



Date of Vote: 30th July, 2015

Billet d'État: XIV of 2015
Article: XI
Department: Health and Social Services Department
Subject: Amendment of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015
Proposition: Propositions 1 & 2

1. *To agree that The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 should be amended, and consequential amendments to other legislation made for the following purposes:*
 - (a) *to clarify the meaning of "practising as a medical practitioner" to ensure that the prohibition against practising without local registration is proportionate to the objective of ensuring public safety;*
 - (b) *to allow General Medical Council registered and licensed doctors to work in Guernsey and Alderney for a very short and limited period of time, without being registered locally;*
 - (c) *to provide for temporary registration pending registration under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015;*
 - (d) *to provide for the Register kept under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 to be used for the purposes of allocation of benefits under The Health Service (Benefit) (Guernsey) Law, 1990, and for the purpose of determining eligibility for provision of services or facilities provided by or controlled by Health and Social Services Department;*
 - (e) *to establish a Registration Panel (by the Policy Council, on behalf of the States of Deliberation) and empower the Registration Panel to refuse applications for registration in appropriate cases based on mandatory and discretionary grounds;*
 - (f) *to require registered practitioners to comply with conditions relating to conduct, appraisals and assessments;*
 - (g) *to empower the Responsible Officer to impose conditions on the registration of a practitioner (which could include conditions or undertakings imposed by the General Medical Council);*
 - (h) *to require all concerns, allegations and complaints regarding a registered practitioner to be referred to, assessed by, and where appropriate, investigated by the Responsible Officer or persons authorised by the Responsible Officer (whether or not these have been referred to or are being dealt with by the practitioner's designated body);*
 - (i) *to empower the Responsible Officer to require designated bodies and other parties to report on actions taken to address any concerns about the conduct or performance of a registered practitioner;*
 - (j) *to extend the power to share information to authorise information-sharing between the Responsible Officer (or Registration Panel), and designated bodies, Social Security Department, the Health Service Advisory Committee, any other Department or Committee of the States of Guernsey, and any regulator of medical practitioners abroad;*
 - (k) *to empower the Responsible Officer to serve notice on a registered practitioner, after due process is followed, to require the practitioner to take action or make changes;*



- (l) *to empower the Responsible Officer to vary a practitioner's registration conditions or suspend a practitioner's registration (including immediate suspension) in appropriate cases;*
 - (m) *to empower the Registration Panel to remove a registered practitioner from the Register in appropriate cases based on mandatory and discretionary grounds, and to provide for reinstatement of the practitioner to the Register in certain cases, e.g. where a conviction is overturned;*
 - (n) *to provide a process for decisions of the Responsible Officer in relation to registration under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 (e.g. registration conditions, notice to take action or make changes, or suspension) to be reviewed by the Registration Panel;*
 - (o) *to provide a process for decisions made by the Registration Panel (including the Registration Panel's determination of a review of the Responsible Officer's decision), to be appealed to the Royal Court or Court of Alderney;*
 - (p) *to provide for members of the Registration Panel to be excluded from personal liability, in the absence of bad faith;*
 - (q) *to provide for the new regulatory system to be funded by an increase in the annual charge required to be paid by all registered medical practitioners under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015;*
 - (r) *to make appropriate transitional provisions to continue the registration of those already registered under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015, and so that pending applications for registration can continue to be processed under the existing provisions of The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015; and*
 - (s) *to create new offences of:*
 - *wilfully and falsely representing or describing oneself or others as a medical practitioner of a particular kind;*
 - *failing to comply with a requirement made by the Responsible Officer or the Registration Panel, or of obstructing the Responsible Officer or the Registration Panel (including anyone authorised by the Responsible Officer or the Registration Panel);*
 - *providing false or misleading information, e.g. where required to provide information under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015.*
2. *To direct the preparation of such legislation as may be necessary to give effect to the above decision.*



CARRIED: Pour: 36 Contre: 6 Ne vote pas: 1 Absent: 3

St. Peter Port South

Deputy Peter A. Harwood **P**
Deputy Jan Kuttelwascher **P**
Deputy Barry L. Brehaut **P**
Deputy Roger Domaille **P**
Deputy Allister H. Langlois **P**
Deputy Robert A. Jones **P**

St. Peter Port North

Deputy Michelle K. Le Clerc **P**
Deputy John A. B. Gollop **P**
Deputy Peter A. Sherbourne **C**
Deputy Richard Conder **P**
Deputy Elis G. Bebb **A**
Deputy Lester C. Queripel **P**

St. Sampson

Deputy Gavin A. St. Pier **P**
Deputy Kevin A. Stewart **P**
Deputy Peter L. Gillson **P**
Deputy Paul R. Le Pelley **P**
Deputy Scott J. Ogier **P**
Deputy Lyndon S. Trott **A**

Vale

Deputy Matthew J. Fallaize **P**
Deputy David B. Jones **C**
Deputy Laurie B. Queripel **C**
Deputy Mary M. Lowe **P**
Deputy Andrew R. Le Lièvre **P**
Deputy Anthony Spruce **P**
Deputy Garry M. Collins **P**

Castel

Deputy Darren J. Duquemin **P**
Deputy Christopher J. Green **P**
Deputy Mark H. Dorey **P**
Deputy Barry J. E. Paint **P**
Deputy Jonathan P. Le Tocq **P**
Deputy Sandra A. James, MBE **P**
Deputy A. Hunter Adam **P**

West

Deputy Roger A. Perrot **P**
Deputy Alvord H. Brouard **P**
Deputy Arrun M. Wilkie **P**
Deputy David de G. De Lisle **P**
Deputy Yvonne Burford **P**
Deputy David A. Inglis **P**

South-East

Deputy Heidi J. R. Soulsby **P**
Deputy Robert W. Sillars **P**
Deputy Paul A. Luxon **P**
Deputy Michael G. O'Hara **A**
Deputy Francis W. Quin **N**
Deputy Michael P. J. Hadley **C**

Alderney Representative Louis E. Jean **C**
Alderney Representative S. D. Graham McKinley, OBE **C**