I assent.

(L.S.)

AGATHA BARBARA
President

19th July, 1983

ACT No. XVI of 1983

AN ACT futher to amend the Medical and Kindred Professions Ordinance, Cap. 51.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Medical and Kindred Professions (Amendment) Act, 1983, and shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter referred to as "the principal law".

Change in designation of assistant apothecary.

2. (1) In the principal law, for the words "assistant apothecary", "assistant apothecaries" and "Assistant Apothecaries' Register" wherever they occur there shall be substituted respectively the words "pharmacy technician", "pharmacy technicians" and "Pharmacy Technicians' Register".

Board for the Professions Supplementary to Medicine.

(2) In the principal law, for the words "Advisory and Executive Board" wherever they occur except in section 75 thereof, there shall be substituted the words "Board for the Professions Supplementary to Medicine".

Amendment of section 2 of the principal law.

3. Section 2 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "medical auxiliaries, midwives, registered nurses and enrolled nurses" there shall be substituted the words "midwives, registered nurses, enrolled nurses and persons referred to in section 73D of this Ordinance,"; and

(b) in paragraph (c) of subsection (2) thereof, for the words "Medical auxiliaries" there shall be substituted the words "the persons referred to in section 73D of this Ordinance".

Amendment of section 4 of the principal law.

4. Immediately at the end of section 4 of the principal law there shall be added the following new subsection:

"(6) The Minister of Health may by regulations prescribe the qualifications which a foreign physician or surgeon must have before a licence under subsection (5) of this section may be granted.".

Amendment of section 5 of the principal law.

5. In the Maltese text of subsection (3) of section 5 of the principal law for the words "kontra isimha" there shall be substituted the words "ma' isimha".

Amendment of section 6 of the principal law.

6. (1) Section 6 of the principal law shall be re-numbered as subsection (1) and subsection (1) thereof as re-numbered shall be amended as follows:

(a) paragraphs (c), (d) and (e) thereof shall be renumbered respectively (d), (e) and (f);

(b) immediately after paragraph (b) thereof there shall be inserted the following new paragraph:

"(c) on attending or being called in to visit a patient whom he believes to be suffering from a disease or the effects of an incident, as is mentioned in Part I of the First Schedule to this Ordinance and connected with his employment, to give immediate notice in writing to the Superintendent of Public Health in the form set out in Part 2 of that Schedule.

The Minister of Health may by notice in the Gazette make such alterations in the said Schedule as may from time to time be necessary.";

(c) in paragraph (e) thereof, for the word "Schedule" there shall be substituted the words "Second Schedule"; and

(d) immediately after paragraph (f) thereof there shall be inserted the following new paragraphs:

"(g) whenever any person needs to be referred to a Government hospital as an in-patient or out-patient other than in the case of a compulsory admission under the provisions of the Mental Health Act, 1976 to give such medical and other particulars concerning the patient on such form as may from time to time be prescribed by regulations made by the Minister of Health;

(h) in prescribing medicinals to a patient entitled to a medical aids grant under the National Assistance Act, 1956, to use such form or forms as the Minister of Health may by regulations prescribe; and

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(i) in certifying patients as suffering from a disease or injury or of dying from a disease, to use such nomenclature in accordance with the international classification of diseases of the World Health Organization as the Superintendent of Public Health may, from time to time, by notice in the Gazette, publish.".

(2) Immediately after subsection (1) of section 6 of the principal law, as re-numbered, there shall be added the following new subsection:

"(2) It shall be the duty of every medical practitioner examining or treating a patient suffering from any disease or injury as is mentioned in the Seventh Schedule to the National Insurance Act, 1956, which disease or injury was, in the opinion of the said medical practitioner, caused by or connected with the relative occupation

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mentioned in the said Schedule, to give immediate notice in writing to the Superintendent of Public Health in the form set out in Part 2 of the First Schedule to this Ordinance.".

Amendment of section 17 of the principal law.

7. Immediately at the end of subsection (2) of section 17 of the principal law there shall be added the following proviso:

"Provided that a candidate who has given notification as provided under paragraph (d) of subsection (1) of this section prior to the first day of January 1974, shall not, after the thirtieth day of June, 1984 be entitled to sit for the examinations referred to in this subsection on the strength of such notification.".

Substitution of section 18 of the principal law.

8. For section 18 of the principal law there shall be substituted the following:

"18. (1) It shall not be lawful for any person to open or keep a dispensary unless there is in respect of such premises a licence issued by the Superintendent of Public Health.

(2) The licensee of a dispensary shall not close such dispensary unless he has given at least 24 hours previous notice to the Superintendent of Public Health.

(3) The said Superintendent may, on the receipt of a notice as is referred to in subsection (2) of this section, or where it has come to his knowledge that a dispensary has been closed, seal all the medical substances, wherever kept by the licensee in accordance with the provisions of this Ordinance, and take charge of any register required to be kept by such licensee under any law.".

Substitution of section 58 of the principal law.

9. For section 58 of the principal law there shall be substituted the following:

"Licence to practise Dental Surgery.

58. (1) No person may practise as a dental surgeon or dentist unless he has a licence so to practise from the President of the Republic.

(2) Without prejudice to the provisions of subsections (3) and (4) of this section no person shall qualify to obtain a licence to practise as a dental surgeon or dentist unless —

(a) he is a citizen of Malta;

(b) he is of good character; and

(c) his name is entered in the Register of Dental Surgeons.

(3) The President of the Republic, on the advice of the Medical Council, may grant a temporary licence to any person who holds the qualifications referred to in paragraphs (a) and (b) of subsection (2) of this section and has qualified for the degree or diploma in Dental Surgery of the University of Malta.

(4) The President of the Republic may grant a temporary licence of a period not exceeding two years to any foreign dental surgeon and may subject such licence to any condition as he may deem appropriate; and the Medical Council shall enter the name of any such foreign dental surgeon in a special part of the Register of Dental Surgeons, to-

gether with the limitations and conditions to which the licence is subject.

(5) The Minister of Health may by regulations prescribe the qualifications which a foreign dental surgeon must have before a licence under subsection (4) of this section may be granted.".

Repeal of section 58A of the principal law.

10. Section 58A of the principal law shall be repealed.

Substitution of section 59 of the principal law

11. For section 59 of the principal law there shall be substituted the following:

"Register of Dental Surgeons.

59. (1) The Medical Council shall keep a register, in this Ordinance referred to as the Register of Dental Surgeons in which shall be entered —

(a) the name of every person who holds a degree or diploma in Dental Surgery of the University of Malta;

(b) the name of every person whose name is entered in such list or register kept in a country other than Malta, as are required to be recognised by Malta under and for the purposes of arrangements whereby full reciprocity exists regarding the recognition of qualifications in dental surgery between Malta and the country in which such qualifications are obtained; and

(c) the name of every citizen of Malta who holds a suitable qualification in dental surgery granted by a dental school recognised by the Medical Council and who passes a practical and oral test in Dental Surgery and Pathology, Dental Mechanics, Dental Prosthetics and Orthodontics:

Provided that no person shall have his name entered in the Register of Dental Surgeons under paragraph (b) or (c) of this subsection, unless either such person has served as a house dental surgeon in a Government hospital or clinic for a period of two years, or such lesser period as the Minister responsible for public health may, after consultation with the Medical Council determine, or the said Minister has by notice to the Medical Council declared that such service is not required:

Provided further that notwithstanding any provision of this Ordinance a person serving as a house dental surgeon in a Government hospital or clinic for the purposes of this subsection, and in the performance of the duties assigned to him in that capacity shall for all purposes of law, be treated as if he were licensed to practise the profession of dental surgeon.

(2) In regard to any person exercising the profession of dental surgeon as provided in the proviso to subsection (1) of this section, the powers of the Medical Council under section 87A of this Ordinance shall include the power to order that such person shall not practise the profession of dental surgeon even as a house dental surgeon and that his name shall not be entered in the Register of Dental Surgeons; and where any such order has been made, it shall, for the

purposes of this Ordinance, have effect as if the name of such person has been erased from the said Register.

(3) In regard to any person as referred to in subsection (2) of this section, the Medical Council may give any order and inflict any penalty as provided in section 87A of this Ordinance as if such persons were registered as dental surgeons.

(4) Every person whose name is entered in the Register of Dental Surgeons in virtue of the qualifications referred to in paragraph (b) of subsection (1) of this section shall retain his registration notwithstanding any change in, or withdrawal of, the recognition referred to in the said paragraph.".

Substitution of section 60 of the principal law.

12. For section 60 of the principal law there shall be substituted the following:

"Qualifications to be entered in Register of Dental Surgeons.

60. Every person whose name is entered in the Register of Dental Surgeons shall be entitled to have entered against his name in the said Register any of the following qualifications of which he is in possession:

(a) the degree or diploma in Dental Surgery of the University of Malta; and

(b) any other qualification recognised by the Medical Council.".

Substitution of section 66 of the principal law.

13. For section 66 of the principal law there shall be substituted the following:

"66. (1) The Nursing and Midwifery Board shall keep a register of nurses and a roll of nurses.

(2) The register and the roll of nurses shall each consist of —

(a) a general part, in which shall be entered the names of all persons who satisfy the conditions for registration as a general nurse and for enrolment as a nurse, as the case may be; and

(b) special parts, as the Minister of Health, on the advice of the said Board, shall prescribe in which shall be entered the names of registered or enrolled nurses, as the case may be, trained and duly qualified in those nursing specialities for which the said Minister shall have prescribed as aforesaid that a special register or roll shall be kept.".

Amendment of section 68 of the principal law.

14. In section 68 of the principal law, for the words "of any other part of the British Commonwealth" there shall be substituted the words "of any foreign country".

Amendment of section 70 of the principal law.

15. Section 70 of the principal law shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1); and

(b) immediately after subsection (1) thereof there shall be added the following new subsections:

"(2) It shall not be lawful for a person who is registered in a special part but not also in the general part to practise the

profession of nurse for the sick except as an enrolled nurse or in the speciality in respect of which he is registered.

(3) It shall not be lawful for a person who is enrolled in a special part but not also in the general part to practise the profession of nurse for the sick except in the speciality in respect of which he is enrolled.".

Amendment of general heading of Part VII B of the principal law.

16. For the general heading of Part VII B of the principal law there shall be substituted the general heading "Professions Supplementary to Medicine".

Amendment of section 73D of the principal law.

17. For subsection (1) of section 73D of the principal law there shall be substituted the following:

"(1) A separate register of physiotherapists, podologists, medical laboratory technicians, occupational therapists, radiographers, speech therapists, health inspectors and of other persons who are qualified in any other recognised profession supplementary to medicine as the Minister of Health may by notice in the Gazette declare, shall be kept by the Board for the Professions Supplementary to Medicine.".

Substitution of sections 73F and 73G of the principal law.

18. For sections 73F and 73G of the principal law there shall be substituted the following new sections:

"73F. Any person whose name is entered in any of the registers referred to in section 73D shall be granted a certificate signed by the Chairman of the Board for the Professions Supplementary to Medicine, stating that such person is entitled to take and use the description of the profession supplementary to medicine in respect of which he is registered.

73G. It shall not be lawful for any person to —

(a) exercise any profession to which subsection (1) of section 73D refers, unless his name is registered under this Part in respect to the profession he intends to exercise;

(b) take or use the name or title of any profession either alone or in combination with other words or letters, other than the one in respect of which he is registered under this Part;

(c) take or use any name, title, addition, description, uniform or badge implying that he is registered under this Ordinance in respect of a profession other than the profession in respect of which he is registered under this Part;

(d) make use in the exercise of any of the professions referred to in subsection (1) of section 73D of any certificate of registration issued to any other person.".

Amendment of section 75 of the principal law.

19. In paragraph (a) of section 75 of the principal law, for the words "Advisory and Executive Board" there shall be substituted the words "Council of Health".

Amendment of section 84A of the principal law.

20. In section 84A of the principal law for the words "sections 29, 74, 77 or 82" wherever they occur there shall be substituted in each case the words "sections 18, 29, 74, 77 or 82".

Amendment of section 87A of the principal law.

21. In section 87A of the principal law for the words "the Council may, if it thinks fit, direct his name to be erased from the appropriate register." there shall be substituted the following:

"or (c) in any other manner has failed to abide by the professional and ethical standards applicable to him the Council may direct that his name be erased from the appropriate register or that it be taken off such register for a period not exceeding one year, inflict a fine, admonish him or make such other provision as it may deem appropriate in the circumstances.".

Amendment of section 87B of the principal law.

22. Section 87B of the principal law shall be amended as follows:

(a) for all the words from "If after due enquiry" to "speech therapist" there shall be substituted the words "If after due inquiry, the Board for the Professions Supplementary to Medicine has found that a person registered under subsection (1) of section 73D of this Ordinance"; and

(b) for the words "the Board may, if it thinks fit, direct his name to be erased from the appropriate register." there shall be substituted the following:

"or (c) in any other manner has failed to abide by the professional and ethical standards applicable to him the Board may direct that his name be erased from the appropriate register or that it be taken off such register for a period not exceeding one year, inflict a fine, admonish him or make such other provision as it may deem appropriate in the circumstances.".

Amendment of section 87BB of the principal law.

23. In section 87BB of the principal law for the words "the Board may, if it thinks fit, direct his name to be erased from the appropriate register," there shall be substituted the following:

"or (c) in any other manner has failed to abide by the professional and ethical standards applicable to him the Board may direct that his name be erased from the appropriate register or that it be taken off such register for a period not exceeding one year, inflict a fine, admonish him or make such other provision as it may deem appropriate in the circumstances.".

Amendment of section 87 BBB of the principal law.

24. In section 87BBB of the principal law for the words "the Board may, if it thinks fit, direct his name to be erased from the appropriate register or roll," there shall be substituted the following:

"or (c) in any other manner has failed to abide by the professional and ethical standards applicable to him the Board may direct that his name be erased from the appropriate register or roll or that it be taken off such register or roll for a period not exceeding one year, inflict a fine, admonish him or make such other provision as it may deem appropriate in the circumstances.".

Amendment of section 88 of the principal law.

25. Section 88 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "paragraph (e) of section 6" there shall be substituted the words "paragraph (f) of section 6"; and

(b) in subsection (2) thereof, for the words "section 6 (with the exception of paragraph (e))" there shall be substituted the words "section 6 (with the exception of paragraph (f))".

Amendment of section 99 of the principal law.

26. In section 99 of the principal law, immediately after paragraph (bc) there shall be inserted the following new paragraph:

"(bd) The Board for the Professions Supplementary to Medicine means the Board established under section 28G of the Department of Health (Constitution) Ordinance.".

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Addition of new Schedule to the principal law.

27. Immediately after section 99 of the principal law there shall be inserted the following new Schedule:

"FIRST SCHEDULE

(Section 6)

Part I

A Lead poisoning
Phosphorus poisoning
Manganese poisoning
Arsenical poisoning
Mercury poisoning
Carbon-bisulphide poisoning
Benzene poisoning and poisoning from Nitro and Amido derivatives of Benzene and its homologues
Aniline poisoning
Compressed air illness (Caisson Disease)
Anthrax
Epitheliomatous ulceration or chrome ulceration
Poisoning attributed to occupational exposure to pesticides
Brucellosis attributed to occupational exposure
Cadmium poisoning
Cancer of occupation origin
Blood dyscrasias of occupational origin
Toxic jaundice
Acute or chronic effects of exposure to radiation
Asthma of occupational origin

B "Gassing" incidents in which a person is affected as a result of occupational exposure to gasses or fumes

Part 2

DEPARTMENT OF HEALTH

Notification of Occupational Disease or Incident

(Section 6)

1. Name of patient .....
2. Age ..... Sex .....
3. Address .....

.....

4. Present/last occupation .....

5. Name and address of present/last employer .....

.....

6. Name and address of previous employer (if previous employment is suspected to be the cause) .....

.....

7. Type of disease/poisoning/incident .....

8 Harmful agent/process suspected to be the cause of disease/poisoning/incident .....

9 Dates (even approximate) of beginning and cessation of exposure to risk .....

.....

Signature of Medical Practitioner

.... ".

Date Name and Address

28. Nothing in this Act shall affect the rights of any physiotherapist, podologist, medical laboratory technician, occupational therapist, radiographer, speech therapist, health inspector lawfully practising before the coming into operation of this Act; and the Board for the Professions Supplementary to Medicine as the case may be shall register the names of all such professional persons in the appropriate registers, upon application by them to that effect. **Provision regarding persons registered with the Advisory and Executive Board.**

29. Nothing in this Act shall affect the right of any dental surgeon or dentist who had his name registered in the Register of Dental Surgeons before the coming into force of this Act, to continue to have his name so registered. Transitory provision.

Passed by the House of Representatives at Sitting No. 117 of the 8th July, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

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