

CAYMAN ISLANDS



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HEALTH PRACTICE LAW

(2013 Revision)

HEALTH PRACTICE REGULATIONS

(2013 Revision)

Revised under the authority of the Law Revision Law (1999 Revision).

The Health Practice Registration Regulations, 2004 made the 25th May, 2004 consolidated with the -

Health Practice Regulations (2013 Revision)

Health Practice Registration (Amendment) Regulations, 2005 made the 19th April, 2005 and the Health Practice (Amendment) Regulations, 2013 made the 7th May, 2013.

Consolidated and revised this 31st day of July, 2013.

Note (not forming part of the Regulations): This revision replaces the 2005 Revision which should now be discarded.

HEALTH PRACTICE REGULATIONS

(2013 REVISION)

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HEALTH PRACTICE REGULATIONS

(2013 Revision)

1. These regulations may be cited as the Health Practice Regulations (2013 Revision). Citation
2. In these regulations- Definition
- “Caymanian” has the meaning assigned by the Immigration Law (2013 Revision). 2013 Revision
- “Form” means a form in Schedule 1 hereto; and Schedule 1
- “section” means section of the principal Law;
3. (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 Schedule 1'. Forms relating to registration and Licensure
- (2) The certificate for registration referred to in section 23(5) shall be as set out in Form C.
- (2A) The practising licence referred to in section 27A(1) shall be as set out in Form CA.
- (3) The register referred to in section 28(2)(a) shall be as set out in Form D.
4. (1) An application to a Council for registration shall be accompanied by- Documentary and other evidence which is to accompany applications for registration
- (a) a letter stating reasons for applying for registration in the Islands;
 - (b) certified copies of diplomas, certificates and current licence under any other jurisdiction;
 - (c) an original or certified letter of good standing from a current board of registration;
 - (d) two original letters of professional reference made no earlier than six months prior to application for registration;
 - (e) a police certificate;
 - (f) a reference as to good character (made no earlier than six months prior to application for registration) from a person unrelated to the applicant by birth or marriage, being a person of good standing in the community in which the applicant resides or resided and who has known the applicant for at least four years and who is acceptable to the Registrar (including an attorney-at-

- law, a notary public, justice of the peace or a minister of religion);
- (g) subject to subregulation (2), a report as to the physical and mental health of the applicant meeting the requirements of that subregulation and made no earlier than six months prior to application for registration;
- (h) one full-face passport-size photograph of the applicant certified as taken no earlier than six months prior to application for registration;
- (i) the relevant application fee; and
- (j) such other documents and information as the Council considers necessary in determining the application.

(2) The report given under subregulation (1)(g) shall be given by the applicant's medical practitioner, who must not be related to the applicant by birth or marriage and must have known the applicant for a period of at least two years.

(3) 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 considers it necessary to do so having regard to any examination required under subregulation (4)) by a report given by a registered medical practitioner who, in giving the report, relied on the medical records of the applicant made by registered medical practitioners of whom the applicant was a patient (or by partners of such practitioners) for a period in aggregate of at least two years.

(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.

(5) In order to satisfy itself about the good character of the applicant, the Council shall take account of-

- (a) the reference provided under subregulation (1)(f);
- (b) any criminal offence of which the applicant has been convicted;
- (c) the fact that the applicant had been previously struck off a relevant register in any place or had been subject to any other type of professional discipline; and
- (d) any other matter which appears to the Registrar to be relevant to the issue.

(6) An applicant shall pay a registration fee within sixty days of the date of the approval of his registration, and the registrar shall only enter the applicant's name in the register on payment of such fee.

(7) An applicant who defaults in paying a registration fee within the period referred to in subregulation (6) shall incur a penalty of two hundred and fifty dollars.

(8) The documents referred to in subregulation (1) shall be in English and translated versions of documents shall be certified that they are certified documents.

(9) Where certified documents are required or accepted they may be certified by-

- (a) a local or overseas justice of the peace;
- (b) a local or overseas notary public;
- (c) a local or overseas attorney-at-law; or
- (d) any other person approved, from time to time, by the Registrar.

(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.

(11) Where an application is for temporary registration for the purpose of emergency in accordance with section 24(4), the Chairman of the Council may accept the references of the applicant's current employer in place of the references required under subregulation (1) (c), (d) and (f).

(12) A reference under subregulation (11) may refer to the physical and mental health of the applicant, and the Chairman of the Council may accept this in place of the medical report required under this regulation.

5. (1) An applicant shall be eligible for full registration where -

- (a) he is fully registered as a health practitioner in-
 - (i) Australia;
 - (ii) Canada;
 - (iii) Jamaica;
 - (iv) New Zealand;
 - (v) South Africa;
 - (vi) the United Kingdom; or
 - (vii) the United States of America;
- (b) he has met the Caribbean regional registration requirements, to practise as a health practitioner, as set out by any relevant

Educational
qualifications for full
registration

- organisation including, but not limited to, the Caribbean Association of Medical Councils or the Regional Nursing Body;
- (c) he has obtained qualifications from-
 - (i) the University of the West Indies; or
 - (ii) any institution accredited by the Caribbean Health Education Accreditation Board; andhas completed any internship required by the University or the institution where he has obtained such qualifications; or
 - (d) he provides evidence that he is eligible for full registration in any of the countries listed in paragraph (a).

(2) Where a registered practitioner applies for renewal of his practising licence the Council with which he is registered shall, in considering such application, first be satisfied that the applicant has obtained any or all of the continuing educational requirements specified by the Council for the practitioner's type of profession during the period in which the practitioner was registered with the Council.

(3) A person who applies for registration as a specialist medical doctor shall provide written evidence that he has obtained the necessary post graduate qualifications and completed at least three years' specialist training in posts recognised for such training by the Medical and Dental Council.

(4) A person who applies to be registered as a general practitioner shall provide written evidence that he has worked as a medical doctor under supervision for a period of two years or more in a variety of medical disciplines and at least a minimum period of three months in -

- (a) internal medicine;
- (b) paediatrics;
- (c) obstetrics and gynaecology; and
- (d) accident and emergency,

and that he has also worked in the general practice of medicine for a period of one year or more under the supervision of a general practitioner approved by the Council.

(5) The Governor in Cabinet may, on the recommendation of the Medical and Dental Council and in circumstances in which the Governor in Cabinet considers it practicable to do so, exempt any specialist medical practitioner from the requirements of this 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.

6. An applicant shall be eligible for provisional registration and licensure where -

Educational qualifications for provisional registration and licensure

- (a) he has obtained qualifications to be a health practitioner in -
 - (i) Australia;
 - (ii) Canada;
 - (iii) Jamaica;
 - (iv) New Zealand;
 - (v) South Africa;
 - (vi) the United Kingdom; or
 - (vii) the United States of America;
- (b) he has passed the Caribbean regional registration examination set out by any relevant organisation including, but not limited to, the Caribbean Association of Medical Councils or the Regional Nursing Body;
- (c) he has obtained qualifications from the University of the West Indies or any institution accredited by the Caribbean Health Education Accreditation Board; or
- (d) he has qualifications approved by a relevant Council.

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 Schedule 2 apportioned to the number of unexpired months in the relevant period, part of a month being calculated as one month.

Practising licence

Schedule 2

(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 Schedule 2.

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

Removal from the register

8. (1) Without prejudice to the power of the Registrar under the principal Law to remove the name of a person from the register, the Registrar may remove the name of a health practitioner from the register upon written application made by or on behalf of the health practitioner stating the grounds of the application, accompanied by a statutory declaration that the applicant is not aware of any matter which could give rise to an allegation under section 30(2), 36(1) or 38 which might lead to the removal of his name from the register.

(2) Whenever the Registrar removes the name of a health practitioner from the register under the principal Law or these regulations, he shall notify the health practitioner in writing of the removal and of the reasons for it.

Restoration of name to register

9. (1) Where a practitioner's name was erased from the register in circumstances other than those set out in section 36 the practitioner may apply within a period of two months after his name was erased for the restoration of his name to the register and a fee of one hundred dollars shall accompany the application for restoration.

(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.

(3) Where a person re-applies under subregulation (2), the Chairman of the relevant Council, upon the request of the practitioner and where the practitioner re-applies within a period of twelve months or less after his name was erased, may decide that the practitioner need not provide all of the documents required under regulation 4(1) and, if he so decides, he shall specify which of the documents the practitioner shall provide upon re-application.

Forms relating to clinical trials

10. (1) An application to carry out clinical trials shall be as set out in Form E.

(2) An authorisation to carry out clinical trials shall be as set out in Form F.

Fees

11. (1) Fees payable under these regulations are set out in Schedule 2.

(2) Where a fee is paid by cheque, draft or money order, such cheque, draft or money order shall be drawn in favour of the “Cayman Islands Government”.

SCHEDULE 1

regulations 3 and 7

HPL – Form A

[*Council’s Name, address and contact details*]

**HEALTH PRACTICE LAW
(2013 Revision)**

Health Practitioners Registration and Licensure Application

In accordance with the Health Practice Law (2013 Revision), the following information shall be provided by the applicant to the Registrar of the Health Practice Councils for registration and for a licence to practise in the Islands.

1. Mr.
Mrs.
Miss _____

| | | | |
|-----------|-------|--------|--------|
| Last name | First | Middle | Maiden |
|-----------|-------|--------|--------|
 2. Nationality_____
 3. Date of birth_____
 4. Place of birth_____
 5. Permanent address_____
-

6. E-mail address _____

7. Profession _____

8. Professional education:

| Name and location | Dates | Qualifications (<i>degrees, etc.</i>) |
|-------------------|-------|---|
|-------------------|-------|---|

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

9. Professional experience:

| Name and location | Dates | Additional details |
|-------------------|-------|--------------------|
|-------------------|-------|--------------------|

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

10. Two professional referees:

| Name | Title | Address |
|------|-------|---------|
|------|-------|---------|

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

11. One Personal referee:

| Name | Title | Address |
|------|-------|---------|
|------|-------|---------|

12. Details for registration:

Principal list Institutional Registration List Overseas List Provisional List

Specify dates for Provisional List:

13. Have you ever been arrested or convicted of a crime? If yes, state nature of charge, date and disposition:

14. Have you ever been the subject of professional disciplinary action? If yes, state nature of inquiry, date and disposition:

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.

15. I understand that giving false or misleading information will result in cancellation of registration and forfeiture of the fee tendered. I hereby authorise the Council to investigate my background and contact my referees.

Date _____

Applicant's
signature _____

16. Fee tendered _____ on the _____ day of _____ 20 _____.

(Note: If further space is required, please use additional pages.)

17. Official use only:

a. Date application and fee received _____ by

b. Date fee paid into Treasury _____ by

c. Investigator's report (if any) _____

d. Date application presented to the Council:

e. Date of Council’s decision on application _____

f. Disposition of application _____

g. Additional notes _____

Signature of Chairman of the Council _____

This application is the property of the Government of the Cayman Islands, and will be kept in the confidential custody of the Registrar, Health Practice Councils.

HPL – Form B

[Council's Name, address and contact details]

HEALTH PRACTICE LAW

(2013 Revision)

**Health Practitioners Renewal of Practising Licence
Application**

I,

am
licensed as _____
under
the Health Practice Law (2013 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 _____

HPL – Form C

HEALTH PRACTICE LAW

(2013 Revision)

HEALTH PRACTITIONERS REGISTRATION CERTIFICATE

in accordance with the power vested in the

COUNCIL

as prescribed by the HEALTH PRACTICE LAW (2013 Revision)

PRACTITIONER

is hereby registered under the above law as a

PROFESSION SPECIALITY

With effect from this: REG_DATE

Registration Number: REGISTRATION_CODE

Lyria A. Lawson-Josephs RN, BSN,
MSc.Registrar,
Health Practice Councils of the Cayman
Islands

Issued this ___ day of _____ 20__.

This certificate 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.

HPL - Form CA

HEALTH PRACTICE LAW

(2013 Revision)

HEALTH PRACTITIONERS LICENCE TO PRACTISE

In accordance with the power vested in the

COUNCIL

as prescribed by the Health Practice Law (2013 Revision)

PRACTITIONER

is hereby licensed under the above Law and authorized to practise in the
Cayman Islands as a

PROFESSION SPECIALITY

With effect from this: REG_DATE

Until the: END_DATE

Practicing Licence Number: REGISTRATION_CODE

Lyria A. Lawson-Josephs RN, BSN,
MSc.Registrar,
Health Practice Councils of the Cayman
Islands

Issued 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.

HPL – Form D

[Council's Name]

HEALTH PRACTICE LAW

(2013 Revision)

Register

1. Entry No _____ 2. Date of Entry _____
3. Full name _____
4. Nationality _____
5. Address _____
- a. Mailing Address _____

- b. Employment (*Street Address*) _____

- c. E-mail address _____
6. Profession _____
7. Professional qualifications _____

8. Council's decisions, including any restrictions on practice:

9. Details of Registration

a. Principal list Visiting Practitioners List

Overseas List Provisional List

b. Speciality

c. Additional Notes

10. Registration date _____ Expiration date _____

Registrar's remarks _____

Registrar's signature _____ Date _____

HPL – Form E

[Council's Name, address and contact details]

HEALTH PRACTICE LAW

(2013 Revision)

Application to the Health Commission for Authorisation for Clinical Trials

I, _____ with
registration as a _____
expiring on the _____ day of _____, 20
_____ apply to carry out clinical trials.

The application fee of \$ ___ is enclosed herewith.

Details of any clinical trials proposed to be carried out by or under the direction
of the applicant

Registration Number _____

Signed _____

NB: Please attach project details which shall include the following-

- (a) the aims and objectives of the trial;
- (b) a description of the medicinal product to be used;
- (c) conditions to be treated;
- (d) protocol for the management of the clients;
- (e) source of the clients;
- (f) fees to be charged and their purpose;
- (g) names of investigators; and
- (h) affiliations of the applicant with named academic institutions.

Where the Commission considers it necessary it may require further project details in addition to those listed above.

HPL – Form F

HEALTH PRACTICE LAW

(2013 Revision)

Certificate of Authorisation by the Health Commission for Clinical Trials

In accordance with the powers vested in the Health Commission under the Health Practice Law (2013 Revision)-

_____ registered under the above Law as a

is authorised to carry out in the Cayman Islands the following clinical trials –

with effect from _____ 20_____ until _____, 20_____

Registration number of certificate of authorisation _____

Registration number of Health Practitioners registration certificate _____

Chairman, Health Commission of the Cayman Islands.

Date _____ 20_____

This certificate is the property of the Government of the Cayman Islands.

SCHEDULE 2

regulation 11

Fees

- | | |
|---|-------------------|
| 1. Application for registration as a health practitioner, for an application for clinical trial (<i>to be paid by all applicants and which is non-refundable</i>) | \$250 |
| 2. Application for an amendment to registration | \$100 |
| 3. Fee for letter of good standing | \$25 |
| 4. Licensure fees- | |
| (1) Principal list: | |
| (a) to practise as a medical doctor, dentist, chiropodist, chiropractor, optometrist, osteopath or podiatrist | \$800 per annum |
| (b) to practise as any other health practitioner | \$500 per annum |
| (c) in addition to any fee payable under (a) or (b), the fee to carry out clinical trials | \$1,600 per annum |
| (2) Institutional Registration list: | |
| (a) to practise as a medical doctor, dentist, chiropodist, chiropractor, optometrist, osteopath or podiatrist | \$1,000 per annum |
| (b) to practise as any other health practitioner | \$600 per annum |
| (3) <i>Repealed</i> | |
| (4) Provisional list: | |
| (a) for Caymanians, permanent residents and their spouses: to practise as any health practitioner | No fee |
| (b) all others: | |
| (i) to practise as a medical doctor, | |

| | | |
|------|---|----------------------------------|
| | dentist, chiropracist, chiropractor, optometrist, osteopath or podiatrist | \$800 per annum |
| (ii) | to practise as any other health practitioner | \$500 per annum |
| (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 |
| 5 | Fee to inspect a register, for each register inspected | \$5 |
| 6. | Fee for an official search | \$50 per hour or part thereof |
| 7. | Fee for a copy of any part of a register, for every sheet copied - (a) if certified (b) if uncertified | \$10 \$7 |
| 8. | Fee for express registration, (to be processed within 7 business days) | \$350 per application |
| 9. | Fee for urgent registration, (to be processed within 3 business days) | \$400 per application |
| 10. | Fee for emergency registration, (to be processed within 24 hours) | \$500 per application |

Publication in consolidated and revised form authorised by the Governor in Cabinet this 17th day of September, 2013.

Carmena Watler
Acting Clerk of Cabinet

(Price \$5.60)