

CAYMAN ISLANDS



HEALTH PRACTICE (AMENDMENT AND VALIDATION) BILL, 2020

Supplement No. 1 published with Legislation Gazette No. 2 dated 3rd January, 2020.

A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW (2017 REVISION) TO DISTINGUISH BETWEEN PRACTISING LICENCES ISSUED TO FULLY REGISTERED PRACTITIONERS AND PRACTISING LICENCES ISSUED TO INSTITUTIONALLY AND PROVISIONALLY REGISTERED PRACTITIONERS; TO VALIDATE THE HEALTH PRACTICE REGISTRATION (AMENDMENT) REGULATIONS, 2013 AND THE PRACTISING LICENCES ISSUED UNDER THE REGULATIONS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Health Practice Law (2017 Revision) (the “principal Law”), to, among other things, distinguish between practising licences issued to fully registered practitioners and practising licences issued to institutionally and provisionally registered practitioners, and to validate the Health Practice Registration (Amendment) Regulations, 2013.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the interpretation of certain expressions used in the legislation.

Clause 3 provides for the deletion of the word “chairman” and substitution with the word “chairperson” throughout the legislation to promote the use of gender-neutral language.

Clause 4 amends section 2 of the principal Law to insert a definition for “Chief Medical Officer”.

Clause 5 amends section 24A of the principal Law to provide that the registration period for institutionally registered practitioners shall be for an initial period of two years and may be renewed for consecutive periods not exceeding two years in any period.

Clause 6 amends section 27A of the principal Law to distinguish between practising licences issued to fully registered practitioners and practising licences issued to institutionally registered practitioners and provisionally registered practitioners. A practising licence issued to a fully registered practitioner shall, unless renewed, revoked or surrendered, expire on the second anniversary of the birth of the licensee following the date of the first issue or re-issue thereof. A practising licence issued to an institutionally registered practitioner or a provisionally registered practitioner shall, unless renewed, revoked or surrendered, be valid for a period not exceeding two years.

Clause 7 amends Schedule 1 of the principal Law to, among other things, provide for the appointment of two more members to the Health Practice Commission, namely the Chief Medical Officer and a person who is not a registered practitioner or a manager or operator of a health care facility.

Clause 8 provides for the validation of the Health Practice Registration (Amendment) Regulations, 2013. That clause further provides that practising licences issued to institutionally registered practitioners during the specified period are deemed to be as lawful and valid as if the practising licences had been issued, and had expired, in accordance with the Health Practice Law (2005 Revision) and any amendments to that Law prior to the commencement of this amending and validating Law.

Clause 9 provides for immunity from suit. Notwithstanding any law to the contrary, no legal proceedings or other action of any kind shall be commenced or continued against any person in respect, or in consequence, of an act, decision or omission of an



institutionally registered practitioner done, taken, made or conducted during the specified period, if the act, decision, omission, or proceeding would have been lawful and valid had the practising licence been issued in accordance with the Health Practice Law (2005 Revision) and any amendments to that Law prior to the commencement of this amending and validating Law.



CAYMAN ISLANDS

HEALTH PRACTICE (AMENDMENT AND VALIDATION) BILL, 2020

Arrangement of Clauses

Clause	Page
1. Short title	7
2. Interpretation	8
3. Amendment of the Health Practice Law (2017 Revision) - deletion of "chairman" and substitution with "chairperson"	8
4. Amendment of section 2 - definitions	8
5. Amendment of section 24A - institutional registration	8
6. Amendment of section 27A – practising licence	8
7. Amendment of Schedule 1 - Health Practice Commission	9
8. Validation	9
9. Immunity from suit	10

CAYMAN ISLANDS



**HEALTH PRACTICE (AMENDMENT AND
VALIDATION) BILL, 2020**

A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW (2017 REVISION) TO DISTINGUISH BETWEEN PRACTISING LICENCES ISSUED TO FULLY REGISTERED PRACTITIONERS AND PRACTISING LICENCES ISSUED TO INSTITUTIONALLY AND PROVISIONALLY REGISTERED PRACTITIONERS; TO VALIDATE THE HEALTH PRACTICE REGISTRATION (AMENDMENT) REGULATIONS, 2013 AND THE PRACTISING LICENCES ISSUED UNDER THE REGULATIONS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Health Practice (Amendment and Validation) Law, 2020.

Interpretation

2. In this Law, “**specified period**” means the period commencing on 1st July, 2013, which is the date of the commencement of the *Health Practice (Amendment) Law, 2013*, and ending on the commencement of this Law.

Amendment of the Health Practice Law (2017 Revision) - deletion of “chairman” and substitution with “chairperson”

3. The *Health Practice Law (2017 Revision)*, in this Law referred to as the “principal Law”, is amended by deleting the word “chairman” wherever it appears and substituting the word “chairperson”.

Amendment of section 2 - definitions

4. The principal Law is amended in section 2 by inserting after the definition of “authorised insurer”, the following definition —

“**Chief Medical Officer**” means the person appointed to or acting in that position in the Ministry responsible for health;”.

Amendment of section 24A - institutional registration

5. The principal Law is amended in section 24A by repealing subsection (4) and substituting the following subsections —

“(4) Registration under this section shall be for an initial period of two years and may be renewed for consecutive periods not exceeding two years in any period.

(4A) A registered practitioner on the institutional registration list who wishes to renew that registered practitioner’s registration shall apply for the renewal not less than sixty days prior to the expiration of the registration.”.

Amendment of section 27A – practising licence

6. The principal Law is amended in section 27A by repealing subsection (2) and substituting the following subsections—

“(2) A practising licence issued to a registered practitioner on the principal list shall, unless renewed, revoked or surrendered, expire on the second anniversary of the birth of the licensee following the date of the first issue or re-issue of the practising licence.

(2A) A practising licence issued to a registered practitioner on the institutional registration list or the provisional list shall, unless renewed, revoked or surrendered, be valid for a period not exceeding two years.

(2B) Where an application for the renewal of a practising licence under subsection (2) or (2A) is made before the expiry of the practising



licence but has not been dealt with by the relevant Council at the time the practising licence is due to expire, the practising licence continues in force until the application for renewal is dealt with; and any renewal in such a case shall be taken to have commenced from the day on which the practising licence would have expired but for the renewal.”.

Amendment of Schedule 1 - Health Practice Commission

7. The principal Law is amended in Schedule 1, in paragraph 1, as follows —

- (a) in subparagraph (1) as follows —
 - (i) by deleting the word “and” appearing at the end of subparagraph (d); and
 - (ii) by inserting after subparagraph (d), the following subparagraphs —
 - “(da) a person who is not —
 - (i) a registered practitioner; or
 - (ii) a manager or operator of a health care facility;
 - (db) the Chief Medical Officer, who shall be an *ex-officio* member; and”;
- (b) in subparagraph (5), as follows —
 - (i) by inserting after the words “the Commission” the words “except an *ex-officio* member”; and
 - (ii) by deleting the words “such appointment” and substituting the words “each appointment”; and
- (c) in subparagraph (6), by inserting after the words “the Commission” the words “except an *ex-officio* member”.

Validation

8. (1) The *Health Practice Registration (Amendment) Regulations, 2013* are deemed to be lawful and valid as if the *Health Practice Registration (Amendment) Regulations, 2013* had been made in accordance with the *Health Practice Law (2005 Revision)*.
- (2) Practising licences issued to institutionally registered practitioners during the specified period are validated and deemed to have been issued and expired, in accordance with the *Health Practice Law (2005 Revision)* and any amendments to that Law prior to the commencement of this amending and validating Law.

Immunity from suit

9. (1) Notwithstanding any law to the contrary, no legal proceedings or other action of any kind shall be commenced or continued against any person in respect, or in consequence, of an act, decision, omission or proceeding of an institutionally registered practitioner done, taken, made or conducted during the specified period, if the act, decision, omission, or proceeding would have been lawful and valid had the practising licence been issued in accordance with —
- (a) the *Health Practice Law (2005 Revision)*; and
 - (b) any amendments to the *Health Practice Law (2005 Revision)* prior to the commencement of this amending and validating Law.
- (2) For the purposes of subsection (1), an act, decision, or omission of an institutionally registered practitioner done, taken, made or conducted during the specified period is not lawful or valid if the act, decision or omission was negligent or done in bad faith.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

