

A BILL

entitled

MEDICAL PRACTITIONERS AMENDMENT ACT 2019

WHEREAS it is expedient to amend the Medical Practitioners Act 1950 in relation to the Bermuda Medical Council and the Medical Practitioners Professional Conduct Committee;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Medical Practitioners Amendment Act 2019.

Amends section 5

2 In section 5(3A) of the Medical Practitioners Act 1950 ("the principal Act") (appointment of alternate members of the Bermuda Medical Council), in subsection (3A), delete "a second person" and substitute "one or more persons".

Amends section 12AA

3 At the end of section 12AA of the principal Act (Medical Practitioners Professional Conduct Committee), insert—

"(7) If the Chief Medical Officer determines that the Committee is unable to deal with all of the complaints before it, whether due to volume, time constraints, conflict of interest or otherwise, he may constitute one or more ancillary committees made up of alternate members (appointed under paragraph 4 of Schedule 2) to deal with such complaints as he may specify.

(8) This section, section 12A and Schedule 2 shall apply to an ancillary committee constituted under subsection (7) as they apply to the Committee, and any decision of an ancillary committee shall be taken to be a decision of the Committee."

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Amends Schedule 2

4 In paragraph 4 of Schedule 2 to the principal Act (appointment of alternate members of Committee), delete “a second person” and substitute “one or more persons”.

Retrospective application and validation

5 Section 12AA(7) and (8) of the principal Act (inserted by section 3 above) shall be deemed to have applied in the case of any ancillary committee of the Medical Practitioners Professional Conduct Committee appointed by the Chief Medical Officer before the commencement of this Act to handle any complaints before the Committee under the principal Act; and any decision of such an ancillary committee shall be taken to have been a decision of the Committee.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Medical Practitioners Act 1950 (“the principal Act”) in relation to the Bermuda Medical Council and the Medical Practitioners Professional Conduct Committee.

Clause 1 is self-explanatory.

Clause 2 amends section 5(3A) of the principal Act to provide for multiple alternate members of the Bermuda Medical Council.

Clause 3 amends section 12AA of the principal Act by inserting new subsections (7) and (8). Subsection (7) empowers the Chief Medical Officer to constitute one or more ancillary committees made up of alternate members of the Medical Practitioners Professional Conduct Committee to deal with such complaints as he may specify, if he determines that the Committee is unable to deal with all of the complaints before it, whether due to volume, time constraints, conflict of interest or otherwise. Subsection (8) provides that sections 12AA and 12A of, and Schedule 2 to, the principal Act apply to ancillary committees as they apply to the Committee, and any decision of an ancillary committee shall be taken to be a decision of the Committee.

Clause 4 amends paragraph 4 of Schedule 2 to the principal Act to provide for multiple alternate members of the Medical Practitioners Professional Conduct Committee.

Clause 5 deems new section 12AA(7) and (8) (inserted by clause 3) to have applied in the case of any ancillary committee of the Medical Practitioners Professional Conduct Committee constituted by the Chief Medical Officer before the commencement of this Act; and deems any decision of such an ancillary committee to have been a decision of the Medical Practitioners Professional Conduct Committee.