

TURKS AND CAICOS ISLANDS

**HEALTH REGULATION (AMENDMENT)
ORDINANCE 2024**

(Ordinance 49 of 2024)

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HEALTH REGULATION (AMENDMENT) ORDINANCE 2024

(Ordinance 49 of 2024)

Assent.....13th December 2024

Publication in Gazette.....17th December 2024

Commencement.....in accordance with section

AN ORDINANCE TO AMEND THE HEALTH REGULATION ORDINANCE 2016.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Health Regulation (Amendment) Ordinance 2024 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance “principal Ordinance” means the Health Regulation Ordinance.

Section 2 amended

3. Section 2 of the principal Ordinance is amended—

(a) by inserting the following definition in its appropriate alphabetical position—

““Chief Executive Officer” means the person appointed as Chief Executive Officer of the Authority in terms of section 21;

“licensed registered practitioner” has the same meaning under the Health Professions Ordinance;”;

(b) under the definition of “clinical trial”—

(i) in paragraph (a)(i), by repealing the words “registered practitioner” and substituting “licensed registered practitioner”;

(ii) in paragraph (a)(ii), by repealing the words “registered practitioners” wherever they appear and substitute “licensed registered practitioners”;

(c) under the definition of “health care facility” by repealing the words “registered practitioner” and substituting “licensed registered practitioner”;

(d) by repealing the definition of “Health Registrar”;

(e) under the definition of “health services” by repealing the words “registered practitioner” and substituting “licensed registered practitioner”; and

(f) by repealing the definition of “registered practitioner”.

Section 7 amended

4. Section 7(2) of the principal Ordinance is amended by repealing the words “Health Registrar” and substituting “Chief Executive Officer of the Health Professions Authority appointed under the Health Professions Ordinance”.

Section 29C amended

5. Section 29C(3)(a) of the principal Ordinance is amended by repealing the words “registered health professional” and substituting “licensed registered practitioner”.

Section 34 amended

6. Section 34(1) of the principal Ordinance is amended by repealing the words “registered and licensed health professional” and substituting “licensed registered practitioner”.

Section 35 amended

7. Section 35 of the principal Ordinance is amended by repealing paragraph (c) and substituting—

“(c)if the licensee is a licensed registered practitioner and that practitioner, has been removed from the register or his licence has been revoked, in accordance with the Health Professions Ordinance;”.

Section 37 amended

8. Section 37 of the principal Ordinance is amended—

- (a) in subsection (1), by repealing the words “registered practitioner: and substituting “licensed registered practitioner”; and
- (b) in subsection (2), by repealing the words “not a registered practitioner” and substituting “not a health professional”.

Section 39 amended

9. Section 39(1)(a) of the principal Ordinance is amended by repealing the words “registered practitioner” and substituting “licensed registered practitioner”.

Section 40 amended

10. Section 40 of the principal Ordinance is amended by renumbering the existing provision to subsection (1) and inserting the following after that subsection—

“(2) For purposes of subsection (1) “mistreatment” includes any mistreatment suffered from a health care facility’s clinical, management or relational services.”.

Section 46A inserted

11. The principal Ordinance is amended by inserting the following after section 46—

“Power to investigate illegal operations and services

46A. (1) The Authority shall have power to investigate any facility or premises suspected to be operating without a licence, or where it is suspected that services tantamount to health services are being provided.

(2) An inspector shall have power to enter and search—

- (a) any facility or premises suspected to be operating without a licence; or

(b) any facility or premises where it is suspected that services tantamount to health services are being provided.

(3) An inspector shall enter any facility or premises for purposes of subsection (2), with or without notice, and he shall produce an identification to show that he works for the Authority.

(4) On entering the facility or premises, an inspector shall have the power—

(a) to search the facility or premises for evidence relating to a suspicion referred to under subsection (1) and (2), and may take an photographs of such evidence;

(b) to require access of any records, books or other documents and any electronically stored information;

(c) to copy such records, books or other documents and any electronically stored information; and

(d) to inspect the facility or premises for anything that will be relevant in their investigation.

(5) A person who has in his power or possession any records, books, documents or information referred to in subsection (4) shall—

(a) produce them at the request of an inspector and permit the inspector to inspect and take copies of or extracts from them;

(b) at the request of an inspector, give the inspector any information that the inspector may reasonably require in relation to any entries in those records, books or documents and provide an explanation of any apparent omissions from them or any omission of a record, book or document required to be produced; and

(c) give any other assistance and other information to an inspector that is reasonable in the circumstances.

(6) A person who wilfully obstructs an inspector in the performance of his functions under this section commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of two years, or to both.”.

Section 49 amended

12. Section 49(1) of the principal Ordinance is amended by repealing the words “registered practitioner” and substituting “health professional”.

Section 52 substituted

13. The principal Ordinance is amended by repealing section 52 and substituting—

“Transitional provisions

52. (1) A private medical establishment, public medical establishment or health care facility falling under a category specified in subsection (2), (3) or (4) shall be deemed to have been extended from 9 October 2023, and the extension shall end on 31 March 2025.

(2) Where a private medical establishment or health care facility was immediately before 9 October 2023, licensed under the Health Practitioners Ordinance and renewed by the Director of Health Services under section 20 of the Health Professions (Amendment) Ordinance 2020, that licence, whatever the length of its unexpired term, shall be extended in terms of subsection (1), and shall expire on 31 March 2025.

(3) Where a private medical establishment or health care facility was licensed by the Health Practitioners Ordinance prior to 10 June 2019, and its licence has expired and has not been renewed under section 20 of the Health Professions (Amendment) Ordinance 2020, the licence shall be extended in terms of subsection (1), and shall expire on 31 March 2025.

(4) Where a private medical establishment, public medical establishment or health care facility which was not licensed by the Health Practitioners Ordinance, but was in operation in the Islands legally, the private medical establishment, public medical establishment or health care facility shall be deemed to have continued in operation in terms of subsection (1), and shall expire on 31 March 2025.

(5) The standards and requirements made under this Ordinance and Regulations, applicable to the premises of a private medical establishment, public medical establishment or health care facility shall become applicable from 2 January 2025.

(6) If a licence or operations of a private medical establishment, public medical establishment or health care facility has been extended in accordance with subsections (1), (2), (3) or (4), any person who wishes to continue to operate a

health care facility shall, make an application from 2 January 2025 under this Ordinance.

(7) For the avoidance of doubt, this section only applies to existing private and public medical establishments, and health care facilities as specified in subsections (1), (2), (3) and (4), new facilities applying after 9 October 2023 will be required to meet the requirements under the Ordinance.”.
