

No. of 2019

**VIRGIN ISLANDS**  
**MEDICAL (AMENDMENT) ACT, 2019**  
**ARRANGEMENT OF SECTIONS**

1. . .Short title.
2. . .Section 1 amended.
3. . .Section 2 amended.
4. . .Insertion of sections 3A and 3B.
- 5....Section 9 amended.
- 6....Section 10 replaced.
- 7....Insertion of sections 10A-10F.
- 8....Section 11 amended.
- 9....Section 12 amended.
- 10...Section 16 amended.
- 11...Section 17 replaced.
- 12...Insertion of section 18A.
- 13...Section 19 amended.
- 14...Section 22 amended.
- 15....Section 23 amended.
- 16....Section 25 amended.
- 17....Section 26 amended.
- 18...Section 29 amended.
- 19....Section 30 amended.
- 20...Section 33 amended.
- 21...Section 40 amended.
- 22...Section 41 replaced.
- 23...Insertion of section 41A- 41F.
- 24...Section 43 amended.
- 25....Section 44 amended.
- 26....Section 48 replaced.
- 27...Insertion of section 49A.
- 28....Section 50 amended.
- 29....Section 53 amended.
- 30...Section 73 replaced.
- 31...Section 74 amended.
- 32...Section 75 amended.
- 33...Section 77 amended.
- 34...Section 78 amended.
- 35...Schedule 1 amended.
- 36...Schedule 2 amended.

- 37...Insertion of Schedule 2A.
- 38...Schedule 3 replaced.
- 39...Schedule 4 replaced.
- 40...Schedule 5 amended.
- 41...Amendment of Schedule 6
- 42...Insertion of Schedule 6A.
- 43...Schedule 7 replaced.
- 44...Transitional provision

I Assent

Governor

, 2019

**VIRGIN ISLANDS**

No. 2019

An Act to amend the Medical Act (No 4 of 2000).

[Gazetted , 2019]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

**1.** This Act may be cited as the Medical (Amendment) Act, 2019.

Section 1  
amended  
Act No. 4 of  
2000.

**2.** The Medical Act, 2000 (hereinafter referred to in this Act as “the principal Act”) is amended in section 1 by deleting the words “Medical Act, 2000” and replacing with the words “Medical, Dental and Allied Health Practitioners Act, 2000”.

Section 2 amended.

**3.** Section 2 of the principal Act is amended by inserting the following definitions in proper alphabetical order:

“Dental Practitioner” means a person who is qualified to practice dentistry or dental surgery, and is duly registered as a dental practitioner and whose name appears in the Medical and Dental Register under this Act;

“Medical Practitioner” means a person who is qualified to practice medicine or surgery, and is duly registered as a medical practitioner and whose name appears in the Medical and Dental Register under this Act;

“Minister” means the Minister responsible for Health;

“Private practice” means the practice of medicine, surgery or dentistry in which services are offered to the public for a fee which is paid directly to the provider operating the service;

“Specialist Practitioner” means a person who has had higher medical, surgical, dental or other training and is registered to practice those higher specialist skills under this Act.”.

4. The principal Act is amended by inserting immediately after section 3 the following sections: Insertion of sections 3A and 3B.

“Functions of Council.

**3A.** The Council shall have the following functions:

- (a) to register and regulate the practice of medical or dental practitioners registered under this part of the Act for the purpose of protecting and improving public and individual health;
- (b) to ensure that appropriate standards of qualifications and professional practice and conduct are maintained in the Virgin Islands by medical or dental practitioners registered under this Act to practice in the Virgin Islands.

Powers of Council.

**3B.** (1) The Council shall have the powers to do all things necessary or convenient in connection with the performance of its functions.

(2) Without limiting the powers conferred under subsection (1) the Council shall have the power to

- (a) register medical and dental practitioners under this Act;
- (b) instruct the Registrar in relation to the addition or removal of names of medical or dental practitioners from the Register;
- (c) collect fees in respect of the provisions under Part I of the Act;
- (d) endorse guidelines or standards of professional conduct for persons registered under Part I of the Act;
- (e) advise the Minister where appropriate on matters relating to Medical and Dental Services in the Virgin Islands;
- (f) address matters referred to it by the Minister; and

(g) perform any other function as may be specified under this Act.”

5. Section 9 of the principal Act is amended

Section 9  
amended.

(a) in subsection (1) by

(i) deleting paragraphs (a), (b) and (c) and replacing with the following paragraphs:

“ (a) name of the medical or dental practitioner;

(b) address of the medical or dental practitioner;

(c) description and date of qualification/s in respect of which the medical or dental practitioner is registered;

(d) the branch of medicine, the medical or dental practitioner is registered to perform;

(e) whether the medical or dental practitioner is a general practitioner or Specialist practitioner;

(f) type of registration;

(g) registration number; and

(h) any other conditions as may be stipulated by the Council.”

(ii) in subsection (5) by deleting the words “paragraphs (a), (b) and (c) of”.

(b) by inserting the following subsection after subsection (1);

“(1a) The Registrar shall cause to be entered into a section of the Register the following categories of Registration, along with the names and particulars of persons registered as medical or dental practitioners;

(a) Full Registration;

(b) Temporary Registration;

(c) Provisional Registration;

(d) Special Registration; and

(e) Registration as a Specialist Practitioner.”

Section 10  
replaced.

6. Section 10 of the principal Act is repealed and replaced as follows:

“Application for  
registration for a  
medical or dental  
practitioner

**10.** (1) Where after the commencement of this Act, any person desires to be registered as a medical or dental practitioner, he shall make an application in writing to the Registrar and submit such evidence as may be required to establish that he is eligible to be registered in the specific category being applied for and is a fit and proper person to be so registered.

(2) The evidence submitted under subsection (1) shall include a declaration on oath in proof of the applicant’s identity and good character, and of the authenticity of any degree, diploma or certificate submitted in support of the application to show sufficient guarantee of the possession of the requisite knowledge and skills for the efficient practice of medicine or dentistry.

(3) The Registrar shall refer an application under this section to the Council and the Council, if satisfied that the applicant is eligible and is a fit and proper person to be registered, shall direct the Registrar to register him in the specific category being applied for, upon payment of the fee set out in Schedule 3 and subject to such conditions as to the term of his registration as the Council may deem fit.

(4) The Registrar shall

(a) issue to the person registered in the specific category, a Certificate of Registration in the form set out in Schedule 2; and

(b) make the necessary entry in the Medical and Dental Register and publish a notice to that effect in the *Gazette*.”

Insertion of sections  
10A- 10F.

7. The principal Act is amended by inserting after section 10 the following sections:

“Requirement to  
be registered and  
have a practising  
Certificate

**10A.** A person shall not be eligible to practice medicine or dentistry or hold himself to be a medical or dental practitioner in the Virgin Islands unless he

(a) is registered in the relevant category of registration and his name is recorded in the Register in accordance with the provisions of this Act and the conditions of registration; and

(b) holds a valid licence to practice for that purpose in accordance with section 17B.

Full Registration. **10B.** Subject to section 10, the Registrar may register the name of a person who applies to the Council for Full Registration as a medical or dental practitioner

(a) where the person has completed the prescribed training or has the practical experience in the practice of general medicine or dentistry; and

(b) upon payment of the required fee as set out in Schedule 3.

Temporary Registration. **10C.** Subject to section 10, the Registrar may register the name of a person who applies to the Council for Temporary Registration as a medical or dental practitioner

(a) where the person has completed the prescribed training or has the practical experience in the practice of general medicine or dentistry;

(b) where the person intends to practice in the Virgin Islands for a period not exceeding six months; and

(c) upon payment of the required fee as set out in Schedule 3.

Provisional Registration. **10D.** (1) Subject to section 10, the Registrar may register the name of a person who applies to the Council for Provisional Registration as a medical or dental practitioner where he does not sufficiently meet the requirements of a fully registered medical or dental practitioner, but

(a) satisfies the Council that he is employed as an intern for a period of internship at an approved Health Facility in the Virgin Islands, to be eligible for Full Registration; and

(b) upon payment of the required fee as set out in Schedule 3.

(2) A person registered for provisional registration shall

- (a) during the period of his internship be supervised by a person who has been granted Full registration and licensed in accordance with this Act;
- (b) not be allowed to practice independently; and
- (c) during the period of internship be rotated through specialist areas of practice as may be deemed appropriate by the Council, and such internship shall end with a formal assessment of the performance of the practitioner.

Special  
Registration.

**10E.**(1) Subject to section 10, the Registrar may register the name of a person who applies to the Council for Special Registration as a medical or dental practitioner,

- (a) where the person has completed the prescribed training or has the practical experience in the practice of general medicine or dentistry;
- (b) desires to provide services in the Virgin Islands for a period of six weeks or less; and
- (c) upon payment of the required fee as set out in Schedule 3.

(2) Special Registration may be granted to a person

- (a) where there is declared a state of emergency or disaster in the Virgin Islands; or
- (b) for any other specific purpose as may be approved by the Council.

Registration as a  
Specialist.

**10F.** Subject to section 10, the Registrar may register the name of a person who applies to the Council for registration as a Specialist Practitioner in any particular field of medicine or dentistry where he has

- (a) three years full time supervised applied study in a particular discipline;

(b) successfully completed examination of a standard considered by the Council to be adequate for the purposes of registration as a Specialist Practitioner; and

(c) pays the required fee as set out in Schedule 3.”

Section 10 amended.

**8.** Section 11 of the principal Act is amended

(a) in subsection (1) by deleting

(i) **11.** (1) and replacing with **11**;

(ii) the words “may require that the applicant submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory medical or dental training, or serve a period of internship” and replacing with the words “may require that the applicant pass the Caribbean Association of Medical Councils Examination, or any other condition as the Council may direct.”

(b) by deleting subsections (2), (3), (4), (5), (6), (7), (8) and (9).

Section 12 amended.

**9.** Section 12 of the principal Act is amended by inserting the words “Subject to the approval of the Council” immediately before the words “A person”.

Section 16 amended.

**10.** Section 16 of the principal Act is amended by inserting after subsection (1) the following subsection-

“(1a) The Registrar shall cause to be circulated a copy of the lists referred to in subsection (1) to all Pharmacies in the Virgin Islands.”

Section 17 replaced

**11.** The principal Act is amended by repealing section 17 and replacing with the following sections:

“Application for licence to practice as a medical or dental practitioner.

**17.** Where a medical or dental practitioner holds a valid Certificate of Registration pursuant to this Act he shall be eligible to be licensed to practice medicine or dentistry in the Virgin Islands and he may apply in the prescribed form for a licence to practice for the purpose of carrying on the practice of medicine or dentistry in the category of registration for which he is registered.

Factors to be considered by Council when issuing a licence to practice as a medical or dental practitioner.

**17A.** In making a decision to issue a licence to practice as a medical or dental practitioner the Council shall have regard to the following factors:

(a) if the person is recognised by the Council as a fit and proper person of good standing;

(b) if the person satisfies the Council that he has complied with any prescribed requirements for continuing medical Education; and

(c) if the person satisfies any other requirements as may be required by the Council,

and where the Council is satisfied that the person has met the requirements, a licence to practice shall be issued to the person upon payment of the required fee as set out in Schedule 3.

Licence to practice as a medical or dental practitioner.

**17B.(1)** A licence to practice as a medical or dental practitioner issued by the Council shall be in the form as specified in Schedule 2A and shall specify the following:

(a) the name of the medical or dental practitioner;

(b) the place and institution at which the medical or dental practitioner may practice medicine or dentistry;

(c) the branch or area of specialisation of medicine or dentistry that the medical or dental practitioner is entitled to practice;

(d) the category of registration; and

(e) any other special conditions as may be imposed on the licensee which may include where applicable, the Minister's approval for the medical or dental practitioner;

(i) to act as a private practitioner or engage in private practice; or

(ii) to be employed by a private medical or dental practitioner who has been registered under this Act.

(2) Notwithstanding subsection (1) where a medical or dental practitioner is granted Special Registration, his licence to practice shall include as is specified in the form in Schedule 2A;

- (a) the time period for which he is entitled to practice;
- (b) the specific purpose for which the practitioner is entitled to practice;
- (c) the specific conditions of practice; and
- (d) the expiration date of the licence.

(3) Subject to subsection (2), a person who practices outside of the stipulated conditions as specified in his Special Registration practice licence shall be guilty of professional misconduct.

Period of validity of licence of a medical or dental practitioner.

**17C.** The Council shall within two months of receipt of all necessary documents issue a licence to practice as a medical or dental practitioner for a period not exceeding, in the case of

- (a) a medical or dental practitioner who is granted Full Registration or Registration as a Specialist, two years;
- (b) a medical or dental practitioner who is granted Temporary Registration, six months; or
- (c) a medical or dental practitioner who is granted Special Registration, six weeks.

Renewal of licence of a medical or dental practitioner.

**17D.**(1) A person shall apply for the renewal of his licence to practice as a medical or dental practitioner no later than thirty days prior to the date on which the licence to practice as a medical or dental practitioner expires.

(2) An application made pursuant to subsection (1) shall

- (a) be in the prescribed form; and
- (b) be accompanied by
  - (i) the required renewal fee;
  - (ii) evidence satisfying that the applicant is recognised as a fit and proper person of good standing by the Council;

- (iii) evidence that the applicant has complied with the prescribed requirements for continuing medical Education which shall include completing 20 hours of continuing medical education credits; and
- (iv) any other requirements as may be reasonably required by the Council.

Lapse of Licence. **17E. (1)** A medical or dental practitioner who is granted Registration and licensed in a specific category under this act and fails to renew his licence in the required time period in accordance with the provisions of this Act shall have a lapsed licence.

(2) Where a medical or dental practitioner’s licence has lapsed under subsection (1), the Council shall impose a five hundred dollars late penalty fee in addition to the required renewal fee and the medical or dental practitioner licence shall be reinstated automatically upon payment of the late penalty fee, the renewal fee and satisfying the conditions as specified in section 17D (2) (b) (ii), (iii) and (iv).

(3) Where a medical or dental practitioner fails to pay the late penalty fee, renewal fee and satisfy the required conditions under subsection (2), the medical or dental practitioner shall after one year from the expiration of the licence be removed from the register and be required to apply to be reregistered and licensed as a new applicant.

**12.** The principal Act is amended by inserting after section 18 the following section

Insertion of section 18A.

“Display of registration certificate, licence etc.

**18A.** A medical or dental practitioner shall display in a prominent place where he conducts his practice of medicine or dentistry

- (a) a copy of his valid registration certificate;
- (b) a copy of his licence to practice; and
- (c) where applicable, a copy of the written approval of the Minister, to
  - (i) act as a private practitioner or engage in private practice; or
  - (ii) be employed by a private medical or dental practitioner who has been registered under the Act.”

Section 19  
amended.

**13.** Section 19 of the principal Act is amended by

(a) inserting after subsection 1, the following

“(1a) For the purposes of this Part professional misconduct includes but is not limited to-

- (a) improper conduct, relations or association with a patient;
- (b) knowingly betraying a patient’s confidence, except for the purpose of complying with giving testimony before the courts, preventing harm to that patient or the protection of others against harm, serious injury or a communicable disease;
- (c) knowingly abandoning a patient in danger without sufficient cause or opportunity to retain the services of another practitioner;
- (d) issuing a false medical certificate;
- (e) holding oneself to be a specialist when one is not registered as a specialist;
- (f) wilfully or negligently misrepresenting the curative efficacy of a drug or treatment; or
- (g) knowingly practicing while intoxicated.”

(a) in sub-section (2)

(i) by deleting the word “or” in paragraph (b);

(ii) by deleting the full stop in paragraph (c) and replacing with the word “;or”;  
and

(iii) by inserting after paragraph (c) the following

“(d) limit any part or parts of his practice.”

Section 22  
amended.

**14.** Section 22 of the principal Act is amended by deleting the words “three thousand dollars” and replacing with the words “five thousand dollars”.

Section 23  
amended.

**15.** Section 23 of the principal Act is amended by repealing subsections (3) and (4).

16. Section 25 of the principal Act is amended

Section 25  
amended.

- (a) in subsection (1) by inserting after the word “registered” the following words, “and holding a valid licence to practice in accordance with the terms and conditions of that licence to practice”.
- (b) in subsection (2) by inserting the words, “and holds a valid licence to practice” after the word “registered”.

17. Section 26 of the principal Act is amended by

Section 26  
amended.

- (a) inserting the number “(1)” after “26”;
- (b) deleting in the chapeau, the words “ A person who, not being registered as a medical practitioner under this Act” and replacing with the words the following words, “ A person who is not registered as a Medical practitioner and who does not hold a valid licence to practice as a medical practitioner, under this Act, and”
- (c) in paragraph (a) by deleting the word “or” directly after the word “whatsoever”.
- (d) inserting after paragraph (b) the following paragraphs
  - “(c) impersonates another medical practitioner; or
  - (d) enables unregistered persons to practice medicine or knowingly associates with an unregistered person who is practicing medicine in the Virgin Islands.”
- (e) deleting the words “three thousand dollars” where it appears and replacing with the words “five thousand dollars”.
- (f) by inserting a new subsection after subsection (1) as follows

“(2) Where an offence under sub-section (1) is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect of a director, manager, secretary or other officer of the body corporate, or any person who was purporting to act in any such capacity, that person commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years, or both, unless he proves that

(a) that the offence was committed without his consent or connivance; or

(b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.”

Section 29  
amended.

**18.** Section 29 of the principal Act is amended by

(a) inserting after the words “registered as a dentist” the words “and holding a valid licence to practice as a dentist.”; and

(b) inserting after the words “implying that he is registered” the words “and holds a valid licence”.

Section 30  
amended.

**19.** Section 30 of the principal Act is amended

(a) in subsection (1) by deleting the words “A person who not being registered as a dentist” and replacing with the words “ A person who is not registered as a dentist and who does not hold a valid licence to practice as a dental practitioner under this Act, and”

(b) in subsection (2) (a), by inserting the words “who holds a valid licence certificate” immediately after the words “practitioner”; and

(c) in subsection 2(b) by inserting the words “who holds a valid licence certificate” immediately after the words “registered dentist”.

Section 33  
amended.

**20.** Section 33 of the principal Act is amended by inserting the following definitions in proper alphabetical order:

““Allied Health Service” means such services performed by members of the Allied Health professions as specified in Schedule 4;

“Minister” means the Minister responsible for Health.”

Section 40  
amended.

**21.** The principal Act is amended in section 40

(a) in subsection (1)

(i) by deleting paragraphs (a), (b) and (c) and replacing with the following paragraphs:

“(a) name of the allied health practitioner;

(b) address of the allied health practitioner;

(c) description and the date of the qualification in respect of which the allied health practitioner is registered;

(d) the allied health profession that the allied health practitioner is registered to perform;

(e) whether the allied health practitioner is a general or specialist practitioner;

(f) type of registration;

(g) registration number; and

(h) any other conditions as may be stipulated by the Council.”

(ii) in subsection (5) by deleting the words “paragraphs (a), (b) and (c) of”.

(b) inserting after subsection (1) the following subsection;

“(1a). The Registrar shall cause to be entered into a part of the Register the following categories of Registration, along with the names and particulars of persons registered as Allied Health practitioners;

(a) Full Registration;

(b) Temporary Registration;

(c) Provisional Registration;

(d) Special Registration; and

(e) Registration as a Specialist Practitioner.”

**22.** The principal Act is amended by repealing section 41 and replacing with the Section 41  
replaced.

following:

“Application for registration as an Allied Health Practitioner

**41.(1)** Where a person desires to be registered as an Allied Health practitioner, he shall make an application in writing to the Registrar in such form as may be approved by the Council and shall submit such evidence as may be required to establish that he is eligible to be registered in the specific category being applied for and is a fit and proper person to be so registered.

(2) The evidence submitted under subsection (1) shall include a declaration on oath in proof of the applicant’s identity and good character, and of the authenticity of any degree, diploma or certificate submitted in support of the application to show sufficient guarantee of the possession of the requisite knowledge and skills for the efficient practice in the allied health profession.

(3) The Registrar shall refer the application to the Council and the Council, if satisfied that the applicant has the requisite qualifications set out in Part II of Schedule 4 in respect of his application, and is eligible and is a fit and proper person to be so registered, shall direct the Registrar to register him in the specific category to be applied for upon payment of the fee set out in Schedule 7 and subject to such terms and conditions as the Council may deem fit.

(4) The Registrar shall

- (a) issue to the person registered in the specific category, a Certificate of Registration in the form set out in Schedule 6; and
- (b) make the necessary entry in the Health Practitioners Register and publish a notice to that effect in the *Gazette*.”

Insertion of section 41A-41F.

**23.** The principal Act is amended by inserting after section 41 the following sections:

“Requirement to be registered and have a practising Certificate to practice as An Allied Health practitioner.

**41A.** A person shall not practice as an allied health practitioner in any branch of Allied Health Medicine specified in Schedule 4 or hold himself to be an Allied Health practitioner unless he is

- (a) registered in the relevant category of registration and his name is recorded in the Register in accordance with the provisions of this Act and the conditions of registration; and

(b) holds a valid licence to practice for that purpose in accordance with section 48B.

Full registration for Allied Health Practitioners.

**41B.** Subject to section 41, the Registrar may register the name of a person who applies to the Council for Full registration as an Allied Health Practitioner

(a) where he has completed the prescribed training or has the practical experience in the practice of Allied Health medicine; and

(b) upon payment of the required fee as set out in Schedule 7.

Temporary registration for Allied Health Practitioners.

**41C.** Subject to section 41, the Registrar may register the name of a person who applies to the Council for Temporary registration as an Allied Health practitioner

(a) where the person has completed the prescribed training or has the practical experience in the practice of Allied Health medicine;

(b) where the person intends to practice in the Virgin Islands for a period not exceeding six months; and

(c) upon payment of the required fee as set out in Schedule 7.

Provisional registration for Allied Health Practitioners.

**41D.** (1) Subject to section 41, the Registrar may register the name of a person who applies to the Council for Provisional registration as an Allied Health practitioner where he does not meet the requirements of a fully registered Allied Health Practitioner, but

(a) satisfies the Council, if deemed necessary, that he is employed as an intern for a period of internship at an approved health facility in the Virgin Islands to be eligible for full registration; and

(b) upon payment of the required fee as set out in Schedule 7.

(2) A person registered for provisional registration shall

- (a) during the period of his internship be supervised by a person who has been granted Full registration and licensed in accordance with this Act;
- (b) not be allowed to practice independently; and
- (c) during the period of internship be rotated through specialist areas of practice as may be deemed appropriate by the Council, and such internship shall end with a formal assessment of the performance of the practitioner.

Special  
Registration for  
Allied Health  
Practitioners.

**41E.** (1) Subject to section 41, the Registrar may register the name of a person who applies to the Council for Special Registration as an Allied Health practitioner,

- (a) where the person has completed the prescribed training or has the practical experience in the Allied Health profession;
- (b) desires to provide services in the Virgin Islands for a period of six weeks or less; and
- (c) upon payment of the required fee as set out in Schedule 7.

(2) Special Registration may be granted to a person

- (a) where there is declared a state of emergency or disaster in the Virgin Islands; or
- (b) for any other specific purpose as may be approved by the Council.

Registration as a  
Specialist for  
Allied Health  
Practitioners.

**41F.** Subject to section 41, the Registrar may register the name of a person who applies to the Council for Registration as a Specialist in any particular field of Allied Health Practice where

- (a) he has the required qualifications and education in the particular Allied Health discipline;
- (b) he successfully completed examination of a standard considered by the Council to be

satisfactory for the purposes of registration as a Specialist; and

(c) he pays the required fee as set out in Schedule 7.”

Section 43 amended.

**24.** Section 43 of the principal Act is amended by inserting immediately before the words “A person registered” the following words “Subject to the approval of the Council.”.

Section 44 amended.

**25.** Section 44 of the principal Act is amended by inserting immediately before the words “The Registrar” the words “Subject to the approval of the Council.”.

Section 48 replaced.

**26.** The principal Act is amended by repealing section 48 and replacing with the following sections:

“Eligibility to be licensed to practice as An Allied Health Practitioner.

practice of Allied

**48.** Where an Allied Health practitioner holds a valid Certificate of Registration pursuant to this Act he shall be eligible to be licensed to practice as an Allied Health practitioner in the Virgin Islands and he may apply in the prescribed form for a licence to practice for the purpose of carrying on the practice of Allied Health medicine in the category of registration for which he is registered.

Factors to be considered by Council when issuing a licence to practice as an Allied Health practitioner.

**48A.** In making a decision to issue a licence to practice as an Allied Health Practitioner the Council shall have regard to the following factors

(a) if the person is recognised as a fit and proper person of good standing by the Council;

(b) if the person satisfies the Council that he has complied with any prescribed requirements for continuing medical Education; and

(c) if the person satisfies any other requirements as may be required by the Council,

and where the Council is satisfied that the person has met the requirements, a licence to practice shall be issued to the person upon payment of the required fee as set out in Schedule 7.

Licence to practice as an Allied Health practitioner.

**48B.** (1) A licence to practice as an Allied Health Practitioner, issued by the Council shall be in the form as specified in Schedule 6A and shall specify the following

(a) the name of the Allied Health practitioner;

- (b) the place and institution at which the Allied Health practitioner may practice;
- (c) the branch or branch of Allied Health practice that the Allied Health practitioner is entitled to practice;
- (d) the category of registration; and
- (e) any other special conditions as may be imposed on the Allied Health practitioner which may include where applicable, the Minister's approval for the Allied Health Practitioner
  - (i) to act as a private Allied Health practitioner or engage in private practice; or
  - (ii) to be employed by a private Allied Health practitioner who has been registered under this Act.

(2) Notwithstanding subsection (1) where an Allied Health Practitioner is granted Special Registration, his licence to practice shall include as is specified in the form in Schedule 6A;

- (a) the time period for which he is entitled to practice;
- (b) the specific purpose for which he is entitled to practice;
- (c) the specific conditions of practice; and
- (d) the expiration date of the licence.

(3) Subject to subsection (2), a person who practices outside of the stipulated conditions as specified in his Special Registration practice licence shall be guilty of professional misconduct.”

Period of validity of licence of an Allied Health practitioner.

**48C.** The Council shall within three months of receipt of all necessary documents issue a licence to practice as An Allied Health practitioner for a period not exceeding, in the case of

- (a) an Allied Health practitioner who is granted Full

Registration or Registration as a Specialist, two years;

(b) an Allied Health practitioner who is granted Temporary Registration, six months; or

(c) an Allied Health practitioner who is granted Special Registration, six weeks.

Renewal of Allied Health practitioner Licence.

**48D.**(1) A person shall apply for the renewal of his licence no later than thirty days before the date on which the licence to practice as an Allied Health Practitioner expires.

(2) An application made pursuant to subsection (1) shall

(a) be in the prescribed form; and

(b) be accompanied by

(i) the required renewal fee;

(ii) evidence satisfying that the applicant is recognised as a fit and proper person of good standing by the Council

(iii) evidence that the applicant has complied with the prescribed requirements for continuing medical Education; and

(iv) any other requirements as may be reasonably required by the Council.

Lapse of licence. **48E. (1)** An Allied Health practitioner who is granted Registration and licensed in a specific category under this Act and fails to renew his licence in accordance with the provisions of this Act in the required time period shall have a lapsed licence.

(2) Where an Allied Health practitioner's licence has lapsed under subsection (1), the Council shall impose a five hundred dollars late penalty fee in addition to the required renewal fee and the Allied Health Practitioner licence shall be reinstated automatically upon payment of the late penalty fee, the renewal fee and satisfying the conditions as specified in section 48D (2) (b) (ii) (iii) and (iv).

(3) Where an Allied Health practitioner fails to renew or pay the late penalty fee, renewal fee and satisfy the required conditions under subsection (2), the Allied Health practitioner shall after one year from the expiration of the licence be removed from the register and be required to apply to be re-registered and licensed as a new applicant.

Insertion of section 49A.

**27.** The principal Act is amended by inserting after section 49 the following section

“Display of registration certificate licence etc.

**49A.** An Allied Health Practitioner shall display in a prominent place where he practices any allied health profession;

- (a) a copy of his valid registration certificate;
- (b) a copy of his licence; and
- (c) a copy of the written approval of the Minister, where applicable, to;
  - (i) act as a private practitioner or engage in private practice; or
  - (ii) be employed by a private medical, dental or Allied Health practitioner who has been registered under the Act.”

Section 50 amended.

**28.** Section 50 of the principal Act is amended by inserting after subsection 1, the following;

“(1A) For the purposes of this Part professional misconduct includes but is not limited to-

- (a) improper conduct, relations or association with a patient;
- (b) knowingly betraying a patient’s confidence, except for the purpose of complying with giving testimony before the courts, preventing harm to that patient or the protection of others against harm, serious injury or a communicable disease;

- (c) knowingly abandoning a patient in danger without sufficient cause or opportunity to retain the services of another practitioner;
- (d) issuing a false medical certificate;
- (e) holding oneself to be a specialist when one is not registered as a specialist;
- (f) wilfully or negligently misrepresenting the curative efficacy of a drug or treatment;
- (g) knowingly practicing while intoxicated.”

Section 53 amended.

**29.** Section 53 of the principal Act is amended by

- (a) deleting the words “one thousand dollars” and replacing with the words “three thousand dollars”;
- (b) deleting the words “one year” and replacing with the words “three years”;
- (c) deleting the words “two thousand dollars” and replacing with the words “five thousand dollars”; and
- (d) deleting the words “two years” and replacing with the words “five years”.

Section 73 replaced.

**30.** Section 73 of the Principal Act is repealed and replaced as follows:

“Late registration fee. 73. Any registration fee payable under this Act which remains unpaid after one month from the date on which such fee becomes payable shall be paid to the relevant Council, and such Council shall impose in addition to such registration fee a penalty as may be prescribed for late registration.”

Section 74 amended.

**31.** Section 74 of the Principal Act is amended by repealing subsection (1).

Section 75 amended.

**32.** Section 75 of the Principal Act is amended by inserting immediately after the words “House of Assembly” the words “and monies collected under the Act.”

Section 77 amended.

**33.** Section 77 of the Principal Act is amended by deleting the words “one thousand dollars” and replacing with the words “ten thousand dollars.”

Section 78 amended.

**34.** Section 78 of the Principal Act is amended

(a) by deleting paragraph (b) of subsection (1) and substituting with the following;

“(b) for requiring registration and licensing of medical, dental and allied health practitioners and prescribing the fees payable thereto;”

(b) by inserting after paragraph (c) the following paragraph

“(ca) for governing the Council’s handling of complaints lodged in accordance with section 72.”

Schedule 1  
amended.

**35.** Schedule 1 of the principal Act is amended

(a) by inserting after paragraph 1 the following

“1A. Members appointed to the Council shall have at least three years post qualification experience in Medical or Dental practice.

1B. The names of all members of the Council as first constituted and every change in the membership of the Council shall be published in the Gazette.

1C. No person shall be a member of the Council if he

- (a) has been certified by a medical practitioner to be of unsound mind or is so declared by a competent court;
- (b) is convicted of a criminal offence or an offence pursuant to the provisions of this Act;
- (c) is declared bankrupt under the laws of the Virgin Islands or any other country; or
- (d) ceases to be registered as a medical or dental practitioner under this Act.

1D. The validity of any act done or any proceedings of the Council in accordance with the provisions of this Act shall not be affected on the grounds of

- (a) the existence of any vacancy in the membership of or any defect in the constitution of the Council;
- (b) defect in the appointment of a member of the Council; or

(c) any omission, defect or irregularity not affecting the merits of the case.”

(b) by inserting after paragraph 3(4) the following paragraphs

“(4a) The Council shall meet at least once in every quarter for the transaction of its business and such meeting shall be held at a time and a place as the Chairman of the Council may determine.

(4b) Notice of any meeting of the Council in paragraph (4a) shall be given to each member of the Council at least ten working days before such meeting is to be held.

(4c) A notice issued pursuant to subsection (4a) shall be sent to each member of the Council at his residential address or usual place of business, and shall be given by mail, telefax or electronic mail.

(4d) Every notice issued shall state the time and place of the meeting and the business to be transacted or the purpose of the meeting.

(4e) The Chairman may at any time summon members of the Council to an extraordinary meeting for the despatch of urgent business.”

(c) by inserting after paragraph 3(5) the following paragraphs:

“(5a) Where a matter is to be decided by the Council at a meeting, any member present at the meeting who has a direct or indirect pecuniary or other interest in the matter shall, at that meeting, disclose the nature of the interest in advance of any consideration of the matter.

(5b) (1) Where a member discloses an interest under this paragraph

(a) the disclosure shall be recorded in the minutes of the meeting; and

(b) the member shall not, unless the Council otherwise determines

(i) be present during any deliberations by the Council on that matter; or

(ii) take part in any decision of the Council relating to the matter.

(2) Failure to make a disclosure of interest shall invalidate any decision concerning the matter in which the member has an interest.

(5c) All decisions of the Council shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the chairperson shall have a casting vote.

(5d) Minutes of each meeting shall be distributed to all members of the Council within 14 days of the last meeting.

(5e) (1) A member of the Council shall keep confidential all information that comes to his or her knowledge in the course of performing his or her duties under this Act.

(2) Notwithstanding sub-paragraph (1), a member shall disclose confidential information

(a) as required or authorised by this Act or any other Act or law;

(b) as reasonably required in connection with the administration of this Act or any other Act; or

(c) for the purposes of legal proceedings arising out of the administration of this Act.

(5f) A member who is absent without excuse and the permission of Chairman from three consecutive meetings of the Council, shall be deemed to have vacated his post.

(5g) The Council may delegate its functions under this Act to the Chairman of the Council, other than its power of delegation.

(5h) (1) The Chairman of the Council may at any time resign his office by an instrument in writing under his hand addressed to the Minister and from the date of receipt of the instrument by the Minister that person ceases to be the Chairman of the Council.

(2) A member of the Council may at any time resign his office by instrument in writing under his hand addressed to the Minister and transmit the instrument through the Chairman and from the date of receipt of the instrument by the Minister, the person ceases to be a member of the Council.”

Schedule2  
amended.

**36.** Schedule 2 of the principal Act is amended

(a) by deleting the heading “THE MEDICAL ACT” in the Certificate of Registration and replacing with “MEDICAL, DENTAL AND ALLIED HEALTH PRACTITIONERS ACT”;

(b) in the form by deleting the words “Medical Act, 2000” and replacing with “Medical, Dental and Allied Health Practitioners Act, 2000.”

**37.** The principal Act is amended by inserting the following Schedule after Schedule 2:

Insertion of  
Schedule 2A.

**“SCHEDULE 2A**

[Section 17B (1)]

**Virgin Islands**

**Licence to practice- Medical and Dental Practitioners**

*(Provisional Registration, Temporary Registration, Full Registration, Special Registration, Specialist Registration)*

	<p><b>Medical &amp; Dental Council of The Virgin Islands</b></p> <hr/> <p>Name: .....</p> <p>Place/ Institution of Practice.....</p> <p>Registered Qualifications: .....</p> <p>License Class: .....</p> <p>Registered Class: .....</p> <p>Issue date: .....</p> <p>Licence Expiry Date: .....</p>	<p>Picture</p>
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Key: Back of Card

- A Provisional Registration
- B Temporary Registration
- C Special Registration
- D Full Registration
- E Specialist Registration”

Schedule 3 replaced.

**38.** Schedule 3 of the principal Act is repealed and replaced with the following

**“SCHEDULE 3**

**[Sections 10(2), 10(3), 17 and 17H]**

**MEDICAL AND DENTAL REGISTRATION AND LICENSING FEES**

Full Registration (Medical or Dental practitioner and Podiatric Physician Registration)	\$200.00
Specialist Registration	\$300.00
Temporary Registration	\$100.00
Provisional Registration	\$100.00
Special Registration	\$100.00
Letter of Good Standing	\$50.00
Amendment to Registration	\$35.00
Practice Licence/ per two years (Full Licence)	\$500.00
Licensing for specialists/ per two years (Specialist Licence)	\$750.00
Temporary Licence	\$200.00
Special Licence	\$200.00
Provisional Licence	\$100.00

Fees for special registration may be waived at the discretion of the Council.”

**39.** Schedule 4 of the Principal Act is amended by repealing Part I and replacing with the following;

Schedule 4 replaced.

## **“SCHEDULE 4**

### **PART I**

#### **ALLIED HEALTH PROFESSIONS**

**[Section 33and 52(3)]**

##### **ANAESTHESIA TECHNICIANS**

A person who cleans, sterilizes, tests, calibrates and troubleshoots anesthesia equipment and keeps records of equipment inspections.

##### **ACUPUNCTURE THERAPIST**

A person who practices stimulating certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize psychological functions, including pain control for the treatment of certain diseases or dysfunctions of the body, and includes the techniques of electro acupuncture and cupping.

##### **ATHLETIC TRAINER**

A person who practices the prevention, recognition, assessment, management, treatment, disposition and reconditioning of acute athletic injuries upon the referral of a health care practitioner, a dentist, a physical therapist or a chiropractor. Athletic training also includes the organisation and administration of educational programs and athletic facilities, and the education of and consulting with the public as it pertains to athletic training. Athletic trainers are not fitness trainers' personal trainers or health care workers, but rather train people to become physically fit.

##### **AUDIOLOGIST**

A person who assesses auditory function and treats and prevents auditory dysfunction, balance problems and related disorders.

##### **CARDIOVASCULAR TECHNOLOGIST**

A person who performs diagnostic examinations under supervision by a cardiologist in invasive cardiology, noninvasive cardiology, and/or peripheral vascular study. (These include physical examination of the patient with heart disease, history taking, drug therapy, and some or all of the following tests or procedures (under professional supervision): blood gas analysis, Doppler

ultrasonography, electrocardiography, exercise stress testing, echocardiography and cardiac catheterization.

### **CHIROPODIST AND PODIATRIST**

A person who assesses the foot and ankle and treats and prevents diseases, disorders and dysfunctions of the foot and ankle by medical, surgical, palliative or mechanical means.

### **CHIROPRACTOR**

A person who is concerned with the relationship between structure (primarily the spine) and function (primarily coordinated by the nervous system) of the human body and uses that relationship to affect the restoration and preservation of health, mainly through manipulation of the spine.

Such persons shall be registered by the Medical and Dental Council.

### **CLINICAL PHARMACIST**

A person works directly with physicians, other health professionals, and patients in direct patient care environment to ensure that the medications prescribed for patients contribute to the best possible health outcomes performing medication decision-making functions as part of the patient's health care team.

### **CLINICAL PSYCHOLOGY**

A person who assesses behavioural and mental conditions, the diagnosis of neuropsychological disorders and dysfunctions and psychotic, neurotic and personality disorders and dysfunctions and the prevention and treatment of behavioural and mental disorders and dysfunctions and the maintenance and enhancement of physical, intellectual, emotional, social and interpersonal functioning.

### **CYTOTECHNOLOGIST**

A medical laboratory technologist who is trained to detect changes in body cells for early diagnosis of cancer and other diseases and works with a pathologist. The cytotechnologist prepares cellular samples and examines them under a microscope to evaluate for abnormalities in structure.

## **DENTAL TECHNICIAN**

A person who is involved with the fabrication or alteration of a dental appliance or device in accordance with a prescription from a dentist, denturist or medical practitioner and the repair of such appliance or device.

## **DENTAL HYGIENIST**

A person who collaborates with individual clients, other health professionals and society to achieve and maintain optimal oral health by maintaining adequate dental hygiene.

## **DENTAL ASSISTANT**

A person who support dentists in the conduct of dental services and work under the close supervision of a supervising dentist.

## **DIETITIAN**

A person who provides dietary counselling to patients and makes assessments of patient's overall nutritional status, as well as appropriate recommendations to physicians and other Allied Health Professions.

## **DIETARY TECHNICIAN**

A person who works under the direct supervision of a dietitian and can plan meals and prepare foods for persons with special nutritional needs.

## **ELECTROCARDIOGRAM TECHNOLOGIST**

A person who performs electrocardiograms by attaching electrodes to a patient and operating the electrocardiogram machine to trace electrical impulses transmitted by the heart.

## **EMERGENCY MEDICAL TECHNICIAN**

A person who provides pre- hospital emergency care and transportation to the ill and injured while operating, employed in or acting as a volunteer with an ambulance service. Persons who have successfully completed qualifications and training approved by the Council may be registered as an Emergency Medical Technician (Basic), Emergency Medical Technician (Intermediate), Emergency Medical Technician (Advanced), or Paramedic.

## **EMERGENCY MEDICAL TECHNICIAN (BASIC) (EMT-BS)**

A person who responds to emergency calls to provide basic life support and non-invasive procedures to critically ill and injured patients, and to transport the patient to a medical facility.

### **EMERGENCY MEDICAL TECHNICIAN (INTERMEDIATE) (EMT-IS)**

An Emergency Medical Technician who responds to emergency calls to provide basic life support non-invasive procedures and has been trained to insert IVs, intubate patients and administer certain medicines.

### **EMERGENCY MEDICAL TECHNICIAN ADVANCED (PARAMEDIC)**

An Emergency Medical Technician who performs the duties of an EMT-BS, EMT-Is and has completed a course of study including pharmacology, cardiology and anatomy and reads labs, EKGs, XRays, administer medicines and performs manual defibrillation.

### **ENVIRONMENTAL HEALTH OFFICER**

A person who performs measures to protect public health, which include administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards by inspecting food facilities, investigating public health nuisances and implementing disease control. Environmental health officers are trained to focus on prevention, consultation, investigation and educating the community regarding health risks and maintaining a safe environment.

### **ENVIRONMENTAL HEALTH TECHNICIAN**

A person with specialised skills and knowledge to develop, coordinate, implement and enforce public health policies. Environmental Health Technicians ensure the maintenance of healthy environmental health standards and address health threats to food safety and nutrition, occupational health and safety, housing conditions, potable water quality, recreational hygiene, noise levels, odour emissions, liquid and solid waste, air pollution, vector borne and communicable disease.

### **HISTO TECHNOLOGIST**

A non-physician who works with a pathologist and prepares tissues for light and/or electron microscopic examination.

## **MASSAGE THERAPIST**

A person who practices the assessment of the soft tissues and joints of the body and the treatment and prevention of dysfunction, injury, pain and physical disorders of the soft tissues and joints by manual and physical methods to develop, maintain, rehabilitate or augment physical function to relieve pain and promote health.

## **MEDICAL LABORATORY TECHNICIAN**

A person who prepares specimens, operate automated analyzers and perform manual tests with detailed instructions under the supervision of a medical laboratory technologist.

## **MEDICAL LABORATORY TECHNOLOGIST**

A person who prepares specimens, operates automated analyzers, performs manual tests with detailed instructions and conducts data interpretation laboratory services. These include haematology, chemical pathology, bacteriology, serology, histopathology, parasitology, blood cross matching and blood banking.

## **MRI TECHNOLOGIST**

A person who operate MRI machines that use a magnetic field and radio waves to make images of patients' organs, tissue and bones that are used by radiologists and other physicians to diagnose, monitor and treat injury or illness.

## **NATUROPATH**

A person who is trained in a therapeutic system that employs the use of natural forces, such as light, heat, air, water and massage and other natural remedies but does not prescribe drugs, pharmaceuticals or substances for ingestion for the treatment of health conditions.

## **OCCUPATIONAL THERAPIST**

A person who assesses function and adaptive behaviour, treats and prevents disorders which affect function or adaptive behaviour and develop, maintain, rehabilitate or augment function or adaptive behaviour in the areas of self-care, productivity and leisure.

## **OCCUPATIONAL HEALTH AND SAFETY SPECIALIST**

A person who reviews, evaluates and analyses work environment and design programs and procedures to control, eliminate and prevent disease or injury caused by chemical, physical and

biological agents or ergonomic factors. They may conduct inspections and enforce adherence to laws and regulations governing the health and safety of individuals.

### **OCCUPATIONAL HEALTH AND SAFETY TECHNICIAN**

A person who collects data on the safety and health conditions of the workplace. Technicians work with occupational health and safety specialists in conducting tests and measuring hazards to help prevent harm to workers, property, the environment and the general public.

### **OPTICIAN**

A person who provides, fits and adjusts vision devices, contact lenses or eye glasses.

### **OPTOMETRIST**

A person who assesses the eyes and vision system and diagnoses, treats and prevents disorders of refraction, sensory and oculomotor disorders and dysfunctions of the eye and vision system. An Optometrist may in addition prescribe medications for the treatment of glaucoma and conjunctivitis.

### **PHARMACIST**

A person who purchases, stores, prepares, compounds medicine and also dispenses medicines on a prescription from a licensed medical or dental practitioner and a nurse practitioner. The pharmacist advises patients on the proper use of prescription and over the counter medicines, consults with and advises licensed practitioner on the optimal use of medicines.

### **PHARMACY INTERN**

A student currently enrolled in or a graduate of an approved school of pharmacy who performs pharmacy duties under the supervision of a pharmacist for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

### **PHARMACY TECHNICIAN**

A person who performs pharmacy-related functions under the direct supervision of the pharmacist.

## **PHYSIOTHERAPIST**

A person who assesses physical function and treatment, rehabilitation and prevention of physical dysfunction, injury or pain, and develops, maintains, rehabilitates or augments function or to relieve pain.

## **PHLEBOTOMIST**

A person who draws blood for patients and places it in the appropriate specimen container for requested laboratory tests.

## **RADIOGRAPHER**

A person who uses ionizing radiation and similar forms of energy to produce diagnostic images to assist radiologists and other medical doctors to diagnose, monitor and treat injury or (illnesses) including mammography and CT Scan.

## **RECREATIONAL THERAPIST**

A person who works with patients who have mental, physical and/or emotional disabilities from illness and injury, to improve patient's health status and quality of life. They also promote independence and help patients achieve a lifestyle that improves their sense of self- worth.

## **RESPIRATORY THERAPIST**

A person who practices respiratory therapy by managing oxygen, cardio respiratory monitoring and the assessment and treatment of cardio- respiratory and associated disorders to maintain or restore ventilation.

## **SOCIAL WORKER**

A person who works with specific groups of clients including children, the elderly and people with mental health problems.

Social Workers provide direct services including helping people solve and cope with problems in their ever day lives and clinical services to diagnose and treat mental, behavioural and emotional problems.

## **SONOGRAPHER**

A person who uses ultrasound to create images of structures inside the body (general, vascular, echo and other studies including but not limited to neurosonography and abdominal pelvic investigations). The sonographer uses a transducer which they move across the part of the body being imaged using a sliding and rotating action. The transducer produces high- frequency sound waves that are transmitted into the body to produce images that are used by radiologists and other physicians to diagnose, monitor and treat injury or illnesses.

## **SPEECH LANGUAGE PATHOLOGIST**

A person who is certified in diagnosing and treating communication disorders and swallowing disorders.”

Schedule 5  
amended.

**40.** Schedule 5 of the principal Act is amended

(a) in paragraph 1(b) by deleting the word “one” and replacing with the word “two”.

(b) by inserting after paragraph 1, the following;

“1A. No person shall be a member of the Council if he

(a) has been certified by a medical practitioner to be of unsound mind or is so declared by a competent court;

(b) is convicted of a criminal offence or an offence pursuant to the provisions of this Act;

(c) is declared bankrupt under the laws of the Virgin Islands or any other country; or

(d) ceases to be registered as an Allied healthcare professional under this Act.

1B. The names of all members of the Council as first constituted and every change in the membership of the Council shall be published in the Gazette.”

1C. The validity of any act done or any proceedings of the Council in accordance with the provisions of this Act shall not be affected on the grounds of

(a) the existence of any vacancy in the membership of or any defect in the constitution of the Council;

(b) defect in the appointment of a member of the Council; or

(c) any omission, defect or irregularity not affecting the merits of the case.

(c) by inserting after paragraph 3(4) the following paragraphs

“(4a) The Council shall meet at least once in every quarter for the transaction of its business and such meeting shall be held at a time and a place as the Chairman of the Council may determine.

(4b) Notice of any meeting of the Council in paragraph (4a) shall be given to each member of the Council at least ten working days before such meeting is to be held.

(4c) A notice issued pursuant to subsection (4a) shall be sent to each member of the Council at his residential address or usual place of business, and shall be given by mail, telefax or electronic mail.

(4d) Every notice issued shall state the time and place of the meeting and the business to be transacted or the purpose of the meeting.

(4e) The Chairman may at any time summon members of the Council to an extraordinary meeting for the despatch of urgent business.”

(d) by inserting after paragraph 3(5) the following

“(5a) Where a matter is to be decided by the Council at a meeting, any member present at the meeting who has a direct or indirect pecuniary or other interest in the matter shall, at that meeting, disclose the nature of the interest in advance of any consideration of the matter.

(5b) (1) Where a member discloses an interest under this paragraph

(a) the disclosure shall be recorded in the minutes of the meeting;  
and

(b) the member shall not, unless the Council otherwise determines

(i) be present during any deliberations by the Council on that matter; or

(ii) take part in any decision of the Council relating to the matter.

(2) Failure to make a disclosure of interest shall invalidate any decision concerning the matter in which the member has an interest.

(5c) All decisions of the Council shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the chairperson shall have a casting vote.

(5d) Minutes of each meeting shall be distributed to all members of the Council within 14 days of the last meeting.

(5e) (1) A member of the Council shall keep confidential all information that comes to his or her knowledge in the course of performing his or her duties under this Act.

(2) Notwithstanding sub-paragraph (1), a member shall disclose confidential information

(a) as required or authorised by this Act or any other Act or law;

(b) as reasonably required in connection with the administration of this Act or any other Act; or

(c) for the purposes of legal proceedings arising out of the administration of this Act.

(5f) A member who is absent without excuse and the permission of Chairman from three consecutive meetings of the Council, shall be deemed to have vacated his post.

(5g) (1) The Chairman of the Council may at any time resign his office by an instrument in writing under his hand addressed to the Minister and from the date of receipt of the instrument by the Minister that person ceases to be the Chairman of the Council.

(2) A member of the Council may at any time resign his office by instrument in writing under his hand addressed to the Minister and transmit the instrument through the Chairman and from the date of receipt of the instrument by the Minister, the person ceases to be a member of the Council.”

Amendment of  
Schedule 6.

**41.** Schedule 6 is amended by deleting the words “Medical Act, 2000” and replacing with the words “Medical, Dental and Allied Health Practitioners Act, 2000.”

Insertion of  
Schedule 6A.

**42.** The principal Act is amended by inserting the following Schedule after Schedule 6:

**“SCHEDULE 6A**

**Virgin Islands (section 48B (2))**

**Licence to practice- Allied Health Practitioners**

*(Provisional Registration, Temporary Registration, Full Registration, Specialist Registration)*

	<p><b>Allied Health Professionals Council of The Virgin Islands</b></p> <hr/>
Name: .....	
Place/ Institution of practice.....	
Registered	Picture
Qualifications: .....	
License Class: .....	
Registered Class: .....	
Issue date: .....	
Licence Expiry Date: .....	

Key: Back of Card

- A Provisional Registration
- B Temporary Registration
- C Special Registration
- D Full Registration
- E Specialist Registration

Schedule 7 replaced. **43.** Schedule 7 of the principal Act is repealed and replaced with the following

**“SCHEDULE 7**

**ALLIED HEALTH PRACTITIONER REGISTRATION AND LICENSING FEES**

Full Registration	\$200.00
Specialist Registration	\$250.00
Temporary Registration	\$100.00
Provisional Registration	\$150.00
Special Registration	\$150.00
Full Licence	\$300.00
Licensing as a Specialist	\$350.00
Temporary Licence	\$200.00
Provisional Licence	\$100.00
Special Licence	\$150.00
Amendment to Registration	\$ 35.00
Letter of Good standing	\$ 50.00”

Transitional  
Provision

**44.** A person who at the commencement of this Act is registered as a medical or dental practitioner or an Allied Health Practitioner under the principal Act and is in actual practice shall be deemed to be registered for a period of one year and thereafter the medical or dental practitioner or Allied Health Practitioner shall be registered and licensed in accordance with the provisions of this Act.



## **OBJECTS AND REASONS**

This Bill seeks to amend the Medical Amendment Act (Act No. 4 of 2000) , hereinafter referred to as the principal Act.

Clause 1 provides for the short title.

Clause 2 seeks to amend the Title of the Act, from “Medical Act, 2000” to “Medical, Dental and Allied Health Practitioners Act, 2000.”

Clause 3 seeks to amend section 2 of the principal Act by inserting new definitions.

Clause 4 seeks to amend the principal Act by inserting paragraphs 3A and 3B to provide for the functions of the Council and the Powers of the Council.

Clause 5 seeks to amend section 9 of the principal Act to provide for additional particulars to add to the Medical and Dental Register for medical and dental practitioners. Additionally, subsection (1a) is added to provide for the different categories of Registration to be entered into the Register.

Clause 6 seeks to repeal section 10 and replace with a new section 10 to provide for Application for registration for medical or dental practitioners.

Clause 7 provides for the Insertion of sections 10A to 10F providing specifically for “Requirement to be registered and have a practising certificate, Full Registration, Temporary Registration, Provisional Registration, Special Registration and Registration as a Specialist for medical or dental practitioners.

Clause 8 seeks to amend section 11 of the principal Act.

Clause 9 seeks to amend section 12 of the principal Act to provide for the insertion of additional qualifications in the Medical and Dental Register subject to the approval of the Medical and Dental Council.

Clause 10 provides for the insertion of subsection (1a) in section 16 to allow for the circulation of lists under section 16(1) to all pharmacies in the Virgin Islands.

Clause 11 seeks to repeal section 17 of the principal Act and replace with a section to address Application for licence to practice as a medical or dental practitioner. Additionally sections 17A to 17E are inserted under this clause to provide for matters including period of validity of licence of a mental or dental practitioner, renewal of a licence of a medical or dental practitioner and Lapse of Licence.

Clause 12 provides for the insertion of sections 18A to provide for the Display of registration certificates, licences etc by medical or dental practitioners.

Clause 13 provides for an amendment of section 19 of the principal Act by inserting a new subsection (1a) to provide for an outline of what constitutes professional misconduct.

Clause 14 provides for an amendment to section 22 of the principal Act to change the penalty for making false or incorrect entry in the Register from three thousand dollars to five thousand dollars.

Clause 15 provides for an amendment to section 23 of the principal Act by repealing subsections (3) and (4).

Clause 16 provides for minor amendments to section 25(1) and (2) of the principal Act.

Clause 17 seeks to make amendments to section 26 of the principal Act.

Clause 18 seeks to make minor amendments to section 29 of the principal Act.

Clause 19 provides for amendments to section 30 of the principal Act.

Clause 20 provides for an amendment to section 33 of the principal Act by inserting new definitions.

Clause 21 seeks to amend section 40 of the principal Act to provide for additional particulars to add to the Allied Health Practitioners Register for Allied health practitioners. Additionally, subsection (1a) is added to provide for the different categories of Registration to be entered into the Register.

Clause 22 seeks to repeal section 41 and replace with a new section 41 to provide for Application for registration for Allied Health Practitioners.

Clause 23 provides for the Insertion of sections 41A to 41F providing specifically for “Requirement to be registered and have a practising certificate, Full Registration, Temporary Registration, Provisional Registration, Special Registration and Registration as a Specialist for Allied Health Practitioners.

Clause 24 seeks to amend section 43 of the principal Act to provide for the insertion of additional qualifications in the Allied Health Practitioner Register subject to the approval of the Allied Health Professionals Council.

Clause 25 seeks to amend section 44 to provide for the Registrar to correct errors or omissions in the Allied Health Practitioners Register subject to the approval of the Allied Health Professionals Council.

Clause 26 seeks to amend section 48 of the principal Act by repealing section 48 and replacing with a new section 48 to address Eligibility to be licensed to practice as an Allied Health Practitioner. Additionally sections 48A to 48E are inserted under this clause to provide for matters including period of validity of licence of an Allied Health practitioner, renewal of a licence of an Allied Health practitioner and Lapse of Licence.

Clause 27 provides for the insertion of section 49A to provide for the display of registration certificate licence by Allied Health Practitioners.

Clause 28 provides for an amendment of section 50 of the principal Act by inserting a new subsection (1a) to provide for an outline of what constitutes professional misconduct.

Clause 29 seeks to amend section 53 of the principal Act to provide for new penalties for offences.

Clause 30 provides for the repeal of section 73 of the principal Act, to be replaced with a new section 73 to provide for “Late registration fee”.

Clause 31 provides for the repeal of section 74(1) of the principal Act.

Clause 32 provides for a minor amendment to section 75 of the principal Act.

Clause 33 provides for an amendment to section 77 of the principal Act to repeal the penalty of one thousand dollars for persons who fail to comply with requirements of the Act or does anything contrary to the Act to be replaced with a penalty of ten thousand dollars.

Clause 34 provides for an amendment to section 78 of the principal Act by inserting new matters to be made by Regulations by the Minister.

Clause 35 provides for the amendments to Schedule 1 of the principal Act to provide for the insertion of new provisions under the Constitution of the Medical and Dental Council.

Clause 36 provides for amendments to Schedule 2 of the principal Act to amend the heading and replacing the words Medical Act, 2000 with the words ‘Medical, Dental and Allied Health Practitioners Act, 2000.’

Clause 37 provides for the insertion of a new Schedule 2A after Schedule 2 to provide a form for Licence to practice as a Medical and Dental Practitioner.

Clause 38 provides for an amendment to Schedule 3 to provide for new registration and Licence fees for medical and dental practitioners.

Clause 39 provides for an amendment to Schedule 4 to provide for additional Allied Health professions.

Clause 40 provides for an amendment to Schedule 5 of the principal Act to provide for the insertion of new provisions under the Constitution of the Allied Health Professional Council. Clause 41 provides for an amendment to Schedule 6 by replacing the words Medical Act, 2000 with the words ‘Medical, Dental and Allied Health Practitioners Act, 2000.’”

Clause 42 seeks to amend the principal Act by inserting a new Schedule 6A after Schedule 6 to provide a form for Licence to practice as an Allied Health Practitioner.

Clause 43 seeks to amend Schedule 7 of the principal Act to provide new Allied Health practitioners Registration and Licensing Fees.

Clause 44 provides a transitional provision under this Act to allow existing registered medical or dental practitioners and Allied Health practitioners in actual practice to be deemed to be registered for a period of one year and thereafter such practitioners must be registered and licensed in accordance with the provisions of this Act.

Minister for Health and Social Development.