

Health Professions Regulatory Bodies Act, 2013 Act 857

ARRANGEMENT OF SECTIONS

PART ONE —ALLIED HEALTH PROFESSIONS COUNCIL

Establishment of the Council

1. Establishment of the Allied Health Professions Council
2. Object of the Council
3. Functions of the Council
4. Governing body of the Council

Registration

5. Registration of allied health professionals and other allied health care providers
6. Qualification for registration
7. Registration of a foreign trained person
8. Types of registers
9. Temporary registration
10. Provisional registration
11. Permanent registration
12. Suspension of registration
13. Cancellation of registration
14. Annual list of allied health professionals and allied health care providers
15. Removal and restoration of names from the register
16. Representation to the Board and appeal

Miscellaneous provisions

17. Entry of premises
18. Investigation by inspector
19. Power of closure
20. Notice of change of name or address
21. Offences
22. Regulations
23. Interpretation
24. Transitional provisions

PART TWO—MEDICAL AND DENTAL COUNCIL

Establishment of the Council

25. Establishment of the Medical and Dental Council
26. Object of the Council
27. Functions of the of Council
28. Governing body

Registration

29. Registration procedure
30. Qualification for registration
31. Registration of foreign trained practitioners
32. Types of registers
33. Temporary registration
34. Provisional registration
35. Permanent registration
36. Suspension of registration
37. Cancellation of registration
38. Representation to the Board and appeal
39. Annual list of registered practitioners
40. Removal and restoration of names from register
41. Notice of change in name or address
42. Insertion in register of additional qualifications
43. Rights conferred by registration
44. Unregistered practitioner

Miscellaneous provisions

45. Entry of premises
46. Investigation by inspector
47. Power of closure
48. Offences
49. Regulations
50. Interpretation
51. Transitional provisions
52. Repeal and savings

PART THREE - NURSING MIDWIFERY COUNCIL

Establishment of the Council

- 53. Establishment of the Nursing and Midwifery Council
- 54. Object of the Council
- 55. Functions of the Council
- 56. Governing body of the Council

Registration

- 57. Registration procedure
- 58. Qualification for registration
- 59. Registration of foreign trained practitioners
- 60. Types of registers
- 61. Permanent registration
- 62. Temporary registration
- 63. Provisional registration
- 64. Suspension of registration
- 65. Cancellation of registration
- 66. Annual list of registered practitioners
- 67. Removal and restoration of names from register
- 68. Representation to the Board and appeal

Miscellaneous provisions

- 69. Entry of premises
- 70. Investigation by inspector
- 71. Power of closure
- 72. Notice of change of name or address
- 73. Offences
- 74. Regulations
- 75. Interpretation
- 76. Transitional provisions
- 77. Repeal and savings

PART FOUR—PHARMACY COUNCIL

Establishment of the Council

- 78. Establishment of the Pharmacy Council
- 79. Object of the Council
- 80. Functions of the Council
- 81. Governing body of the Council

Registration

- 82. Registration of pharmacists and other pharmaceutical support staff
- 83. Qualification for registration
- 84. Registration of a foreign trained person
- 85. Types of Registers
- 86. Permanent Registration
- 87. Temporary registration
- 88. Annual list of practitioners
- 89. Removal and restoration of names from register
- 90. Suspension of registration
- 91. Cancellation of registration
- 92. Appeal

Licensing

- 93. Licensing of corporate bodies
- 94. Licensing of over the counter medicine sellers Supply of restricted medicines
- 95. License for wholesale supply of restricted medicines
- 96. Action to be taken after supply of restricted medicines
- 97. Restriction on sale and supply of restricted medicines
- 98. Restricted Medicines Record Book
- 99. Prescription and supply of medicines
- 100. Restriction on the preparation and supply of restricted medicines
- 101. Sale or supply of restricted medicines
- 102. Possession of restricted medicines
- 103. Meaning of valid prescription Miscellaneous provisions
- 104. Classification of medicines
- 105. Medical aid
- 106. Entry of premises
- 107. Investigation by inspector
- 108. Power of closure
- 109. Notice of change in name or address
- 110. Offences
- 111. Regulations
- 112. Interpretation
- 113. Transitional provisions

114. Repeal and savings

PART FIVE - PSYCHOLOGY COUNCIL

Establishment of the Council

115. Establishment of the Psychology Council
116. Object of the Council
117. Functions of the Council
118. Governing body of the Council

Registration

119. Registration procedure
120. Qualification for registration
121. Registration of foreign trained persons
122. Types of registers
123. Temporary registration
124. Provisional registration
125. Permanent registration
126. Suspension of registration
127. Cancellation of registration
128. Representation to the Board and appeal
129. Annual list of registered practitioners
130. Removal and restoration of names from register
131. Notification of change of name or address
132. Insertion in register of additional qualifications
133. Rights conferred by registration
134. Unregistered practitioner

Licensing

135. Licensing of premises
136. Licensing of corporate bodies

Miscellaneous provisions

137. Entry of premises
138. Investigation by inspector
139. Power of closure
140. Offences
141. Regulations
142. Interpretation

**PART SIX —ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS
PROVISIONS**

- 143. Registrar
- 144. Functions of the Registrar
- 145. Tenure of office of Board members
- 146. Meetings of the Board
- 147. Disclosure of interest
- 148. Establishment of committees
- 149. Allowances
- 150. Regional and district offices of the Council
- 151. Ministerial directives
- 152. Advice to the Minister
- 153. Appointment of other staff
- 154. Funds of the regulatory bodies
- 155. Accounts and audit
- 156. Annual report and other reports
- 157. Practice by non-citizens
- 158. Collaboration with statutory bodies
- 159. Interpretation

THIS DOCUMENT IS AN EXTRACT FROM THE HEALTH PROFESSIONS
REGULATORY BODIES ACT, 2013

ACT 857.

IT CONTAINS ONLY SECTIONS RELATED TO THE PHARMACY COUNCIL AND
PHARMACY PRACTICE (PART 4 AND PART 6).

IF YOU NEED TO READ THE OTHER SECTIONS, PLEASE OBTAIN A FULL COPY OF
THE ACT OR VISIT THE WEBSITES OF THE APPROPRIATE REGULATORY BODY.

PART FOUR -PHARMACY COUNCIL

Establishment of the Council

Establishment of the Pharmacy Council

78. (1) There is established by this Act a body corporate with perpetual succession to be known as the Pharmacy Council.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the Council under the State Property and Contracts Act, 1960 (CA. 6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Council.

Object of the Council

79. The object of the Council is to secure in the public interest the highest standards in the practice of pharmacy in the country.

Functions of the Council

80. To achieve the object, the Council shall

- a) ensure that the education and training of pharmacists and any other pharmaceutical support staff are carried out at approved educational institutions for efficient pharmacy practice;
- b) set standards for continuous professional development for practitioners and pharmaceutical support staff;
- c) register practitioners;
- d) ensure the equitable and accessible distribution of pharmaceutical premises;
- e) monitor and inspect pharmacy practices where pharmaceutical care is provided;
- f) set and ensure standards for pharmacy practice and professional conduct;
- g) provide guidelines for the education, training, registration, licensing and the practice of all pharmaceutical support staff;
- h) exercise disciplinary power over pharmacists and any other pharmaceutical support staff;
- i) ensure accreditation for pharmacy programmes in collaboration with appropriate State agencies;
- j) develop a management and administrative structure and systems to provide an efficient mechanism to regulate pharmacy practice;
- k) advise the Minister on pharmacy practice and related matters; and
- l) perform any other function that is ancillary to the object of the Council.

Governing body of the Council

Governing body of the Council

81. (1) The governing body of the Council is a Board consisting of
- a) a chairperson who is a registered pharmacist of not less than ten years standing as a pharmacist,
 - b) one representative of the Ministry of Health not below the % rank of a Director,
 - c) one representative of an accredited training institution that provides tertiary training for pharmacists nominated by the Minister,
 - d) one registered pharmacist elected by registered pharmacists;
 - e) three other persons who may not be health professionals one of whom is a woman nominated by the Minister,
 - f) one representative of the Attorney-General not below the level of Principal State Attorney, and
 - g) the Registrar of the Council.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.
- (3) The Board shall ensure the proper and effective performance of the functions of the Council.

Registration

Registration of pharmacists and other pharmaceutical support staff

82. (1) A person shall not practice as a pharmacist or a pharmaceutical support staff unless that person is registered as a practitioner in accordance with this Part.
- (2) A person seeking registration shall apply to the Registrar in the manner determined by the Board.
- (3) The registration is valid for the period determined by the Board.

Qualification for registration

83. (1) A person shall not be registered to practice as a pharmacist unless that person
- a) holds a degree in pharmacy, or
 - b) holds a qualification recognised by the Board that entitles that person to be registered as a pharmacist, and
 - c) provides evidence of completion of an internship programme undertaken in an accredited pharmacy institution after academic training in the country,
 - d) has passed the professional qualifying examination, and
 - e) satisfies any other requirements of this Part.
- (2) A person shall not be registered to practice as a pharmaceutical support staff unless that person fulfils the requirements determined by the Board.
- (3) A person registered by the Board shall pay the prescribed fee.

(4) A person who has obtained a higher degree or additional qualification is entitled to have the higher degree or Additional qualification inserted in the register in addition to the qualification previously registered.

Registration of a foreign trained person

84. A foreign trained person may be registered as a practitioner where that person
- a) has satisfied the requirements in section 83,
 - b) has a good working knowledge of the English language, and
 - c) has proof of qualification and registration to practice in that person's country of origin or where that person was trained.

Types of Register

85. (1) The Board shall have three categories of registers for the registration of practitioners namely
- a) a permanent register for practitioners who intend to practice permanently in the country;
 - b) a temporary register for practitioners who intend to practice for a period of not more than three months; and
 - c) a provisional register for newly qualified and foreign trained practitioners who have passed the prescribed exams.
- (2) The Registrar shall keep the registers.
- (3) The form and nature of the register shall be determined the Board.

Permanent registration

86. (1) A person may apply to the Registrar for permanent registration after practicing with a provisional registration for a period dew-pined by the Board.
- (2) A permanent registration is valid for the calendar year in which it was registered
- (3) The registration shall be renewed by the practitioner before specified expiry date as determined by the Board.

Temporary registration

87. (1) A temporary registration is valid for a period of not more than three months and is renewable yearly for another period of not more than three years.
- (2) A practitioner on a temporary register shall not practise pharmacy except in an approved hospital, premises or institution.
- (3) A practitioner who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than two thousand five hundred penalty units or to a term of imprisonment of not more than four years or to both.

Annual list of practitioners

88. The Registrar shall publish the list of registered practitioners yearly in the Gazette by the 31st of January.

Removal and restoration of names from register

89. (1) The Registrar shall on the recommendations of the Board remove from the register the name of a person

- a) who is dead,
- b) who has been found guilty of professional misconduct by the Disciplinary Committee; or
- c) who has not paid the prescribed fee.

(2) The name of a person may be restored to the register by the Registrar as directed by the Board.

Suspension of registration

90. (1) The Board may suspend the registration of a pharmacist or pharmaceutical support staff where

- a) an offence or allegation of misconduct in relation to the pharmacist or pharmaceutical support staff is being investigated,
- b) a false declaration has been made in an application for registration by the pharmacist or pharmaceutical support staff; or
- c) the pharmacist or pharmaceutical support staff has contravened a provision of this Part.

(2) Registration shall not be suspended unless the Board has given the pharmacist or pharmaceutical support staff at least thirty days' notice of its intention to suspend the registration and has provided the pharmacist or the pharmaceutical support staff an opportunity to make a representation to the Board.

Cancellation of registration

91. (1) The Board shall cancel the registration of a pharmacist or pharmaceutical support staff on the recommendation of the Disciplinary Committee of the Council where the practitioner

- a) is convicted of an offence under this Part or the Regulations;
- b) has lost the qualification on the basis of which the registration was made;
- c) is sentenced to a term of imprisonment for a criminal offence; or
- d) fails to comply with the penalty imposed by the Council after due process.

(2) Registration shall not be cancelled unless the Board has given the practitioner at least thirty days' notice of its intention to cancel the registration.

Appeal

92. A person dissatisfied with a decision of the Board may appeal to the High Court, within a period of thirty days from the date the decision is communicated to the person.

Licensing

Licensing of corporate bodies

93. (1) The Board may grant a license to a body corporate or a government institution if satisfied that
- a) the applicant is fit to carry on the business of mixing, compounding, preparing or supplying restricted medicines by retail, and
 - b) the business of the applicant is carried on under the super-vision of a superintendent pharmacist.
- (2) The Board may revoke the license granted under subsection (1) where a condition specified in the license has not been complied with.

Licensing of over the counter medicine sellers

94. (1) The Board may grant a license to an over the counter medicine seller if satisfied that
- a) the applicant is fit to carry on the business of the retail supply of restricted medicines other than prescription only medicines or pharmacy only medicines, or
 - b) the area where the applicant proposes to carry on the business is deprived of a pharmaceutical service.
- (2) The Board may revoke the license granted to an over the counter medicine seller if the over the counter medicine seller is in default of a provision of this Part or if a condition specified in the license has ceased to exist.
- (3) The Board may impose a penalty not exceeding two hundred and fifty penalty units instead of revoking a license where an over the counter medicine seller contravenes this section.

Supply of restricted medicines

License for wholesale supply of restricted medicines

95. (1) A person shall not carry on the business of the wholesale supply of restricted medicines unless that person has a license for the wholesale supply of restricted medicines.

(2) The Board may grant a license for the wholesale supply of restricted medicines subject to conditions which may prohibit or limit the supply of restricted medicines of a particular description.

(3) A promotional or marketing office where a person intends to engage in the wholesale pharmacy business shall be licensed and supervised by a registered pharmacist.

(4) The Board may revoke the license granted for wholesale pharmacy if the license holder has contravened a provision of this Part or a condition specified in the license has ceased to exist.

Action to be taken alter supply of restricted medicines

96. Where a restricted medicine is supplied under a valid prescription, the supplier of the medicine shall

- a) enter on the valid prescription in indelible writing, the date on which the medicine is supplied and the name and address of the supplier, and
- b) if the medicine is fully dispensed, retain the valid prescription for two years on the premises at which the medicine is dispensed so that the prescription is readily available for inspection.

Restriction on sale and supply of restricted medicines

97. A person shall not sell or supply prescription medicine unless

- a) under a valid prescription,
- b) the medicine is in a container of the prescribed description, and
- c) the container bears a label indicating the prescribed particulars of its contents.

Restricted Medicines Record Book

98. (1) A person who supplies restricted medicines shall keep on the premises from where medicines are supplied a Restricted Medicines Record Book of the prescribed description.

(2) Before a person supplies a restricted medicine, that person shall record in the Restricted Medicines Record Book

- a) the name and quantity of the medicine to be supplied,
- b) the name, the address and signature or thumbprint of the person to whom it is supplied,
- c) the name and signature of the person who supplied the medicines, and
- d) the date of supply.

(3) This section shall not apply to transactions which are recorded electronically.

Prescription and supply of medicines

99. A pharmacist or licensed company shall not sell or supply prescription only medicine except under a valid prescription issued by a medical practitioner, a dentist or a veterinary practitioner or any person authorised or approved by the Minister. Restriction on the preparation and supply of restricted medicines.

100. (1) A person shall not mix, compound, prepare or supply a restricted medicine unless that person is a pharmacist or is a licensed pharmaceutical company.

(2) Subsection (1) does not apply to

- a) the supply of medicines by
 - i. a medical practitioner, dentist or veterinary practitioner to a patient in urgent need of treatment, and
 - ii. other health practitioners who may supply a limited range of medicines determined by the Board,
- b) the administration by a nurse or midwife of a medicine in accordance with directions given by a medical practitioner to an out-patient attending a medical treatment centre or to an in-patient,
- c) the supply of a medicine other than a prescription only medicine or pharmacy restricted medicine by a licensed over the counter medicine seller,
- d) the mixing, supplying, compounding or preparing of a medicine by a pharmacy technician or student under the supervision of a pharmacist or by a student or a trainee undergoing instructions at an institution approved by the Board; Or
- e) programmes of the Council aimed at enhancing access to pharmaceutical services.

Sale or supply of restricted medicines

101. A pharmacist or licensed pharmaceutical company may sell or supply prescription only medicine to a person without a valid prescription if the supplier of the medicine reasonably believes that the person to whom the medicine is to be supplied is the proper person.

Possession of restricted medicines

102. A person shall not possess or be in control of a restricted medicine except in accordance with this Part.

Meaning of valid prescription

103. (1) For purposes of sections 96, 97, 99 and 101 a prescription is valid only if it is for the sale or supply of medicine and;

- a) is in indelible writing signed and dated by a medical practitioner, dentist or veterinary surgeon, or approved prescriber
 - b) states the name, qualification and address of the person signing it,
 - c) states the name and address of the person for whom the treatment is given or the name of the person to whom the medicine is to be delivered if for veterinary purposes,
 - d) indicates the total amount of the medicine to be supplied and the dose of the medicine to be taken except in the case of an ointment, and
 - e) has not previously been fully dispensed
- (2) A valid prescription signed by
- a) a dentist shall bear the words "for dental treatment only", or
 - b) a veterinary surgeon shall bear the words "for animal treatment only".

Miscellaneous provisions

Classification of medicines

104. The Minister shall on the advice of the Food and Drugs Authority and the Pharmacy Council by executive instrument classify medicines and conditions for the supply and dispensing of medicines for the purpose of this Part.

Medical aid

105. (1) Subject to Part Two, a pharmacist or pharmaceutical support staff may give medical and dental advice

- a) as first aid where there is an accident, or
- b) as first aid treatment for simple ailments of common occurrence where it is not reasonably practicable for the patient to consult a medical practitioner or dentist.

(2) The pharmacist or pharmaceutical support staff shall, in the case of an emergency, immediately or within twenty-four hours after administering the initial dosage, refer the patient to a medical practitioner or a dentist and in the referral the pharmacist or pharmaceutical support staff shall state the medicines used and the extent of the treatment given.

Entry of premises

106. A person authorised by the Board may enter premises at a reasonable time

- a) to inspect the registration of a pharmacist, pharmaceutical support staff or pharmaceutical company,

- b) if that person has reasonable cause to believe that an offence with respect to this Part has been, or is about to be or is being committed on the premises.

Investigation by inspector

107. (1) An inspector
- a) may require a person on the premises to furnish information in the person's possession concerning the activities carried on the premises and the people who carry out the activities,
 - b) may inspect the premises and articles found on the premises, or
 - c) may take away medicines found on the premises.
- (2) The inspector shall tender reasonable payment for any medicine taken away under this section.
- (3) Despite subsection (2),
- a) payment shall not be tendered for any medicine if the inspector reasonably suspects that the medicine is unfit for its purpose due to deterioration, impurity, adulteration or another defect; or
 - b) if the medicine is found to be fit, reasonable payment shall be tendered by the inspector for the portion of the medicine that is not returned to its owner in good condition;
 - c) payment shall not be tendered for a medicine if the inspector anticipates that proceedings for an offence under this Part may be brought in respect of the medicine.
- (4) The inspector shall tender reasonable payment for the portion of the medicines that have not been returned to the owner in good condition where proceedings are not commenced within six months.
- (5) Where medicines or articles are taken under this section, an inventory of the medicines or articles shall be made and shall be signed by the pharmacist, pharmaceutical support staff or the over the counter medicine seller and the inspector and a copy of the inventory shall be given to the pharmacist, pharmaceutical support staff or the over the counter medicine seller,
- (6) The inspector shall seize the medicine that constitute an imminent danger to public health or welfare.
- (7) An inspector exercising any power conferred by this Part shall produce on demand a duly authenticated document which shows that the inspector has the authority to exercise the power.

Power of closure

108. (1) An inspector may close premises that sell or supply restricted medicines where there are grounds to believe that a health hazard may exist on the premises or where the premises are unlicensed.

(2) The closure of the premises shall be made with the assistance of the police but where this is not possible, the closure shall be reported to the police within twenty-four hours after the closure.

(3) The order in respect of the health hazard may have conditions attached as determined by the Board.

Notice of change in name or address

109. A registered practitioner shall notify the Registrar of a change in name or address within thirty days of the change.

Offences

110. (1) A person who

- a) makes a false declaration in an application for registration as a pharmacist or pharmaceutical support staff,
- b) willfully and falsely uses a name, title or addition implying a qualification to practise as a pharmacist,
- c) operates or permits any other person to open premises to the public under the description of pharmacy dispensary, chemist, drug store or any other similar description with-out a registered pharmacist on the premises to supervise the dispensing of medicine or medication unless otherwise authorised by the Board:
- d) without being registered under this Part,
 - i. practices or professes to practice as a pharmacist, or
 - ii. falsely claims to be qualified to practise as a pharmacist or as a practitioner under this Part
- e) willfully destroys or damages a register kept under this Part
- f) supplies restricted medicines from a promotional or marketing office without the supervision of a registered pharmacist,
- g) obstructs a person authorised by the Board from exercising lawful authority
- h) is found to be in possession of restricted drugs without lawful authority,
- i) peddles restricted medicines as an itinerant medicine supplier, or
- j) supplies or sells restricted medicines from unauthorised premises

commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both; and in the case of a continuing offence to a further fine of ten penalty units for each day during which the offence continues after written notice has been served on the offender by the Council.

(2) Where an offence under this Part is committed by a body of persons;

- a) in the case of a body corporate other than a partnership, each director, secretary or other officers of that body shall be deemed to commit that offence;
- b) in the case of partnership, each partner shall be deemed to commit the offence.

(3) Despite subsection (2) a person shall not be convicted of an offence if it is proved that the offence was committed without personal knowledge or consent of that person or that steps were taken to prevent the commission of the offence.

Regulations

111. (I) The Minister may, on the advice of the Board, by legislative instrument, make Regulations to

- a) prescribe the conditions for registration of pharmacists and pharmaceutical support staff;
- b) prescribe practice standards for pharmacists and pharmaceutical support staff;
- c) provide for the discipline of pharmacists and pharmaceutical support staff;
- d) prescribe the fees to be paid under this Part;
- e) prescribe conditions including the type of premises for the issue of general and limited licenses of the Council;
- f) prescribe standards of pharmacy practice in public health institutions;
- g) prescribe fees payable to a pharmacist in respect of professional services, medicines and other articles supplied;
- h) prescribe the scope of practice of the various categories of persons registered under this Part;
- i) prescribe the range of medicines for health practitioners;
- j) provide for the supply of medicines; and
- k) provide for any other matter necessary for the effective implementation of the provisions of this Part.

(2) A person who commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

Interpretation

112. In this Part, unless the context otherwise requires,

"approved prescriber" means a person authorized by law or by the Minister and required by relevant bodies to supply medicine;

"Board" means the governing body of the Pharmacy Council;

"dangerous medicines" means drugs prescribed by Regulations as dangerous medicines; "exigency" means a situation of depiction or inaccessibility to pharmaceutical care;

"health practitioner" includes a nurse, midwife, physician assistant and any other person approved by the Board;

"inspector" means a person authorised to carry out inspections under this Part;

"itinerant medicines supplier" means a person who hawks restricted medicines, other than from the approved premises;

"medical treatment centre" means a health institution for the treatment of outpatients and which is under the immediate supervision of an attendant recognised by the Board;

"medicine" means drug as defined in the Public Health Act, 2012 (Act 851);

"Minister" means the Minister responsible for Health;

"over the counter medicine" means a restricted medicine classified as such by the Food and Drugs Authority which in the opinion of the Minister can be sold or supplied to a patient or end user other than by or under the supervision of a registered pharmacist with reasonable safety;

"pharmaceutical care" means the situation where the practitioner takes responsibility and is accountable for the medicine related needs of a patient or client;

"pharmaceutical support staff" includes pharmacy technicians and licensed over the counter medicine sellers;

"pharmacy technician" means a person who holds a higher national diploma qualification in dispensing technology obtained in Ghana or its equivalent and is registered under this Part;

"pharmacy only medicine" means a restricted medicine classified as such by the Food and Drugs Authority and other prescription only or over the counter medicines which may be sold or supplied by or under the supervision of a registered pharmacist;

"pharmacy practice" is the scope of service pertaining to pharmacists in an approved premises and pharmacy support personnel and the conditions under which those services may be provided; "practitioner" means a registered pharmacist or a pharmaceutical support staff;

"premises" includes pharmacy premises or other facility authorised for practitioners under this Part a Pharmacy department of a hospital or clinic or a house, building, structure, tent, caravan, land, ship, boat, an aircraft a mechanically propelled device and any other places or facilities in which pharmaceutical services are offered;

"prescribed description" means a description as determined by the Board;

"prescription only medicine" means a description a restricted medicine classified as such by the Food and Drugs Authority which shall only be sold or supplied in accordance with a valid prescription given by a medical practitioner, dentist, veterinary practitioner or any person authorised by the Minister;

"promotional or marketing office" means a place where medical samples and publications related to medicines are kept for public information;

"public sector" means health facility funded from the Consolidated Fund or directly out of moneys provided by Parliament;

"registered pharmacist" means a person holding a current certificate of registration issued under this Part, whose registration has not been suspended or cancelled;

"Regulations" means Regulations made under this Part;

"restricted medicine" includes medicines classified as prescription only medicines, pharmacy only medicines, over the counter medicine and any other classification approved by the Minister;

"retail" means professional services that include the supply or sale of medicines or related products to a patient or final consumer for personal non-business use from premises by the holder of a retail license issued under this Part;

"retail pharmacy" means the supply of medicines to a patient from a registered premise holding a retail license;

"superintendent pharmacist" means a registered pharmacist with requisite experience and qualification approved by the Board who is legally and professionally responsible for supervising the dispensing preparation, sale or supply of medicines and related products in approved pharmacy premises;

"supply outlet" means premises licensed under this Part where medicines are supplied;
and

"wholesale pharmacy business" includes a professional practice or any related activity carried on by a holder of a wholesale license issued under this Part that involves the sale or supply of restricted medicines to another authorized person or company to sell or supply, administer or cause to be administered on human beings or animals.

Transitional provisions

113. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Council established under the Pharmacy Act, 1994 (Act 489) immediately before the commencement of this Act and the persons employed by the Council shall be transferred to the Pharmacy Council established under this Act and accordingly proceedings taken by or against the former Council may be continued by or against the Council.

(2) A contract subsisting between the former Council established under the Pharmacy Act, 1994 (Act 489) and any other person and in effect immediately before the commencement of this Act shall subsist between the Council under this Act and that other person.

Repeal and savings

114. (1) The Pharmacy Act, 1994 (Act 489) is hereby repealed.

(2) Despite the repeal of Act 489 the Regulations, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) Registers of pharmacists and pharmaceutical care givers in existence at the commencement of this Act and every document prepared or issued under Act 489 shall

continue in force as if kept, prepared or issued under the corresponding provisions of this Part.

PART SIX ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS PROVISIONS

Registrar

143. (1) The President shall, in accordance with article 195 of the Constitution appoint

- 1) an allied health professional with at least ten years' professional experience and at least five years administrative or managerial experience,
- 2) a registered medical or dental practitioner with at least ten years' professional experience and at least five years administrative or managerial experience,
- 3) a registered nurse or midwife with at least ten years' professional experience and at least five years administrative or managerial experience,
- 4) a pharmacist with at least ten years professional experience, and at least five years administrative or managerial experience, or
- 5) a psychologist with at least ten years professional experience and at least five years administrative or managerial experience to be the Registrar of the Council.

(2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Registrar shall be appointed for a term of four years and is eligible for re-appointment for another term only.

(4) The Registrar is the secretary to the Board.

Functions of the Registrar

144. (1) The Registrar is responsible for the day-to-day administration of the affairs of the Council and is answerable to the Board in the performance of functions under this Act.

(2) The Registrar shall perform any other functions determined by the Board.

(3) The Registrar may delegate a function to an officer of the Council but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Tenure of office of Board members

145. (1) A member of the Board shall hold office for a period not exceeding three years and is eligible) for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Registrar of the Council.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the nominating body or Minister.

(4) A member of the Board, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

- a) under subsection (3) or (4) or section 147; or
- b) as a result of a declaration under subsection (6) or
- c) by reason of the death of a member.

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

146. (1) The Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum of a meeting of the Board is five members of the Board or a greater number determined by the Board in respect of an Important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson; a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

147. A member of the Board who has an interest in a matter for consideration

- a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
- b) shall not participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

- a) fails to disclose that interest; or
- b) participates in the deliberations of the matter.

Establishment of committees

148. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function provided that where it is composed of non-members only, it shall be advisory.

(2) The governing body of the Allied Health Professions Council shall have a Committee for each of the allied health professions.

(3) The governing body of the Medical and Dental Council have a Committee for physician assistants.

(4) The governing body of the Pharmacy Council shall have a Committee for pharmacy technicians.

(5) Without limiting subsection (1), a Council shall have a Disciplinary Committee.

(6) A committee of the Board may be chaired by a member of the Board

(7) Section 147 applies to members of committees of the Board.

Allowances

149. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Regional and district offices of the Council

150. (1) The Board may establish regional and district offices of the Council in each regional capital and in the districts determined by the Board.

(2) A regional or district office of the Council shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(3) A regional or district office of the Council shall perform the functions of the Council in the region or district that the Board may direct.

Ministerial directives

151. The Minister may give directives to the Board on matters of policy and the Board shall comply. advice to the Minister
152. A Board shall advise the Minister on matters that concerns the Board

Appointment of other staff

153. (1) The President shall in accordance with article 195 of the Constitution appoint other staff of the Council.
- (2) The Council shall have any other officers and staffs that arc necessary for the proper and effective performance of its functions
- (3) Other public office's may be transferred or seconded to the Council or may otherwise give assistance to it
- (4) The Council may engage the services of advisers on the recommendations of the Board.

Funds of the regulatory bodies

154. (1) The funds of the regulatory bodies established under this Act include
- a) moneys approved by Parliament,
 - b) moneys derived from fees,
 - c) donations, grants and gifts, and
 - d) any other moneys that are approved by the Minister responsible for Finance.
- (2) A regulatory body may retain
- a) a percentage of internally generated funds realised in the performance of its functions, and
 - b) the percentage retained by a regulatory body shall be as specified in writing by the Minister responsible for Finance.

Accounts and audit

155. (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.
- (2) The Board shall submit the accounts of the Council to the Auditor-General for audit within three months after the end of the financial year.
- (3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.
- (4) The financial year of the Council shall be the same as the financial year of the Government.

Annual report and other reports

156. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Council for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports which the Minister may require in writing.

Practice by non-citizens

157. A non-citizen who intends to practice in the country under this Act shall hold a valid work permit or otherwise be entitled to work in gainful employment in the Country.

Collaboration with statutory bodies

158. The Board shall collaborate with other statutory bodies in the health sector, particularly the Board responsible for the licensing and inspection of facilities and premises.

Interpretation

159. In this Part unless the context otherwise requires

"Board" means the respective governing bodies of the Allied Health Professions Council, the Medical and Dental Council, the Nursing and Midwifery Council, the Pharmacy Council, and the Psychology Council; and

"Council" means the respective Allied Health Professions Council, the Medical and Dental Council, the Nursing and Midwifery Council, the Pharmacy Council and the Psychology Council.