

23. In this Part, unless the context otherwise requires,
- “allied health professional” means a person who has undergone an approved course of training with direct clinical health experience under supervision of an appropriately qualified health care professional which qualifies that person to practice as an independent professional and who has completed an approved period of clinical internship as determined by an appropriate regulatory body;
 - “approved hospital or institution” means a hospital or institution approved by the Board;
 - “Board” means the governing body of the Council;
 - “Council” means the Allied Health Professions Council;
 - “facility” means a building or any other premises where provision is made for practising an allied health profession;
 - “internship” means training in an approved hospital or institution;
 - “Minister” means the Minister responsible for health;
 - “practice” means the occupation of an allied health practitioner;
 - “practitioner” means a registered person with the relevant training and qualification acceptable by the Board; and
 - “Regulations” means the Regulations made under this Part.

Transitional provisions

24. A practitioner of an allied health profession in practice before the commencement of this Act shall register to practice within six months after the commencement of this Act.

PART TWO—MEDICAL AND DENTAL COUNCIL

Establishment of the Council

Establishment of the Medical and Dental Council

25. (1) There is established by this Act a body corporate with perpetual succession to be known as the Medical and Dental 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 (C.A.6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Council.

Object of the Council

26. The object of the Council is to secure in the public interest the highest standards in the training and practice of medicine and dentistry.

Functions of the Council

27. To achieve the object, the Council shall

- (a) assess facilities and contents of programmes for the training of doctors and dentists and physician assistants in training institutions;
- (b) ensure that the pre-registration training of newly qualified doctors and dentists and physician assistants in accredited training institutions meets the required standards;
- (c) conduct examinations for the registration of foreign trained medical and dental practitioners and physician assistants;
- (d) compile and keep registers of registered practitioners;
- (e) prescribe and enforce professional standards and conduct for practitioners;
- (f) conduct examinations for the registration of locally trained medical and dental practitioners and physician assistants who do not meet the prescribed conditions for registration; and
- (g) perform any other functions that are ancillary to the object of the Council.

Governing body of the Council

28. (1) The governing body of the Council is a Board consisting of

- (a) a chairperson who is a registered medical or dental practitioner of good standing,
- (b) one registered medical practitioner and one registered dental practitioner elected by medical and dental practitioners,
- (c) one physician assistant or certified registered anaesthetist elected by physician assistants and certified registered anaesthetists,
- (d) one member who is a practitioner to represent medical and dental educational institutions which offer training,
- (e) one representative of the Attorney-General not below the level of Principal State Attorney,
- (f) one representative of the Ministry of Health not below the rank of a Director,
- (g) two other persons who are not health professionals nominated by the Minister one of whom is a woman, and

(h) 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 procedure

29. (1) A person shall not practice as a medical or dental practitioner, physician assistant or a certified registered anaesthetist unless that person is registered as a practitioner in accordance with this Part.

(2) A person who seeks to be registered as a medical or dental practitioner, physician assistant or a certified registered anaesthetist on any of the registers under section 32 shall

(a) apply to the Registrar in the manner determined by the Board, and

(b) submit to the Registrar a qualifying certificate and any other document that the Registrar may require.

Qualification for registration

30. (1) A person does not qualify to be registered as a medical or dental practitioner, physician assistant or certified registered anaesthetist unless that person

(a) holds a primary qualification from an institution recognised by the Council, and

(b) passes or is exempted from the prescribed examination conducted by the Council.

(2) A person shall not be registered to practice as a physician assistant or certified registered anaesthetist unless that person fulfils the requirements determined by the Board.

(3) A person registered by the Board shall pay the prescribed fee.

(4) Despite subsection (1) a foreign trained practitioner who renders service only for the staff of a foreign embassy or diplomatic mission is exempt from registration under this Part.

Registration of foreign trained practitioners

31. (1) A foreign trained medical or dental practitioner, physician assistant or certified registered anaesthetist who has

(a) obtained a primary qualification, and

(b) passed or is exempted from the prescribed examination, shall undergo training as a house officer or physician assistant or certified registered anaesthetist in an approved hospital or institution in this country with provisional registration before being registered under this Part.

(2) A foreign trained medical or dental practitioner, physician assistant or certified registered anaesthetist who satisfies the requirements of subsection 1 (a) and (b) and

(a) has completed housemanship or physician assistant internship shall undergo supervised training for a period determined by the Board; or

(b) has completed housemanship or physician assistant internship outside the country and is fully registered and licenced by that country may be exempted from supervised training in an approved hospital or institution.

(3) The Board may exempt a foreign trained medical or dental specialist, physician assistant specialist or certified registered anaesthetist from supervised training.

Types of registers

32. (1) The Board shall have three categories of registers for the registration of medical and dental practitioners, physician assistants and certified registered anaesthetists 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 examination.

(2) The Registrar shall keep the registers.

Temporary registration

33. (1) A temporary registration is valid for a period of not more than three months and is renewable yearly upon request for not more than a period of three years.

(2) A practitioner on a temporary register shall not practice except in an approved hospital 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 five hundred 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.

Provisional registration

34. (1) A provisional registration is valid for the period determined by the Board.

(2) A person seeking to be registered provisionally shall, except as otherwise provided under this Part, pass the prescribed examination and satisfy other conditions determined by the Board.

(3) A person on a provisional register shall practise only in a hospital or an institution approved by the Board.

(4) A person on a provisional register who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years.

Permanent registration

35. (1) A person may apply to the Registrar for permanent registration after practicing with a provisional registration for a period determined by the Board and after successfully completing housemanship.

(2) A permanent registration is valid for the calendar year in which it was made.

(3) The registration shall be renewed by the practitioner before it expires.

Suspension of registration

36. (1) The Board may suspend the registration of a practitioner or a person on a provisional register where

- (a) an offence or allegation of misconduct in relation to the practitioner is being investigated;
- (b) a false declaration has been made in an application for registration under this Part; or
- (c) the practitioner has contravened a provision of this Part.

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

Cancellation of registration

37. The Board shall cancel the registration of a practitioner on the recommendation of a 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.

Representation to the Board and appeal

38. (1) A practitioner or a person on a provisional register whose application for registration is refused by the Registrar may appeal against the refusal to the Board.

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

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

(4) A person dissatisfied with a decision of the Board may appeal to the High Court.

Annual list of registered practitioners

39. The Registrar shall publish the list of registered practitioners annually in the *Gazette* by the 31st of January each year.

Removal and restoration of names from register

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

- (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 practitioner may be restored to the register by the Registrar as directed by the Board.

Notice of change in name or address

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

Insertion in register of additional qualifications

42. A practitioner who has obtained a higher degree or additional qualification recognised by the Board, is entitled to have the higher degree or additional qualification inserted in the register in addition to the qualification previously registered, upon payment of a fee determined by the Board.

Rights conferred by registration

43. A medical or dental practitioner, except a house officer registered under this Part, may

- (a) practice medicine or dentistry,
- (b) subject to the provisions of any enactment, prescribe and store dangerous and restricted medicines, and
- (c) sign a certificate or document required by law to be signed by a practitioner.

Unregistered practitioner

44. (1) A person who is otherwise qualified but not registered as a medical or dental practitioner or physician assistant may, with the authorisation of the Minister under an emergency carry out medical or dental procedures.

(2) A person who acts contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

Miscellaneous provisions

Entry of premises

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

- (a) to inspect the registration of a medical or dental facility; or
- (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

46. (1) The inspector may

- (a) require a person on the premises to furnish information in the possession of the person concerning the activities carried out in the premises and the people who carry out the activities,
 - (b) inspect the premises and articles found on the premises, and
 - (c) take away materials or articles found on the premises.
- (2) The inspector shall tender reasonable payment for a material or article taken away under this section.
- (3) Despite subsection (2)
- (a) payment shall not be tendered for materials or articles if the inspector reasonably suspects that the material or article is unfit for its purpose due to deterioration, impurity, adulteration or other defect;
 - (b) if the material or article is found to be fit, reasonable payment shall be tendered by the inspector for the portion of the material or article that is not returned to its owner in good condition; and
 - (c) payment shall not be tendered for a material or article if the inspector anticipates that proceedings, for an offence under this Part may be brought in respect of the materials or articles.
- (4) The inspector shall tender reasonable payment for the portion of the materials or articles that have been returned to the owner in good condition where proceedings are not commenced within six months.
- (5) Where materials or articles are taken under this section, an inventory of the materials or articles shall be made and shall be signed by the senior medical or dental practitioner and the inspector and a copy of the inventory shall be given to the senior medical or dental practitioner.
- (6) The inspector shall seize the materials or articles that constitute an imminent danger to the 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

47. (1) An inspector may close premises that uses restricted materials or articles where there are grounds to believe that a health hazard may exist on the premises.

(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.

Offences

48. A person who

- (a) makes a false declaration in an application for registration as a medical or dental practitioner, physician assistant or certified registered anaesthetist;
- (b) wilfully and falsely uses any name, title such as “Dr.” or addition implying a qualification to practice medicine or dentistry;
- (c) employs or engages a non-registered practitioner;
- (d) without being registered under this Part;
 - (i) practices or professes to practice medicine or dentistry; or
 - (ii) receives payment for the practice of dentistry or medicine; or

(e) wilfully destroys or damages a register kept under this Part, commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not more than twenty 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 personally by the Council.

Regulations

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

- (a) prescribe the form of notices and any other documents required to be issued under this Part;
- (b) prescribe the conditions for registration of practitioners;
- (c) prescribe practice standards for practitioners;
- (d) provide for the discipline of practitioners;
- (e) prescribe the fees to be paid under this Part;

- (f) provide for the education and examination of practitioners; and
- (g) 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 ten thousand penalty units or to a term of imprisonment of not more than twenty years.

Interpretation

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

- “approved hospital or institution” means a hospital or institution approved under the prescribed law;
- “Board” means the governing body of the Council;
- “certified registered anaesthetist” means a practitioner under this Part other than the anaesthetist who administers anaesthesia;
- “Council” means the Medical and Dental Council;
- “dentistry” includes oral and maxillofacial surgery, restorative dentistry, preventive and community dentistry, orthodontics and paedodontics, periodontics, oral pathology and radiology and oral medicine;
- “facilities” includes physical structures, equipment and logistics registered under the prescribed law with the requisite human resource;
- “housemanship” means a period of training in an approved hospital or institution by a practitioner who has completed basic medical or dental training in a recognised institution or university;
- “house officer” means a practitioner who is doing housemanship;
- “medicine” includes surgery, anaesthesia, obstetrics and gynaecology, paediatrics, psychiatry, public health, internal medicine, radiology and radiotherapy;
- “Minister” means the Minister responsible for Health;
- “physician assistant” means physician assistant, medical assistant, community oral health officer, school dental nurse or school dental therapist;

- “practice” means the profession of medicine or dentistry;
- “practitioner” means a person registered to practise under this Part with qualifications recognized by the Board;
- “pre-registration training” means housemanship;
- “primary qualification” includes
- (a) the qualifying degrees of Medical and Dental Schools recognized by the Board;
 - (b) any foreign qualifications recognized by the Board;
 - (c) any degree or license in dentistry granted by any Medical or Dental Authority and recognised by the Board; or
 - (d) any other Medical and Dental qualifications that the Board may in writing specify to the Registrar;
- “qualifying examination” means an examination which a medical or dental student is required to pass in order to obtain a primary qualification;
- “Regulations” means the Regulations made under this Part;
- “training institutions” means an accredited medical or dental school, university or postgraduate medical college; and
- “registered practitioner” means a medical or dental practitioner, physician assistants or certified registered anaesthetists.

Transitional provisions

51. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Council established under the Medical and Dental Act, 1972 (NRCD 91) as amended immediately before the commencement of this Act and the persons employed by the Council shall be transferred to the Medical and Dental 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 Medical and Dental Act, 1972 (NRCD 91) and any other person and in effect immediately before the commencement of this Act shall subsist between the Council established under this Act and that other person.

Repeal and savings

52. (1) The

- (a) Medical and Dental Act, 1972 (NRCD 91)
- (b) Medical and Dental (Amendment) Act 1979 (NRCD 207),
and
- (c) Medical and Dental (Amendment) Act 1979 (AFRCD 8)

are hereby repealed.

(2) Despite the repeal, Part VII of the Medical and Dental Act, 1972 (NRCD 91) related to disciplinary matters shall continue in force as if made under this Act until expressly provided for in the Regulations.

(3) Despite the repeal, the Regulations, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactments 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.

(4) Registers of medical and dental practitioners in use immediately before the commencement of this Act and every document prepared or issued under the Medical and Dental Act, 1972 (NRCD 91) shall continue in force as if kept, prepared or issued under the corresponding provisions of this Act until provision is otherwise made under this Part.

PART THREE— NURSING AND MIDWIFERY COUNCIL

Establishment of the Council

Establishment of the Nursing and Midwifery Council

53. (1) There is established by this Act a body corporate with perpetual succession to be known as the Nursing and Midwifery 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 (C. A. 6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Council.

Object of the Council

54. The object of the Council is to secure in the public interest the highest standards of training and practice of nursing and midwifery.

Functions of the Council

55. To achieve the object, the Council shall