

**THE ALLIED HEALTH PROFESSIONS COUNCIL BILL 2016**

(No. .... of 2016)

**Explanatory Memorandum**

The object of this Bill is to provide for the establishment of the Allied Health Professions Council of Mauritius for the protection, health and safety of the public.

2. The Council will, inter alia –
- (a) regulate and control the prescribed allied health professions under the Bill;
  - (b) register allied health professions;
  - (c) temporarily register non-citizens, other than non-citizens who are residents of Mauritius;
  - (d) exercise and maintain discipline in the allied health professions;
  - (e) promote advancement in the field of healthcare; and
  - (f) approve the conduct of examinations and courses.

.....2016

**A.K. GAYAN**

*Minister of Health and Quality of Life*

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# THE ALLIED HEALTH PROFESSIONS COUNCIL BILL 2016

(No. .... of 2016)

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## **SCHEDULE**

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## **A BILL**

**To provide for the registration of allied health professionals for the protection and the health and safety of the public and for purposes connected therewith**

ENACTED by the Parliament of Mauritius, as follows –

### **PART I – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the Allied Health Professions Council Act 2016.

#### **2. Interpretation**

In this Act -

“**Allied Health Professional**” means a person who has a professional qualification in any of the allied health professions listed in the First Schedule;

“**Chairperson**” means the Chairperson of the Council;

“**Committee**” means any Committee as may be set up by the Council;

“**Council**” means the Allied Health Professions Council of Mauritius established under section 3;

“**health services**” include any examination, evaluation, diagnosis and treatment, advice or counseling and any other service as is provided by a registered allied health professional under this Act;

**“Minister”** means the Minister responsible for health;

**“register”** means the register of allied health professionals kept by the Council under this Act;

**“registered allied health professional”** means any person qualified to practice any of the professions specified and defined in the First Schedule of this Act and registered to so practice under this Act;

**“registrar”** means a person appointed by the Council to carry out the duties specified under this Act;

**“regulations”** mean regulations made under this Act.

**“Tribunal”** means Medical Disciplinary Tribunal set up under the Medical Council Act.

## **PART II – THE COUNCIL**

### **3. Establishment of Council**

(1) There is established for the purposes of this Act the Allied Health Professions Council of Mauritius.

(2) The Council shall be a body corporate.

(3) The principal place of business of the Council shall be at such place as it may determine.

#### **4. Objects of Council**

The Council shall –

- (a) register and license members of the allied health professions and regulate their professional conduct;
- (b) manage, administer and set policies relating to the profession registered with the allied health profession council;
- (c) investigate complaints relating to the professional conduct of allied health professionals and pre-registered trainees;
- (d) set proficiency standards;
- (e) approve courses and institutions to run CPD courses; and
- (f) advise the Minister on policy relating to the practices of all allied health professionals regulated under this Act in the Republic of Mauritius, including determining the types of any additional allied health professions which should be included for regulation under the Act.

#### **5. Functions of Council**

The Council shall –

- (a) register allied health professionals as listed in First Schedule and pre-registration trainees;
- (b) temporarily register non-citizens, other than non-citizens who are residents of Mauritius;
- (c) give conditional registration to the allied health professional awaiting confirmation as specified at Section 19;
- (d) issue practicing certificates to registered allied health professionals;
- (e) approve, organize or cause to be organised training programmes, courses, lectures, seminars or conferences for the allied health professionals;

- (f) determine and regulate the standards of practice, competence, conduct and ethics of registered allied health professionals and monitor compliance thereof;
- (g) keep and maintain the registers;
- (h) advise the Minister on any matters governed by this Act;
- (i) coordinate and supervise the activities of the Committees;
- (j) exercise and maintain discipline in the allied health professions-
  - a. In relation to an allied health professional who is appointed by the Public Service Commission and in respect of whom the Council holds a delegated power, to the extent and within the limits of that delegation of power; and
  - b. In relation to any other allied health professional.
- (k) cooperate with any other institution having objects wholly or partly similar to its objects;
- (l) publish annual lists for each allied health profession listed in the First Schedule;
- (m) keep a record of its proceedings and decisions; and
- (n) perform such other functions as are conducive to the objects of the Council.

## **6. Powers of Council**

The Council shall have such powers as may be necessary to discharge its functions most effectively and may, in particular –

- (a) enter into any contract or agreement;
- (b) set up any committee;
- (c) sell or exchange any property;
- (d) make or receive any grant or donation, other than to, or from, a registered Allied health professional under this Act;
- (e) borrow money, other than from a registered allied health professional under this Act, and raise funds;
- (f) collect or receive any fee, rental, interest or other sum which may lawfully accrue to it; and
- (g) do such acts and things as may be necessary for the purposes of this Act.

## PART III – MANAGEMENT OF COUNCIL

### 7. Composition of Council

(1) The Council shall consist of –

- (a) a Chairperson who is not a member of the prescribed allied health professions and who holds qualifications and working knowledge in the fields of management, human resource and training;
- (b) a representative of the Ministry responsible for the subject of health;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Attorney General's Office;
- (e) a representative from the Ministry responsible for the subject of tertiary education;
- (f) two other persons to be appointed by the Minister and who are not from the allied health professions; and
- (g) one Allied Health Professional with full registration from each of the Allied Health Professions prescribed in the First Schedule, who has at least five years' experience in that profession.

(2) The members of the Council other than the ex-officio members shall

- (i) be appointed by the Minister; and
- (ii) hold office for a term not exceeding three years and may be eligible for reappointment;

(3) The names of the members of the Council shall be published in the Gazette as soon as possible after the Council is constituted.

(4) A member, other than a member referred to in subsection (1)(a) to (f) shall, subject to section 8, hold office for a period of 3 years and may be eligible for reappointment.

(5) Every member shall be paid such fee or allowance as recommended by the Council and approved by the Minister.

## **8. Vacancy in membership of Council**

(1) A member, other than a member referred to in section (7) (1) (a) to (f) shall cease to hold office –

- (a) on completion of his term of office; or
- (b) on his resignation, by notice in writing given to the Registrar.

(2) Where a member resigns under subsection (1)(b), his seat shall become vacant as from the date on which the Registrar receives the notice.

(3) The Council may remove from office any member, other than a member referred to in section (7) (1) (a) to (f) who –

- (a) is absent, without leave of the Council, from 2 consecutive meetings of the Council;
- (b) commits an act of misconduct, malpractice, negligence, fraud or dishonesty, or a breach of the Code of Practice, which, in the opinion of the Council, renders him unfit to be a member;
- (c) is convicted of an offence of such nature as, in the opinion of the Council, renders him unfit to be a member;
- (d) is suspended or deregistered as a registrant under this Act;
- (e) is suffering from such mental or physical impairment as, in the opinion of the Council, renders him unfit to be a member; or
- (f) fails to disclose any pecuniary or other material interest which he has in relation to any matter before the Council.

(4) The Council may suspend from office, for such time as it may determine, any member who is –

(a) liable to be removed from office under subsection (3);

(b) guilty of a minor breach of the Code of Practice; or

(c) the subject of a preliminary investigation.

(5) Where a vacancy occurs in the membership of the Council, the vacancy shall be filled, in the case of a member who is appointed by the Minister, by a fresh appointment.

(6) A person appointed under subsection (5) shall hold office for the remainder of the term of office of the person whom he replaces.

## **9. Meetings of Council**

(1) The Council shall meet as often as the Chairperson may determine but at least every two months.

(2) A meeting of the Council shall be held at such time and place as the Chairperson may determine.

(3) At a meeting of the Council, 10 members shall constitute a quorum.

(4) Where the Chairperson is absent from a meeting of the Council, the members present shall elect one of the members to chair the meeting.

(5) (a) A special meeting of the Council –

(i) may be convened by the Chairperson at any time; or

(ii) shall be convened by the Registrar within 7 days of the receipt of a request in writing signed by not less than 8 members.

(b) Any request made under paragraph (a)(ii) shall specify the purpose for which the special meeting is to be convened.

(6) The Council may, where it considers necessary, co-opt such other persons as prescribed with relevant expertise not already available to the Council, to assist it in relation to any matter before it.

(7) At any meeting of the Council, each member shall have one vote on a matter in issue and in the event of an equality of votes, the person presiding shall have a casting vote.

(8) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

## **10. Committees**

(1) The Council may set up any Committee including an Education Committee and an Investigation Committee. The Committee shall consist of a Chairperson who will be a member of the relevant profession and not less than two members from the Panel and such other persons as may be co-opted by the Council.

(2) The Council may set up a panel which will comprise not more than 10 registered members from each of the prescribed allied health professions, each of whom have at least five years' experience in the practice of a prescribed allied health profession and who is not a member of the Council

(3) The Council may also co-opt other members as may be necessary to assist it in the discharge of its functions;

- (4) A Committee mentioned at section 10(1) shall –
- (a) meet as often as is necessary and at such time and place as the Chairperson of the committee may determine;
  - (b) meet as and when required by the Council;
  - (c) regulate its meetings and proceedings in such manner as it may determine;
  - (d) submit its report within such time as the Council may determine.

(5) The report referred to in subsection (4)(d) shall contain the committee's observations, comments, recommendations or findings, if any, on any matter referred to it.

## **11. Disclosure of interest**

(1) Where any member, or any person related to the member by blood or marriage, has a pecuniary or other material interest in relation to any matter before the Council or a committee, that member shall –

(a) disclose the nature of the interest before or at the meeting convened to discuss that matter; and

(b) not take part in any deliberations relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings of the meeting of the Council or committee.

## **12. Registrar**

(1) There shall be a Registrar who shall not be a member of any of the prescribed allied health professions, with post graduate qualifications in Management and at least 10 years' experience at senior management level.

(2) The Registrar shall be appointed by the Council and shall hold office on such terms and conditions as the Council thinks fit.

(3) The Registrar shall be responsible to the Council for -

- (a) the proper administration of the Council;
- (b) executing all decisions of the Council; and
- (c) carrying out such duties as may be assigned to him by the Council.

(4) In the exercise of his functions, the Registrar shall act in accordance with such directions as he may receive from the Council.

(5) The Registrar shall also be the Secretary to the Council and shall, for every meeting of the Council—

- (i) give notice of the meeting to the members;
- (ii) prepare and attend the meeting;
- (iii) keep minutes of proceedings of the meeting; and
- (iv) execute all decisions of the Council; and

(6) The Registrar may also act as the Treasurer of the Council.

(7) If the Registrar is for any reason unable to carry out his functions, the Council may appoint another person to act as Registrar.

### **13. Delegation**

The Council may, subject to such instructions as it may give, delegate to the Registrar such of its functions and powers as may be necessary for the effective management of the day-to-day business and activities of the Council, other than the power to –

- (a) sell or exchange any property;
- (b) make or receive any grant or donation;
- (c) borrow money and raise funds.

#### **14. Appointment of officers**

(1) The Council may, on such terms and conditions as it may determine, appoint such officers as it considers necessary for the proper discharge of its functions under this Act.

(2) Every officer shall be under the administrative control of the Registrar.

#### **15. Conditions of service of officers**

The Council may make provision to govern the conditions of service of its officers and, in particular, to deal with –

(a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, officers;

(b) appeals by officers against dismissal and any other disciplinary Measure.

#### **16. Powers of Minister**

(1) The Minister may give such directions of a general nature to the Council, not inconsistent with this Act, as he considers necessary in the public interest, and the Council shall comply with those directions.

(2) The Minister may require the Council to furnish any information or document in relation to its activities, and the Council shall supply such information or document.

## PART IV – ESTABLISHMENT AND MAINTENANCE OF REGISTERS

### 17. Register

(1) The registrar shall establish and maintain, a register in respect of each allied health profession regulated by the Council

(2) The Registrar shall enter in the appropriate register

(a) the names, addresses, qualifications and other particulars as may be prescribed of every person who is registered in accordance with this Act;

(b) any alterations in the names, addresses, qualifications and other particulars of registered persons;

(c) an annotation as to whether a registered person has –

(i) died;

(ii) been struck off as an allied health professional by the Council;

(iii) been suspended from practicing the prescribed allied health profession; or

(iv) left Mauritius with the intention of settling abroad.

(3) For the purposes of this Act, a person is registered in respect of a profession if his or her name is on the register maintained under this Act for that profession;

(4) Each register established by the Council under subsection (1) shall consist of four lists -

(a) the list of registered allied health professionals;

(b) the list of allied health professionals with conditional registration;

(c) the list of non-citizens with temporary registration; and

(d) the list of visiting allied health professionals with temporary registration.

(5) Each register of a profession maintained by the Council shall contain-

(a) in the list of allied health professions, the names of persons who, being citizens of the Republic of Mauritius, are registered under section 18 as fully registered allied health professionals and who are practicing for a period exceeding ninety consecutive days in any one year;

(b) in the list of Conditional Registration, the names of persons who are registered under section 19 and who hold basic qualifications in that profession as prescribed in the Second Schedule and work under the direct supervision of a registered allied health professional.

(c) in the list of temporary registration of visiting allied health professionals, the names of persons who are registered under section 21 and who practice for any period not exceeding ninety consecutive days in any one year, or who, if exceeding such period of ninety consecutive days, are Non-citizens who hold work permits or are exempted from holding such permits under the Non-citizens (Employment Restriction) Act, or who hold occupation permits under the Immigration Act; and

(d) in the list of temporary registration of non-citizens, the names of persons who are non-citizens and hold a work permit or are exempted from holding of work permit under (Employment Restriction) Act and who are registered under section 20.

(6) Where a person is registered in accordance with this Act, the Council shall issue to that person a certificate of registration in the form prescribed by regulations;

## **18. Registration of Allied Health Professionals**

A person shall be entitled to be registered as an Allied Health Professional as listed in the First Schedule if he -

- (a) is a citizen of the Republic of Mauritius;
- (b) has the qualifications as prescribed in Second Schedule;
- (c) satisfies the council that the qualifications obtained are recognized in the country where he has studied and would have been entitled him to practice as a professional in that country;
- (d) is of good character and has not been convicted of an offence in any country involving fraud or dishonesty or moral turpitude;
- (e) has not been disqualified from practice as an allied health professional in any country;
- (f) has not in any country been removed from the list of allied health professional on account of professional misconduct or negligence;
- (g) does not suffer from any mental or physical incapacity which will hamper the discharge of his duties; and
- (h) has paid such fee as may be prescribed.

## **19. Conditional Registration of Allied Health Professionals**

(1) Notwithstanding section 18(c), a person may be given a conditional registration in a prescribed allied health profession if he -

- (i) holds basic qualifications in that profession; and
- (ii) works under the direct supervision of an allied health professional.

(2) A conditional registration will be given for a limited period of time as determined by the Council.

(3) Upon submission of documentary evidence laid down at section 18 (c), full registration will be granted.

## **20. Temporary registration of Non-Citizens**

(1) Notwithstanding section 18, a non-citizen shall be entitled to be temporarily registered as an allied health professional if he—

- (a) holds a work permit or is exempted from holding a permit under the Non-citizens (Employment Restriction) Act or holds an occupation permit under section 9A of the Immigration Act;
- (b) satisfies the requirements set out in paragraphs (b) to (g) of section 18; and
- (c) has paid the fee prescribed by the Council.

(2) No application for temporary registration under this section shall be processed unless the applicant has submitted all the documents referred to in subsection (1) (a) and section 18 (b) to (g).

(3) Every application under this section, which has been duly submitted to the Registrar, shall be determined within 21 days of the date of the submission.

(4) Where the Council is satisfied that an applicant qualifies for registration under this Act, the applicant will be temporarily registered

(5) Where the Council refuses an application, the Registrar shall, not later than 21 days from the date of receipt of the application, notify the applicant accordingly, stating the reasons for the refusal.

## **21. Temporary Registration of visiting Allied Health Professionals**

(1) An allied health professional who is-

- (a) engaged in Mauritius in the implementation of a Government scheme agreed upon by the Government and the World Health Organisation or some other similar international agency;
- (b) visiting Mauritius and has been invited to offer his services under a scheme approved by the Ministry; or

(c) visiting Mauritius for the purpose of teaching, research or study in a medical field under such scheme as may be approved by the Government,

shall be entitled to be temporarily registered as an Allied Health Professional.

(2) Any Allied Health Professional of any visiting force or ship lawfully present in Mauritius shall be exempted from registration for the discharge of his duties;

(3) An Allied Health Professional registered under sub section (1) shall be exempted from the payment of any fee.

## **22. Certificate of Registration**

(1) The Registrar shall issue to every registered person a certificate of registration in such forms as the Council may prescribe.

(2) The Registrar may issue to a registered person a duplicate certificate if he is satisfied that the registered person has lost his certificate of registration.

## **23. Practicing licence**

(1) A registered allied health professional shall only practice in the field in which he has been registered while he or she is in possession of a valid practicing licence issued to him or her by the Council in the prescribed form on payment of the prescribed fee to the registrar.

(2) A practicing licence shall be valid for a period of one year from the date of its issue, or re-issue, as the case may be.

(3) A practicing licence shall not be issued to a registered allied health professional unless the Council is satisfied that there is in place in relation to such allied health professional adequate malpractice insurance, liability insurance or other relevant insurance or indemnity cover approved by the Council.

- (4) If the name of an allied health professional is removed from the register, any practicing licence issued to him or her shall cease to be in force.
- (5) Any person who –
- (a) practices in contravention of subsection (1); or
  - (b) being a registered allied health professional, practices without having, or being covered by, malpractice insurance, liability insurance or other relevant insurance approved by the Council, commits an offence and is liable on summary conviction to a fine of xxxxxx rupees.

## **24. Annual fee**

- (1) Subject to subsection (2), every registrant shall, on or before 31 January in every year, pay to the Registrar such annual fee as may be prescribed, in respect of the year commencing on 1 January of that year.
- (2) Where a registrant fails to comply with subsection (1), he shall be liable to pay the annual fee, together with a surcharge of 50 per cent of the annual fee, by 15 February in the year in respect of which it is due.
- (3) Where a registrant fails to pay the annual fee together with the surcharge required under subsection (1), the Council may deregister the registrant.
- (4) Where a registrant is deregistered under subsection (3), the Council shall cause the Registrar to remove the name and other particulars of the registrant from the Register.
- (5) The Council may, where a registrant is deregistered under subsection (3), restore the name and other particulars of the registrant on the Register on good cause shown and on payment of the annual fee together with its surcharge.

## **25. Annual list**

(1) The Registrar shall, not later than the end of February in every year, transmit to the Minister a list of all registrants registered for that year, including foreign, visiting and temporarily registered allied health professionals for that year.

(2) The Council shall, not later than 15 March in every year, publish in the Gazette an annual list of registrants for that year.

## **26. Continuing Professional Development**

(1) Notwithstanding section 25 but subject to subsection (2), no person shall have his name on the annual list unless he has followed such continuing professional development courses or training programmes as the Council may determine.

(2) Subsection (1) shall not apply to a registered person who is excused by the Council on such ground as may be prescribed.

## **PART V– DISCIPLINE**

### **27. Interpretation of Part V**

In this Part-

'allied health professional' includes

- (a) an allied health professional in respect of whom the Council holds a delegated power;
- (b) a foreign allied health professional; and
- (c) a visiting allied health professional.

### **28. Preliminary investigation by Council**

(1) The Council may investigate any complaint -

- (a) professional misconduct, malpractice or negligence;
- (b) a breach of the Code of Practice; or

(c) any other act likely to bring the profession of allied health professional into disrepute,  
against an allied health professional.

(2) Where the Council investigates a complaint under sub-section (1), it—

(a) shall notify the person whose conduct, act or omission is under investigation, of the nature of the complaint against him;

(b) may summon and hear the person who shall be given an opportunity of being assisted by a legal representative of his choice;

(c) may summon and hear witnesses;

(d) may call for the communication or production of any relevant record, document or article; and

(e) shall submit its report not later than three months as from the date the investigation starts.

(3) The Council shall, when investigating a complaint under sub-section (1), keep a proper record of its proceedings.

(4) Where in the course of a preliminary investigation, any person refuses to communicate produce any record, document or article on the ground of confidentiality, the Registrar may apply to a Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the investigation.

(5) Where the Judge is satisfied that the record, document or article sought is *bona fide* required for the purpose of the preliminary investigation, he may make an order under subsection (4).

(6) The Council may, for the purpose of a preliminary investigation under subsection (1), appoint a committee consisting of not less than 3 members.

(7) A member who –

(a) is closely related to an allied health professional whose conduct, act or omission is under preliminary investigation; and

(b) has any pecuniary or other personal interest in the subject-matter of a preliminary investigation,

shall disclose his relationship or interest, as the case may be, and refrain from participating in the investigation.

## **29. Disciplinary proceedings**

(1) Where, after a preliminary investigation, the Council considers it necessary to prefer charges against an allied health professional, it shall forward to the allied health professional a statement of those charges and call upon him to state in writing, before such date as the Council may specify, any ground on which he relies to exculpate himself.

2) Where the allied health professional does not furnish a reply to any charge forwarded under subsection (1) within the period specified or where, in the opinion of the Council, he fails to exculpate himself, the Council may, subject to section 33, institute disciplinary proceedings against him before the Tribunal.

## **30. Membership of Tribunal**

(1) Notwithstanding section 15(2)(b) of the Medical Council Act, in relation to a matter referred to the Tribunal under section 29, the Prime Minister shall, subject to subsection (2), appoint 2 persons, one from the public sector and one from the private sector who are allied health professional with not less than 10 years' experience as members of the Tribunal.

(2) The Prime Minister shall not appoint a member of the Council as a member of the Tribunal.

### **31. Disciplinary measures**

(1) The Tribunal shall, after having heard any disciplinary proceedings, forward to the Council its report and a copy of its proceedings, including any record, document or article produced, not later than one month after the completion of the proceedings.

(2) The report under subsection (1) shall include –

(a) a finding as to whether the charge has been proved or not, and the reasons for such finding;

(b) details of any matter which, in the Tribunal's opinion, aggravates or alleviates the gravity of the charge; and

(c) a summing up and such comments as will indicate clearly the opinion of the Tribunal on the subject matter of the disciplinary proceedings.

(3) The Tribunal shall not, in its report, make any recommendation regarding the form of disciplinary measure.

(4) (a) Where the report is in relation to an allied health professional, other than an allied health professional in respect of whom the Council holds a delegated power, and states that the charge has been proved, the Council may –

(i) administer him a reprimand or a severe reprimand;

(ii) suspend him as an allied health professional or foreign allied health professional, as the case may be, for a period not exceeding 2 years; or

(iii) deregister him as an allied health professional or foreign allied health professional, as the case may be.

(b) Where the report is in relation to an allied health professional in respect of whom the Council holds a delegated power, the Council shall submit its own report to the Public Service Commission, in accordance with regulation 46E of the Public Service Commission Regulations.

(5) Where the punishment inflicted by the Public Service Commission on an allied health professional, in respect of whom the Council holds a delegated power, is dismissal or retirement in the interest of the public service, the Council shall determine whether or not it shall suspend or deregister the allied health professional.

(6) A decision of the Council under subsection (4) or (5) shall be communicated to the allied health professional not later than 14 days from the date of the decision.

### **32. Other Disciplinary measures**

(1) Without any of the proceedings provided for in sections 28, 29 and 31 being instituted, the Council shall, where an allied health professional has been convicted of an offence and is serving a sentence of imprisonment or penal servitude –

(a) suspend him as an allied health professional or foreign allied health professional, as the case may be, for such time as the Council may determine; or

(b) give him an opportunity to show cause why he shall not be deregistered as an allied health professional or foreign allied health professional, as the case may be.

(2) The Registrar shall cause any suspension or deregistration under this Act to be published in the Gazette and in 2 daily newspapers.

### **33. Summary proceedings**

Where the Council is satisfied, after having carried out a preliminary investigation against an allied health professional, other than an allied health professional in respect of whom the Council holds a delegated power, that he has committed an act or omission which, in its opinion, is not considered to be of a serious nature, it may inflict upon him a warning or severe warning.

### **34. Name and other particulars to be removed from Register**

The Council shall cause the Registrar to remove from the Register the name and other particulars of any registered allied health professional who has been deregistered as an allied health professional or foreign allied health professional, as the case may be, under this Act.

### **35. Restoration of name and other particulars to Register**

(1) Where the name and other particulars of a registered allied health professional have been removed from the Register in accordance with this Act, the name and other particulars of that person shall not be restored to the Register except by order of the Council or of the Supreme Court.

(2) The Council may, on its own motion or on application of the person concerned and after holding such inquiry as it may determine, cause his name and other particulars to be restored to the Register.

## **PART VI- FINANCIAL PROVISIONS AND ACCOUNTS**

### **36. General Fund**

The Council shall set up a General Fund –

(a) into which shall be paid –

(i) any grant, donation and contribution received by it;

(ii) any fee, rental or interest; and

(iii) any other sum which may lawfully accrue to it;

(b) out of which all payments required to be made by the Council shall be effected.

### **37. Execution of documents**

(1) Subject to subsection (2), no deed, instrument, contract or other document shall be executed or signed by or on behalf of the Council unless it is signed by the Chairperson.

(2) No cheque shall be signed by or on behalf of the Council unless it is signed by –

(a) the Chairperson; and

(b) the Registrar.

### **38. Donations**

Article 910 of the Code Civil Mauricien shall not apply to the Council.

### **39. Audit**

(1) The Council shall keep proper accounts of all sums received or paid.

(2) The accounts for each financial year shall be audited by a qualified auditor appointed by the Council.

## **PART VII – MISCELLANEOUS**

### **40. Seal of Council**

The Council shall have a seal which shall bear such device as it may approve.

### **41. Legal proceedings**

(1) The Council shall act, sue and be sued in its corporate name.

(2) Service of process by or on the Council shall be sufficient if made by or on the Registrar.

#### **42. Protection from liability**

No liability, civil or criminal, shall be incurred by the Council, any member or officer, in respect of any act done or omitted by it or him in good faith in the discharge of its or his functions, or exercise of its or his powers, under this Act.

#### **43. Confidentiality**

(1) No member or officer shall, during or after his relationship with the Council, use or disclose any matter which comes to his knowledge in the performance of his functions, except for the purposes of administering this Act.

(2) Any person who, without lawful excuse, contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

#### **44. Appeal against decision of Council**

(1) A person who is aggrieved by the decision of the Council –

(a) not to register him; or

(b) to take any disciplinary measure against him, may apply for a judicial review of the decision before the Supreme Court.

(2) On an application under subsection (1), the Supreme Court may make such order or give such directions in the matter as it may determine.

## **45. Offences**

(1) Whoever willfully and falsely pretends to be or takes or uses any name, title, addition or description implying that he or she is registered to practice any of the professions to which this Act applies, is guilty of an offence unless he or she is so registered

(2) Whoever, without reasonable excuse, fails to comply with any requirement lawfully imposed by a Board –

(a) for his attendance before such Board;

(b) for the giving of evidence; or

(c) for the production of documents,

is guilty of an offence.

(3) Whoever procures or attempts to procure the entry of any name on a register established under this Act by willfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he or she knows to be false or fraudulent is guilty of an offence.

(4) Whoever is guilty of an offence under subsection (1), (2), or (3) is liable on summary conviction to a fine of xxxxxx rupees and where the offence of which the person is convicted is an offence under subsection (1) or (2) and the offence is continued after conviction that person is guilty of a further offence and is liable to a fine of xxxxx rupees for every day on which the offence is so continued.

## **46. Regulations**

(1) The Minister may, for the purposes of this Act, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) shall be made after consultation with the Council.

(3) Any regulations made under subsection (1) may provide –

(a) for a Code of Practice;

(b) for the levying of fees and the taking of charges;

(c) for the amendment of the Schedule;

(d) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

#### **47. Consequential amendment**

Appropriate sections of the following Acts should be amended:

(a) The Pharmacy Act; and

(b) The Private Health Institution Act.

#### **48. Savings and transitional provisions**

Any person who immediately before the coming into operation of this Act was practicing any prescribed allied health profession shall be deemed to be registered as an allied health professional under this Act provided he satisfies the criteria set for registration at section 18.

#### **49. Commencement**

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

## **FIRST SCHEDULE**

### **Allied health professions**

1. Audiologist
2. Chiropodist
3. Chiropractor
4. Clinical Scientist
5. Dietitian
6. Medical Imaging Technologist
7. Medical Laboratory Technologist
8. Neuropsychologist
9. Nutritionist
10. Occupational Therapist
11. Orthopedic Technician (Prosthetist/Orthotist)
12. Osteopath
13. Physiotherapist
14. Podiatrist
15. Psychologist
16. Psychotherapist
17. Speech and Language Therapist
18. Sports Therapist

<b>SECOND SCHEDULE</b>			
<b>SN</b>	<b>Profession</b>	<b>Description</b>	<b>Basic Qualification</b>
1.	<b>Audiologist</b>	An Audiologist diagnoses hearing disorders to enable medical/surgical intervention. They provide rehabilitation services to patients with hearing disabilities including fitting of hearing aids, auditory training and speech reading.	Bachelor degree in Audiology
2.	<b>Chiropodist</b>	A Chiropodist diagnoses and treats abnormalities of the lower limb. They offer professional advice on preventing foot problems and care. They see patients at high risk of amputation, such as those suffering from arthritis or diabetes.	Bachelor degree in Podiatry or related field
3.	<b>Chiropractor</b>	A Chiropractor is concerned with the diagnosis, treatment and prevention of mechanical disorders of the musculo skeletal system, and the effects of these disorders on the function of the nervous system and general health. There is an emphasis on manual treatments including spinal adjustment and other joint and soft-tissue manipulation.	A chiropractic degree accredited by the International Council on Chiropractic Education
4.	<b>Clinical Scientist</b>	Clinical Scientists oversee specialist tests for diagnosing and managing disease. They advise doctors on tests and interpreting data and carry out research to understand diseases.	Master's Degree in the relevant field (Biochemistry, Microbiology, Virology, Haematology, Immunology) or A good Honours Degree in the relevant science subject (Biochemistry, Microbiology, Immunology, Haematology, Virology), including at least three clinical training in the field.

5.	<b>Dietitian</b>	Dietitians are qualified health professionals who assess, diagnose and treat dietary and nutritional problems at an individual and wider public health level. They work with both healthy and sick people to promote good health using the science of nutrition.	Bachelor degree in human nutrition and dietetics, or dietetics, or a science degree with a post graduate diploma or higher degree in dietetics
6.	<b>Medical Imaging Technologist</b>	A Medical Imaging Technologist produces high quality diagnostic medical images to rule out injury and diseases by using related technology supporting film-based and computer-based imaging system.	Certificate in Diagnostic Radiography from a recognized institution which is equivalent to the Certificate in Radio-diagnosis issued by the Ministry of Health and Quality of Life
7.	<b>Medical Laboratory Technologist</b>	A Medical Laboratory Technologist analyses specimens from patients to provide data to help doctors diagnose and treat disease.	BSc (Hons) in Biomedical Sciences with one year experience or a Diploma in Medical Laboratory Technology with ten years' experience in a Medical laboratory.
8.	<b>Neuropsychologist</b>	Neuropsychologists evaluate and treat people with various types of nervous system disorders. They work closely with doctors, including neurologists.	A Master 2 or DESS level (BAC/HSC + 5 years studies) or Doctorate level (BAC/HSC + 8 years studies)
9.	<b>Nutritionist</b>	Nutritionists are qualified to provide information about food and healthy eating but do not treat patients.	A Bachelor degree in human nutrition, public health nutrition or human nutrition related science
10.	<b>Occupational Therapist</b>	An occupational therapist promotes health and well-being through occupation, uses specific activities to limit the effects of disability and promote independence in all aspects of daily life.	A Bachelor degree in Occupational Therapy together with proof of 1000 hours clinical training during or after their academic years for a degree in Occupational Therapy.

11.	<b>Orthopaedic Technicians (Prosthetists and orthotists)</b>	Prosthetists and orthotists provide care for anyone requiring an artificial limb (prosthesis) or a device to support or control part of the body (orthosis). They also advise on rehabilitation. <u>Orthotists</u> provide a range of splints, braces and special footwear to aid movement, correct deformity and relieve discomfort. <u>Prosthetists</u> provide the best possible artificial replacement for patients who have lost or were born without a limb.	The <Brevet de Technicien Supérieur” in Orthopaedic appliances or the “Diplome Universitaire Supérieur de Technologie” (DUST) from a recognized institution or an equivalent qualification.
12.	<b>Osteopath</b>	A person who is trained to treat injuries to bones and muscles using pressure and movement	A Bachelor degree in Osteopathy
13.	<b>Physiotherapist</b>	A Physiotherapist is a healthcare professional who remediates impairments and promotes mobility, function, and quality of life through examination, diagnosis, and physical intervention.	(i) A Diploma in Physiotherapy and together with 1000 hours of clinical training; OR (ii) A Degree in Physiotherapy together with 1500 hours of clinical training
14.	<b>Podiatrist</b>	A Podiatrist diagnoses and treats abnormalities of the lower limb. They offer professional advice on preventing foot problems and care. They see patients at high risk of amputation, such as those suffering from arthritis or diabetes.	A Bachelor degree in Podiatry or related field

15.	<b>Psychologist</b>	Psychologists attempt to understand the role of mental functions in individual and social behaviour. Psychology is the scientific study of people, the mind and behaviour.	A Master 2 or DESS level (BAC/HSC + 5 years studies in Psychology) or a Doctorate level (BAC/HSC + 8 years studies).
16.	<b>Psychotherapist</b>	Psychotherapists are professionals trained in psychotherapy and mental health. They conduct a collaborative therapy, grounded in dialogue, while providing a supportive and non-judgmental environment, the goal being personality growth and the individual's increasing sense of his or her well-being	A Bachelor Degree or Licence level in human sciences field (BAC/HSC + 3 years studies) AND 2 years specialization in therapy delivered by a professional institution (minimum of 400 hours) OR a five-year professional training from recognized psychotherapy institutes (minimum of 400 hours)
17.	<b>Speech and Language Therapist</b>	Speech and language pathologists/therapists assess, diagnose and treat cases with communication disorders. They provide therapeutic treatment for disorders of voice, speech and language	A Bachelor degree in Speech Therapy and Audiology or Speech and Hearing Science from a recognized institution or an equivalent qualification
18.	<b>Sports Therapist</b>	A sports therapist helps injured athletes return to full functionality, regardless of their age, sport or ability. Injuries treated vary according to the sport or activity involved.	A BSc (Hons) Sports Therapy, MSc Sports Therapy or Post Graduate Diploma in Sports Therapy from a University or College with which The Society of Sports Therapists (UK) has a collaborative agreement or any institution recognised by the MQA