

OBJECTS AND REASONS

This Bill would make provision for

- (a) the establishment of the Barbados Medical Council;
- (b) the registration of medical practitioners;
- (c) the regulation of the conduct and discipline of medical practitioners;
- (d) the prescription of qualifications, approval of standards and requirement for continual education and training;
- (e) the regulation of advertising by medical practitioners; and
- (f) the repeal of the *Medical Registration Act, Cap. 371*.

Arrangement of Sections

Section

Part I

Preliminary

1. Short title.
2. Interpretation.

Part II

Administration

3. Establishment of Barbados Medical Council.
4. Establishment and maintenance of system of assessment.
5. Establishment and appointment of Committees.
6. Assessment Committee.
7. Complaints Committee.
8. Disciplinary Committee.

Section

Part III

Registration

9. Registration as medical practitioner.
10. Requirement by Council for examination of applicant.
11. Registration following examination by Board.
12. Refusal by Council to register.
13. Application for re-consideration of decision respecting registration.
14. Appeal against refusal to register.
15. Temporary, provisional and special registration.
16. Medical register.
17. Duration of registration.
18. Renewal of registration.
19. Removal of name from register.
20. Specialities and registration of specialists.
21. Registration of long-standing practitioners as specialist.

Part IV

*Professional responsibility and conduct of
medical practitioners or specialist*

22. Professional responsibility of medical practitioners.
23. Prohibition of professional misconduct.
24. Notice to Council of establishment of a medical practice.
25. Restrictions on certain advertisement.

Section

26. Notice of change of address.
27. Permitted use of circulars.
28. Restriction on use of professional standing.
29. Permitted conduct relating to advertisement.
30. Compliance with rules relating to advertisement.
31. Capacity of person aggrieved by advertisement to lodge complaint.

Part V

Investigations and disciplinary proceedings by the Council

32. Investigation by Council.
33. Form and conduct of investigation.
34. Referral of investigation of medical practitioners by Council.
35. Report respecting investigation.
36. Determination of Council.

Part VI

Investigations into competence and ability to practise medicine

37. Investigation by special review committee respecting the ability of medical practitioner.
38. Direction of matters by Council to special review committee or Assessment Committee.
39. Disciplinary measures.
40. Appeal against disciplinary measures and refusal to register.
41. Restoration of name to register.
42. Notification of civil action or criminal trial.

Section

- 43. Confidentiality.
- 44. Exemption from liability.
- 45. Payment of monies into and from the Consolidated Fund.
- 46. Offences.
- 47. No restriction of the rendering of assistance or use of home remedies.
- 48. Rules.

Part VII

Savings and Transitional

- 49. Replacement of former Council.
- 50. Ongoing proceedings.
- 51. Transitional registration period.
- 52. Repeal of Cap. 371.
- 53. Commencement.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

SEVENTH SCHEDULE

EIGHTH SCHEDULE

NINTH SCHEDULE

BARBADOS

A Bill entitled

An Act to make provision for

- (a) the establishment of the Barbados Medical Council;
- (b) the registration of medical practitioners;
- (c) the regulation of the conduct and discipline of medical practitioners;
- (d) the prescription of qualifications, approval of standards and requirement for continual education and training;
- (e) the regulation of advertising by medical practitioners; and
- (f) the repeal of the *Medical Registration Act, Cap. 371*.

ENACTED by the Parliament of Barbados as follows:

Part I

Preliminary

Short title. 1. This Act may be cited as the *Medical Profession Act, 2010*.

Interpretation. 2. For the purposes of this Act,

"Council" means the Barbados Medical Council established by section 3;

"medical practitioner" means a person who is qualified in the practice of medicine and whose name appears in the medical register;

"Minister" means the Minister responsible for Health;

"register" means the register of medical practitioners required to be kept by the Council under section 16;

"Secretary" means the person for the time being performing the functions of Secretary to the Council;

"specialist" means a medical practitioner who has special training, experience and qualifications, acceptable to the Council in the areas specified by the Council and whose specialty is entered in the medical register.

Part II

Administration

3. (1) There is established a council to be known as the Barbados Medical Council. Establishment of Barbados Medical Council. Cap. 1.
- (2) The Council shall be a body corporate to which the provisions of section 21 of the *Interpretation Act* shall apply.
- (3) There shall be assigned to the Council a public officer, styled a Registrar, and such other public officers as the Council requires for the discharge of its functions.
- (4) The Council shall perform the following functions:
- (a) the registration of persons who comply with the requirements of this Act as to registration so that they may practise medicine in Barbados;
 - (b) the regulation of standards of medical practice in the public interest;
 - (c) the establishment and maintenance of a system to enable the continual assessment of
 - (i) the level and adequacy of medical training of practitioners to ensure conformity with established national and international standards;
 - (ii) the ability and competency of a practitioner with respect to the proper provision of medical services;
 - (d) the investigation of the professional conduct, professional performance or the ability of registered medical practitioners or specialists to practise medicine and the imposition of sanctions where such an imposition is warranted;
 - (e) the issue and publication of codes for the guidance of registered medical practitioners or specialists and standards relating to the practice of medicine and professional performance;

- (f) the initiation, promotion, support of or recommendation of participation in programmes that the Council considers will improve the ability of medical practitioners to practise medicine;
- (g) the provision of advice to the Minister on any matter relating to its functions and when so requested by the Minister, the provision to the Minister of any information that he may reasonably require; and
- (h) the performance of any other functions conferred on the Council by this Act.

(5) The Council shall have all the powers necessary to enable it to perform its functions.

(6) The Council shall consult with the Minister and have regard to the advice of the Minister in establishing and executing the policy of the Council.

(7) The Council shall consult with the Barbados Association of Medical Practitioners before formulating any codes and standards referred to in paragraph (e) of subsection (4).

First
Schedule.

(8) The provisions of the *First Schedule* shall have effect with respect to the constitution of the Council and otherwise in relation thereto.

Establish-
ment and
mainte-
nance of
system of
assessment.

4. (1) The Council, before implementing the system of assessment referred to in subsection (4)(c) of section 3 shall

- (a) publish in the *Official Gazette* a notice of the establishment of the system of assessment;
- (b) make available to all registered medical practitioners
 - (i) the details about the structure of the system;
 - (ii) the details respecting the implementation of the system;
 - (iii) a full description of the methods of assessment and criteria to be applied in conducting assessments, including the applicable professional qualifications;

(iv) the standards that will govern the conduct of medical practitioners.

(2) The Council shall review the system of assessment at least once in every three-year period.

(3) Notwithstanding subsection (2), the Council shall review particular components of the system whenever the Council considers it necessary to do so.

(4) The Council shall make such modifications and amendments to the assessment system as the Council considers necessary or useful.

(5) The system of assessment shall come into operation 1 year after the publication of the notice that is given in accordance with subsection (1).

(6) Any modification or amendment to be made to the system after it has come into operation

(a) shall be notified in the *Official Gazette*; and

(b) shall be made available, in detail, to all medical practitioners;

(c) shall come into operation not earlier than 3 months from the date of publication of the notice of such modification or amendment, in the *Official Gazette*.

5. (1) The Council shall establish the following Committees:

(a) the Assessment Committee;

(b) the Complaints Committee; and

(c) the Disciplinary Committee.

Establishment and appointment of Committees.

- (2) The Council may
 - (a) appoint such committees, other than those referred to in subsection (1), composed of members of the Council and medical practitioners, not being members of the Council, for the proper carrying out of the functions of the Council, as it considers necessary; and
 - (b) delegate to a committee referred to in paragraph (a) any function, other than a disciplinary function, qualification assessment function or the investigation of a complaint.

Assessment
Committee.
Second
Schedule.

6. (1) The Assessment Committee shall be comprised and regulated in the manner set out in the *Second Schedule*.

- (2) The Assessment Committee shall
 - (a) examine applications for registration and advise the Council on the adequacy of the qualifications of an applicant for registration and, in the relevant case, the additional qualifications that are required for registration;
 - (b) have responsibility for the implementation of the system of assessment of medical practitioners.

Complaints
Committee.

7. (1) The Complaints Committee shall consist of 4 members of the Council, to be appointed by the Council annually, one of whom the Council shall appoint as Chairman.

(2) Where a vacancy occurs in the Complaints Committee or where any member is unable to attend meetings of the Committee or to participate in an investigation, the Chairman of the Council may designate another member of the Council to fill the vacancy or replace the absent member, as the case may be.

(3) The replacement of a member of the Complaints Committee shall not invalidate or in any respect affect the validity of an investigation.

(4) The Complaints Committee shall be responsible for the conduct of

- (a) preliminary investigations into any matter concerning
 - (i) the ability of a medical practitioner to discharge, competently, his professional responsibilities; or
 - (ii) the professional misconduct of a medical practitioner; and
- (b) investigations into any other complaint respecting the conduct of medical practitioners,

that is referred to the Committee by the Council.

(5) The Complaints Committee, upon the conclusion of an investigation shall report, in writing, its findings and decision and the reasons for its decision to the Council and

- (a) in the case of a preliminary investigation, may recommend that
 - (i) no further investigation shall be carried out; or
 - (ii) the matter be referred, in whole or in part, to the Disciplinary Committee; and
- (b) in any case, other than a preliminary investigation, may direct that
 - (i) the matter be referred, in whole or in part, to the Disciplinary Committee; or
 - (ii) such other steps, as it considers appropriate in the circumstances, be taken.

Third
Schedule.

(6) The provisions of the *Third Schedule* shall have effect with respect to the Complaints Committee.

Disciplinary
Committee.

8. (1) The Disciplinary Committee shall be made up of 5 medical practitioners, of whom not less than 4 shall have been registered as medical practitioners for a continuous period of 10 years.

(2) The Disciplinary Committee shall

(a) hear and determine allegations of professional misconduct or incompetence made in respect of a medical practitioner;

(b) hear and determine other matters referred to it by the Council;

(c) perform such other duties, related to disciplinary matters, as are assigned to it by the Council; and

(d) upon the conclusion of a hearing or an investigation, report in writing, its findings and decision and the reasons for its decision to the Council.

(3) The Disciplinary Committee shall conduct investigations respecting

(a) complaints referred to it by the Council following a preliminary investigation by the Complaints Committee; and

(b) any allegation made that a medical practitioner is guilty of professional misconduct under section 23 or 30 of the Act.

(4) Where the investigation by the Disciplinary Committee is to be undertaken by way of a formal hearing, the Council may engage the services of an attorney-at-law of not less than 15 years standing or a former member of the Judiciary to assist the Disciplinary Committee where such assistance is warranted.

Fourth
Schedule.

(5) The provisions of the *Fourth Schedule* shall have effect with respect to the function and procedure of the Disciplinary Committee relating to a formal hearing.

Part III

Registration

9. (1) An application for registration as a medical practitioner shall be made to the Council in the form set out as Form A in the *Fifth Schedule*.

Registration
as medical
practitioner.
Fifth
Schedule.
Form A.

(2) An applicant shall submit, together with his application to the Council,

- (a) evidence of his qualifications;
- (b) proof of his identity;
- (c) proof that he is of good character;
- (d) a certificate of good standing from the applicant's previous registering body, if applicable; and
- (e) such further and other information as the Council may require in respect of the matters referred to in paragraphs (a) to (c).

(3) A person is qualified to be registered as a medical practitioner where

- (a) he holds a medical degree, certificate or other form of qualification granted by a University, College or other institute of learning recognised by the Council as a body empowered to confer authority to practise medicine by the law of the country or place where it is granted, and which in the opinion of the Council is evidence of satisfactory medical training; and

- (b) he satisfies the Council that
- (i) he has successfully completed the required period of internship with a hospital or medical institution approved by the Council;
 - (ii) he can read, write, speak and understand the English Language; and
 - (iii) he is a fit and proper person to practise medicine in Barbados.

(4) Where the Council receives an application referred to in subsection (1) and is satisfied that an applicant is qualified to be registered as a medical practitioner, the Council, upon the applicant making payment of the prescribed fee, shall register the applicant and issue a certificate of registration to the applicant, in the Form C set out in the *Sixth Schedule*.

Form C.
Sixth
Schedule.

Requirement
by Council
for
examination
of applicant.

10. (1) Where, in respect of any application for registration as a medical practitioner,

- (a) the Council is satisfied as to the matters specified in paragraph (b) of subsection (3) of section 9 but is of the opinion that any qualification, mentioned in paragraph (a) of subsection (3) of that section, which the applicant holds is not evidence of satisfactory medical training; or
- (b) the Council is not satisfied with the evidence presented by the applicant,

the Council, in its absolute discretion, may require that the applicant submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory medical training.

- (2) For the purposes of subsection (1), the Council shall either
- (a) appoint a body to be called a Board of Examiners consisting of 3 medical practitioners; or

- (b) designate the Caribbean Association of Medical Councils as a Board of Examiners;

to set and conduct examinations in such subjects as the Council directs.

(3) The Board shall fix a time and place for holding an examination and shall notify the applicant of that time and place.

(4) The applicant, upon payment of the prescribed fee, shall be permitted to take the examination referred to in subsection (3).

(5) The Board shall, as soon as practicable after the examination, submit a report of the results of the examination to the Council.

11. (1) Where the report of the Board of Examiners indicates that the applicant is sufficiently informed and skilled in the subjects in which he was examined, the applicant shall be regarded as having satisfied the Council that he is qualified to be registered as a medical practitioner for the purposes of subsection (3) of section 9.

Registration following examination by Board.

(2) Where the Board of Examiners reports to the Council that an applicant has been unsuccessful in the examination, the Council shall not permit the Board to conduct any further examination of the applicant until

- (a) the expiration of 6 months from the date of the examination in which he was unsuccessful; and
- (b) the applicant has complied with such conditions as the Council directs.

(3) Notwithstanding paragraph (a) of subsection (2), where the applicant has complied with the conditions referred to in paragraph (b) of subsection (2), the Council, upon the recommendation of the Board, may permit the Board to conduct an examination of the applicant before the expiration of the time specified in paragraph (a).

(4) Where the Board of Examiners conducts an examination pursuant to subsection (3), the provisions of subsections (3), (4) and (5) of section 10 shall apply in relation to the examination.

Refusal by
Council to
register.

12. (1) The Council may refuse to grant registration to an applicant on the grounds that:

- (a) the applicant does not qualify for registration in accordance with section 9;
- (b) the character of the applicant is such that it would not be in the public interest to allow the applicant to practise as a medical practitioner;
- (c) the applicant has a physical or mental condition, which significantly impairs his ability to practise as a medical practitioner; or
- (d) the applicant has previously been registered as a medical practitioner in another country and the registration had been cancelled on grounds that would justify a similar cancellation in Barbados.

(2) The Council may terminate the registration of a medical practitioner where it is satisfied that the medical practitioner does not qualify for registration or is disqualified from registration by virtue of the circumstances referred to in paragraphs (b) to (d) of subsection (1).

(3) Subject to subsections (2) and (4), where the Council determines that an applicant does not qualify for registration in accordance with section 9, the Council shall notify the applicant of this fact and the reasons for its decision, in writing, not later than 60 days after a receipt of the application and any documents relating to the application that are required to be submitted by the applicant.

(4) In the case where the Council requires further information from an applicant in order to make a determination respecting registration, the Council shall, promptly, in writing, request the information required to make the determination.

(5) The Council shall make a determination respecting the applicant's qualification for registration and notify the applicant, in writing, of that determination

- (a) within 60 days of the submission to the Council by the applicant of the requested information; or

- (b) immediately after the expiration of 60 days from the date when the request was made, in the case where the information requested by the Council has not been received by the Council.

13. (1) Where the Council refuses to register an applicant he may, within 3 months of the receipt by him of the notice of the refusal, apply to the Council in writing for a reconsideration of its decision on the basis of submissions made by the applicant.

Application
for
reconsideration
of
decision
respecting
registration.

(2) The Council may allow or deny the application for reconsideration and, where it allows a reconsideration, may

- (a) refer the matter for review by a panel appointed by the Council;
 (b) confirm its earlier decision to refuse registration; or
 (c) register the applicant as a medical practitioner.

14. (1) Where

- (a) an applicant is aggrieved by the refusal of the Council to register him as a medical practitioner; or
 (b) the Council has terminated the registration of a medical practitioner in accordance with section 12(2),

Appeal
against
refusal to
register.

the applicant or medical practitioner may, within 3 months of the date of the notice of the refusal, appeal to a Judge in chambers against the decision of the Council.

- (2) The Judge, at the hearing of the appeal, may
- (a) dismiss the appeal;
 (b) on the basis of a finding of procedural irregularity direct that the Council reconsider the application; or
 (c) allow the appeal and direct the Council to register the applicant.

Temporary,
provisional
and special
registration.

15. (1) The Council may register, temporarily, for a period not exceeding 6 months, on payment of the fee prescribed by order, a person who

- (a) applies to the Council for temporary registration; and
 - (b) satisfies the Council that he is residing temporarily in Barbados and would otherwise qualify for registration, under section 9, by virtue of his qualifications to practise medicine in his own country or place.
- (2) The Council may register, provisionally, any person who
- (a) has complied with subsection (2) of section 9;
 - (b) has satisfied the qualification requirements stipulated in subsections 3(a) and 3(b)(i) and (ii) of section 9; and
 - (c) has been offered employment as an intern in a hospital in Barbados or other health institution approved by the Council, for the period of the internship.
- (3) The Council may specially register a person who satisfies the Council that he is qualified to practise medicine in any country or place and
- (a) that he is doing special work in the field of public health or research and is sponsored in respect of such work by the University of the West Indies, the World Health Organisation, the Pan-American Health Organisation, or such other inter-governmental organisation or body as the Minister approves after consultation with the Council;
 - (b) that he is a medical practitioner, however styled, who is employed, on a full-time basis by an international organisation that has an office in Barbados, to render medical services exclusively and without fee to members of that organisation; or
 - (c) that he is employed on a full-time basis in the public service and is working under the supervision of a consultant or specialist.

(4) Subject to subsection (5), a person who is registered under subsection (3) of this section shall be registered for a period that does not exceed 3 years.

(5) Where the Council is satisfied that the registration of a person referred to in this section should be renewed, the Council may renew the registration for such further period as may be required in the circumstances.

(6) A person who is registered under paragraph (a) or (b) of subsection 3 shall not be liable to pay any fee under section 9(4) of the Act.

16. (1) The Council shall keep a register, to be known as the Medical register. Medical Register, of every individual registered as a medical practitioner in Barbados.

(2) The Register shall contain the following particulars respecting a medical practitioner:

- (a) his full name;
- (b) his date of birth and national registration number;
- (c) his personal address;
- (d) his business address;
- (e) the date of his registration; and
- (f) a description and the date of the qualifications which he possesses on the date of registration.

(3) The Register shall at all reasonable times be opened to inspection at the office of the Council.

(4) The Council shall cause to be published in the *Official Gazette*

- (a) not later than the 30th day of April in every year, an alphabetical list of persons who on the 31st day of January in that year have been registered;

(b) as soon as practicable after any registration that occurs after the 31st day of January in any year, the name of any person who has been registered as a medical practitioner after that date.

(5) A copy of the *Official Gazette* containing the list referred to in paragraph (a) of subsection (4) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence, in any court, of the registration and qualifications of any person mentioned in the list or of that person, as the case may be, and the list shall be *prima facie* evidence of the non-registration of any person whose name is not shown therein.

Duration of registration.

17. (1) The registration of a medical practitioner shall continue in force until the 31st day of December of each year unless the registration has been suspended or terminated in accordance with section 12(2), 19(1), 21(3) or 39 of this Act respectively.

(2) Notwithstanding subsection (1) where the registration of a medical practitioner has expired, the medical practitioner shall be deemed to be registered for a period not exceeding 3 months from the date of the expiration of the registration.

Renewal of registration.

18. (1) Except in a case where the registration of a medical practitioner has been suspended or terminated, the registration of a medical practitioner may be renewed upon payment of the prescribed fee.

(2) Notwithstanding subsection (1), the Council may require, as a condition precedent of the renewal of registration, evidence that a registered medical practitioner

- (a) has participated in post-graduate training, or in symposia or other approved activities that provide information or training respecting new developments in the medical profession; or
- (b) has been exposed to new techniques or procedures in the practice of medicine;

approved by the Council.

19. (1) The Council shall remove from the register the name of a medical practitioner who fails to renew his registration by the 1st day of April of each year.

Removal of name from register.

(2) When the name of any person is removed from the register pursuant to subsection (1), the Council shall, in writing,

- (a) publish a notice to that effect in the *Official Gazette*; and
- (b) require the person to return to the Council his certificate of registration within a stated period of time.

(3) Where the name of a medical practitioner has been removed from the register, the medical practitioner shall be required to comply with and satisfy the requirements of section 9 of the Act in order that his registration may be restored.

20. (1) For the purposes of this Act, the Council recognizes

Specialities and registration of specialists.

- (a) as specialties, the areas of medical practice; and
- (b) in relation to each specialty,
 - (i) the institution or body whose certification shall be accepted as proof of qualification in a particular specialty; and
 - (ii) the minimum periods of relevant post-graduate training and practice that are required.

as set out in Part II of the *Seventh Schedule*.

Seventh Schedule.

(2) A medical practitioner is eligible to be registered as a specialist in the specialist register where he satisfies the Council that he has completed the required tuition and training in a specialty and has obtained the relevant qualification from an institution or body recognized by the Council.

(3) An application for registration as a specialist shall be made to the Council in the form set out as Form A in the *Fifth Schedule*.

Form A. Fifth Schedule.

(4) Where the Council receives an application referred to in subsection (1) and is satisfied that an applicant is qualified to be registered as a specialist, the Council, upon the applicant making payment of the prescribed fee, shall issue a certificate of registration, in the form set out in Form C.I in the *Sixth Schedule*, to the applicant.

Form C.I.
Sixth
Schedule.

(5) The Council shall register, in a register to be called the specialist register, a medical practitioner who possesses the qualification with respect to a specialty, set out opposite thereto, in Part II of the *Seventh Schedule*.

Seventh
Schedule.

(6) The specialist register shall indicate the specialty in respect of which each specialist's name is registered.

(7) The Council shall have the power to require a medical practitioner who is seeking to be registered as a specialist, pursuant to subsection (5), to submit to a review by the Assessment Committee.

Registration
of long-
standing
practitioners
as special-
ists.

21. (1) Notwithstanding subsections (2) and (4) of section 20, where

- (a) on a date not later than the 31st day of December 2012, a medical practitioner who has neither undergone formal training in a specialty nor has the relevant certification in the specialty, satisfies the Council that he has
- (i) been engaged in practice in a specialty recognized by the Council for a continuous period of not less than 10 years; and
 - (ii) the requisite experience, skill and competence in the specialty; or
- (b) the medical practitioner has been appointed a Consultant with the Ministry of Health or at a public hospital,

the Council shall regard the medical practitioner as eligible for registration as a specialist and he shall, in the appropriate case and upon payment of the prescribed fee, set out in the *Ninth Schedule*, be registered in the specialist register. Ninth
Schedule.

(2) Where a medical practitioner purports to rely on a qualification that is not granted by an institution set out in Part I of the *Seventh Schedule*, the Council may in its absolute discretion, seek to verify that the qualification sought to be relied on is of equivalent standard as the qualification in question set out in Part II of the *Seventh Schedule*. Seventh
Schedule.

(3) A medical practitioner who is not registered as a specialist and who

(a) engages in the practice of medicine as a specialist; or

(b) represents that he is entitled to engage in the practice of medicine as a specialist,

shall be regarded as having committed an act of professional misconduct.

(4) The Council shall instruct, in writing, a medical practitioner referred to in subsection (3) to cease, immediately, his engagement in the practice of medicine as a specialist.

(5) Where, in accordance with subsection (4), the Council has issued an instruction to a medical practitioner and the practitioner fails to comply with the instruction within 7 days of the issue of the instructions, the Council shall terminate his registration as a medical practitioner.

Part IV

*Professional responsibility and conduct of
medical practitioners and specialists*

Profes-
sional
responsibil-
ity of
medical
practition-
ers

22. (1) A medical practitioner or specialist shall
- (a) provide such services as are medically necessary for the diagnosis and treatment of any physical or mental condition in the human being;
 - (b) prescribe medication, prosthetic appliances and therapeutic devices as are necessary for such diagnosis and treatment;
 - (c) ensure that services provided by him are provided in a suitable environment and that he has available for use in his practice the appropriate instruments, equipment and appliances as would ensure that the health and safety of his patients are not placed at undue risk;
 - (d) where he is assisted by other persons in his practice, ensure that those persons are properly trained and certified as competent to render the required service; and
 - (e) in the discharge of his professional responsibilities, conduct himself in a manner that is in accordance with the generally recognised
 - (i) duty and responsibility of a medical practitioner or specialist to his patient; and
 - (ii) medical ethics.

23. (1) A medical practitioner or specialist shall not
- Prohibition
of profes-
sional
misconduct.
- (a) do any act or thing that is contrary to the generally recognised duty and responsibility of a medical practitioner or specialist to his patient; or
 - (b) engage in behaviour that is contrary to medical ethics.
- (2) The behaviour referred to in subsection (1) includes
- (a) the failure to do any act or thing with respect to a patient in accordance with generally recognised medical ethics;
 - (b) sexual or other improper conduct or association with a patient;
 - (c) any form of advertising, canvassing or promotion, either directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage that is contrary to the provisions of this Act or rules;
 - (d) a wilful or reckless betrayal of a professional confidence;
 - (e) abandonment of a patient in danger without sufficient cause and without allowing the patient sufficient opportunity to retain the services of another medical practitioner or specialist;
 - (f) knowingly giving a certificate with respect to birth, death, state of health, vaccination or disinfection, or with respect to any matter relating to life, health or accidents, which the medical practitioner or specialist knows or ought to know is untrue, misleading or otherwise improper;
 - (g) the division, with any person who is not a partner or assistant, of any fees or profits resulting from consultations or other medical or surgical procedures without the patient's knowledge or consent;
 - (h) the excessive ingestion of intoxicating liquor or drugs;

- (i) the impersonation of another medical practitioner or specialist;
 - (j) the association with unqualified or unregistered medical persons whereby such persons are enabled to practise medicine, dentistry or optometry;
 - (k) the holding out directly or indirectly by a medical practitioner to the public that he is a specialist or is specially qualified in any particular branch of medicine unless he has taken a special course in that branch of medicine or satisfied the requirements of section 20(5) and has been registered as a specialist in accordance with section 20 of the Act;
 - (l) the commercialisation of a secret remedy;
 - (m) knowingly practising medicine or treating a patient, other than in a case of emergency, while suffering from a mental or physical condition or while under the influence of alcohol or drugs to such an extent as to constitute a danger to the public or a patient;
 - (n) the failure to provide to a patient or, in the appropriate circumstances, the next of kin of that patient or a person designated by the patient, a medical or surgical report within 3 months of a request being made for the report; and
 - (o) the doing of or failure to do any act or thing in connection with his professional practice, the doing of which or the failure to do such act or thing is in the opinion of the Council unprofessional or discreditable.
- (3) For the purposes of paragraph (d) of subsection (2), any disclosure which is legally justifiable or required for the treatment of a patient shall be deemed not to be a wilful or deliberate betrayal of a professional confidence.

Notice to
Council of
establishment of a
medical
practice.

24. (1) A medical practitioner or specialist shall, prior to
- (a) establishing a medical practice; or

- (b) making any public announcement or publishing an announcement regarding the establishment of a medical practice,

inform the Council, in writing, of his intention to establish a medical practice.

(2) A medical practitioner or specialist may publish a notice in any local newspaper announcing his intention to establish a medical practice.

(3) A notice under subsection (1) shall contain the following particulars in relation to the medical practitioner or specialist:

- (a) full name;
- (b) qualifications and area of practice of the medical practitioner or specialty, in the case of a specialist;
- (c) office address;
- (d) commencement date of medical practice;
- (e) telephone number, where one is available; and
- (f) such other information as is prescribed by the rules.

25. A medical practitioner or specialist shall not

- (a) advertise the services to be provided by himself or by any group or organisation to which he belongs or with which he is associated; or
- (b) make any representation, graphically or otherwise, or engage in or permit any act or behaviour,

Restrictions
on certain
advertisement.

that is likely or is intended to attract business unfairly or that can reasonably be regarded as touting.

Notice of
change of
address.

26. (1) Where a medical practitioner or specialist plans to change the office address of his medical practice, the medical practitioner shall inform the Secretary of the Council of his intention to change the office address of his medical practice.

(2) Where a medical practitioner or specialist has changed the office address of his medical practice he may post a sign, in accordance with the rules, outside the premises of the former office for a period of 3 months.

Permitted
use of
circulars.

27. A medical practitioner or specialist may use a circular to inform another medical practitioner or specialist and patients of

- (a) his intention to go on leave and any relevant arrangements relating to the operation of his medical practice; and
- (b) the addition of any medical practitioner or specialist to his medical practice provided that the circular contains only the name and qualifications of the new medical practitioner or specialist.

Restriction
on use of
professional
standing.

28. A medical practitioner or specialist shall not permit his professional standing to be used for the purpose of advertising any particular product, service or organisation.

Permitted
conduct
relating to
advertisement.

29. (1) A medical practitioner or specialist may permit limited and dignified identification of himself as a medical practitioner

- (a) in public notices where the announcement of his professional status is required or authorised by law or is reasonably necessary for a purpose other than the attraction of potential patients;
- (b) in reports and announcements of a *bona fide* commercial, civic, professional, social or political organisation in which he serves as a director or officer;

(c) in or in connection with medical textbooks, articles or professional journals and other medical publications and in dignified and restrained advertisements thereof;

(d) in announcements of any public address, lecture or publication by him on medical topics, provided that such announcements do not emphasize his own professional competence and are not likely to be regarded as being concerned with the giving of advice by him to any particular individual or group of persons.

(2) A medical practitioner or specialist may speak in public or write for a publication on medical topics provided that he does not emphasize his own professional competence or make reference to the professional competence of another medical practitioner or specialist.

30. (1) An advertisement by a medical practitioner or specialist shall comply with the requirements under this Act, and the rules made under the Act.

Compliance with rules relating to advertisement.

(2) A medical practitioner or specialist whose advertisement breaches the rules of the Council is guilty of professional misconduct.

31. (1) A person who alleges that he is aggrieved by an advertisement by a medical practitioner or specialist may, in writing, lodge a complaint with the Council.

Capacity of person aggrieved by advertisement to lodge complaint.

(2) Nothing in this section shall operate as a bar to the client, patient or other person who alleges himself aggrieved by the advertisement of a medical practitioner or specialist, availing himself of such remedies as are available in law.

Part V

*Investigations and disciplinary proceedings by the Council*Investigation
by Council.

32. (1) The Council shall have the power to investigate any matter, however arising, concerning the practice of medicine or the conduct of a medical practitioner or specialist where it is believed that such an investigation is warranted in the public interest and in the interest of maintaining the standards and dignity of the profession.

(2) The Council, of its own motion, may determine to conduct, with or without conducting a preliminary investigation,

(a) a formal hearing into the ability of a registered medical practitioner to practise medicine or a specialist to practise in the area of medicine in respect of which he is registered as a specialist; or

(b) an informal or formal hearing into the professional conduct of a registered medical practitioner or specialist.

(3) The Council shall investigate

(a) any representation, allegation or complaint made by a medical practitioner or specialist respecting the conduct or competence of another medical practitioner or specialist; or

(b) any allegation or complaint made, in writing, by a person other than a medical practitioner or specialist, respecting the matter of professional misconduct referred to in section 23 or an advertisement referred to in 30 of the Act,

unless the Council has determined that the allegation is frivolous or vexatious.

(4) The Council may investigate any allegation or complaint made by any person respecting any matter relating to the provision of medical services by an intern, a medical practitioner or specialist.

33. (1) An investigation by the Council may be in the form of

Form and
conduct of
investiga-
tion.

(a) a preliminary investigation;

(b) a review;

(c) an informal hearing; or

(d) a formal hearing.

(2) Subject to subsection (3), an investigation shall be conducted by the Complaints Committee, Disciplinary Committee or a special review committee as it is appropriate.

(3) Where the Council determines, with respect to an investigation, that special skill or expertise is required, the Council may appoint a single person or a panel that possesses the requisite skills or expertise to conduct the whole or part of the investigation.

34. (1) Where the Council determines that an investigation other than an assessment of qualification should be carried out in respect of the conduct, capability or competence of a medical practitioner or specialist, the Council shall refer the matter

Referral of
investiga-
tion of
medical
practition-
ers by
Council.

(a) to the Complaints Committee, the special review committee or the Disciplinary Committee, as the case may be; or

(b) to a person or panel that is appointed pursuant to subsection (3) of section 33.

(2) The Council shall give prompt notice of the referral, in writing, to the medical practitioner or specialist in respect of whom the investigation is to be conducted.

(3) A notice required to be given to a medical practitioner or specialist where a preliminary or other investigation is to be conducted respecting him shall

- (a) be sent by registered post as soon as possible after the Council has decided to conduct the investigation;
- (b) advise the medical practitioner or specialist of the nature of the matter to be investigated;
- (c) advise the medical practitioner or specialist of his right to provide such information as is relevant to the matter;
- (d) advise the medical practitioner or specialist of the procedures that can be taken in respect of the matter;
- (e) advise of the possibility of the medical practitioner or specialist being asked to submit to a medical examination or other specified assessment; and
- (f) where a medical practitioner or specialist has been asked to undergo a medical examination or assessment referred to in paragraph (e), invite the medical practitioner or specialist to indicate his willingness to submit to the examination or assessment.

35. The Committee, panel or person responsible for the conduct of an investigation under this Part shall submit to the Council, not later than 30 days following the conclusion of the investigation, a report, in writing, that includes the findings of the Committee or person, the decision and reasons therefor and the recommendations or direction of the Committee, panel or person, respecting the matter.

Report
respecting
investiga-
tion.

36. (1) Subject to subsection (2), upon the receipt of a report referred to in section 35, the Council shall, promptly, make a determination respecting the matter, taking into account the report submitted and shall take such action as it considers fair and appropriate in the circumstances.

Determina-
tion of
Council.

(2) The Council, where it considers it appropriate to do so, may invite the medical practitioner or specialist to appear before it or to provide in writing any explanation respecting the matter as the Council considers necessary.

(3) Where, in the case of a preliminary investigation, the Council accepts the recommendation of the Complaints Committee that a matter be referred to the Disciplinary Committee, the Council shall

- (a) inform the medical practitioner or specialist, in writing, of the conclusion of the preliminary investigation; and
- (b) cause to be served on the practitioner or specialist and the complainant in the matter, a copy of the decision and reasons for the decision.

(4) The Council shall, in respect of any other investigation, within 28 days of

- (a) receiving the report of the Committee, person or panel that conducted the investigation; or
- (b) the conclusion of the matter following an appearance or submission by the practitioner or specialist referred to in subsection (2),

in writing, notify the medical practitioner or specialist, who is the subject of the investigation, of its decision and

- (i) that no further action is to be taken by the Council respecting the matter; or
- (ii) that the matter is to be referred to the Disciplinary Committee for the conduct of an informal or formal hearing; or
- (iii) of the disciplinary measures to be taken by the Council consequent upon the decision.

(5) Where the report of an investigation by the Disciplinary Committee indicates the likelihood that a medical practitioner or specialist had been or was engaged in conduct that constitutes a criminal offence, the Council shall submit a copy of the report to the Director of Public Prosecutions.

Part VI

Investigations into competence and ability to practise medicine

37. (1) Where the Council determines that an investigation into the competence and ability of a registered medical practitioner or specialist to practise medicine is necessary, the Council shall appoint a Committee to be called a special review committee to conduct an investigation into the matter.

Investigation by special review committee respecting the ability of medical practitioner.

(2) The special review committee shall comprise three medical practitioners, one of whom shall not be a member of the Council.

(3) An investigation referred to in subsection (1), shall be conducted in accordance with the rules set out in the *Eighth Schedule*.

Eighth Schedule.

(4) The special review committee shall give notice, at least 28 days before the commencement of the investigation, to the medical practitioner or specialist who is the subject of the investigation and the notice shall accord with the provisions of section 34 (3).

(5) The special review committee shall make such inquiries as it considers appropriate.

(6) The special review committee may find a medical practitioner or specialist to be incompetent if, in the opinion of the committee, he has displayed in his professional care of a patient

(a) a lack of knowledge, skill or judgement; or

(b) disregard for the welfare of the patient,

of a nature or to an extent that demonstrates he is unfit to continue in the practice of medicine.

(7) Where the special review committee believes that the inability of the medical practitioner or specialist to discharge his professional responsibilities is the likely result of

- (a) the state of his physical or mental health;
- (b) the dependence on drugs or alcohol; or
- (c) the existence of an incapacity,

the special review committee may require the medical practitioner or specialist

- (i) to submit to physical or medical examinations or tests by such qualified persons as the special review committee designates; and
- (ii) to undergo such clinical or other examinations as the special review committee designates to determine whether the medical practitioner has adequate skill and knowledge to practise medicine.

(8) Where a medical practitioner or specialist refuses to submit to an examination or tests referred to in subsection (7) but the special review committee is satisfied, on the strength of other evidence including the conduct and demeanour of the medical practitioner or specialist, that his professional conduct is likely to

- (a) cause harm to his patients or to himself; or
- (b) to bring the profession into disrepute,

the special review committee may find the medical practitioner or specialist incompetent.

(9) The special review committee, on the completion of its investigation, shall submit a report of its findings, recommendations and advice to the Council within 30 days of the completion of the investigation.

(10) Where the special review committee finds a medical practitioner or specialist to be incompetent or to be lacking ability, the Committee

(a) may recommend to the Council that

- (i) the certificate of the medical practitioner or specialist be revoked and that his name be struck from the register in which it is entered;
- (ii) the certificate of the medical practitioner or specialist be suspended
 - (A) for a fixed period; or
 - (B) for an indefinite period until the occurrence of some specified future event;
- (iii) restrictions be imposed on the certificate of the medical practitioner or specialist for such period and subject to such conditions as the special review committee considers necessary; and

(iv) that the medical practitioner or specialist undergo such treatment or re-education as the special review committee considers necessary; and

(b) shall advise the Council respecting any other appropriate measure that may be taken in the circumstances.

Direction
of matters
by Council
to special
review
committee
or Assess-
ment
Committee.

38. (1) The Council may direct

(a) the Assessment Committee to conduct an evaluation of the qualifications or capability of a medical practitioner or specialist; or

(b) a special review committee, referred to in section 37, to conduct a review of the professional performance of a medical practitioner or specialist,

in the appropriate case, where the capability, competence or professional performance is an issue in any matter arising under the Act.

(2) The Assessment Committee shall submit a report of its findings, in writing, to the Council.

(3) The conduct of the evaluation or review of a medical practitioner or specialist by the Assessment Committee or special review committee under this section shall be in accordance with rules made under the Act.

39. (1) Where a medical practitioner or specialist is convicted of an offence Disciplinary measures.

- (a) that is punishable on indictment in Barbados; or
- (b) outside of Barbados, that is punishable on indictment in the jurisdiction in which the offence is committed,

the Council may, by order

- (i) suspend his registration for such period as the Council considers appropriate; or
- (ii) terminate his registration, remove his name from the register and revoke his certificate.

(2) Where, following an investigation by the Disciplinary Committee, the Council determines that a medical practitioner or specialist is guilty of professional misconduct, the Council may,

- (a) in writing,
 - (i) censure the medical practitioner or specialist;
 - (ii) reprimand the medical practitioner or specialist and may enter the fact of the reprimand in the registers in which his name is entered;
- (b) by order,
 - (i) suspend the registration of the medical practitioner or specialist for
 - (A) such fixed period as the Council considers appropriate; or

- (B) for an indefinite period until the occurrence of some specified future event; or
 - (ii) terminate the registration of the medical practitioner or specialist, remove his name from the register and revoke his certificate.
- (3) Where the medical practitioner or specialist is found to be incompetent, incapacitated or to be lacking ability the Council shall, where subsection (1) or (2) does not apply with respect to the conduct of a medical practitioner or specialist,
- (a) suspend his registration for such period as the Council considers appropriate; or
 - (b) terminate his registration and remove his name from the register and revoke his certificate; or
 - (c) impose as a pre-condition of the renewal of the registration and certification of the medical practitioner or specialist who is suspended, such conditions as the Council considers necessary; and
 - (d) direct that the medical practitioner or specialist undergo such treatment or re-education as the Council considers necessary.
- (4) The Council may censure or reprimand the medical practitioner or specialist and such reprimand may be recorded in the Register.
- (5) Notwithstanding subsections (1), (2), (3) and (4), the Council may take such further action as it considers appropriate, in the interest of maintaining the standards and integrity of the medical profession.

(6) Where the Council makes an order in accordance with this section the Council shall give, in writing, to

- (a) the medical practitioner or specialist; and
- (b) the complainant or any other person concerned in the matter

a copy of the order and reasons for the decision of the Council.

(7) Subject to subsection (8), the order of the Council has effect immediately on the service thereof on the medical practitioner or specialist or from such time as the order may direct.

(8) The High Court or any judge thereof may stay the order of the Council, upon good cause shown, pending an appeal from the order.

(9) Notwithstanding subsection (8), where an order of the Council is made in respect of a matter referred to in subsection (3), the court may impose such restriction in respect of the practice of medicine, upon the medical practitioner or specialist, as the court considers necessary in the interest of the public and the profession.

40. (1) A medical practitioner or specialist who is aggrieved by the decision of the Council to

Appeal
against
disciplinary
measures
and refusal
to register.

- (a) censure him; or
- (b) suspend his registration or terminate his registration and cause his name to be removed from the register;

may, within 3 months of the receipt by him of any such notification, in writing, appeal against the decision of the Council to a Judge in chambers.

(2) The Council may, pending the hearing of an appeal, referred to in subsection (1), on the application of that medical practitioner or specialist, suspend the operation of the decision giving rise to the appeal until the determination of the appeal.

(3) The Judge may

- (a) at the hearing of an appeal against refusal of registration, dismiss the appeal, or allow the appeal and direct the Council to cause the registration to be effected;
- (b) at the hearing of any appeal, other than an appeal against refusal of registration,
 - (i) dismiss the appeal and confirm the decision of the Council;
 - (ii) allow the appeal and set aside the decision of the Council;
 - (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be re-conducted by the Council; or
 - (iv) set aside the penalty imposed by the Council and impose in substitution therefor such other penalty as the Judge thinks fit;
 - (v) make an order for the payment, by the medical practitioner or specialist, to the Council of the costs of the appeal.

(4) Notwithstanding subsection (3)(a), no appeal shall lie under this section against refusal of an application for registration in a case in which such registration is conditional upon the applicant's satisfying the Council that he is qualified to be registered or that he is a fit and proper person to practise medicine in Barbados and the applicant has failed to provide satisfactory evidence in this regard.

41. (1) Where a medical practitioner or specialist whose name has been removed from the medical register or specialist register, has satisfied the Council that

Restoration
of name to
register.

- (a) any conduct that had been the cause of the suspension or termination has ceased;

- (b) any fee that was to be paid has been paid in full;
- (c) any condition imposed by the Council to occasion a restoration of the registration has been discharged fully;
- (d) the person has satisfied all of the requirements for registration under the Act,

the Council shall restore, promptly, the name of a medical practitioner or specialist.

(2) Notwithstanding subsection (1), the Council shall not restore the name of a medical practitioner or specialist to the medical register or specialist register where the Council is engaged in conducting any other investigation, in respect of the practitioner or specialist, the result of which may be a suspension or termination of registration.

42. (1) Where a civil action has been brought against a medical practitioner or specialist for

Notifica-
tion of civil
action or
criminal
trial.

- (a) alleged negligence in the course of providing medical care; or
- (b) failure to provide medical services in execution of an undertaking

the medical practitioner or specialist shall immediately notify the Council

- (i) of the action and the status of the action; and
- (ii) where the matter has been concluded
 - (A) by the Court, the decision and order of the Court; or
 - (B) by way of settlement, the terms of the settlement.

(2) Where a medical practitioner or specialist has, in respect of an indictable offence,

- (a) been committed for trial; or

(b) been convicted of the offence or has been discharged,

he shall immediately notify the Council of the Committal, conviction or discharge, as the case may be.

Confidenti-
ality.

43. (1) Every member of the Council or a committee of the Council, the Secretary or any person acting under the authority of any of them shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under this Act and shall not communicate such matters to any other person except

- (a) as may be required in connection with the administration of this Part and the rules and by-laws or any proceedings under this Part or the rules; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except

- (a) in a proceeding under this Part or under the rules; or
- (b) upon the order of a Judge of the High Court in a matter before the High Court.

Exemption
from
liability.

44. Nothing done by any member of the Council or a committee, the Secretary or any person acting under the authority of any of them where such thing was done *bona fide* for the purpose of executing any of the provisions of this Act or the rules, shall subject such person, in a personal capacity, to any action, liability, claim or demand whatsoever.

45. (1) All fees and monies collected by the Council in accordance with this Act shall be paid into the Consolidated Fund.

Payment of monies into and from the Consolidated Fund.

(2) Any expense incurred by the Council in the performance of its functions under this Act and any rules shall be defrayed out of monies voted for the purpose by Parliament.

46. (1) A person who

Offences.

(a) wilfully procures or attempts to procure registration under this Act for himself or for any other person; and

(b) makes or produces or causes to be made or produced any fraudulent representation or declaration, either verbally, in writing or otherwise,

is guilty of an offence under this Act and is liable on conviction on indictment to a fine of \$25 000 or to imprisonment for 2 years or to both such fine and imprisonment.

(2) Any person not being a medical practitioner or specialist who

(a) uses any name, title, addition or other description implying or calculated to imply that he is a registered medical practitioner or specialist or that he is recognised by law as a person authorised and qualified to practise medicine;

(b) assumes or uses any title or prefix indicative of any occupational designation relating solely to the practice of medicine;

(c) advertises or holds himself out as a person authorised or qualified to practise medicine; or

(d) engages in the practice of medicine,

is guilty of an offence under this Act and is liable on conviction on indictment to a fine of \$25 000 or to imprisonment for 2 years or to both such fine and imprisonment.

(3) Subsection (2) shall not apply to the practice of medicine by any person who is

- (a) acting under the direct supervision of a medical practitioner;
- (b) temporarily, provisionally, or specially registered under section 15(1); or
- (c) registered, licensed or enrolled under any enactment,

and who under the authority thereof performs or provides any service which he is authorised or entitled to perform.

No restriction of the rendering of assistance or use of home remedies.

47. Nothing in this Act shall prevent any person from

- (a) giving aid in cases of emergency without hire, gain or hope of reward; or
- (b) providing domestic administration of home remedies and treatment

in adherence with the usual standard of care.

Rules.

48. (1) The Council, with the approval of the Minister, may make rules for carrying into effect this Act, and, in particular, for any of the following purposes:

- (a) the proper conduct of its affairs, including the specifying of the time, manner and place of meeting and the proceedings thereof;
- (b) the determination of professional conduct and general fitness to practise medicine;
- (c) the instituting of disciplinary proceedings under the Act;
- (d) the conduct of examinations and matters relating thereto;
- (e) the specification of the institutions, courses of study or criteria that must be met to satisfy the requirement for post-graduate training or post-qualification and continuing education.

Schedules.

(2) The Minister may, by Order, amend the *Schedules* to the Act, on the recommendation of the Council.

Part VII

Savings and Transitional

49. (1) On the commencement of this Act, Replacement
of former
Council.
- (a) except for the purpose of giving effect to subsection (2), the former Council is abolished and the terms of its members shall cease;
 - (b) the Council shall be the successor in law of the former Council;
 - (c) all rights, assets, liabilities and obligations of the former Council, immediately before its abolition, become rights, assets, liabilities and obligations of the Council;
 - (d) the Council shall be substituted for the former Council as a party in any proceeding, contract, agreement or arrangement commenced or made by, against or in relation to the former Council;
 - (e) the Council may continue and complete any other continuing matter or thing commenced by, against or in relation to the former Council;
 - (f) any reference to the former Council in any other enactment is applicable to the Council; and
 - (g) any document of the former Council, so far as it relates to any period on or after the commencement of this section, and if not inconsistent with the context or subject matter, shall be taken to be a document of the Council.
- (2) Where an investigation or inquiry into the conduct or activities of a medical practitioner under the former Act has commenced but has not been completed before the commencement of this Act,
- (a) that investigation or inquiry may be completed on and after that date; and

- (b) any appeal or other further proceedings which might have been taken in relation to that investigation or inquiry under the former Act may be taken on and after that date,

as if this Act had not been enacted.

- (3) The Council shall give effect to a decision made on an inquiry, investigation or appeal to which subsection (2) applies as if it were a decision under this Act.

Ongoing proceedings.

50. (1) In the case of the activities of any medical practitioner which occurred before the commencement of this Act, the provisions set out in Part V apply insofar as there was power to conduct an inquiry under section 12 or 13 of the former Act into those activities.

(2) Any determination or result of a hearing into activities referred to in subsection (1) must be one which would have been available as a finding or decision in an inquiry by the former Council under the former Act.

Transitional registration period.

51. A person who was registered as a medical practitioner under the former Act immediately before the commencement of this Act, shall continue to be so registered for the duration of the period of registration.

Repeal of Cap. 371.

52. The *Medical Registration Act*, Cap. 371 is repealed.

Commencement.

53. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 3(8))

Barbados Medical Council

1. (1) The Barbados Medical Council shall be composed of the following persons: Constitution
of the
Council.

- (a) the Chairman, who shall be a person who has been registered in Barbados for a continuous period of not less than 10 years as a medical practitioner, appointed by the Minister in the exercise of his deliberate judgment;
- (b) the Chief Medical Officer *ex officio*;
- (c) the Director of Medical Services at the Queen Elizabeth Hospital *ex officio*;
- (d) one medical practitioner, appointed by the Minister, on the nomination of the Dean of the Faculty of Medical Sciences of the University of the West Indies;
- (e) 3 medical practitioners who have been registered in Barbados as such for not less than 5 years, appointed by the Minister, on the nomination of the Barbados Association of Medical Practitioners;
- (f) 3 medical practitioners 2 of whom shall be registered, in each case, as a medical practitioner for not less than 5 years, appointed by the Minister;
- (g) an attorney-at-law who has been admitted to the practice of law in Barbados for not less than 10 years appointed by the Minister; and
- (h) 2 members of the general public who do not represent any particular interest or body, appointed by the Minister.

(2) The Minister shall appoint as the Deputy Chairman a medical practitioner referred to in sub-paragraph (1)(e) or (1)(f), in the exercise of his deliberate judgment.

2. (1) Subject to sub-paragraph (2), members of Council, other than the Chief Medical Officer and the Director of Medical Services shall hold office as follows: Tenure.

- (a) the Chairman of the Council, for a term of 3 years;
- (b) other members of the Council, for a term of 2 years.

(2) For the initial period of appointment to the Council, 2 medical practitioners referred to in sub-paragraph (e) of paragraph 1(1) and 2 medical practitioners referred to in paragraph (f) of paragraph 1(1) shall be appointed for 3 years.

(3) Members of the Council shall be eligible for re-appointment and, except in respect of the Chief Medical Officer and the Director of Medical Services, shall hold office for not more than 2 consecutive terms, but such member is eligible for re-appointment after the expiration of one year following the end of the 2 terms.

(4) The Chairman of the Council shall continue to hold office until a new Chairman is appointed or until he is re-appointed Chairman, as the case may be.

3. (1) The Chairman or in his absence, the Deputy Chairman shall preside at all meetings of the Council.

Meetings
and
presiding at
meetings.

(2) The Council shall

(a) meet regularly, at least once in every 3 months; and

(b) at such other times as may be necessary or expedient for the transaction of its business.

(3) Meetings of the Council shall be held at such places and times and on such days as the Council may determine.

(4) Not less than 7 days' notice in writing of any meeting of the Council shall be given to members of the Council.

4. The Chairman shall summon a special meeting of the Council to be held not later than 14 days of the receipt by him of a written request for the purpose, signed by 3 members of the Council.

Special
meeting.

5. Nine members of the Council shall constitute a quorum, one of whom must be the Chairman or Deputy Chairman.

Quorum.

6. Every

Decisions.

(a) member of the Council shall be entitled to vote;

(b) decision of the Council shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the Chairman or in the Chairman's absence, the Deputy Chairman shall have a second or casting vote.

- Leave of absence. 7. A member who
- (a) is absent from Barbados without leave for a period of 6 months or more;
 - (b) fails without reasonable excuse to attend 2 consecutive meetings of the Council; or
 - (c) for whatever reason fails to attend meetings for a period of 12 months
- shall cease to be a member of the Council.
- Resignation of Chairman or other members. 8. (1) The Chairman or the Deputy Chairman may resign his respective office by letter addressed to the Minister and the resignation shall take effect from a date notified in the letter, or immediately, where no date has been so notified.
- (2) A member may at any time resign his office by letter in writing addressed to the Chairman, and upon the date of receipt of such letter, that person shall cease to be a member of the Council.
- Vacancy. 9. (1) Whenever there is a vacancy in the membership of the Council, it shall be filled in the same manner in which the original appointment was made.
- (2) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.
- Validity of proceedings. 10. The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the appointment of a member thereof.
- Duties of Secretary. 11. (1) The Chairman of the Council shall appoint a person who is not a member of the Council to perform the functions of Secretary.
- (2) The Secretary of the Council shall be the Secretary (*ex officio*), of any Committee established under these Rules.
- Minutes. 12. Minutes of the meetings of the Council shall be kept and copies furnished to each member of the Council not later than 14 days after the date on which the meeting was held.

SECOND SCHEDULE

(Section 6(1))

Assessment Committee

1. The Assessment Committee shall consist of a Chairman, who shall be the Chairman of the Council, and the following persons who shall be appointed by the Chairman of the Council:

- (a) 2 members of the Council who are registered medical practitioners;
- (b) 1 registered medical practitioner who is not a member of the Council and who has been a registered medical practitioner for not less than 10 years;
- (c) the Chairman of the Barbados Accreditation Council or the representative of the Chairman.

2. Three members of the Assessment Committee shall constitute a quorum.

3. Where the Chairman is absent from a meeting, the Assessment Committee shall elect one of its members present to act as Chairman for that meeting.

4. The Assessment Committee shall meet at such times as the Chairman considers that it is necessary to meet.

THIRD SCHEDULE

(Section 7(6))

Proceedings before the Complaints Committee

1. Whenever a matter is referred by the Council to the Complaints Committee, the Chairman of the Committee shall promptly notify, in writing, the medical practitioner or specialist whose conduct or action is the subject of the investigation.
2. The notice referred to in paragraph 1 shall
 - (a) identify the matter that is to be investigated;
 - (b) shall stipulate the right of the practitioner or specialist to submit to the Complaints Committee in writing, any explanation or representation he wishes to make as well as any document or other information, concerning the matter that he wishes to submit to the Committee;
 - (c) shall indicate that any submission must be made by a date not later than 28 days from the date of the notice or such other time as stipulated by the Complaints Committee.
3. The Complaints Committee shall examine all documents and other information relating to the complaint that are submitted to it and shall make every reasonable effort to verify the information and ascertain all the facts that are relevant to a determination of the matter.
4. The Complaints Committee may hear evidence from any person, whether or not the person is a party concerned in the matter.
5. Following a consideration of the information submitted to it, the Committee, where it determines that it is in the best interest of all the parties concerned, may solicit clarifications, in writing, with respect to any statement, representation or other information submitted to the Committee.

6. In the case where the Complaints Committee is conducting an investigation other than a preliminary investigation,

- (a) the Committee may invite each of the parties or both parties concerned in the matter to appear before the Committee to make representations or to answer questions respecting the matter;
- (b) the Committee may, on the request of a party, permit the party to appear before the Committee and shall not be required to give notice to the other party regarding the appearance but may allow the other party to have a copy of any statement or representation made to the Committee or an extract of such statement or representation;
- (c) the medical practitioner or specialist, where he appears before the Committee, shall have the right to be represented by an attorney-at-law.

7. The Complaints Committee shall report its findings, decision and recommendation to the Council in accordance with section 6(5) of the Act.

FOURTH SCHEDULE

(Section 8(5))

Proceedings before the Disciplinary Committee

1. (1) The Council shall serve on the medical practitioner or specialist against whom disciplinary proceedings are to be instituted a notice of enquiry which shall

(a) specify, in the form of a charge, the matters into which the enquiry is to be held; and

(b) state the time and place at which the enquiry is proposed to be held.

(2) Except with the consent of the medical practitioner or specialist, an enquiry shall not be fixed for a date earlier than 28 days after the date of the notice of enquiry.

(3) The notice of enquiry shall be served personally or by pre-paid registered post on the medical practitioner or specialist at the address shown on the Medical Register or at his last known address if that address differs from that on the Medical Register.

(4) In any case where there is a complainant, a copy of the notice of enquiry shall be sent to him.

2. Where, after a complaint has been referred to the Disciplinary Committee for investigation, it appears to that Committee that the enquiry should not be held, the Council shall notify the complainant, if any, and the medical practitioner of the fact.

3. The medical practitioner or specialist shall be entitled to receive free copies of, or to be allowed access to, any documentary evidence relied on for the purpose of the enquiry.

4. The medical practitioner or specialist shall have the right to be represented by an attorney-at-law in any disciplinary proceedings instituted against him.

5. Where the medical practitioner or specialist does not appear at the date fixed for the hearing of the case, the Disciplinary Committee may, if it is satisfied that a notice of enquiry has been served on the medical practitioner, proceed with the enquiry in his absence and the absence of his attorney.

6. Where witnesses are examined by the Disciplinary Committee, the medical practitioner or specialist shall be given an opportunity of attending and of putting questions to the witnesses in his own behalf; and no documentary evidence shall be used against him unless he has previously been supplied with copies thereof or given access thereto.

7. The medical practitioner or specialist shall be permitted to give evidence, call witnesses and make submissions orally or in writing in his own behalf.

8. The Disciplinary Committee may call additional witnesses and may adjourn the proceedings to another convenient time or place.

9. The testimony of witnesses shall be taken under oath, which the Chairman of the Board is authorised to administer, and there shall be a full right to examine, cross-examine and re-examine witnesses.

10. Upon the application of

- (a) any party to the inquiry;
- (b) the Chairman of the Disciplinary Committee; or
- (c) the counsel for the Disciplinary Committee,

the Registrar may issue subpoenas for the purposes of procuring the attendance of witnesses the giving of testimony and the production of documents before the Disciplinary Committee.

11. The rules of evidence in an inquiry, and the proceedings and penalties in the case of disobedience to any subpoena, shall be the same as in civil cases in the Supreme Court.

12. The Disciplinary Committee shall have the proceedings and the evidence

- (a) taken in shorthand, transcribed and certified by a court transcriber; or
- (b) recorded by a sound recording machine, and transcribed and certified by a court transcriber.

13. It is the duty of the member whose conduct or fitness to practise is being inquired into, to appear at the inquiry, but in the event of non-attendance by that member, the Disciplinary Committee, upon proof by an affidavit of the service of notice, may proceed with the inquiry, and without further notice to the member, make a report of its findings and take such other action as it is authorised to take under this Act.

14. Where, having heard the evidence in support of the charges, the Disciplinary Committee is of the opinion that the evidence is insufficient, it may dismiss the charges without calling upon the medical practitioner for his defence.

15. Upon the conclusion of the enquiry, the Disciplinary Committee shall submit a report of its findings, decision, reasons for the decision and recommendations to the Council in accordance with section 39 of the Act.

FIFTH SCHEDULE - (Cont'd)

3. Home Address _____

Tel. No.: _____

4. Business Address: _____

E-mail Address: _____ Tel. No.: _____

5. Where applicant has been registered previously

(a) registration number of medical practitioner

(b) registration of specialist

6.	Qualification	University/College Certifying Body	Date Obtained
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

7. (1) Indicate

(a) whether you are currently registered to practice medicine in any jurisdiction other than Barbados;

Yes No

FIFTH SCHEDULE - (Cont'd)

(b) where the answer is "yes",

(i) the jurisdiction _____

(ii) the period of registration from _____ / _____ / _____
day month year

to

_____ / _____ / _____
day month year

(c) form of registration

(i) general practitioner

(ii) specialist in _____
specialty

(2) Indicate

(a) whether you have ever been disciplined for any medical breaches in any jurisdiction other than Barbados;

Yes No

(b) where the answer is "yes" state the disciplinary measures taken

(3) Indicate whether you have been convicted in Barbados or any other jurisdiction of an offence

(a) respecting the misuse of drugs; or

(b) in respect of which a penalty of 5 years or more is prescribed.

Note: Disclosure of a conviction expunged pursuant to the *Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A* or similar legislation in any other relevant jurisdiction, is not required.

FIFTH SCHEDULE - (Cont'd)

8. (1) Indicate

(a) whether you have ever been suspended from practising medicine;

Yes No

(b) where the answer the answer is "yes" state the period of suspension.

from / / to / /
day month year day month year

(2) Indicate

(a) whether your registration or licence to practise in any jurisdiction other than Barbados has ever been terminated or revoked;

Yes No

(b) where the answer is "yes" state the date of termination or revocation.

Instructions

Please write the information required in capital letters and ensure that all required documentation accompanies your application form.

Note: Post office box numbers may not be used for a home or business address.

Please submit with the application the following:

- *A certified copy of the certificate or other evidence of qualification upon which you are relying in order to be registered as a medical practitioner.*
- *Application fee.*

Where you have been registered as a medical practitioner or specialist in more than one jurisdiction, please list all jurisdictions. You may use separate sheets of paper for this purpose.

FIFTH SCHEDULE - (Cont'd)

SECTION B - DECLARATION

I _____ hereby declare that the above information is true and correct to the best of my knowledge and information.

I acknowledge that the provision of any false statement or misleading statement may result in disciplinary proceedings and in the cancellation of any registration granted as a result of this application.

Signature

Date

FIFTH SCHEDULE - (Concl'd)

In the case of a re-registration indicate

_____	_____
DATE OF REGISTRATION	SPECIALIST REGISTRATION NUMBER

EXPIRY DATE OF REGISTRATION	

Instructions

Complete this Part if you have previously been registered as a Specialist.

SIXTH SCHEDULE

(Section 9(4))

BARBADOS



FORM B

*Medical Professions Act
(Act 2010-)*

Certificate of Registration to Practise as a Medical Practitioner

The Barbados Medical Council hereby certifies that

 Full Name

is registered to practise medicine as a general practitioner or a specialist in Barbados from the _____ day of _____, to the _____ day of _____, _____.

Chairman
Barbados Medical Council

Registrar

Date

Registration Number

SIXTH SCHEDULE - (Concl'd)

(Section 20(4))

BARBADOS



FORM C

*Medical Professions Act
(Act 2010-)*

Certificate of Registration to Practise as a Specialist

The Barbados Medical Council hereby certifies that

_____ is
Full Name

registered to practise medicine as a specialist in _____ * in
Barbados from the _____ day of _____, to
the _____ day of _____, 20_____.

Registrar
Medical Council

Chairman
Medical Council

Date

Registration Number

*Please insert specialty.

SEVENTH SCHEDULE

(Section 21(2))

Institutions approved by the Minister on the recommendation of the Council for the provision of relevant post-graduate training and certification as Specialists in Medicine

PART I

1. University of the West Indies
2. Royal College of Anaesthetists
3. Royal College of General Practitioners
4. Royal College of Obstetricians and Gynaecologists
5. Royal College of Ophthalmologists
6. Royal College of Pathologists
7. Royal College of Physicians and Surgeons of Glasgow
8. Royal College of Physicians of Edinburgh
9. Royal College of Physicians of London
10. Royal College of Psychiatrists
11. Royal College of Radiologists
12. Royal College of Surgeons of Edinburgh
13. Royal College of Surgeons of United Kingdom
14. Such other institutions providing specialized medical training and certification as the Council approves

SEVENTH SCHEDULE - (Cont'd)

PART II

*(Sections 20(1), 20(5), 21(2))**List of the specialities and the period of relevant training
required for specialty certification*

The following qualification in respect of each of the specialities set out in the first column obtained upon completion of training for the corresponding minimum periods set out in the second column:

<i>Name of Specialty</i>	<i>Minimum period of relevant training required for specialty certification</i>
anaesthetics	4 years
biological chemistry chemical pathology	} 4 years
cardiology	4 years
child psychiatry	4 years
dermato - venereology	4 years
dermatology	4 years
diagnostic radiology (clinical)	4 years
emergency medicine	4 years

SEVENTH SCHEDULE - (Cont'd)

List of Specialist Qualifications

<i>Name of Specialty</i>	<i>Minimum period of relevant post-graduate training</i>
endocrinology or endocrinology & diabetes mellitus } }	4 years
family medicine	4 years
gastro-enterology	4 years
general haematology	4 years
general (internal) medicine	5 years
general surgery	5 years
geriatric	4 years
immunology	4 years
infectious diseases or communicable diseases } }	4 years
microbiology-bacteriology	4 years
neurological surgery	5 years
neurology	4 years
nuclear medicine	4 years
obstetrics and gynaecology	4 years
occupational medicine	4 years

SEVENTH SCHEDULE - (Cont'd)

List of Specialist Qualifications

<i>Name of Specialty</i>	<i>Minimum period of relevant post-graduate training</i>
ophthalmology	4 years
oral and maxillo-facial surgery	4 years
orthopaedics (trauma & orthopaedic surgery) }	5 years
oto rhino laryngology (otolaryngology)	4 years
paediatrics	4 years
paediatric surgery	5 years
pathological anatomy histopathology }	4 years
pharmacology clinical pharmacology and therapeutics }	4 years
plastic surgery	5 years
psychiatry general psychiatry }	4 years
public health medicine community medicine }	4 years
radiology	4 years
radiotherapy	4 years

SEVENTH SCHEDULE - (Concl'd)

List of Specialist Qualifications

<i>Name of Specialty</i>	<i>Minimum period of relevant post-graduate training</i>
renal medicine	4 years
respiratory medicine	4 years
rheumatology	4 years
thoracic surgery cardio-thoracic surgery	5 years
tropical medicine	4 years
urology	5 years
vascular surgery	5 years
venerology genito urinary medicine } }	4 years

EIGHTH SCHEDULE

(Section 37(3))

Proceedings before a special review committee

1. (1) The Council shall serve notice of the investigation
 - (a) to the medical practitioner or specialist who is the subject of the investigation;
 - (b) where the medical practitioner is employed by any public or private entity, to the person in charge of the entity; and
 - (c) to any person who made a complaint relating to the ability or competence of the medical practitioner or specialist.
 - (2) The notice shall
 - (a) specify the matters into which the investigation is to be held; and
 - (b) state the time and place at which the investigation is proposed to be held.
 - (3) Except with the consent of the medical practitioner or specialist, an investigation shall not be fixed for a date earlier than 28 days after the date of the notice of investigation.
 - (4) The notice of investigation shall be served personally or by pre-paid registered post on the medical practitioner or specialist at the address shown on the Medical Register or at his last known address if that address differs from that on the Medical Register.
2. The medical practitioner or specialist shall have the right and duty to be present at the investigation or to be represented by an attorney-at-law.
 3. Where the medical practitioner or specialist does not appear at the date fixed for the investigation of the case, the special review committee may, if it is satisfied that a notice of investigation has been served on the medical practitioner, proceed with the investigation in his absence and the absence of his attorney.

4. Where witnesses are examined by the special review committee, the medical practitioner or specialist shall be given an opportunity of attending and of putting questions to the witnesses in his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with copies thereof or given access thereto.

5. The medical practitioner or specialist shall be permitted to give evidence, call witnesses and make submissions orally or in writing on his own behalf.

6. The medical practitioner or specialist shall be entitled to receive free copies of or allowed access to, any documentary evidence relied on for the purpose of the enquiry.

7. Subject to paragraph (8), where the special review committee has received a report relating to an examination referred to in section 37(7) none of the contents of the report shall be disclosed to any person (whether or not that person is a part of the investigation) other than the medical practitioner or specialist concerned in the matter.

8. Upon the conclusion of the investigation, the special review committee shall submit, to the council, the report required by section 37(9) of the Act.

NINTH SCHEDULE

(Section 21)

<i>Matters in respect of which a fee is payable</i>	<i>Amount Payable</i>
1. Temporary registration that is valid for 6 months from the date of registration	\$750.00
2. Issue of a Certificate of Good Standing	\$100.00
3. Special registration, in accordance with subsection 3(c) of section 15 of the Act, of a person who, in addition to such public service, is authorised to engage in his profession or practice	\$2 500.00