



**BERMUDA**  
**1996 : 17**

**BERMUDA HOSPITALS BOARD (AMENDMENT) ACT 1996**

[Date of Assent 8 July 1996]

[Operative Date 8 July 1996]

WHEREAS it is expedient to amend the Bermuda Hospitals Board Act 1970 and to make certain minor and consequential amendments to other enactments;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

ARRANGEMENT OF CLAUSES

1	Short title	5	Removal of certain matters from regulations
2	Appointment of medical staff	6	Board to make hospital rules and establish policies etc
3	Combination of Medical Staff Committees	7	Minor amendments
4	Medical and dental charges		

**Short title**

1 This Act may be cited as the Bermuda Hospitals Board (Amendment) Act 1996.

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### **Appointment of medical staff**

2 For section 9 of the Bermuda Hospitals Board Act 1970 ("the 1970 Act") (medical staff) there shall be substituted—

#### **"Medical staff**

9 (1) The Board may, after consultation with the Medical Staff Committee and in accordance with regulations, appoint a medical staff in respect of the hospitals on such terms and conditions as the Board thinks fit.

(2) A person appointed to the medical staff shall not, by reason only of that appointment, be an officer or servant or agent of the Board for any purpose.

(3) The Board may—

(a) terminate,

(b) suspend, or

(c) vary (whether permanently or temporarily) the terms and conditions of,

any such appointment for good cause (including any breach of the rules or policies of the Board).

(4) Any person aggrieved by the termination, suspension, or variation of the terms and conditions, of his appointment by the Board under this section may, within seven days after the service of any notice on him terminating, suspending or varying the terms and conditions of his appointment, appeal to the Supreme Court by notice in writing to the Registrar.

(5) The Supreme Court shall determine any appeal under subsection (4) and make such order as appears just; and the Board shall act in accordance with such an order."

### **Combination of Medical Staff Committees**

3 (1) For section 12 of the 1970 Act (Medical Staff Committees) there shall be substituted—

#### **"Medical Staff Committee**

12 The Medical Staff Committees established for the general hospital and for the mental hospital shall (from the coming into operation of the Bermuda Hospitals Board (Amendment) Act 1996) be combined together to form a Medical Staff Committee

for the hospitals, and its composition and functions shall be as may be prescribed."

(2) In section 10 of the 1970 Act (clinical departments and services) for the words "appropriate Medical Staff Committee" there shall in both places be substituted "Medical Staff Committee".

(3) In section 196D of the Criminal Code Act 1907 (interpretation of sections relating to abortion) in the definition of Therapeutic Abortion Committee, for the words "Medical Staff Committee of that hospital" there shall be substituted "Medical Staff Committee".

**Medical and dental charges**

4 (1) After section 13 of the 1970 Act (regulations fixing hospital charges) there shall be inserted—

**"Medical and dental charges**

13A (1) The Minister may appoint such professional associations representing medical and dental practitioners in Bermuda as he considers appropriate to prepare a scale of fees which may be charged by such practitioners for the treatment of patients in the hospitals, or for any course of treatment partly in and partly outside the hospitals.

(2) Before preparing a scale of fees under this section, the professional associations shall consult with such persons providing health insurance, or such body representing such persons, as the Minister may direct.

(3) A scale of fees prepared under this section shall provide for the calculation, by reference to units, of the amounts which may be so charged.

(4) For the purposes of subsection (3)—

(a) "unit" means the multiplier which shall apply in relation to each separate treatment or procedure; and

(b) the dollar value of each unit shall be such amount as the Minister may by order prescribe, and different amounts may be prescribed in relation to different cases and different types of practitioner.

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(5) Any reference (in any enactment) to the scale of fees prepared under this section is a reference to the scale of fees currently determined by the Minister as being in force.

(6) Medical and dental practitioners shall adhere to the scale of fees prepared under this section.

(7) No changes shall be made to the scale of fees prepared under this section without—

- (a) consultations as mentioned in subsection (2); and
- (b) the approval of the Minister, where the changes include an increase in the units for any treatment or procedure.

(8) The scale of fees prepared under this section shall be—

- (a) supplied by the Minister to the Board; and
- (b) made available by the Board to the medical staff and other persons for inspection at the hospitals during normal office hours;

and, so far as practicable, the Board shall bring to the attention of the medical staff and patients the existence of a new scale of fees prepared under this section or any changes to such a scale.

(9) Section 6(1) of the Statutory Instruments Act 1977 (Parliamentary scrutiny) shall not apply to an order made under subsection (4)(b)."

(2) In section 17(1) of the Medical Practitioners Act 1950, for paragraph (f) (suspension for contravention of regulations made under section 26(1)(f) of the 1970 Act) there shall be substituted—

"(f) has contravened the duty imposed on him by section 13A(6) of the Bermuda Hospitals Board Act 1970 (fees);".

(3) In section 16(1) of the Dental Practitioners Act 1950 (suspension) after paragraph (d) there shall be inserted "or

(e) has contravened the duty imposed on him by section 13A(6) of the Bermuda Hospitals Board Act 1970 (fees);".

**Removal of certain matters from regulations**

5 For section 25(1) of the 1970 Act (regulations) there shall be substituted—

"(1) The Minister may, after consultation with the Board, make regulations—

- (a) prescribing anything which may be or is to be prescribed under this Act, other than the fixing of fees under section 13;
- (b) prescribing the conditions under which medical and dental practitioners shall be admitted to the hospitals to practise their professions;
- (c) prescribing the composition and functions of the Medical Staff Committee; and
- (d) generally for the purpose of giving effect to this Act."

**Board to make hospital rules and establish policies etc**

6 For section 26 of the 1970 Act (Board may make hospital rules) there shall be substituted—

**"Board may make hospital rules and establish policies etc**

26 (1) The Board may make rules—

- (a) governing the professional conduct of medical and dental practitioners;
- (b) as to investigations into allegations of misconduct by such persons; and
- (c) as to the disciplinary action that may be taken following a finding of misconduct.

(2) The Board may establish and institute policies for the efficiency, good order and management of the hospitals and (without prejudice to the generality of the foregoing) may make provision in relation to—

- (a) the admission and discharge of patients, patient identification and the protection of the rights of patients;
- (b) the conduct and control of patients;

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- (c) the conduct of visitors; and
- (d) the control and supervision of clinical work and the use of the facilities of the hospitals in the course of such work.

(3) Policies established from time to time under subsection (2) shall be contained in a policy document which, along with rules made under subsection (1), shall be—

- (a) supplied by the Board to medical and dental practitioners, and
- (b) available for inspection by other persons on request being made to the Executive Director.

(4) The Board shall—

- (a) establish and determine the duties of its committees;
- (b) determine, subject to sections 7 and 8, the duties of its officers."

### **Minor amendments**

7 (1) In section 1(1) of the 1970 Act (interpretation) in the definition of "Minister", for the words "Minister of Health and Social Services" there shall be substituted "Minister for the time being responsible for health".

(2) In rule 36 of the Mental Health (Patients Property) Rules 1970, for the words "Hospital Administrator" there shall be substituted "Executive Director"; but the amendment of those Rules by this Act shall not prejudice their further amendment by subordinate legislation.