

## **CHAPTER 101**

### **HEALTH WORKERS**

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## **CHAPTER 101**

### **HEALTH WORKERS**

AN ACT TO REGULATE THE FUNCTIONS AND DUTIES OF VARIOUS CATEGORIES OF HEALTH WORKERS, TO CONFER ON THE BOARD POWERS TO PRESCRIBE REGISTRATION, DEAL WITH MATTERS PERTAINING TO DISCIPLINE AND OTHER CONNECTED MATTERS; TO REPEAL THE HEALTH WORKERS ACT 1982

13 of 1989

[23rd February 1990]

**1.** This Act may be cited as the Health Workers Act.

Short title

**2.** In this Act-

Interpretation

"Board" means the Health Workers Board appointed under section 3;

"health worker" means a person entitled under the provisions of this Act to practise a particular category or categories of health work and perform such functions as may be prescribed;

"Registrar" means the person appointed as Registrar under section 5;

"register" means the register of health workers kept under section 6; and

"Under Secretary" means the person who for the time being holds the position of Under Secretary, health care or health improvement in the Ministry of Health and Medical Services.

**3.-(1)** There shall be established for the purposes of this Act a Health Workers Board (hereinafter in this Act referred to as "the Board").

Establishment of Board

(2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

**4.** Subject to the provisions of this Act, the Board shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and in particular, but without prejudice to the generality of the foregoing, the Board shall have power-

Functions of the Board

(a) to classify and designate various categories of health workers;

(b) to prescribe the respective qualifications and issue certificates of registration to health workers; and

(c) to exercise disciplinary control and ensure the maintenance of proper standards of professional conduct by registered health workers.

**5.-(1)** For the purposes of this Act, the Board shall appoint a Registrar, who shall also be the Secretary to the Board. The Registrar

(2) The qualifications required for the post of Registrar may be as prescribed by the Board.

**6.** The Board shall cause the Registrar to keep a register of the names, addresses, qualifications, and such other particulars as may be prescribed, of all persons, who are registered pursuant to section 7 and such particulars as required under section 8. The Register

**7.-(1)** Any person who- Registration

(a) applies to the Registrar in the prescribed form for registration as a health worker; and

(b) satisfies the Registrar that he-

(i) possesses the prescribed qualifications;

(ii) is of good character;

(iii) is a fit and proper person to practise the profession he is trained for; and

(c) pays such registration fees as may be prescribed,

shall be entitled to be registered as a health worker in his particular profession.

(2) The Registrar shall issue to every person registered as health worker, a certificate of registration in the prescribed form.

**8.** It shall be the duty of the Registrar- Corrections of register

(a) to remove from the register any entry which the Board directs him to remove;

(b) to correct in accordance with the Board's directions, any entry in the

register, which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made; and

(c) to make from time to time any necessary alterations in any of the particulars mentioned in section 6.

**9.-(1)** If any person registered under this Act, is found upon enquiry by the Board-

Censure, suspension and striking off

(a) to be suffering from any physical or mental illness rendering him unfit to practise;

(b) to have procured his registration under this Act, as a result of any misleading, false or fraudulent misrepresentation;

(c) to have been convicted of a criminal offence;

(d) to be guilty of dishonesty, negligence, malpractice or incompetence in the performance of his functions as a health worker, or of conduct that is unprofessional or unbecoming of a health worker;

(e) to have had his qualifications for registration withdrawn or cancelled by the institution which awarded them; or

(f) for any other reason which in the opinion of the Board renders such person unfit to practise,

the Board may, if it thinks fit-

(i) admonish the person;

(ii) suspend the registration for a period of not more than six months;

(iii) remove his name from the register; or

(iv) impose a fine of not exceeding five hundred dollars.

(2) The Board may at any time, if it thinks just, direct the Registrar to restore to the register any name removed therefrom under subsection (1).

(3) The Board shall, as soon as practicable after-

- (a) the registration of any person has been suspended;
- (b) the name of any person has been removed from the register; or
- (c) the name of any person which was so removed is restored,

cause a notice of the appropriate fact to be published in the Gazette.

(4) Whenever the name of any person has been removed from the register, the Board may in writing require such a person to return to the Registrar his certificate of registration and that person shall comply with that requirement.

**10.** Any person aggrieved by a decision made under sections 7, 8 or 9 may, within twenty-one days of notification to him of the decision, appeal to the High Court against such decision, and on any such appeal the Court may give such order as it thinks proper having regard to the merits of the case and the public welfare.

Appeals

**11.** Any person who wilfully pretends to be or takes or uses any name, title, addition or description, or displays any uniform or badge implying that he is a registered health worker when he is not shall commit an offence and be liable on conviction to a fine not exceeding five hundred dollars.

Penalty for pretending to be a health worker

**12.** The Minister may in consultation with the Board make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations-

Regulations

(a) prescribing the training institutes and qualifications recognised for various categories of health workers;

(b) classifying health workers into various categories and prescribing functions in respect of each category;

(c) prescribing fees and charges;

(d) prescribing professional practice, conduct, etiquette and discipline; and

(e) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

**13.-(1)** The Health Workers Act, 1982 (in this section referred to as the "repealed

Repeal and savings

Act") is hereby repealed.

(2) Notwithstanding such repeal from and after the date of coming into operation of this Act-

(a) all health workers registered under the repealed Act shall be deemed to be registered under this Act until such time as regulations in that behalf are made;

(b) all registers kept, certificates issued or other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until such time as other provisions in that behalf are made.

**14.** Any regulations made under the repealed Act shall be deemed to be regulations made under this Act by the Minister in consultation with the Board and shall continue in force and be valid until new regulations are made under this Act.

Regulations made under repealed Act to continue

#### SCHEDULE

*(Section 3)*

**1.**-(1) The Board shall consist of-

Constitution of the Board

(a) the Under Secretary;

(b) three Registered Health Workers in clinical related professions;

(c) three Registered Health Workers in Public Health related professions; and

(d) two Registered Health Workers in non-government organisations.

(2) The members appointed under sub-paragraphs (b), (c) and (d) of paragraph (1) shall be made by the Minister on the recommendation of the bodies representing the respective categories of health workers.

**2.** The appointments shall be for a period of two years.

Tenure of office

**3.** The Under Secretary shall be the Chairman of the Board.

Chairman

<b>4.</b> If any member of the Board, other than the Chairman, is absent or unable to act, the Minister may appoint any person to act in the place of the member.	Acting appointments
<b>5.</b> Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister, and transmitted through the Chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Board.	Resignations
<b>6.</b> Where any member resigns or is removed from office and a vacancy occurs in the Board such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed so, however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.	Filling of vacancies
<b>7.</b> The Board shall keep proper accounts and other records in relation to its work and shall prepare annually a statement of accounts in a form satisfactory to the Auditor-General.	Accounts
<b>8.-(1)</b> The Board shall meet once every quarter and such meetings shall be held at such places and times and on such days as the Board may determine.	Procedure and meetings
<b>(2)</b> The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for the purpose addressed to him by any member of the Board.	
<b>(3)</b> A quorum shall be five (5).	
<b>(4)</b> The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in which the voting is equal.	
<b>(5)</b> Minutes in proper form of each meeting shall be kept.	
<b>(6)</b> The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.	
<b>9.</b> No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.	Protection of members
<b>10.</b> There shall be paid to the Chairman and other members of the Board such allowances as the Minister may determine.	Allowances

11. The office of the Chairman or member of the Board shall not be a public office for the purposes of Chapter XIII of the Constitution.

Members not public officers

*(No Subsidiary Legislation.)*