BELIZE

MEDICAL PRACTICE ACT
CHAPTER 318

REVISED EDITION 2020

SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 28 of 2013.

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CHAPTER 318

MEDICAL PRACTICE

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CHAPTER 318

MEDICAL PRACTICE

[14th December, 2013]

28 of 2013.

PART I

Preliminary

Short title.

1. This Act may be cited as the Medical Practice Act.

Interpretation.

2. In this Act–

"Belize Medical and Dental Association" means the body of registered medical practitioners and dentists recognized by the Medical Council;

"Medical Council" means the Medical Council of Belize established under section 3;

"medical practitioner" means a person who is registered in the Medical Practitioners Register maintained by the Registrar under section 7;

"Register" means the Register required to be kept by the Registrar under section 7;

"Minister" means the Minister responsible for Health;

"Ministry" means the Ministry of Health;

"practice of medicine" includes–

(a) advertising, holding out to the public or representing in any manner, that one is authorized to practice medicine in Belize;

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(b) offering or undertaking to prescribe, order, give or administer any drug or medicine for the use of any other person;

(c) offering or undertaking to prevent or diagnose, correct or treat in any manner or by any means, methods or devices any disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition, of any person, including the management of pregnancy and parturition;

(d) offering or undertaking to perform any surgical operation upon any person;

(e) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient, or the actual rendering of treatment to a patient within Belize by a medical practitioner located outside Belize as a result of transmission of individual patient data by electronic or other means from within Belize to such medical practitioner or his agent;

(f) rendering a determination of the medical necessity or appropriateness of a proposed treatment;

(g) using the designation Doctor, Doctor of Medicine, Doctor of Osteopathy, Medical Practitioner, Surgeon, Medical Practitioner and Surgeon, Medical Practitioner, Podiatrist, Dr., DMD., DDS., M.D., D.O. or any combination thereof, in the conduct of any occupation or profession pertaining to the prevention, diagnosis or treatment of human disease or condition unless such a designation additionally contains the description of

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another branch of the healing arts for which one holds a valid licence in Belize;

but does not include the actions or practices by–

(a) students engaged in training in a medical school approved by the Medical Council;

(b) persons providing service in cases of emergency where no fee or other consideration is contemplated, charged or received;

(c) persons practicing the tenets of a religion or ministering to the sick or suffering by mental or spiritual means in accordance with such tenets, provided that such persons shall not be exempt from the public health laws of Belize;

(d) persons administering a lawful domestic or family remedy to a member of their own family; and

(e) persons licensed to practice medicine in another jurisdiction, that briefly render emergency medical treatment or briefly provide critical medical service at the specific lawful direction of a medical institution that assumes full responsibility for that treatment and is approved by the Medical Council;

"qualified to be registered" in relation to a person, means a graduate from a recognized institution who has completed the requisite academic internship and social service requirements, where applicable;

"quality care" means the provision of health care services for individuals and populations that increase the likelihood of desired patient outcomes and are consistent with the accepted

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standards of care as defined by the Ministry in Regulations made hereunder;

"recertification" means paying annual practising fees and carrying out such continuing medical education as prescribed by the Medical Council; and

"Registrar" means the Registrar General.

PART II

Establishment of the Medical Council

Establishment of the Medical Council and meetings of the Medical Council.

3.–(1) There is hereby established a Medical Council consisting of–

(a) the Director of Health Services, *ex officio;* who shall be a non-voting member;

(b) two registered medical practitioners drawn from among the membership of the Medical and Dental Association of Belize, appointed by the Minister in his sole discretion;

(c) one dental surgeon drawn from among the membership of the Medical and Dental Association of Belize, appointed by the Minister in his sole discretion;

(d) two medical practitioners or two dental surgeons, or one of each, appointed by the Minister on the advice of the Belize Medical and Dental Association; and

(e) the President of the Belize Medical and Dental Association, *ex officio*, who shall be a non-voting member;

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and a medical practitioner or dental surgeon appointed by the Minister pursuant to paragraphs *(b)*, *(c)* and *(d)* shall be a citizen of Belize who has not been the subject of an order in relation to an act of professional misconduct as defined in section 14 (6).

(2) The Medical Council shall appoint a Secretary, or may request the Minister to appoint a Secretary to the Medical Council, and the Secretary shall not be a member of the Medical Council and shall not have the right to vote at meetings of the Medical Council.

(3) The Minister shall appoint the Chairman of the Medical Council from among the members of the Medical Council and the members of the Medical Council shall elect a Vice-Chairman and Treasurer from among the members of the Medical Council.

(4) Every member of the Medical Council shall, other than the Director of Health Services and the President of the Belize Medical and Dental Association hold office for a period of three years unless that member vacates his office by death or resignation.

(5) Any member of the Medical Council may, other than the Director of Health Services and the President of the Belize Medical and Dental Association, resign his office by letter addressed to the Minister.

(6) No act or proceeding of the Medical Council shall be invalid by reason only of the existence of any vacancy amongst its members or a defect in the appointment of a member thereof.

(7) The Minister may, if a member of the Medical Council is temporarily unable to discharge the duties of his office on account of ill health or absence from the country or for any other cause, with due regard to the provisions of sub-section (1) appoint another person to act in his place.

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(8) A person appointed in place of a member pursuant to sub-section (7) shall hold office for the unexpired period of office of the member for which he has been appointed.

(9) A member of the Medical Council shall have vacated his appointment where that member–

(a) dies;

(b) is certified of unsound mind;

(c) is declared bankrupt by a court of competent jurisdiction;

(d) not being an *ex officio* member, is absent without the leave of the Medical Council from four consecutive meetings of the Medical Council; or

(e) not being *ex officio* member, ceases to be eligible to serve on the Medical Council.

(10) The Medical Council shall hold meetings for the transaction of its business at such times and places and upon such days as the Chairman may determine from time to time provided that the Medical Council shall meet at least once every two months.

(11) The quorum for any meeting of the Medical Council shall be four members of whom the Chairman shall be one, or in the absence of the Chairman, the Vice-Chairman.

(12) A decision of the Medical Council shall be by a majority of the votes of the members present and voting and in the event of an equality of votes, the Chairman shall have a casting or second vote.

(13) The Secretary shall maintain proper records of the meetings of the Medical Council and the transaction of business

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at the meetings, and such records shall be forwarded to the Minister after each meeting.

(14) The Chairman shall preside at all meetings of the Medical Council, and in the absence of the Chairman, the Vice Chairman shall preside.

Body Corporate.

4. The Medical Council shall be a body corporate with perpetual succession and a common seal which may from time to time be altered, and it may by its corporate name, sue or be sued, plead and be impleaded in all courts of law.

Functions of the Medical Council.

5.–(1) The functions of the Medical Council are–

(a) to examine all applications for the registration and licensing of medical practitioners under this Act or any other law;

(b) to take such steps as may be necessary to ensure that the implementation of this Act is enforced for the maintenance of proper standards of professional conduct by medical practitioners;

(c) to develop processes and procedures in relation to the registration and licensing of medical practitioners under this Act or any other law;

(d) to examine and evaluate applications, and to recommend to the Registrar the issuance or otherwise of certificates in relation to the registration and licensing of medical practitioners under this Act or any other law;

(e) to determine which professional schools, colleges, universities, training institutions and educational programs from other jurisdictions

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are acceptable in connection with registration and licensing under this Act or any other law;

(f) to appoint examiners and to conduct examinations in respect of persons applying tor registration and licensing under this Act or any other law;

(g) to ensure that medical practitioners provide health care consistent with current professional knowledge, practice, norms and standards;

(h) to prescribe and maintain the highest standards of learning, integrity, honor and courtesy by medical practitioners;

(i) to develop and implement methods of identifying medical practitioners who fail to provide quality care and who therefore warrant further evaluation by the Medical Council;

(j) to hold and hear disciplinary proceedings against medical practitioners under this Act or any other law, alleged to–

(i) have committed professional misconduct;

(ii) have failed to provide quality care or to observe professional ethics; or

(iii) have engaged in poor standards of practice,

and, if necessary, to take disciplinary action against such medical practitioners;

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(k) to investigate allegations of misrepresentation and unlawful practice of medicine and initiate the necessary legal proceedings in accordance with this Act;

(l) to establish appropriate fees and charges to support the active and effective discharge of its obligations under this Act;

(m) to project the views of the Medical Council on matters of public importance;

(n) to advise and assist the Ministry, statutory bodies, educational or charitable institutions, trade unions, businesses and other professional organizations on matters related to the practice of medicine in Belize;

(o) to promote and foster relations with other medical professional bodies in Belize and elsewhere for the purpose of better achieving the objects of the Medical Council, and to subscribe to and join or associate with regional and international medical professional organizations whose objectives are not inconsistent with those of the Medical Council;

(p) to discipline health care professionals regulated under this Act or under any other law, and to take such action as may be appropriate;

(q) to develop policies, programs and procedures in relation to the recertification of medical practitioners under this Act or any other law;

(r) to approve and promote such continued medical education programs for medical

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practitioners as may be necessary for the development of the medical practice in Belize;

(s) to approve internships and social service programs; and

(t) to do such other things as may be necessary to achieve the objectives of this Act.

(2) The Medical Council shall have power, from time to time, to make by-laws for its own internal management and control, and such by-laws, when made by the Medical Council, shall be binding.

Members of Medical Council to declare interest.

6.–(1) A member of the Medical Council who has a personal, professional, business or pecuniary interest in any matter coming before the Medical Council shall on each and every occasion on which the matter comes before the Medical Council declare his interest and, unless otherwise directed by the Chairman, withdraw from the meeting and take no further part in the proceeding or voting of the Medical Council in relation to that matter.

(2) A declaration of interest, and the withdrawal of a member after any such declaration as provided in sub-section (1) above, shall be recorded in the minutes of the meeting of the Medical Council.

(3) Unless the Chairman otherwise directs, any decision reached by the Medical Council on a matter in which a member has declared an interest in accordance with sub-section (1) above shall be recorded in the normal way save and except that proceedings of the Medical Council on such a matter prior to the making of a decision shall be recorded separately and that record shall be provided only to those members of the Medical Council who were present at such proceedings.

(4) There shall be paid to the members of the Medical Council from the revenues of the Medical Council such

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expenses, if any, incurred in the execution of the Medical Council's business.

PART III

Registration of Medical Practitioners

Register.

7.–(1) The Registrar shall keep a Register in which he shall cause to be entered the name of every person required by section 8 or entitled under section 9 to be registered as a medical practitioner, together with the following particulars in relation to each such person–

(a) his full name and address;

(b) date of birth and Social Security Number;

(c) his date of registration and registration number;

(d) the description of his qualifications, including—

(i) the date of his graduation; and

(ii) the name of the institution and the country from which he graduated; and

(e) his telephone number and e-mail address, if any.

(2) The Register kept pursuant to sub-section (1) shall, at all reasonable times, be open to inspection at the Registrar's Office without payment of a fee.

(3) A person whose name is included in the Register shall, as soon as practicable, inform the Medical Council of any

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change in relation to any of the particulars contained in the Register.

(4) The Medical Council shall, if satisfied of the accuracy of the change, send the information to the Registrar with a recommendation that the Registrar make the necessary changes in the Register.

(5) A copy of the Register duly certified by the Registrar to be a correct copy, is prima facie evidence that any person named in that Register is registered as a medical practitioner and is entitled to practise as a medical practitioner, pursuant to the provisions of this Act

(6) The Registrar shall make such alterations to the particulars of a person entered in the Register as are necessary, and shall remove from the Register the name of any person who is deceased or no longer qualified to practice as a medical practitioner under this Act.

Registration of existing medical practitioners.

8. The Registrar shall, immediately on the commencement of this Act, cause to be entered in the Register, the particulars specified in paragraphs *(a)*, *(b)*, *(c)* and *(d)* of section 7(1) of all those persons who immediately before the commencement were registered as medical practitioners under the Medical Practitioners Registration Act, without an application on the part of those persons and without payment by those persons of a fee, and pending such entry, such persons shall be deemed to be medical practitioners for the purposes of this Act.

Registration of new medical practitioners.

9.–(1) A person who, after the commencement of this Act–

(a) is not qualified to be registered under section 8;

(b) applies to the Medical Council to be registered as a medical practitioner; and

(c) satisfies the Medical Council that he is–

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(i) qualified to be so registered;

(ii) physically and mentally fit to practice medicine in Belize;

(iii) of good character, with no criminal record or record of professional misconduct in any jurisdiction or country;

(iv) a citizen of a country which is a Member State of the Caribbean Community, including the CARICOM Single Market and Economy, and who is fluent in English; and

(v) academically qualified, and has successfully completed one year of internship and social service requirements, where applicable,

shall, upon compliance with any other requirements of registration provided under this Act and upon payment of the prescribed fee, be entitled to be registered by the Registrar in the Register as a medical practitioner.

(2) For the purpose of sub-section (1), a person is qualified to be registered as a medical practitioner if he holds a diploma, degree, fellowship, membership, licence, certificate or other status or form of registration or recognition granted by a University, College or Board empowered to confer authority to practice medicine by the law of the country or place where it is granted and that diploma, degree, fellowship, membership, licence, certificate or other status or form of registration or recognition is, in the opinion of the Medical Council, evidence of satisfactory medical training.

(3) The Medical Council shall, for the purpose of sub-section (2), maintain a list of accredited institutions and the

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Chairman of the Medical Council, or a person nominated by him, shall–

(a) make the necessary investigations to verify and ensure the suitability of any institution to be accepted; and

(b) publish the list annually in the Gazette.

(4) An application for registration as a medical practitioner shall be made in the prescribed form to the Medical Council, and every applicant shall furnish to the Secretary–

(a) satisfactory evidence of his qualifications and experience, if any;

(b) proof of his identity; and

(c) such other information as the Medical Council may require.

(5) The Medical Council shall, if it is satisfied that the applicant fulfils the requirements for registration specified in sub-section (1), notify the Registrar in writing to–

(a) enter the particulars specified in section 7(1) in the Register; and

(b) issue a Certificate of Registration in the prescribed form to the applicant and issue a Certificate of Registration to him.

(6) The Registrar shall, upon receipt of the notification referred to in sub-section (5), register the applicant and issue a Certificate of Registration upon payment of the prescribed fee and cause to be entered in the Register, the name and other particulars of the applicant.

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(7) Every person whose name has been entered in the Register shall on an annual basis, pay to the Medical Council at the specified dates, the prescribed practising fee and the Medical Council shall then issue to the applicant a Practising Certificate.

(8) Notwithstanding the provisions of this section, the Medical Council may approve and recommend to the Registrar–

(a) the provisional registration of a person who satisfies the Medical Council that he is employed as an intern in a hospital in Belize and such registration shall be effected without payment of any fee and to last only for the period of the internship; or

(b) the temporary registration for a period not exceeding one year, of a person who is a duly qualified, fit and proper person who satisfies the Medical Council that–

(i) he will be employed on a full time basis in the public service;

(ii) he will be doing full time work with a non-profit organization or a hospital in Belize;

(iii) he will be engaged on a contractual basis with a private institution in Belize;

(iv) he will be practising as a specialist in a field of medicine in which such specialist services are not available in Belize; or

(v) he will be providing voluntary health care.

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(9) A person registered pursuant to sub-section (8)*(b) (i)*, *(ii)*, *(iii)* or *(iv)* for a period of more than three months shall pay the prescribed practising fee.

(10) The Medical Council may renew the temporary registration of a person registered pursuant to sub-section (8)*(b)* on the fulfilment of the conditions specified in sub-section (8)*(b) (i)*, *(ii)*, *(iii)* or *(iv)* and the payment of the prescribed practising fee.

Examinations.

10.–(1) Every applicant shall be required to submit to an examination prepared and administered by the Medical Council in order to be registered.

(2) Where, in respect of an application as a medical practitioner–

(a) the Council is of the opinion that any qualification referred to in section 9(2) which the applicant holds is not evidence of satisfactory medical training; or

(b) a question has arisen with respect to the evidence presented by the applicant as to his training the Medical Council may require the applicant to submit to an examination in such subjects as it considers necessary to establish that he possesses satisfactory medical training.

(3) The Council shall fix a time and place for the holding of the examination referred to in this section and the Secretary shall send written notice to the applicant of that time and place and the subject or subjects in which the applicant has to submit to examination.

(4) The applicant shall pay, to the account of the Medical Council, such examination fee as may be determined by the Medical Council.

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(5) If, as a result of the examination, the Medical Council determines that the applicant is sufficiently qualified, he shall be treated for all purposes as qualified to be registered as a medical practitioner under section 9(1) and (2).

(6) Where the Medical Council finds that the applicant has been unsuccessful in the examination, he shall not, unless the Medical Council so recommends, be permitted to present himself for further examination until the expiration of one year from the date of the examination in which he was unsuccessful, but in such a case he may be granted provisional registration in accordance with the provisions of section 9(8).

(7) If an applicant fails to pass the examination after three attempts, he shall not be allowed to sit further examination without the special permission of the Medical Council.

Recertification.

11.–(1) A medical practitioner may be recertified if he fulfills the following conditions–

(a) his name is entered in the Register in accordance with this Act, and he fulfills all or any other requirements as established by the Medical Council from time to time.

(b) he has paid the prescribed practicing fee; and

(c) he has fulfilled the required continuing medical education as determined by the Medical Council facilitated by the Belize Medical and Dental Association.

(2) A person who satisfies the requirements of sub-section (1) shall be issued a Practising Certificate.

Additional qualifications.

12. Where a medical practitioner obtains qualifications approved by the Medical Council as higher than, or as additional to, the qualifications entered against his name in the Register, he shall be entitled on application to the Medical Council, to

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have such higher or additional qualifications entered in the Register in substitution for, or in addition to, the qualifications already entered against his name.

Publication of list of medical practitioners.

13.–(1) The Registrar, in consultation with the Chairman of the Medical Council, shall at the expiration of every calendar year prepare a list in alphabetical order according to surnames, of all registered and recertified medical practitioners, together with the designation of the qualifications in respect of which they were registered or recertified, the date of registration, and the address of such persons, and the Registrar shall cause such list to be published in the *Gazette*, by January 30 of every calendar year.

(2) The Registrar shall also cause to be published in the *Gazette*, as soon as practicable after such registration, the names of any person registering as a medical practitioner after the 1st January in any year.

(3) The absence of the name of a person from the updated list published in the *Gazette* shall, unless the contrary is shown, be prima facie evidence that such person is not registered.

(4) The Registrar shall by the 1st January of each year cause a copy of the said list of registered and recertified medical practitioners to be forwarded to the Director of Health Services or some other officer in the Ministry designated for that purpose by the Minister.

PART IV

Complaints and Disciplinary Proceedings

Complaints.

14.–(1) The Medical Council shall–

(a) if a person makes a complaint to the Medical Council alleging professional misconduct against a medical practitioner; or

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(b) if it, without receiving a complaint, has reasonable suspicion that a medical practitioner may have committed professional misconduct,

cause an investigation to be made into that matter.

(2) The Secretary shall, before causing an investigation to be made under sub-section (1), notify the medical practitioner against whom the allegations of misconduct are made in writing of–

(a) the nature and substance of the allegations;

(b) the person making the allegations, where applicable; and

(c) any other information in the possession of the Medical Council relating to the allegations,

and call on the medical practitioner to answer the allegations, whether personally, or in the company of an attorney, or to provide an explanation or representation he may wish to make before a specified date determined by the Medical Council.

(3) The Medical Council shall consider the answer, representation or explanation referred to in sub-section (2) and may thereafter–

(a) determine that no investigation of professional misconduct shall be made; or

(b) conduct an investigation of professional misconduct into the matter.

(4) A complaint referred to in sub-section (1) shall be made by affidavit.

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(5) In any proceedings under this section, no member of the Medical Council shall sit in any meeting of the Medical Council in respect of any matter of which he is directly or indirectly interested.

(6) For the purposes of this section, "professional misconduct" includes but is not limited to any of the following–

(a) applying for or procuring the registration, licensing or permission to practise medicine in Belize by fraud or misrepresentation;

(b) cheating on or attempting to subvert any examination prescribed by the Medical Council for licensing to practise medicine or a specialist area of medicine in Belize;

(c) being convicted of an offence whether in Belize or elsewhere which in the opinion of the Medical Council is likely to bring the medical profession into disrepute;

(d) engaging in conduct likely to deceive, defraud or harm the public;

(e) making a false or misleading statement regarding his skill or the efficacy or value of any medicine, treatment or remedy prescribed by him or at his direction in the treatment of any disease or other condition of the body or mind;

(f) representing to a patient that an incurable condition, sickness, disease or injury can be cured;

(g) willfully or negligently violating the confidentiality relationship between medical

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practitioner and patient, except as required by law;

(h) being grossly negligent in the practise of medicine as determined by the Medical Council;

(i) abandoning a patient in danger without reasonable cause, or without giving the patient an opportunity to retain the services of another medical practitioner;

(j) knowingly giving a false certificate respecting birth, death, notice of disease, state of health, vaccination or disinfection or respecting any matter relating to life, health or accident insurance;

(k) practising or engaging in other behavior that demonstrates an incapacity or incompetence to practice medicine;

(l) failing to provide evidence based medical care;

(m) using any false, fraudulent or deceptive statement in any document connected with the practice of medicine;

(n) practising medicine under a false name or otherwise impersonating another medical practitioner;

(o) aiding, abetting or enabling by his presence, advice, assistance or cooperation, the practise of medicine by an unregistered person, or holding out a person who is unregistered under this Act as registered to practise medicine in Belize;

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(p) allowing another person or organization to use his practising certificate to practise medicine in Belize;

(q) committing any act which exploits the medical practitioner-patient relationship in a sexual way;

(r) habitually or excessively using or abusing of illicit drugs, alcohol or other substances that impair ability;

(s) directly or indirectly holding oneself out to the public as a specialist or as being specially qualified in any particular branch or area of medicine while not having taken a special course in such branch and received a specialist certificate therein which is recognized by the Medical Council;

(t) except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering or giving any drug legally classified as a controlled substance under the laws of Belize, or recognized as an addictive or dangerous drug for any purpose other than for medically accepted therapeutic purposes;

(u) violating any law relating to illicit drugs and controlled substances;

(v) obtaining any fee by fraud, deceit or misrepresentation;

(w) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, save and except that this

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prohibition shall not preclude the legal functioning of lawful professional medical partnerships, corporations or associations, or the provision of services thereby;

(x) failing to report to the Medical Council, in the course of making application for registration or recertification, any adverse action taken against him as a medical practitioner in any country or jurisdiction, by any peer review body, health care institution, professional or medical society or association, governmental agency, law enforcement agency, or court, for acts or conduct similar to acts or conduct that would constitute grounds for professional misconduct as defined in this section;

(y) being granted an adverse judgment, award or settlement resulting from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for professional misconduct as defined in this section;

(z) failing to transfer pertinent and necessary medical records to another medical practitioner in a timely manner when legally requested to do so by the subject patient or by a legally designated representative of the subject patient;

(aa) improper managing of medical records;

(bb) failing to furnish the Medical Council, its investigators or representatives, with information legally requested by the Medical Council;

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(cc) failing to cooperate with a lawful investigation conducted by the Medical Council;

(dd) violating of any provision of this Act or the Rules, Regulations or By-Laws of the Medical Council or breaching of any order made by, or an agreement with, the Medical Council;

(ee) doing or failing to do any act or thing, the doing or the failure of which the Medical Council considers to be unprofessional or discreditable; or

(ff) engaging in conduct which, in pursuance of Rules made by the Medical Council under section 22, is to be treated as misconduct in a professional respect.

(7) If the Medical Council, acting pursuant to sub-section (3) *(b)*, is satisfied that the allegations contained in an affidavit referred to in sub-section (4) disclose a *prima facie* case of professional misconduct, the Medical Council shall hear the complaint and the person against whom the complaint is made, and their witnesses, if any, and shall deal with the matter in accordance with sub-section (8) or (9).

(8) If the Medical Council, after hearing an application of professional misconduct, is not satisfied that the allegations made against the medical practitioner to whom the application relates have been established or that the conduct alleged against him constitutes professional misconduct, the application shall be dismissed.

(9) If the Medical Council, after hearing an application of professional misconduct, is satisfied on a preponderance of the evidence that the allegations made against the medical practitioner to whom the application relates have been established or that conduct alleged against him constitutes professional misconduct, the Medical Council may as it thinks

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just, make any one or more of the following orders against the medical practitioner–

(a) an order directing the Registrar to remove the medical practitioner's name from the Register, or an order revoking the medical practitioner's practising certificate or other authorization to practise medicine in Belize;

(b) an order suspending, limiting or restricting the medical practitioner's practising certificate in such manner as the Medical Council may determine, including limiting the practise of the medical practitioner to or by the exclusion of one or more specified activities of medicine, or by stipulating periodic Medical Council reviews;

(c) an order placing the medical practitioner on probation with conditions;

(d) an order imposing on the medical practitioner such administrative fine as the Medical Council may think proper;

(e) an order requiring the medical practitioner to submit to care, counseling, or treatment as designated by the Medical Council as a condition precedent to the resumption of the practise of medicine;

(f) an order requiring the medical practitioner to participate in a program of education, training, treatment or counseling prescribed by the Medical Council;

(g) an order requiring the medical practitioner to practise under the direction of a medical

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practitioner designated by the Medical Council for a specified period of time;

(h) an order requiring the medical practitioner to perform public service considered appropriate by the Medical Council;

(i) an order requiring the payment by any party of costs, or of such sum as the Medical Council may consider a reasonable contribution towards costs; or

(j) an order requiring the payment by the medical practitioner of any such sum by way of restitution as the Medical Council may consider reasonable, and if the Medical Council determines that through the practise of medicine, the medical practitioner poses a continuing threat to the public welfare, it shall revoke, suspend, or deny the medical practitioner a practising certificate.

(10) A fine or any part thereof imposed under sub-section (9) may at the discretion of the Medical Council be paid to the person making the application in whole or in part satisfaction of any damage caused to him by the unprofessional conduct giving rise to the application;

(11) Where the name of any person is removed from the Register, the Medical Council may in writing require such person to return to the Medical Council his current practising certificate and such person shall comply with the requirement, and failure to do so constitutes an offence under this Act.

(12) For the purposes of any application made to it under this Act, the Medical Council shall have the powers of the Supreme Court to summon witnesses, call for the production of books and documents and examine witnesses and parties concerned, on oath.

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(13) In any matter or hearing before any court, where the judge or magistrate considers that an act of professional misconduct referred to in sub-section (6) has been committed by a medical practitioner, the judge or magistrate may make or cause to be made an order referring the matter to the Medical Council under that sub-section in respect of the medical practitioner.

(14) In sub-section (13), "court" means the Court of Appeal, the Supreme Court, a summary jurisdiction court, a district court, or any other court which is or may be established by or under any law.

Informal conferences to handle allegations of misconduct.

15.–(1) The Medical Council may, without prejudice to any other provisions under this Part, meet in informal conference with an accused medical practitioner and his complainant or their representatives who seek or agree to such a conference.

(2) An order by the Medical Council as a result of such an informal conference and agreed to in writing by the Medical Council and the accused medical practitioner and the complainant shall be binding and be a matter of public record.

Confidential letters of concern.

16.–(1) The Medical Council may, without prejudice to the foregoing provisions of this Part, issue a confidential letter of concern to a medical practitioner where the evidence does not warrant the hearing of an application alleging professional misconduct but the Medical Council has noted indications of possible unprofessional conduct by the medical practitioner that may give rise to proceedings for professional misconduct.

(2) The Medical Council is empowered, at its absolute discretion, to confidentially request clarifying information from the medical practitioner, in a confidential letter referred to in sub-section (1).

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Medical Council may require medical practitioners to submit to examination.

17.–(1) The Medical Council may, in writing, require, a medical practitioner–

(a) to submit to a medical, mental or physical examination and evaluation to determine his fitness and competency to practise medicine; and

(b) to submit to a chemical dependency examination and evaluation, including an evaluation of the medical practitioner's dependency on illicit drugs and alcohol.

(2) The requirement referred to in sub-section (1) may be made by the Medical Council independently or after a complaint.

(3) The results of any examination and evaluation made under sub-section (1) shall be admissible in any proceedings for professional misconduct before the Medical Council.

(4) The Medical Council may, where it is satisfied after a hearing that the results of an examination and evaluation carried out under sub-section (1) proves that the medical practitioner is unfit or incompetent to continue the practise of medicine, or is dependent on illicit drugs or alcohol, depending on the circumstances of the case, make any order referred to in section 14(9).

Voluntary reports of alleged misconduct, etc.

18.–(1) A person may, if he has reason to believe that a medical practitioner may be physically or mentally impaired, or incompetent to practise medicine, or is guilty of professional misconduct, make a written report to the Medical Council.

(2) A report made under sub-section (1) shall be dealt with by the Medical Council pursuant to section 14(2) to (12).

(3) A report referred to in sub-section (1) shall be in the form specified in section 14(4).

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Mandatory reports of alleged misconduct, etc.

19.–(1) A person or entity specified in sub-section (2) shall be required to make a written report to the Medical Council if that person or entity has reason to believe that a medical practitioner may be physically or mentally impaired, or incompetent, to practise medicine, or is guilty of professional misconduct.

(2) The persons or entities referred to in sub-section (1) are–

(a) medical practitioners or other persons who practise medicine;

(b) licensed health care providers;

(c) Government Ministries and Departments;

(d) the courts, as defined in section 14(14);

(e) law enforcement agencies, including members of the Belize Police Department and the Belize Defence Force; and

(f) insurance providers.

Resignation of medical practitioners under investigation to be reported.

20.–(1) Every person in charge of an organization which is a health care provider shall report to the Medical Council the resignation of a medical practitioner, or the limitation of a medical practitioner's benefits or privileges, if such resignation or limitation occurs when the medical practitioner is under investigation, formal or informal, by the health care provider or a committee thereof, in respect of possible or alleged professional misconduct, incompetence, or mental or physical impairment to practise medicine.

(2) A report referred to in sub-section (1) shall be made within seven days of the resignation or limitation of benefits or privileges.

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21.–(1) It shall be the duty of an insurance provider who provides medical malpractice insurance to report to the Medical Council each judgment, settlement or award made against a medical practitioner.

Judgments against medical practitioners to be reported.

(2) A report referred to in sub-section (1) shall be made within seven days of the judgment, settlement or award.

Professional conduct, rules and quality care guidelines.

22.–(1) The Medical Council may–

(a) prescribe rules governing the standards of professional ethics and conduct outlined in the Code of Ethics for medical practitioners, and such rules may provide that any breach thereof shall constitute professional misconduct;

(b) advise the Minister on quality care guidelines and protocols; and

(c) prescribe anything which may be or is required to be prescribed under this Part.

Appeals to the Supreme Court.

23.–(1) A person who is aggrieved by a decision of the Medical Council–

(a) refusing to register him as a medical practitioner;

(b) making an order specified in section 14(9), after any disciplinary proceedings against him for professional misconduct; or

(c) requiring him to do anything under this Part;

may, within three months of the decision, apply to the Supreme Court under Part 61 of the Supreme Court (Civil Procedure) Rules, 2005 for the Medical Council to state a case for determination by the Supreme Court.

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(2) No appeal shall lie under this section against the refusal of an application for registration where the registration is conditional upon the applicant's satisfying the Medical Council that he is qualified to be registered under this Act.

PART V

Finances of the Medical Council

Vesting of property.

24. The Minister responsible for Finance may, by Order published in the *Gazette*, transfer to the Medical Council any property belonging to the Government which appears to him to be necessary or useful to the Medical Council for carrying out its functions under this Act, and such property shall vest in the Medical Council by virtue of the Order and without further assurance.

Revenues of the Medical Council.

25.–(1) The revenues of the Medical Council shall consist of the following–

(a) such sums as may be provided for the purpose from time to time by the National Assembly;

(b) prescribed practising fees payable by medical practitioners;

(c) all other sums which in any manner may become payable to or vested in the Medical Council;

(d) such sums as may be advanced to the Medical Council by the Government pursuant to sub-section (2); or

(e) all sums lawfully contributed, donated, or bequeathed to the Medical Council.

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(2) The Government may advance to the Medical Council such sums as the Minister responsible for Finance certifies is required to enable the Medical Council to commence its functions, to be repaid by the Medical Council at such times and by such methods as the said Minister of Finance may determine.

(3) All sums referred to in sub-section (1) shall be paid into and placed to the credit of an account of the Medical Council to be maintained in the name of the Medical Council at a bank, credit union or financial institution approved by the Medical Council.

(4) All expenses incurred or payable by the Medical Council pursuant to this Act shall be paid out of the account of the Medical Council referred to in sub-section (3), and all disbursements therefrom shall be in accordance with accounting regulations which may be made by the Medical Council from time to time.

(5) The Chairman and the Treasurer of the Medical Council shall be responsible for the management of the finances of the Medical Council.

Accounts, audits and reports.

26.–(1) The Medical Council shall keep proper books of accounts of its income and other receipts and expenditures during each financial year and shall also cause a statement of its accounts for each financial year to be prepared within three months after the end of that year, in accordance with established accounting principles.

(2) The accounts of the Medical Council for each financial year shall be audited and certified by the Auditor General.

(3) The Auditor General shall, with reference to the accounts of the Medical Council, include in the report–

(a) whether he has obtained all the information and explanations which to the best of his

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knowledge and belief were necessary for the purposes of the audit;

(b) whether, in his opinion, proper books of account were kept by the Medical Council;

(c) whether the Medical Council's balance sheet and accounts dealt with in the report are in agreement with the books of account;

(d) whether in his opinion and to the best of the information available to him and the explanations given to him, the said accounts give a true and fair view—

(i) in the case of the balance sheet, of the finances as at the end of the financial year; and

(ii) in the case of the income and expenditure account, of the surplus or deficit for the financial year; and

(e) whether, in his opinion, the Chairman and the treasurer of the Medical Council discharged their duties under section 25(5) faithfully and diligently.

(4) Within three months after the submission of the audit report to the Medical Council, the Treasurer shall submit that report, together with the Medical Council's report for that year, to the Medical Council in general meeting.

Budget estimates.

27.–(1) Within a period of time of three months prior to the commencement of each financial year, the Treasurer of the Medical Council shall prepare and submit to the Medical Council in general meeting for approval, estimates of income receivable and the expenditure to be incurred in the next financial year, including capital expenditure and such other

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additional information and explanations as he may consider necessary.

(2) The budget estimates referred to in sub-section (1) shall include allocations for the establishment and maintenance of a reasonable reserve fund.

(3) The financial year of the Medical Council shall commence on the first day of April in each year.

PART VI

Miscellaneous Provisions

Offences and penalties.

28.–(1) A person who–

(a) for the purpose of procuring or attempting to procure the registration or licensing under this Act of himself or any other person as a medical practitioner;

(b) produces or causes to be produced any false representation or declaration, whether verbally, in writing or otherwise, holding himself out or representing himself as a medical practitioner, when in fact he possesses no such qualification as required under this Act;

(c) affixes to or uses in connection with his premises, any title or description reasonably calculated to suggest that he possess any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the Register in respect of him,

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commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of two years, or to both.

(2) A person who, not being qualified, registered or licensed to practise medicine–

(a) assumes or uses any name, title, or description implying that he is entitled to be recognized as a person authorized or qualified to practise medicine in Belize; or

(b) advertises or holds himself out as a person authorized or qualified to practise medicine in Belize; or

(c) engages in the practise of medicine in Belize,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for a term of ten years, or to both.

(3) A medical practitioner registered under this Act who practises medicine without a valid Practising Certificate commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(4) Every person registered under this Act is required to renew his practising certificate by the 1st January in any year and every person who fails to renew his certificate in accordance with this sub-section and who practices medicine or performs services after that date commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Offence of possession of medical appliances by unregistered person.

29.–(1) Subject to sub-section (3), a person who is not registered under this Act and has in his possession or control any medical supplies, appliances or devices for the purpose of practising medicine in Belize commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a

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term of imprisonment of two years, or to both, and in additional is liable to have all such medical supplies, appliances and devices forfeited to the Crown.

(2) For the purposes of sub-section (1), possession or control of medical supplies, appliances and devices shall be *prima facie* evidence that such possession or control is for the purpose of practising medicine by that person contrary to this Act.

(3) Sub-section (1) shall not apply to the possession or control of medical supplies, appliances and devices by–

(a) a person authorized by law to deal in medical supplies, appliances and devices;

(b) a person permitted in writing by the Medical Council to have in his possession or control any medical supplies, appliances or devices;

(c) medical supplies, appliances or devices in the possession or control of a student for use in, or as part of his course, instruction or examination in medicine; or

(d) medical supplies, appliances or devices in the possession or control of any person where such supplies, appliances or devices are generally used as part of the domestic administration of family remedies and treatment.

Obstruction of Medical Council members, etc.

30. Every person who obstructs, impedes, insults or molests, or attempts to obstruct, impede, insult or molest any member, agent, officer or employee of the Medical Council lawfully authorized as such by this Act in the discharge of his duties, or in his official capacity, or in the exercise of his official power, either under this Act or any other law commits an offence and is liable on summary conviction to a fine of five thousand dollars.

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General penalty.

31.–(1) Unless otherwise expressly provided, any person who commits an offence under this Act is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of two years, or to both.

(2) Where any person is convicted of an offence under this Act and the offence is a continuing offence, the person is liable, in addition to the prescribed penalty, to an additional fine of five hundred dollars for every day or a part thereof for which the offence continues.

Protection of Medical Council members, etc. from legal liability.

32. No matter or thing done and no contract entered into by the Medical Council, and no matter or thing done by any member, agent, officer or employee of the Medical Council shall, if the matter, thing or contract was done or entered into *bona fide* for the purposes of this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

Communications with Medical Council confidential.

33. Unless otherwise provided in this Act, all communications with the Medical Council, whether by way of report, complaint, statement or application, shall be treated confidentially by the Medical Council, and shall be privileged from disclosure except by the authority of an order of a court of competent jurisdiction.

Exemption from income and business tax, etc.

34.–(1) The Medical Council shall be exempt from the payment of income and business tax, property tax, customs duties and all other duties, rates, charges and imposts charged or levied by the Government or a local authority.

(2) All instruments executed by or on behalf of the Medical Council shall be exempt from stamp duty.

Regulations.

35.–(1) The Medical Council may, with the approval of the Minister, make regulations, rules or by-laws for the better carrying out of the principles and provisions of this Act.

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(2) Without prejudice to the generality of sub-section (1), any such regulations, rules or by-laws may be made for all or any of the following–

(a) for the good government of the Medical Council and for the proper conduct of its affairs;

(b) for the practising, registration, application and other fees payable by persons practising medicine in Belize;

(c) for prescribing that any contravention of a regulation, rule or by-law may result in a fine or term of imprisonment on summary conviction thereof; and

(d) for continuing medical education.

Repeal.

36.–(1) Upon the commencement of this Act, the Medical Practitioners Registration Act shall stand repealed.

(2) Notwithstanding the repeal of the Medical Practitioners Registration Act, all subsidiary legislation made thereunder shall continue in force until replaced by subsidiary legislation made under this Act.

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