

BILL NO. 26 OF 2018

A BILL

FOR AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONER ACT
2010

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Medical and Dental Practitioner (Budget Amendment) Act 2018.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Medical and Dental Practitioner Act 2010 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by inserting the following new definitions—

““public private partnership hospital” and “public private partnership dispensary” mean respectively a hospital or dispensary operated, maintained or managed by a private entity through a public private partnership, and includes a health centre and a nursing station, notwithstanding the ownership of the hospital or dispensary;”.

*Section 34 amended***3.** Section 34 of the Principal Act is amended by—

- (a) in subsection (4) after “must”, inserting “, within 7 days.”;
- (b) in subsection (5)—
 - (i) in paragraph (a) after “;”, deleting “and”;
 - (ii) in paragraph (b), deleting “.” and substituting “; and”; and
 - (iii) after paragraph (b), inserting the following new paragraph—
 - “(c) in the case of a person employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary, be employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person’s employer.”;
- (c) deleting subsection (6) and substituting the following—
 - “(6) Notwithstanding subsections (1) and (2), a person may apply in writing to the Minister for an exemption from the requirements for an application for registration.”;
- (d) in subsection (7) after “from”, inserting “the requirements for an application for”;
- (e) after subsection (8), inserting the following new subsection—
 - “(8A) The Minister must, within 14 days of receipt of an application made under subsection (6), determine the application.”;
- (f) in subsection (9) after “must”, inserting “, within 7 days.”; and
- (g) in subsection (11) after “must”, inserting “, within 7 days.”.

*Section 36 amended***4.** Section 36 of the Principal Act is amended by—

- (a) deleting subsection (4) and substituting the following—
 - “(4) Notwithstanding subsection (2), a person may apply in writing to the Minister for an exemption from the requirements for an application for temporary registration.”;
- (b) in subsection (5) after “from”, inserting “the requirements for an application for”;
- (c) after subsection (6), inserting the following new subsection—
 - “(6A) The Minister must, within 14 days of receipt of an application made under subsection (4), determine the application.”;

(d) in subsection (7) after “must”, inserting “, within 7 days,”;

(e) after subsection (7), inserting the following new subsection—

“(7A) For the purpose of subsections (2)(b) and (c) and (7), where a person is employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of temporary registration—

(a) any medical or dental treatment administered by the person must take place at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person’s employer; and

(b) the person’s medical or dental practice must be supervised by a licensed medical or dental practitioner employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person’s employer.”; and

(f) in subsection (9) after “must”, inserting “, within 7 days,”.

Section 38 amended

5. Section 38 of the Principal Act is amended after subsection (3) by inserting the following new subsection—

“(4) For the purpose of subsection (3)(a) and (d), where a person is employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of conditional registration—

(a) any medical or dental treatment administered by the person must take place at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person’s employer; and

(b) the person’s medical or dental practice must be supervised by a licensed medical or dental practitioner employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person’s employer.”.

July 2018

MEDICAL AND DENTAL PRACTITIONER (BUDGET AMENDMENT) BILL 2018

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Medical and Dental Practitioner Act 2010 (**‘Act’**) provides for the registration and licensing of medical and dental practitioners and students.
- 1.2 The Medical and Dental Practitioner (Budget Amendment) Bill 2018 (**‘Bill’**) seeks to amend the Act by inserting the definitions of “public private partnership hospital” and “public private partnership dispensary”, which mean respectively a hospital or dispensary operated, maintained or managed by a private entity through a public private partnership, and includes a health centre and a nursing station, regardless of the ownership of the hospital or dispensary.
- 1.3 The Bill also seeks to amend the Act to prescribe time frames in relation to the processing of applications for registration as a medical or dental practitioner and applications for exemption from the requirements for applications for such registration.
- 1.4 The Bill further amends the Act to provide clarification in relation to, *inter alia*, the supervision of a person employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of provisional, temporary or conditional registration.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by inserting the definitions of “public private partnership hospital” and “public private partnership dispensary”, which mean respectively a hospital or dispensary operated, maintained or

managed by a private entity through a public private partnership, and includes a health centre and a nursing station, regardless of the ownership of the hospital or dispensary.

- 2.3 Clause 3 of the Bill amends section 34 of the Act to provide that a person employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of provisional registration must be supervised by a licensed medical or dental practitioner employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person's employer.
- 2.4 Clause 3 of the Bill also provides that the issuance of a certificate of registration by the Registrar, to a person who has completed the provisional registration process and has been certified as competent and ethical by his or her supervisor, must be completed within 7 days of receipt of such certification by the supervisor.
- 2.5 Clause 3 of the Bill further provides that the Minister must provide his or her determination of an application for exemption from the requirements for an application for registration as a medical or dental practitioner within 14 days of receipt of the application. Clause 3 of the Bill also stipulates that upon the grant of such exemption, the Minister must issue a written directive to the relevant Council to issue a certificate of registration or practice licence, or both, as the case may be, to the person granted such exemption within 7 days and that the relevant Council must comply with the written directive within 7 days.
- 2.6 Clause 4 of the Bill amends section 36 of the Act to provide that a person employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of temporary registration must be, *inter alia*, supervised by a licensed medical or dental practitioner employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person's employer.
- 2.7 Clause 4 of the Bill also provides that the Minister must provide his or her determination of an application for exemption from the requirements for an application for temporary registration as a medical or dental practitioner within 14 days of receipt of the application. Clause 4 of the Bill also stipulates that upon the grant of such exemption, the Minister must issue a written directive to the relevant Council to issue a certificate of registration or practice licence, or both, as the case may be, to the person granted such exemption within 7 days and that the relevant Council must comply with the written directive within 7 days.

6

2.8 Clause 5 of the Bill amends section 38 of the Act to provide that a person employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary during a period of conditional registration must be, *inter alia*, supervised by a licensed medical or dental practitioner employed, including contractually engaged, at a public private partnership hospital or public private partnership dispensary operated, maintained or managed by the person's employer.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for health and medical services.

A. SAYED-KHAIYUM
Attorney-General