the Council, within the period decided by the Council.

(4) In deciding the part of the prescribed internship to be completed, and the period within which it shall be completed, the Council shall have regard to the following—

- (a) the nature, extent and experience gained, and training undertaken in the practice of general medicine or general dentistry, by the applicant during the partially completed internship; and
- (b) any reports from any person who has supervised the applicant in the practice of general medicine or general dentistry.

(5) Where the Council decides to impose conditions pursuant to subsection (3) on registration, the Council shall, as soon as is practicable, give the applicant notice of the internship conditions imposed.

#### **40. Supervised practice programme conditions**

(1) This section shall apply if the Council decides to register an applicant as a General Practitioner, Specialist Practitioner or Temporary Practitioner who has satisfied the requirements of section 37(5)(a); and for the purpose of section 37(5)(b)(i) and (ii), the applicant does not in the opinion of the Council have the relevant training and practical experience in the practice of general medicine or general dentistry or the relevant training certification and practical experience in the area of specialty in medicine or dentistry.

(2) In deciding whether the applicant has the relevant training or practical experience in the practice of general medicine or general dentistry or relevant training certification or practical experience to practise medicine or dentistry in an area of specialty, the Council may have regard to the following—

- (a) the nature and extent of the applicant's training or practical experience in the practice of general medicine or general dentistry or in the practice of medicine or dentistry in the area of specialty;
- (b) the advice and recommendations about the applicant from an entity recognised by the Council as competent to assess training in the practice of general medicine or general dentistry or in the practice of medicine or dentistry in the area of specialty;
- (c) specific guidelines for qualification by experience to be developed.

(3) Pursuant to subsection (1), the Council may impose the following conditions on registration—

- (a) that the applicant shall practise general medicine or general dentistry or practise medicine or dentistry in the area of specialty, only in accordance with a supervised practice programme, approved by the Council; and
- (b) that the applicant shall complete, to the satisfaction of the Council, the supervised practise programme within the prescribed period.

(4) In deciding the content of the supervised practice programme pursuant to subsection (3)(a), and the prescribed period pursuant to subsection (3)(b), the Council may have regard to the nature and extent of the applicant's training or practical experience in the practice of general medicine or general dentistry or the applicant's training or practical experience in the practice of medicine or dentistry in the area of specialty, as the case may be.

#### **41. Professional indemnity insurance**

(1) Subject to subsection (2), it shall be a condition that a person shall not practise medicine or dentistry in Grenada unless that person secures and maintains adequate professional indemnity insurance as determined by the Council with an insurance body recognised by the Council for that purpose.

(2) Where a person referred to in subsection (1) is employed solely by an institution or other person, the institution or other person shall maintain adequate professional indemnity insurance on behalf of that person.

(3) Subsections (1) and (2) shall not apply to a person solely employed by the Crown.

(4) A person who contravenes the provisions of subsection (1) or (2) commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years.

#### **42. Special grounds for refusal of registration**

Without limiting section 33, the Council may determine that an applicant is not entitled to be registered if—

- (a) the applicant's right of practice under the law of another jurisdiction has been suspended or revoked for a reason relating to the applicant's professional conduct, competence, or capacity to practise;
- (b) the applicant has been convicted in Grenada or elsewhere, of an offence of a kind that, in the opinion of the Council, makes it not in the interest of the public to allow the applicant to practise; or
- (c) the Council is of the opinion that the applicant's use of alcohol or drugs may impact on his or her ability to practise.

#### **43. Certificate of registration**

(1) The Council shall subject to subsection (2), issue a certificate of registration to a person registered pursuant to this Part on payment of the prescribed registration fee.

(2) A certificate of registration issued pursuant to subsection (1) shall be—

- (a) in the prescribed form and shall specify the following information—
  - (i) the name of the medical practitioner or dental practitioner,
  - (ii) the category of registration,
  - (iii) the nature and character of the medical practice or dental practice which may be performed, and
  - (iv) the conditions of registration;

- (b) evidence that the person named in it is duly registered as a medical practitioner or a dental practitioner in the category specified in the certificate of registration; and
- (c) valid, unless cancelled or expired pursuant to this Act.

#### **44. Practising certificate**

(1) Where a medical practitioner or dental practitioner holds a valid certificate of registration pursuant to this Act, the medical practitioner or dental practitioner may apply in the prescribed form for a practising certificate for the purpose of carrying on the practice of medicine or dentistry in the category of registration for which he or she is registered.

(2) The Council shall consider an application made pursuant to this section and may, subject to the provisions of this section, decide to issue or refuse to issue a practising certificate to the applicant.

(3) In making its decision, the Council shall have regard to the extent if any, to which the applicant has satisfied the recency of practice requirements.

(4) Before deciding on an application for the issuing of a practising certificate, the Council—

- (a) may investigate the applicant;

may, by notice in writing given to the applicant, require the applicant to give the Council within a reasonable time of at least thirty days as stated in the notice, further information or a document which the Council may reasonably require to decide the application for renewal; and

- (b) may, if the Council is not satisfied that the applicant has satisfied the recency of practice requirements, by notice given to the applicant, require the applicant to undergo a written, practical or oral examination within a reasonable time of at least thirty days as stated in the notice, and at a reasonable place.

(5) The Council may require the information or document required pursuant to subsection (4)(b) to be verified by a statutory declaration.

(6) The purpose of an examination pursuant to subsection (4)(c) shall be to assess any effect the applicant's non satisfaction of the recency of practice requirements has on the ability of the applicant to practise the profession competently and safely.

(7) An applicant is taken to have withdrawn the application if within the stated time, the applicant does not comply with a requirement pursuant to subsection (4)(b) or does not undergo an examination pursuant to subsection (4)(c).

(8) If the Council is not satisfied that the applicant has satisfied the recency of practice requirements, the Council may issue the practising certificate to the applicant subject to such conditions the Council considers will sufficiently address the extent to which that applicant has not satisfied such requirements.

(9) Before deciding to issue a practising certificate on recency of practice conditions pursuant to subsection (3), the Council shall—

- (a) give notice in writing to the applicant—

- (i) of the details of the proposed conditions,
- (ii) of the reason of the proposed imposition of the conditions,
- (iii) that the applicant may make a written submission to the Council with respect to the proposed conditions, within a reasonable time of at least fourteen days as stated in the notice; and

(b) have regard to any written submission made to the Council by the applicant.

(10) If the Council decides to issue the practising certificate on recency of practice conditions, the Council shall, as soon as is practicable, decide the review period which shall apply to the conditions and give the applicant notice in writing of the period.

(11) The Rules made pursuant to section 52 shall provide for the procedure for review under subsection (10).

(12) The Council may refuse to issue a practising certificate—

- (a) if the medical practitioner or dental practitioner fails to pay the prescribed practising certificate fee;
- (b) if the medical practitioner or dental practitioner fails to provide any information required by the Council by a date specified by the Council;
- (c) if the medical practitioner or dental practitioner has not practised for a period of time as specified by the Council, unless the Council is satisfied that he or she complies with the requirements of section 37; or
- (d) if the medical or dental practitioner fails to meet the recency of practice requirements.

(13) A practising certificate shall not be issued unless the Council is satisfied that the medical practitioner or dental practitioner to whom the practising certificate is to be issued—

- (a) has adequate professional indemnity insurance in place; or
- (b) is exempt from the requirement of professional indemnity insurance,

in accordance with section 41.

(14) Where the Council decides to grant a practising certificate pursuant to this section, the practising certificate shall be issued on payment of the prescribed practicing certificate fee.

(15) A practising certificate shall be—

- (a) in the prescribed form and shall specify the following information—
  - (i) the name of the medical or dental practitioner,
  - (ii) the category of registration,
  - (iii) the nature and character of the medical practice or dental practice which may be performed, and
  - (iv) the conditions of registration; and
- (b) evidence that the person named in it is duly certified to practise medicine or dentistry in the category of registration specified in the practising certificate.

(16) A practising certificate shall be valid for a period of—

- (a) three years in the case of a General Practitioner or a Specialist Practitioner registered pursuant to the provisions of this Part;
- (b) six months in the case of a Temporary Practitioner registered pursuant to the provisions of this Part; or
- (c) the duration of a state of emergency, in the case of a registration of a medical practitioner or dental practitioner registered pursuant to section 36,

unless suspended or revoked pursuant to the provisions of this Act, and is renewable.

(17) The Council shall, as soon as is practicable after it makes a decision to refuse to issue a practising certificate to an applicant, give notice in writing to the applicant of the

refusal to issue the practising certificate, the reasons for refusal and the applicant's right to appeal pursuant to the provisions of this Act.

#### **45. Display of practising certificate**

The holder of a practising certificate shall display the practising certificate in a prominent place in an area where he or she conducts his or her practice.

#### **46. Application for renewal**

(1) The Council shall give to a medical or dental practitioner, registered under this Act; notice of the imminent expiry of his or her practising certificate at least sixty days before expiry.

(2) Subject to subsections (3) and (4), a medical practitioner or dental practitioner shall apply to the Council for the renewal of his or her practising certificate.

(3) An application made pursuant to subsection (1) shall only be decided by the Council if it is received within the period starting sixty days before the expiry of the practising certificate and ending immediately before the expiry of the practising certificate.

(4) An application made pursuant to subsection (3) shall—

- (a) be in the prescribed form; and
- (b) be accompanied by—
  - (i) the prescribed renewal fee,
  - (ii) evidence of continuing professional development and continuing medical education, and
  - (iii) any documents or information which the Council reasonably requires to decide the application.

#### **47. Practising certificate taken to be in force while application is considered**

(1) If an application for renewal is made pursuant to section 46, the applicant's practising certificate is taken to continue in force from the day it would, apart from this section, have expired until—

- (a) if the Council decides to renew the practising certificate, the day the renewal is issued to the applicant pursuant to section 49;
- (b) if the Council decides to refuse to renew the practising certificate, the day the notice of the decision to refuse the application for renewal is given to the applicant pursuant to section 49; or
- (c) if the application is taken to have been withdrawn pursuant to section 48(3), the day it is taken to have been withdrawn.

(2) Subsection (1) shall not apply if the practising certificate has been suspended in accordance with the provisions of this Act.

#### **48. Inquiries into application**

(1) Before determining an application for renewal, the Council—

- (a) may investigate the applicant;
- (b) may, by notice in writing given to the applicant, require the applicant to provide to the Council within reasonable time of at least thirty days as stated in the notice, further information or a document which the Council may reasonably require to determine the application for renewal, and

may, if the Council is not satisfied that the applicant has satisfied the recency of practice requirements, by notice given to the applicant, state conditions under which an application may be reconsidered.

(2) The Council may require the information or document required pursuant to subsection (1)(b) to be verified by a statutory declaration.

(3) An applicant is taken to have withdrawn the application if within the stated time, the applicant does not provide the requested information under subsection (1)(b) or does not comply with the conditions under subsection (1)(c).

#### **49. Decision**

(1) The Council shall consider the application and decide to renew or refuse to renew, the applicant's practising certificate.

(2) In making its decision, the Council shall have regard to the extent if any, to which the applicant has satisfied recency of practice requirements.

(3) If the Council is not satisfied that the applicant has satisfied recency of practice requirements, the Council may renew the practising certificate of the applicant subject to such conditions as the Council considers will sufficiently address the extent to which that applicant has not satisfied the requirements.

(4) Before deciding to renew a practising certificate on recency of practice conditions pursuant to subsection (3), the Council shall—

- (a) give notice in writing to the applicant—
  - (i) of the details of the proposed conditions,
  - (ii) of the reason for the proposed imposition of the conditions,
  - (iii) that the applicant may make a written submission to the Council with respect to the proposed conditions, within a reasonable time of at least fourteen days stated in the notice; and
- (b) have regard to any written submission made to the Council by the applicant.

(5) If the Council decides to renew the practising certificate on recency of practice requirements, the Council shall, as soon as is practicable, decide the review period which shall apply to the conditions and give the applicant notice in writing of the period.

#### **50. Discretion to refuse to renew practising certificate**

(1) The Council may refuse to renew a practicing certificate—

- (a) if the medical practitioner or dental practitioner fails to pay the prescribed practising certificate fee;
- (b) if the medical or dental practitioner fails to provide any information required by the Council by a date specified by the Council;
- (c) if the medical practitioner or dental practitioner has not practised for a period of time as specified by the Council unless the Council is satisfied that he or she complies with the requirements of section 37, or

if the medical practitioner or dental practitioner fails to meet the recency of practice requirements.

(2) The Council shall, as soon as is practicable after it makes a decision to refuse to renew a practising certificate to an applicant, give notice in writing to the applicant of the refusal to renew the practising certificate, the reasons for refusal and the applicant's right to appeal pursuant to the provisions of this Act.

## **51. Claims for fees**

(1) A person who practises medicine or dentistry in contravention of the provisions of this Act shall not be entitled to maintain any action for recovery of any fee on account of or in relation to any health service provided by that person in the course of the practice of medicine or dentistry.

(2) A person who holds a valid certificate of registration and a valid practising certificate shall be entitled to demand and to recover in any court of competent jurisdiction, his or her charges for professional aid, advice and visit, and the cost of any medicine or surgical appliances rendered or supplied by the person to his or her patients.

## **52. Rules of Council**

Subject to the approval of the Minister, the Council may make rules for any of the following matters—

- (a) the proper conduct of its affairs, including the time, manner and place of its meetings and its proceedings;
- (b) the determination of professional conduct and general fitness to practise medicine or dentistry;
- (c) the conduct of examinations and matters relating to such examination, the implementation of a procedure with respect to the review of recency of practise requirements;
- (d) the implementation of a Code of Ethics for medical practitioners and dental practitioners;
- (e) the requirements for residency training and qualification examination for certification;
- (f) the qualification and eligibility requirements for a person who wishes to obtain the permission of the Council to—
  - (i) research or teach medicine or dentistry,
  - (ii) conduct research that involves human subjects, or
  - (iii) use and dispose of human material;
- (g) permission to carry on any of the activities specified in paragraph (g);
- (h) any other matter which the Council may deem necessary for the effective implementation of the provisions of this Part.

## **PART III**

### *Allied Health Practitioners*

## **53. Interpretation**

In this Part—

“allied health practitioner” means a person who is registered pursuant to the provisions of this Part;

“allied health profession” means any profession specified in the Schedule;

“Chairperson” means a person appointed pursuant to section 62;

“Council” means the Allied Health Professional Council established pursuant to section 55;

“Deputy Chairperson” means a person appointed pursuant to section 62;

“licence” means an allied health practitioner’s licence issued pursuant to section 89;

“Medical and Dental Council” means the Medical and Dental Council established pursuant to section 6.

#### **54. Declaration of allied health profession**

(1) The professions listed in the Schedule are hereby declared to be allied health professions for the purposes of this Act.

(2) Subject to subsection (3), the Minister may by Order, after consultation with the Council, amend the Schedule.

(3) An Order made pursuant to subsection (2) to amend the Schedule to declare a profession to be an allied health profession shall not be made unless—

- (a) the Minister has given interested persons, organisations and other bodies an opportunity to make representations to him or her concerning the proposed declaration; and
- (b) the Minister, subject to subsection (4), considers that it is appropriate and in the public interest that the profession be declared as such pursuant to the provisions of this Act.

(4) In considering, for the purposes of subsection (3)(b), whether it is appropriate and in the public interest that a profession be declared as an allied health profession, the Minister shall have regard to the following factors—

- (a) the extent to which the profession has a defined scope of practice and applies a distinct body of knowledge;
- (b) the extent to which the profession has established itself, including whether there is at least one professional body representing a significant portion of the practitioners of the profession;
- (c) the existence of defined routes of entry into the profession and of independently assessed entry qualifications;
- (d) the allied health profession’s commitment to continuous professional development;
- (e) the degree of risk to the health, safety or welfare of the public; and
- (f) any other factors that the Minister considers relevant.

### DIVISION 1

#### *Establishment of Council*

#### **55. Establishment of Council**

(1) There is hereby established a body to be known as the Allied Health Professionals Council.

(2) The Council is a body corporate to which section 49 of the Interpretation and General Provisions Act, Chapter 153, shall apply.

#### **56. Membership of Council**

(1) The Council shall comprise of the following seven members—



- (a) the Chief Medical Officer, who shall be an *ex officio* member;
- (b) the following persons who shall be nominated and appointed by the Minister—
  - (i) four allied health practitioners,
  - (ii) one registered medical practitioner,
  - (iii) an attorney-at-law of at least eight years standing, and
  - (iv) a member of the public who is not an allied health practitioner; a medical practitioner or a dental practitioner.

(2) The appointments made pursuant to subsection (1)(b)(i) shall be a representation of the varying allied health professions listed in the Schedule.

### **57. Disqualification from being a member of Council**

A person is disqualified from being a member of the Council and shall not become or continue to be appointed as a member of the Council if the person is or has been—

- (a) declared a bankrupt pursuant to Bankruptcy Act, Chapter 27;  
declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (b) convicted of a criminal offence except where the offence is a minor traffic offence;
- (c) convicted of an offence pursuant to the provisions of this Act.

### **58. Functions of Council**

The Council shall have the following functions—

- (a) to assess and determine applications for registration of persons as allied health practitioners;
- (b) to register persons who satisfy the requirements for registration as allied health practitioners;
- (c) to monitor and assess whether an allied health practitioner complies with the conditions of this Act;
- (d) to investigate complaints against allied health practitioners referred to it and of its own motion;
- (e) to ensure compliance with prescribed standards of practice for allied health practitioners, including codes of professional conduct and ethics;
- (f) to advise the Minister, either on its own initiative or at the request of the Minister, on all matters relating to its functions pursuant to this Act;
- (g) to encourage all bodies or associations relating to the allied health professions listed in the Schedule to collaborate with each other where practicable, including in the professional and educational training of allied health practitioners;
- (h) to develop or adopt training programmes in the practice of the varying allied health professions that are relevant to a person's eligibility for registration;
- (i) to promote high standards of professional conduct and professional education, training and competence among persons registered as allied health practitioners;
- (j) to monitor and enforce compliance with this Act;

- (k) to do such other things as may be necessary and reasonable to further its objects in accordance with this Part; and
- (l) to perform any other functions assigned to it by the Minister.

### **59. Independence of Council**

In performing its functions and exercising its powers, the Council shall act independently, impartially and in the public interest.

### **60. Delegation by Council**

(1) Subject to subsection (2), the Council may delegate its functions under this Act to—

- (a) a member of the Council; or
- (b) a committee of the Council appointed pursuant to section 76.

(2) The Council shall not delegate its power under this Act to—

- (a) approve or refuse registration;
- (b) cancel registration;
- (c) impose or remove conditions of registrations;
- (d) enter into a service agreement; or
- (e) issue a licence.

### **61. Seal**

(1) The Council shall have an Official Seal.

(2) The affixing of the Official Seal of the Council shall be in the presence, and witnessed by—

- (a) the signature of the Chairperson or the Deputy Chairperson; and
- (b) the Secretary to the Council.

(3) All documents which are executed by the Council, other than required by law to be under seal, and all decisions of the Council shall be signed by—

- (a) the Chairperson or any other member duly authorised in writing by the Chairperson to act on behalf of the Chairperson; and
- (b) the Secretary.

### **62. Chairperson and Deputy Chairperson of the Council**

(1) At the first meeting of the Council, the members of the Council shall elect a Chairperson and a Deputy Chairperson from among its membership.

(2) The Deputy Chairperson shall act as Chairperson of the Council—

- (a) during a vacancy in the office of the Chairperson;
- (b) during all periods when the Chairperson is absent from duty or, for any other reason, is unable to perform the functions of his or her office.

### **63. Terms of appointment**

A member of the Council shall hold office for a period not exceeding five years and shall be eligible for reappointment.

#### **64. Resignation**

A member of the Council may resign from membership of the Council by submitting a notice of resignation in writing to the Minister.

#### **65. Revocation**

The Minister may, at any time in writing, revoke the appointment of a member of the Council appointed pursuant to section 56(1)(b), revoke the appointment of any member of the Council if, upon evidence, the Minister is satisfied that the member—

- (a) is disqualified from being a member of the Council pursuant to section 55;
- (b) is guilty of neglect or duty, misconduct or malfeasance; or
- (c) has failed to act in the best interest of the Council.

#### **66. Vacation**

(1) A member of the Council is taken to have vacated his or her office if the member—

- (a) resigns pursuant to section 64;
- (b) is absent with permission of the Council from three consecutive meetings of the Council of which due notice has been given.

(2) In addition to the circumstances stated in subsection (1), a member of the Council appointed pursuant to section 56(1)(b)(i) and (ii), is also taken to have vacated his or her office if the member ceases to be registered as a medical practitioner, a dental practitioner or an allied health practitioner registered pursuant to the provisions of this Act.

#### **67. Leave of absence for a member**

(1) The Minister may approve a leave of absence for a member of the Council for a period not exceeding three months.

(2) The Minister may appoint an alternate member to act in the office of the member of the Council while the member is absent on approved leave pursuant to subsection (1).

(3) A person appointed pursuant to subsection (2) shall belong to the same category of persons to which the member of the Council who has been granted leave belongs.

#### **68. Effect of vacancy of membership**

The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members of the Council or by any defect in the appointment of a member of the Council.

#### **69. Remuneration**

A member of the Council shall be entitled to be paid such fees and allowances as may be prescribed by the Minister.

#### **70. Conduct of business of the Council**

(1) Subject to this Part, the Council may conduct its business, including its meetings, in the way it considers appropriate.

(2) The Minister shall provide the Council with a secretary, staff, accommodation and services and other facilities as appear to the Minister to be necessary or expedient to enable the Council to carry out its functions under the Act.

(3) The Secretary shall keep the minutes of the meeting of the Council.

## **71. Council to regulate own procedure**

(1) Subject to this Act and to the Regulations, the Council shall regulate its own procedure.

(2) The Council shall cause to be kept minutes of the proceedings of its meetings and of meetings of any of the committees established by it.

## **72. Meetings**

(1) Meetings of the Council shall be held at the times and place the Chairperson shall decide.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting if asked, in writing, to do so by the Minister or by three members of the Council.

## **73. Quorum**

The quorum for a meeting on the Council shall be five.

## **74. Presiding at meetings**

(1) The Chairperson shall preside at all meetings of the Council at which he or she is present.

(2) If the Chairperson is absent from a meeting of the Council, but the Deputy Chairperson is present, the Deputy Chairperson shall preside.

(3) If the Chairperson and the Deputy Chairperson are both absent from a meeting of the Council, the members shall select a member present at the said meeting to preside.

## **75. Conduct of meetings of the Council**

(1) All decisions of the Council shall be decided by a majority of members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote.

(2) A resolution is validly made by the Council even if it is not passed at a meeting of the Council if—

- (a) a majority of the members give written agreement of the resolution; and
- (b) notice of the resolution is given under the procedures approved by the Council.

(3) The Council shall keep in the minutes of its meetings, a record of any resolution made pursuant to subsection (2).

## **76. Committees of the Council**

(1) The Council may establish committees of the Council for effectively and efficiently performing its functions.

(2) The Chairperson of a committee established pursuant to subsection (1) shall be a member of the Council.

(3) The Council shall decide the terms of reference of a committee.

(4) The functions of the committee shall be—

- (a) to advise and make recommendations to the Council with respect to matters within the scope of the functions of the Council, referred by the Council to the committee; and
- (b) subject to section 60, to exercise the powers delegated to it by the Council.

(5) A committee shall keep a record of any decision it makes when exercising a power delegated to it by the Council.

(6) A member of the committee shall be entitled to be paid such fees and allowances as determined by the Council.

#### **77. Declaration of interest and abstention from voting**

(1) A member of the Council who is in any way, either directly or indirectly, interested in a matter before the Council shall declare the nature of his or her interest at the first meeting of the Council at which it is practicable to do so and shall leave the meeting upon the matter coming up for discussion.

(2) A declaration and the departure of a member of the Council from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.

(3) A member of the Council shall not—

- (a) vote in respect of a matter before the Council in which he or she is in any way interested, whether directly or indirectly; or
- (b) seek to influence the vote of any other member of the Council in relation to the matter.

(4) A member of the Council who fails to comply with subsection (3) commits an offence and upon summary conviction is liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

(5) Notwithstanding subsection (4), where a member of the Council fails to comply with subsection (3), the failure to comply amounts to misconduct in which case section 65 shall apply.

#### **78. Directions by Minister**

(1) The Minister may give the Council a written direction in relation to a matter relevant to the performance of its functions pursuant to this Act, if the Minister is satisfied that it is necessary to give the direction in the public interest.

(2) Without limiting subsection (1), the direction may be to—

- (a) give reports and information; or
- (b) apply to the Council a policy, standard or other instrument applying to a public sector unit.

(3) A direction issued pursuant to subsection (1) shall not be in relation to—

- (a) the registration or refusal of an applicant;
- (b) the suspension or revocation of a licence issued pursuant to this Act; or
- (c) the imposing or removal of conditions, on the registration of an applicant.

#### **79. Funds of Council**

The funds of the Council shall consist of such monies as may, from time to time, be placed at its disposal for the purpose of this Act by Parliament and such other monies as may be lawfully paid to the Council.

#### **80. Accounts**

The Council shall keep proper records of its accounts in accordance with generally accepted international standards and principles, and shall prepare and retain financial statements in respect of each financial year.

## **81. Audit**

(1) The Council shall, as is practicable after each financial year, have its accounts audited annually by an independent auditor appointed by the Council, who shall conduct the audit in accordance with generally accepted international auditing standards and principles.

(2) The Council and its employees shall grant to the auditor appointed pursuant to subsection (1) access to all books, deeds, contracts, accounts, vouchers or other documents which the auditor deems necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person who is required to appear, make a signed statement or to provide information pursuant to subsection (2) and who fails to comply, commits an offence and upon summary conviction is liable to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding two months or to both, and to revocation of his or her appointment as a member of the Council or a committee appointed by the Council pursuant to section 76.

## **82. Auditor's report**

An auditor appointed pursuant to section 81 shall as soon as is practicable and not later than two months after the end of each financial year, submit copies of the audited financial statement of the Council.

## **83. Annual report**

(1) Subject to subsection (2) and not later than three months after the end of each financial year, the Council shall submit to the Minister an annual report on the work and activities of the Council for that financial year and the Minister shall not later than one month after lay the same in Parliament.

(2) An annual report pursuant to subsection (1) shall be accompanied by the auditor's report made pursuant to section 82.

(3) A summary of an annual report pursuant to subsection (1) shall be published in the *Gazette* and the entire annual report shall be available to the public on payment of the prescribed fee to the Council.

## **DIVISION 2**

### *Registration*

## **84. Requirement to be registered**

(1) A person shall not practise as an allied health practitioner in any allied health profession specified in the Schedule or hold himself or herself out to be an allied health practitioner unless the person is registered as an allied health practitioner pursuant to this Part and complies with this Act, the Regulations and the conditions of registration.

(2) A person shall not practise as an allied health practitioner in any allied health profession specified in the Schedule or hold himself or herself out to be an allied health practitioner unless the person holds a valid licence pursuant to this Part and complies with this Act, the Regulations and the conditions of registration.

(3) A person who contravenes—

- (a) subsection (1) only, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years;

- (b) subsections (1) and (2) at the same time, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years;
- (c) subsection (2) only commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

(4) For the purposes of this section a person holds himself or herself out to be an allied health practitioner by using or taking the title of, or pretending to be in any of, the allied health professions listed in the Schedule and implying that he or she is qualified to practise as an allied health practitioner.

#### **85. Registration of persons practising as allied health professionals prior to commencement of Act**

(1) Subject to subsection (2), a person who has been practising in any of the allied health professions listed in the Schedule immediately prior to the commencement of this Act and wishes to continue to practice after the commencement of this Act shall require registration and a valid licence and shall apply for registration and the licence in accordance with the provisions of this Part.

(2) During the period of six months after the commencement of this Act, no action for an offence pursuant to section 84 shall be taken against a person who has been practising in any of the allied health professions listed in the Schedule immediately prior to the commencement of this Act.

#### **86. Eligibility of registration**

For the purposes of this Part, a person is an eligible person to be registered to practice as an allied health practitioner if the person—

- (a) holds a degree, diploma or licence from a University or other institution, which is authorised to offer training in that particular discipline of the allied health profession for which the applicant requires to be registered; or
- (b) holds a certificate from the membership of a health society recognised by the national registration of the country where the qualification was obtained as furnishing sufficient guarantee that he or she possesses the requisite knowledge and skill for the efficient practice as an allied health practitioner; and
- (c) shows to the satisfaction of the Council that he or she is a person of good character and otherwise fulfils the conditions prescribed by this Act.

#### **87. Application for registration**

(1) An eligible person who wishes to be registered to practise as an allied health practitioner shall make an application to the Council in the prescribed form, accompanied by the prescribed fee and shall submit such evidence as may be required to establish that he or she is eligible for registration pursuant to the provisions of this Part.

(2) The evidence submitted pursuant to subsection (1) shall include a declaration on oath of proof of the applicant's identity and good character, and of the authenticity of any diploma or certificate submitted in support of the application.

#### **88. Determination of application**

(1) In determining an application for registration pursuant to this Part, the Council may—

- (a) investigate the applicant;

- (b) by notice given to the applicant, require the applicant to give the Council within a reasonable time of at least thirty days as stated in the notice, further information or a document the Council reasonably requires to decide the application; and
- (c) by notice given to the applicant, require the applicant to fulfil conditions as stated in the notice.

(2) The Council may require the information or document required pursuant to subsection (1)(b) to be verified by a statutory declaration.

(3) The purpose of an examination pursuant to subsection (1)(c) shall be to assess the applicant's ability to practice the allied health profession competently and safely.

(4) Where an applicant fails to fulfil the conditions stated in the notice under subsection (1) or fails to provide the information registered under subsection (2), the Council shall withdraw the application.

### **89. Registration of applicant and issue of licence**

(1) Where the Council is satisfied that an applicant has met the requirements of section 86 the Council shall register the applicant and shall subject to subsections (2) and (3), issue to the applicant an allied health practitioner's licence.

(2) A licence issued pursuant to subsection (1) shall—

- (a) be in the prescribed form;
- (b) state the allied health profession to which the applicant is entitled to practice;
- (c) be issued on payment of the prescribed licence fee;
- (d) be valid for a period of three year unless suspended or revoked pursuant to this Act; and
- (e) be renewable.

(3) A licence issued pursuant to this section may contain such terms and conditions as the Council deems necessary and shall be evidence that the person named in the licence is registered to practice as an allied health practitioner subject to the conditions, if any specified in the licence.

(4) Before deciding to issue a licence subject to conditions, the Council shall—

- (a) give notice to the applicant—
  - (i) of the details of the proposed conditions,
  - (ii) of the reason for the proposed conditions, and
  - (iii) that the applicant may make a written submission to the Council with respect to the proposed conditions within a reasonable time of at least fourteen days stated in the notice; and
- (b) have regard to any written submission made to the Council by the applicant.

(4) If the Council decides to register the allied health practitioner and issue the licence subject to conditions, the Council shall, as soon as is practicable, decide the review period which shall apply to the conditions and give the applicant notice of its decisions.

(5) Rules made pursuant to section 95(1)(d) shall provide for the procedure for review under subsection (4).

(6) A licence shall not be issued under this Part unless the Council is satisfied that the allied health practitioner to whom the licence is to be issued, had adequate professional indemnity insurance or coverage arrangements in place as determined by the Council.



## **90. Licence as evidence of entitlement to practice**

A licence issued pursuant to section 89 shall be evidence until the due date or the date determined by the Council, that the allied health practitioner is entitled to practise as such and to recover, in any court of competent jurisdiction his or her fees or charges for professional aid and advice rendered to his or her patients.

## **91. Application for renewal**

(1) Subject to subsections (2) and (3), an allied health practitioner shall apply to the Council for the renewal of his or her licence.

(2) An application pursuant to subsection (1) shall only be decided by the Council if it is received within the period starting sixty days before the expiry of the licence and ending immediately before the expiry of the licence.

(3) The application shall—

- (a) be in the prescribed form; and
- (b) be accompanied by—
  - (i) the prescribed renewal fee, and
  - (ii) any documents identified in the prescribed form, which the Council reasonably requires to determine the application.

(4) The information in the application pursuant to subsection (3) shall be verified by a statutory declaration.

## **92. Licence taken to be in force while application is considered**

(1) If an application for renewal is made pursuant to section 91 the applicant's licence is taken to continue in force from the day it would, apart from this section, have expired until—

- (a) the Council decides to renew the licence, the day the renewal is issued to the applicant under section 93;
- (b) the Council decides to refuse to renew the licence, the day the notice of the decision is given to the applicant pursuant to section 93; or
- (c) the application is taken to have been withdrawn pursuant to section 88; the day it is taken to have withdrawn.

(2) Subsection (1) shall not apply if the licence has been earlier suspended in accordance with the provisions of this Act.

## **93. Decision**

(1) The Council shall consider the application and decide to renew or refuse to renew, the applicant's licence.

(2) In making its decision, the Council shall have regard to the following—

- (a) whether the applicant has complied with any prescribed code of conduct; and
- (b) whether the applicant has undergone any additional training or acquired any additional experience in his or her field of practice as an allied health practitioner.

(3) If the Council is not satisfied that the applicant has satisfied the requirements of subsection (2), the Council may renew the licence subject to such conditions the Council considers will sufficiently address the extent to which that applicant has not satisfied the requirements.

(4) Before deciding to renew a licence subject to conditions, the Council shall—

- (a) give notice to the applicant—
  - (i) of the details of the proposed conditions,
  - (ii) of the reason of the proposed imposition of the conditions, and
  - (iii) that the applicant may make a written submission to the Council with respect to the proposed conditions within a reasonable time of at least fourteen days stated in the notice; and
- (b) have regard to any written submission to the Council by the applicant.

(5) If the Council decides to renew the licence, the Council shall, as soon as is practicable decide the review period which shall apply to the conditions and give the applicant notice of its decision.

(6) Rules made pursuant to section 95(1)(d) shall provide for the procedure for review under subsection (5).

(7) If the Council decides to renew a licence in accordance with the provisions of this Part, the Council shall as soon as is practicable issue a new licence to the applicant.

#### **94. Refusal of issuance of licence**

The Council may refuse to renew a licence if—

- (a) an allied health practitioner fails to pay the prescribed licence fee;
- (b) the allied health practitioner fails to provide any information required by the Council by a date specified by the Council;
- (c) the allied health practitioner has not practiced for a period of time as specified by the Council unless the Council is satisfied that he or she complies with the requirements to section 86;
- (d) the allied health practitioner has not undergone any additional training or acquired additional experience in his or her field of practice.

#### **95. Rules of Council**

(1) Subject to the approval of the Minister, the Council may make rules for any of the following purposes—

- (a) the conduct of examinations and related matters;
- (b) specifying the nature of the services which may be rendered by an allied health practitioner in any allied health profession;
- (c) the formation of special committees for any allied health profession, and the determination of the functions of members of such committees;
- (d) the implementation of procedures with respect to the review of a licence;
- (e) the determination of professional conduct and general fitness to practice any allied health profession;
- (f) providing the approval of the establishment, maintenance and policy of schools or training centres for the education and training of persons desiring to be trained in any allied health profession;
- (g) the implementation of codes of conduct for the varying allied health professions; and
- (h) any other matter which the Council may deem necessary for the effective implementation of the provisions of this Part.

(2) Rules made pursuant to this section may contain different provisions in relation to the allied health professions specified in the Schedule.

## PART IV

### *Keeping of Registers*

#### **96. Registers**

(1) The relevant Council shall keep a register.

(2) The register kept by the Medical and Dental Council shall be called the Register of Medical and Dental Practitioners.

(3) The Register kept by the Allied Health Professionals Council shall be called the Register of Allied Health Practitioners.

(4) Upon registration of a person in accordance with the provisions of this Act, the relevant Council shall enter the name of the person in the register kept in accordance with subsections (2) and (3).

(5) A person who is not registered as a medical or dental practitioner under this Act shall not be entitled to have his or her name entered on the Register.

(6) A person who is not registered as an allied health practitioner under this Act shall not be entitled to have his or her name entered on the Register.

(7) The relevant Council shall record the following information in the register in relation to each person to whom it has granted registration—

- (a) the name, personal address and business address, of a health practitioner, if any;
- (b) the qualifications which are held by the health practitioner;
- (c) the date of registration of the health practitioner;
- (d) any conditions to which the registration of a health practitioner is subject to, in accordance with the provisions of this Act;
- (e) in case of a medical practitioner or a dental practitioner, the area of specialty, if any under which a practising certificate is issued;
- (f) the allied health profession under which the allied health practitioner is authorised to practice;
- (g) the period of suspension of a practising certificate or a licence if applicable;
- (h) the removal of the name of a health practitioner from the Register of Medical and Dental Practitioners or the Register of Allied Health Professionals;
- (i) the restoration of the name of a health practitioner to the Register of Medical and Dental Practitioners or the Register of Allied Health Professionals;
- (j) any change in the name, personal address or business address of a health practitioner; and
- (k) any other information that the Council considers necessary.

(7) A Register pursuant to this section may be kept in electronic form.

(8) The Register pursuant to this section shall at all reasonable times be open to inspection by the public at the office of the relevant Council and a search may be effected and extracts of the register may be obtained by the public upon payment of the prescribed fee.

(9) The relevant Council shall from time to time, make alterations in the Register kept pursuant to this section in relation to the addresses and qualifications of health practitioners as are necessary.

(10) Notwithstanding subsection (8), the private address of a health practitioner shall not appear in a register kept pursuant to this section that is made available for public inspection.

## **97. Removal from register**

(1) The relevant Council may remove from a Register kept by it, the name of a health practitioner who—

- (a) contravenes a condition subject to which he or she is registered;
- (b) fails to pay, within the specified time a fine imposed on the health practitioner pursuant to section 105;
- (c) fails to comply with a requirement made of the health practitioner pursuant to section 105;
- (d) fails to honour an undertaking given to the relevant Council, or Appeals Board; or

(2) The removal of the name of a health practitioner from the Register of Medical and Dental Practitioners or the Register of Allied Health Professionals signifies the revocation of registration of the health practitioner issued in accordance with the provisions of this Act.

(3) The relevant Council shall remove from the Register kept by it the name of a health practitioner—

- (a) who dies;
- (b) who requests the relevant Council to remove his or her name from the Register;
- (c) in respect of whom the Council has made a decision to cancel registration pursuant to section 105;
- (d) who has been registered by reason of a false or misleading statement or declaration; or
- (e) who fails to pay the prescribed practising certificate fee or prescribed licence fee by the due date or date specified by the relevant Council.

(4) The relevant Council shall not remove the name of a health practitioner from the Register under subsection (1) or (2)(d) or (e) without first giving the health practitioner a reasonable opportunity to be heard.

(5) If the relevant Council removes the name of a health practitioner from the Register under this section other than under subsection (3)(a), it must immediately give the health practitioner notice in writing of the removal.

(6) A notice under subsection (5) shall—

- (a) except if subsection (3)(b) applies, specify the reasons for the removal; and
- (b) except if subsection (3)(b) applies, inform the health practitioner of his or her right of appeal.

(7) A notice under subsection (5) shall be served personally on or sent by post to, the health practitioner whose name has been removed from the register.

(8) On notice being served or delivered, a person ceases to be a health practitioner and the relevant Council shall publish a notice to that effect in the *Gazette*.

(9) Where the relevant Council removes the name of a health practitioner from the register kept by it, the relevant Council may require that a specified period shall elapse or that a specified condition be fulfilled before the person may apply to be registered.

#### **98. Surrender of practising certificate or licence**

A health practitioner who is given notice, under section 97 that his or her name has been removed from the Register shall surrender—

- (a) in the case of a medical practitioner or dental practitioner, his or her certificate of registration and practising certificate;
- (b) in the case of an allied health practitioner, his or her licence,

within fourteen days after receiving the notice or such longer time that the Council allows and specifies in the notice.

#### **99. Evidentiary provisions**

(1) A copy of an entry in a register kept by the relevant Council purporting to be signed by the Chairperson of the relevant Council shall be evidence that the entry was duly made.

(2) A certificate purporting to be signed by the Chairperson of the relevant Council and stating one or more of the following matters shall be evidence of the matters stated—

- (a) a person qualified in the certificate was or was not registered on a date or during a period stated in the certificate;
- (b) the registration of a person stated in the certificate was subject to a condition specified in the certificate on a date or for a period specified in the certificate;
- (c) the registration of a person specified in the certificate was suspended on a date or for a period specified in the certificate;
- (d) the name of the person specified in the certificate was removed from the register kept by the relevant Council on a date or for a period specified in the certificate;
- (e) a person specified in a certificate was not the holder of a licence or a practising certificate on a date or during a period specified in the certificate.

### **PART V**

#### *Procedure for Complaints*

#### **100. Making complaints**

(1) A person who is aggrieved by the conduct of a health practitioner, may complain to the relevant Council.

(2) The relevant Council may, on its motion initiate an investigation in respect of the conduct of a health practitioner.

#### **101. Specific matters in respect of which a complaint may be under**

(1) Without limiting the matters in respect of which a complaint may be made, pursuant to section 100, a complaint may be made that a health practitioner—

- (a) has been registered by reason of a false or misleading statement or declaration;

- (b) no longer holds or is no longer entitled to hold, the qualification by reason of which the health practitioner was registered;
- (c) does not have the capacity to practise competently;
- (d) is not entitled on other grounds to be registered; or
- (e) commits an act of professional misconduct.

(2) Without limiting the matters that may constitute professional misconduct, a health practitioner commits an act of misconduct if he or she contravenes any of the provisions of this Act—

- (a) contravenes a provision of a prescribed code of conduct relevant to his or her category of health care practice;
- (b) contravenes a condition subject to which the health practitioner is registered;
- (c) practises without a valid practising certificate or without a valid licence;
- (d) practises medicine or dentistry in an area of specialty without being registered to do so;
- (e) practises in an allied health profession when he or she is not licensed to do so;
- (f) fails to pay, within a specified period, a fine imposed on the health practitioner pursuant to section 105;
- (g) fails to comply with a requirement made of the health practitioner pursuant to section 105;
- (h) fails to honour an undertaking given to the relevant Council;
- (i) perform his or her duties in a negligent or an incompetent manner; or
- (j) behaves in a fraudulent or dishonest manner.

## **102. Complaints procedure**

(1) A complaint pursuant to this Part shall—

- (a) be made to the relevant Council in writing;
- (b) contain particulars of the matter complained of;
- (c) identify the health practitioner against whom the complaint is being made;
- (d) identify the complainant;
- (e) contain a statement that the complainant consents to a copy of the complaint or particulars of the complaint being given to the health practitioner; and
- (f) be lodged with the relevant Council.

(2) The relevant Council shall ensure that a person who wishes to make a complaint in respect of a health practitioner is given reasonable assistance to enable the person to make a complaint in accordance with the provisions of this section.

(3) On receiving a complaint pursuant to subsection (1) or on initiating a complaint of its own motion the relevant Council shall—

- (a) record the date on which the complaint was received or initiated; and
- (b) within thirty days of receipt or initiation of the complaint, determine whether to accept or reject the complaint.

(4) The relevant Council may require the complainant to provide further particulars of a complaint.

(5) The rules of procedural fairness shall be observed in determining a complaint under this Part.

### **103. Certain complaints to be dismissed**

The relevant Council shall dismiss a complaint if it considers that—

- (a) the complaint is without foundation or frivolous or vexatious; or
- (b) the matter complained of is not substantial.

### **104. Investigation of complaints**

Subject to section 105, the relevant Council or a committee of the relevant Council established under the provisions of this Act shall conduct an investigation of a complaint.

### **105. Complaints dealt with by relevant Council**

(1) If the relevant Council considers that a complaint is sufficiently serious to warrant an investigation, it shall, subject to subsection (2), give notice of the complaint to the health practitioner who is the subject of the complaint.

(2) A notice pursuant to subsection (1) shall—

- (a) be accompanied by a copy of the complaint or shall set the particulars of the complaint;
- (b) be served personally or sent by post;
- (c) require the health practitioner to appear before the relevant Council to give an explanation of the complaint;
- (d) state that the appearance before the relevant Council is not open to the public; and
- (e) specify the date, time and place at which the health practitioner is required to appear.

(3) A notice pursuant to subsection (1) may contain any other information that the relevant Council considers necessary or expedient.

(4) The date specified pursuant to subsection (2)(e) shall not be less than fourteen days after the date on which the notice is served or delivered.

(5) The relevant Council shall notify the complainant as it thinks fit of any action taken under this section.

(6) At a meeting of the relevant Council convened for the purposes of this section, the health practitioner—

- (a) is entitled to make submissions when appearing before the relevant Council; and
- (b) may be assisted by another person including an attorney-at-law for advisory purposes only, when appearing before the Council.

(7) A meeting convened for the purposes of this section is not open to the public.

(8) The relevant Council shall not take any further action in respect of a complaint unless, after considering the explanation of the health practitioner, it is satisfied that the health practitioner has a case to answer.

(9) Subject to subsection (10), if the relevant Council is satisfied, after investigating and considering the explanation and any submissions made pursuant to subsection (6), that the health practitioner is guilty of a professional misconduct or any other act mentioned under section 101(1)(a), (b), (c) or (d), the relevant Council may take one or

more of the following actions as it considers appropriate having regard to the subject of the inquiry and its findings—

- (a) cancel or suspend the registration of the health practitioner;
- (b) subject to sections 107 and 108, suspend or revoke the practising certificate or the licence of the health practitioner;
- (c) impose a fine on the health practitioner not exceeding fifteen thousand dollars;
- (d) impose on the health practitioner a condition subject to which he or she may continue to practise;
- (e) require the health practitioner to take or refrain from taking a specified action; or
- (f) caution or reprimand the health practitioner.

(10) If the complaint relates to a matter referred to in section 101(1)(a) or (b), the relevant Council shall, unless it dismisses the complaint or clears the health practitioner, take at least the action specified in subsection (9)(a) and (b).

(11) If the relevant Council imposes a fine under subsection (9)(c) it shall specify a period within which the fine shall be paid.

(12) For the purposes of subsection (9)(f), but without limiting that provision, the Council may require that the health practitioner be subject to periodic supervision or inspection as may be determined by the relevant Council.

(13) The relevant Council as an alternative to taking action against a health practitioner under subsection (9) may accept an undertaking from the health practitioner to take or refrain from taking specified action, either generally or within a specified period of time.

(14) A fine imposed by the relevant Council on a health practitioner under subsection (9) is a debt payable by the health practitioner to the relevant Council.

## **106. Notes of decision**

(1) Where the relevant Council decides to take an action under section 109, it shall give notice of the decision and the reasons for the decision to—

- (a) the health practitioner; and
- (b) the complainant.

(2) A notice to the health practitioner or the complainant shall—

- (a) inform the health practitioner or the complainant as the case may be of his or her right of appeal; and
- (b) be served personally or by post.

(3) A decision of the relevant Council takes effect on the day on which the decision is made or on any later day that is specified by the relevant Council.

(4) The relevant Council shall give notice of its decision and any action taken by the relevant Council to any person that the relevant Council considers appropriate.

(5) The relevant Council shall publish a notice of the decision in the *Gazette*.

## **107. Suspension or revocation of practising certificate or licence**

(1) The relevant Council may suspend the practicing certificate or the licence of a health practitioner for a period that the relevant Council in the circumstances considers



appropriate or revoke the practicing certificate or the licence of the health practitioner if—

- (a) the health practitioner contravenes a condition subject to which he or she is registered;
- (b) the health practitioner fails to pay within the time specified, a fine imposed under section 105;
- (c) the health practitioner fails to honour an undertaking given by the relevant Council;
- (d) the health practitioner contravenes a code of conduct relevant to his or her category of health care;
- (e) the relevant Council reasonably considers that suspension is necessary for the purposes of inquiring into a complaint made against the health practitioner or inquiring into a matter that could be the subject of a complaint against the health practitioner; or
- (f) the relevant Council considers that it is in the public interest to suspend or revoke the practising certificate or the licence of the health practitioner.

(2) If the relevant Council considers that it is in the public interest to suspend or revoke the practising certificate or the licence of a health practitioner, it shall except in the case of subsection (1)(c), where only notice of such suspension is required—

- (a) give the health practitioner an opportunity to be heard;
- (b) make an appropriate note of the suspension or revocation and the reasons for the suspension or revocation in the Register kept by the relevant Council; and
- (c) give the health practitioners notice in writing of—
  - (i) the suspension or revocation and the reasons for the suspension, and
  - (ii) his or her right of appeal.

(3) A notice pursuant to subsection (2)(c) shall be served personally on or sent by post to the health practitioner.

(4) A health practitioner whose practising certificate or licence is suspended or revoked by the relevant Council shall—

- (a) in the case of a suspension, ceased to be entitled to practice for the period specified by the relevant Council or until or unless the suspension is revoked under section 107 or 108; or
- (b) in the case of a revocation, cease to be entitled to practise.

(5) A health practitioner whose practising certificate or licence is suspended or revoked pursuant to subsection (1) shall, if directed in writing to do so by the relevant Council, return the practising certificate or the licence to the relevant Council—

- (a) within seven days after receiving the direction; or
- (b) within any longer period that the relevant Council allows and specifies in the direction.

## **108. Revocation of suspension**

If the relevant Council suspends a practising certificate or a licence of a health practitioner pursuant to section 107 it may, at any time and for reasons it considers sufficient, revoke the suspension wholly or in part.

## *Appeals*

### **109. Establishment of Appeals Board**

(1) There is hereby established an Appeals Board for the purpose of hearing appeals against a decision of any of the relevant Council.

(2) The constitution and procedure of the Appeals Board shall be prescribed by regulations made pursuant to the provisions of this Act.

(3) A health practitioner may appeal to the Appeals Board on any of the following grounds—

- (a) the refusal of the relevant Council to register the health practitioner;
- (b) the refusal of the relevant Council to renew a practising certificate or a licence;
- (c) a condition to which the health practitioner's registration is made subject to the provisions of the Act;
- (d) the removal of the name of the health practitioner from a register other than a removal under section 97(3)(b);
- (e) the suspension or revocation of a person's practising certificate or licence;
- (f) the refusal of the relevant Council to issue the health practitioner with a renewal of a practising certificate or a licence; or
- (g) a decision of the relevant Council pursuant to section 105.

### **110. Hearing of appeals**

At the hearing of an appeal, the Appeals Board may—

- (a) confirm the decision of the relevant Council;
- (b) set aside the decision of the relevant Council; or
- (c) set aside the decision of the relevant Council and substitute any other decision that the relevant Council has jurisdiction to take as the Appeals Board specifies.

## PART VII

### *Offences and Regulations*

### **111. Offences of false statements and forgery**

(1) A person shall not make or produce a false or misleading statement, either orally or in writing, in connection with—

- (a) an application or inquiry; or
- (b) an investigation into a complaint.

(2) A person shall not forge a degree, or diploma or other evidence of qualifications in order to obtain registration pursuant to the provisions of this Act.

(3) A person shall not forge or change any information on a—

- (a) certificate of registration;
- (b) practising certificate; or
- (c) a licence.

(4) A person who contravenes subsection (1), (2) or (3) of this section commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand or to a term of imprisonment not exceeding two years.

#### **112. Obstruction**

(1) A person shall not obstruct, hinder, threaten or intimidate a person exercising a power or performing a function conferred on the person by this Act.

(2) A person who contravenes subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand or to a term of imprisonment not exceeding five years or to both.

#### **113. Prescribing of drugs**

(1) A person shall not prescribe any drug in relation to a medical condition or complaint unless he or she is registered as a health practitioner pursuant to the provisions of this Act and is authorised by virtue of the Regulations made pursuant to section 119.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years or to both.

#### **114. Penalties where not specifically provided**

A person who commits an offence under this Act for which no specific penalty is provided is liable on summary conviction to a fine not exceeding ten thousand or to a term of imprisonment not exceeding two years or to both.

#### **115. Oath of Confidentiality**

A member of a Council or of a committee established pursuant to the provision of this Act shall, before assuming office, take the prescribed oath of secrecy.

#### **116. Confidentiality of information**

A member of a Council or a committee established pursuant to the provisions of this Act shall not except in the course of, and for the purpose of performance of his or her duties, disclose to any other person anything that comes to his or her knowledge relating to a matter which is to be, is being or had been determined by the Council or the committee.

#### **117. Keeping of records**

(1) A health practitioner shall maintain accurate records of each patient he or she treats and such records shall include the following—

- (a) the name of the patient;
- (b) the medical history of the patient;
- (c) any treatment rendered; and
- (d) any other matter which may be prescribed.

(2) The records under subsection (1) shall be maintained for a period of seven years after the last date of entry and thereafter the records can be archived and stored in the prescribed manner.

#### **118. Repeal**

The provisions of the Medical Practitioners Dentists and Veterinary Surgeons Act, Chapter 189, is hereby repealed.

## **119. Regulations**

(1) The Minister may make Regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1) the Minister may make regulations with respect to all or any of the following matters—

- (a) prescribing forms as may be required under this Act;
- (b) prescribing fees as may be required under this Act;
- (c) regulating the condition of the practice of medicine, dentistry and any allied health profession in Grenada;
- (d) regulating the condition of practice of medicine, dentistry or any allied health profession listed in the Schedule;
- (e) to prescribe the constitution and procedure of the Appeals Board established under section 109;
- (f) any other matter that is required to be or may be prescribed; and
- (g) regarding the scope of practice of allied health professionals.

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## **Schedule**

### **HEALTH PRACTITIONERS ACT**

#### *Allied Health Professions*

Acupuncturist

Audiologist

Chiropodist

Chiropractor

Dental Hygienist

Dental Technician

Dental Therapist

Dietitian

Emergency Medical Technician

Emergency Medical Dispatcher

Herbalist

Homeopath

Imaging Technologist

Masseuse

Medical Technologist

Naturopathist

Optician

Occupational Therapist

Podiatrist  
Psychotherapist  
Psychologist  
Reflexologist  
EMP Specialist  
Physiotherapist  
Speech Therapist  
Massager  
Nutritionist  
Laboratory Technicians  
X-ray Technicians  
Sonographers  
Venipuncturist  
Audiometrist  
Medical Social Worker.

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**CHAPTER 132A  
HEALTH PRACTITIONERS ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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