CAYMAN ISLANDS




Supplement No. published with Gazette No.
dated , 2010.

**A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW (2005 REVISION) TO MAKE PROVISION IN RESPECT OF MEDICAL TOURISM SERVICES; TO ESTABLISH A CATEGORY OF SPECIAL REGISTRATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

**THE HEALTH PRACTICE (AMENDMENT) BILL, 2010**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to amend the Health Practice Law (2005 Revision).

Clause 1 of the Bill provides the short title and commencement of the legislation.

Clause 2 amends section 2 of the principal Law to insert new definitions.

Clause 3 inserts into the principal Law a new section 7A for the purpose of enabling the Governor in Cabinet to confer on a person the right to provide medical tourism services in the Islands. The new section would enable health care facilities to be designated as -

(a) facilities at which medical tourism services may be provided to individuals who have travelled to the Islands for the purposes of obtaining health care; and
(b) facilities at which medical and surgical services may be provided to individuals who are normally resident in the Islands.

The new section 7A would make it an offence for a person other than a designated medical tourism provider to operate a medical tourism facility.

Clauses 4 and 5 of the Bill make provision for a new classification of registration under the principal Law, namely, special registration.

Clause 6 empowers the Governor in Cabinet to give policy directions to the various Councils constituted under the principal Law.

**THE HEALTH PRACTICE (AMENDMENT) BILL, 2010**

**ARRANGEMENT OF CLAUSES**

1. Short title and commencement
2. Amendment of section 2 of the Health Practice Law (2005 Revision) - definitions
3. Insertion of section 7A - medical tourism services
4. Amendment of section 23 - establishment and maintenance of registers
5. Insertion of section 24A - special registration
6. Insertion of section 42A - directions to Councils

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW (2005 REVISION) TO MAKE PROVISION IN RESPECT OF MEDICAL TOURISM SERVICES; TO ESTABLISH A CATEGORY OF SPECIAL REGISTRATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Law may be cited as the Health Practice (Amendment) Law, 2010.

(2) This Law shall come into force on such date as may be appointed by Order made by the Governor in Cabinet.

Amendment of section 2 of the Health Practice Law (2005 Revision) - definitions

2. The Health Practice Law (2005 Revision), in this Law referred to as the "principal Law", is amended in section 2 by inserting, in the appropriate alphabetical sequence, the following definitions -

" "medical tourism facility" means a health care facility designated by the Governor under section 7A(2);

"medical tourism provider" means a person designated by the Governor under section 7A(1); and

"medical tourism services" includes inpatient and ambulatory medical and surgical services provided to individuals who have travelled to the Islands for the purposes of obtaining health care;".

Insertion of section 7A - medical tourism services

3. The principal Law is amended by inserting after section 7 the following section -

"Medical tourism services

7A. (1) Where the Governor deems it to be in the national interest, the Governor may by Order published in the Gazette designate any person as a medical tourism provider, upon such terms and conditions (if any) as may be specified in the Order; and, upon such designation, the medical tourism provider may provide medical tourism services at any health care facility designated in the Order, in accordance with this Law, any other relevant Law, any relevant Regulations and any terms and conditions specified in the Order.

(2) Where the Governor deems it to be in the national interest, the Governor may by Order published in the Gazette designate any health care facility as a facility at which medical tourism services may be provided, upon such terms and conditions (if any) as may be specified in the Order; and, upon such designation -

(a) medical tourism services may be provided at the health care facility so designated, to individuals who have travelled to the Islands for the purposes of obtaining health care; and

(b) medical and surgical services may be provided at the health care facility so designated, to individuals who are normally resident in the Islands,

in accordance with this Law, any other relevant Law, any relevant Regulations and any terms and conditions specified in the Order.

(3) The provisions of this Law relating to health care facilities apply to medical tourism facilities, and a medical tourism provider shall not operate a medical tourism facility without a certificate issued under this Law authorising the operation of the health care facility at which the relevant medical tourism services are provided.

(4) No person other than a medical tourism provider shall operate a medical tourism facility.

(5) Whoever operates a medical tourism facility in

contravention of subsection (3) or (4) is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars.".

Amendment of section 23 - establishment and maintenance of registers

4. The principal Law is amended in section 23 as follows -

(a) by repealing subsection (3) and substituting the following subsection -

" (3) Each register established by a Council under subsection (1) shall consist of five lists -

(a) the principal list;
(b) the visiting practitioners list;
(c) the overseas list;
(d) the special registration list; and
(e) the provisional list."; and

(b) in subsection (4) by inserting after paragraph (c) the following paragraph -

"(ca) in the special registration list, the names of persons who are registered under section 24A as registered practitioners who are specially registered to practise in the Islands on the terms specified in that section; and".

Insertion of section 24A - special registration

5. The principal Law is amended by inserting after section 24 the following section -

"Special registration

24A. (1) Subject to this Law, a person who satisfies the relevant Council of the matters specified in section 24(2) may apply to be specially registered under this section, and that person shall be registered by the Council as a registered practitioner in the special registration list.

(2) The Governor may by Order published in the Gazette designate a health care facility as a facility at which persons specially registered under this section may be employed, whether or not together with any other registered practitioners.

(3) A person specially registered under this section may practice at the health care facility specified in the person's application (being a facility designated under subsection (2)) but not otherwise.

(4) Registration under this section shall be for a period of two years and a practitioner wishing to renew his registration shall apply for such renewal not less than sixty days prior to the expiration of his registration.

(5) In cases of emergency, the chairman of a Council may approve the registration of an applicant for a period not exceeding ninety days.".

Insertion of section 42A - directions to Councils

6. The principal Law is amended by inserting after section 42 the following section -

"Directions to Councils

42A. The Governor may, from time to time, issue policy directions to the Councils, for their guidance in the exercise of their respective powers, duties and functions under this Law, and it shall be the duty of the Councils to put into effect and to carry out such directions.".

Passed by the Legislative Assembly the day of , 2010.

Speaker.

Clerk of the Legislative Assembly.