

CAYMAN ISLANDS



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**THE HEALTH PRACTICE LAW
(2005 REVISION)**

**THE HEALTH PRACTICE REGISTRATION (AMENDMENT)
REGULATIONS, 2013**

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CAYMAN ISLANDS

**THE HEALTH PRACTICE LAW
(2005 REVISION)**

**THE HEALTH PRACTICE REGISTRATION (AMENDMENT)
REGULATIONS, 2013**

The Governor in Cabinet, in exercise of the powers conferred by section 42 of the Health Practice Law (2005 Revision), makes the following Regulations -

1. (1) These Regulations may be cited as the Health Practice Registration (Amendment) Regulations, 2013. Citation and commencement

(2) These Regulations come into force on the 2nd day of July, 2013.
2. The Health Practice Registration Regulations (2005 Revision), in these Regulations referred to as the “principal Regulations”, are amended in regulation 1 by deleting the word “Registration”. Amendment of regulation 1 of the Health Practice Registration Regulations (2005 Revision) - citation
3. The principal Regulations are amended in regulation 2, in the definition of the word “Caymanian” by deleting the words “Immigration Law, 2003.” and substituting the words “Immigration Law (2012 Revision);”. Amendment of regulation 2 - definition
4. The principal Regulations are amended in regulation 3 as follows - Amendment of regulation 3 - forms relating to registration
 - (a) in the marginal note by inserting after the word “registration” the words “and licensure”;
 - (b) by repealing subregulation (1) and substituting the following subregulation -
“ (1) An application for registration, for a practising licence and for the renewal of a practising licence, referred to in section 28(2), shall respectively be as set out in Forms A and B in the First Schedule.”; and
 - (c) by inserting after subregulation (2) the following subregulation -
“ (2A) The practising licence referred to in section 27A(1) shall be as set out in Form CA.”.

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Amendment of regulation 3 - documentary and other evidence which is to accompany applications for registration

5. The principal Regulations are amended in regulation 3 as follows -
- (a) by renumbering the regulation as regulation 4;
 - (b) in subregulation (3) by deleting the words “If the Registrar is satisfied that, because the conditions in subregulation (2) cannot be met, no such report can be given, the Registrar may satisfy himself as to the mental and physical health of the applicant (so far as he” and substituting the words “If the Council is satisfied that, because the conditions in subregulation (2) cannot be met, no such report can be given, the Council may satisfy itself as to the mental and physical health of the applicant (so far as the Council”;
 - (c) by repealing subregulation (4) and substituting the following subregulation -
 - “ (4) In satisfying itself under subregulation (1), (2) or (3), the Council may, if the Council thinks it necessary, require from the applicant any information which is in addition to that required by subregulation (1) and in relation to subregulation (2) or (3) may require the applicant to be examined by a registered medical practitioner nominated by the Council.”;
 - (d) in subregulation (5) by deleting the words “In order to satisfy himself about the good character of the applicant, the Registrar” and substituting the words “In order to satisfy itself about the good character of the applicant, the Council”; and
 - (e) by repealing subregulation (10) and substituting the following subregulation -
 - “ (10) Where an applicant is a non-Caymanian health practitioner (full-time resident or visiting), he shall provide written evidence at the date of application -
 - (a) that he is or will be affiliated with a registered Caymanian health practitioner in the Islands and with one of the registered health care facilities in the Islands; or
 - (b) that he is or will be employed by an educational institution, a medical school, a nursing school, a home health care company, or a home health care agency, in the Islands.”.

6. The principal Regulations are amended in regulation 5 as follows -
- (a) in the marginal note by deleting the words “and retention of registration” and substituting the words “and licensure”;
 - (b) in subregulation (1)(b) by deleting the words “Caribbean Regional Nursing Body” and substituting the words “Regional Nursing Body”; and
 - (c) in subregulation (2) by deleting the words “retention of his registration” and substituting the words “renewal of his practising licence”.
- Amendment of regulation 5 - educational qualifications for full registration and retention of registration
7. The principal Regulations are amended by inserting after regulation 5 the following regulation -
- “Educational qualifications for institutional registration and licensure
- 5A. An applicant shall be eligible for institutional registration and licensure where -
- (a) he is fully registered as a health practitioner in a country other than -
 - (i) Australia;
 - (ii) Canada;
 - (iii) Jamaica;
 - (iv) New Zealand;
 - (v) South Africa;
 - (vi) the United Kingdom; or
 - (vii) the United States of America; and
 - (b) he has -
 - (i) obtained qualifications from an institution approved by a relevant Council in accordance with guidelines approved by the Governor in Cabinet and published by the Council in the Gazette; or
 - (ii) passed an equivalency examination approved by a relevant Council.”.
- Insertion of regulation 5A - educational qualifications for institutional registration and licensure
8. The principal Regulations are amended in regulation 6 as follows -
- (a) in the marginal note by deleting the words “and retention of registration” and substituting the words “and licensure”;
 - (b) by inserting after the words “provisional registration” the words “and licensure”; and
 - (c) in paragraph (b) by deleting the words “Caribbean Regional” and substituting the word “Regional”.
- Amendment of regulation 6 - educational qualifications for provisional registration and retention of registration

The Health Practice Registration (Amendment) Regulations, 2013

Repeal and substitution of regulation 7 - retention of registration

9. The principal Regulations are amended by repealing regulation 7 and substituting the following regulation -

“Practising licence

7. (1) A practising licence shall, unless renewed, revoked or surrendered, expire on the second anniversary of the birth of the licensee following the date of the first issue or re-issue thereof; and an application for the issue of a practising licence shall be accompanied by the fee set out in the Second Schedule apportioned to the number of unexpired months in the relevant period, part of a month being calculated as one month.

Second Schedule

(2) A practising licence may be renewed for consecutive periods of two years at a time, and an application for the renewal of the practising licence shall be made at least twenty-eight days before the date of expiry of the practising licence and shall be accompanied by the fees set out in the Second Schedule.

(3) In the event of a Council refusing to issue a practising licence, the Council shall refund the fees tendered.”.

Amendment of regulation 9 - restoration of name to register

10. The principal Regulations are amended in regulation 9 as follows -

- (a) in subregulation (1) by deleting the words “regulation 7 or”; and
- (b) by repealing subregulation (2) and substituting the following subregulation -

“ (2) Where a practitioner’s name is erased from the register and the practitioner thereafter wishes to have his name restored, the Registrar shall require such person to re-apply for registration.”.

Amendment of First Schedule - forms

11. The principal Regulations are amended in the First Schedule as follows -

- (a) in Form A -
 - (i) by deleting the words “**Health Practitioners Registration Application**” and substituting the words “**Health Practitioners Registration and Licensure Application**”;
 - (ii) by deleting the words “for registration to practise” and substituting the words “for registration and for a licence to practise”;

(iii) by deleting paragraph 12 and substituting the following paragraph -

“12. Details for registration:

Principal List/Institutional Registration List/Provisional List

Specify dates for Provisional List

_____”; and

(iv) by inserting after paragraph 14 the following paragraph -

“14A. I understand that once I am approved by the relevant Council, I shall be entered on the register; and I further understand that I am not permitted to practise until I obtain a practising licence or a practising licence is issued to me by the relevant Council.”;

(b) by deleting Form B and substituting the following form -

“**HPL - Form B**

[Council’s Name, address and contact details]

**HEALTH PRACTICE LAW
(2005 Revision)**

**Health Practitioners Renewal of Practising Licence
Application**

I,

_____ am

licensed as _____ under

the Health Practice Law (2005 Revision) and my licensure as such expires on _____ and I am hereby applying for a renewal of my practising licence for a period of two years.

The practising licence fee of _____ is enclosed herewith.

Practising Licence Number _____

Signature of applicant _____

Date _____”;

- (c) in Form C by deleting the words “and authorised to practise in the Cayman Islands” and “until the _____ day of _____ 20__”;
- (d) by inserting after Form C the following form -

“HPL - Form CA

[Council’s Name, address and contact details]

**HEALTH PRACTICE LAW
(2005 Revision)**

Health Practitioners Licence to Practise

In accordance with the power vested in the [Council’s name] as prescribed by the Health Practice Law (2005 Revision) _____ is hereby licensed under the above Law and authorized to practise in the Cayman Islands as a _____ with effect from this _____ day of _____ 20__ until the _____ day of _____ 20_____.

Practising Licence Number _____

Registrar, Health Practice Councils of the Cayman Islands

this _____ day of _____ 20_____.

This licence is the property of the Government of the Cayman Islands and shall be displayed for the benefit of the public in the principal place of practice of the holder.”; and

- (e) in Form D, by repealing item 9a and substituting the following -
“a. Principal List Institutional Registration List
 Provisional List”.

Amendment of Second
Schedule - fees

12. The principal Regulations are amended in the Second Schedule as follows -

- (a) in paragraph 1 by deleting the word “first”;

- (b) in paragraph 4 by deleting the words “Registration fees” and substituting the words “Licensure fees”;
- (c) in paragraph 4(1)(a) by deleting the word “pharmacist,”;
- (d) in paragraph 4(1)(b) by deleting “\$400” and substituting “\$500”;
- (e) by repealing paragraph 4(2) and substituting the following subparagraph -

“ (2) Institutional Registration list:

- (a) to practise as a medical doctor, \$1,000
dentist, chiroprapist, chiropractor, per
optometrist, osteopath or podiatrist annum
- (b) to practise as any other health \$600
practitioner per
annum”.

- (f) by repealing paragraph 4(3);
- (g) in paragraph 4(4)(b)(i) by deleting the word “pharmacist,”;
- (h) in paragraph 4(4)(b)(ii) by deleting “\$400” and substituting “\$500”;
- (i) by inserting after paragraph 4(4) the following subparagraph -

“(5) Late fee:

Payable where an application for the renewal of a practising licence is not made at least twenty-eight days before the date of expiry of the practising licence \$100”;

- (j) by inserting after paragraph 7 the following paragraphs -

- “8. Fee for express registration, (to be \$350 per
processed within 7 business days) application
- 9. Fee for urgent registration, (to be \$400 per
processed within 3 business days) application
- 10. Fee for emergency registration, (to be \$500 per
processed within 24 hours) application.”;

and

- (k) by deleting the words “*In any year a visiting practitioner shall not be required to pay a fee for his first visit in that year where he has paid the fee for the retention of his name in the register for that year.”.

13. (1) Every matter commenced under the former Regulations and partly dealt with when the new Regulations come into force, is to be continued and dealt

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with in all respects under the new Regulations and the provisions of the new Regulations are to apply accordingly.

(2) In this regulation -

“former Regulations” means the principal Regulations in force immediately before the date of commencement of these Regulations; and

“new Regulations” means the principal Regulations as amended by these Regulations.

Made in Cabinet the 7th day of May, 2013.

Kim Bullings

Clerk of the Cabinet.