

3.1 Healthcare Professionals Bill 2014 – Second Reading approved

The Speaker: Item 3, Bill for Second Reading. In respect of the Healthcare Professionals Bill, I call upon the Hon. Member for Douglas North, Mr Henderson, to move.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I am pleased to be able to move the Second Reading of the Healthcare Professionals Bill for the Department of Health.

The overarching purpose of the Healthcare Professionals Bill is to prescribe the manner in which certain healthcare professionals are required to be registered and for related purposes.

The main aim of the Bill is to facilitate new arrangements for doctors' revalidation by, in clause 5, giving the Department the legal authority to act as a designated body in the same way as a body in the UK would, so that it can appoint responsible officers. The appointment of responsible officers to report to the General Medical Council (GMC) is a new requirement. All doctors will be linked to a responsible officer, who must make a recommendation to the GMC on the fitness to practise of each doctor every five years.

For various reasons – some legislative, some contractual and some historical – the Island is inextricably linked to the United Kingdom in the area of regulating its healthcare professionals, and the Department of Health is therefore obliged to closely follow the UK if it is to be able to continue to employ the services of qualified registered healthcare professionals.

In researching how best to introduce new legislation for revalidation, it was identified that the existing legislation governing the regulation of various healthcare professionals would benefit from an update. Therefore, a secondary aim of the Bill is to update and improve the legislation around the regulation of various healthcare professionals, including doctors, nurses, midwives and, of particular interest to me, chiropractors – which I have been working for the last few years to include in such legislation, and I am pleased to be able to finally see this loophole on regulation here closed – osteopaths and some other relevant professionals, to bring the Island into line with the UK.

The interpretation in clause 3 establishes that all of the various healthcare professionals covered by the Bill will be subject to the same offences, and these offences are set out in part 3 of the Bill. The offences most significantly relate to operating as a healthcare professional without being registered with the legally recognised professional body in the UK.

The need for legislation to be introduced to allow doctors' revalidation is important and urgent, (**A Member:** Hear, hear.) so I hope that Members will give their support to this Bill so that it can be progressed as soon as possible.

The British Medical Association (BMA), which is the representative body for most doctors in the UK, has indicated that it is happy that the Bill establishes an equivalent regulatory system to the UK, and therefore has no objections to the Bill. Also, the Isle of Man Medical Society met last night and they wish to recognise that they support the BMA's letter which fully supported this Bill.

Vainstyr Loayreyder, I beg to move that the Healthcare Professionals Bill be read for the second time.

The Speaker: Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

Very pleased to second this. I think they are much needed, these amendments, and I would hope that the Hon. Member would support, in the future, the regulation of X-rays from some of these establishments, because it is of great concern to me that they do carry out X-rays and they

are not reported to the Hospital, and the case where people may get overdosed on radiation is a great concern.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

I too welcome this initiative. The simple question I ask the mover of this is, regarding revalidation for any doctors pending revalidation, will there be something to indicate a doctor or a practitioner, or any other organisation involved in this, is pending revalidation; and if that takes a long time? How would a person know that your doctor or your own person is not competent at the present time?

The Speaker: Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I congratulate the Hon. Member for North Douglas for bringing forward this Bill this morning and for being persistent in ensuring that legislation was brought forward to regulate chiropractors and osteopaths, because I do know it has been a personal wish of his and his colleague, Mr Houghton of North Douglas, for a considerable time. So I first of all give praise to him for being persistent and willing to bring it forward to the House.

My understanding at the moment is that for the doctors who are established at Noble's Hospital, and probably Ramsey Cottage Hospital, validation is undertaken by the Director of Noble's Hospital. That is my understanding. I just wonder, am I correct in that – because this legislation seems to refer to a series of professionals who will do the revalidation of all the different categories. I just wonder how, in practice, it will actually work; and are we moving from the Director being the all-powerful one at Noble's Hospital, doing all the revalidation of all the surgeons, to a much more balanced revalidation programme, and if it is actually going to cost any more money in bringing it in.

Thank you.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

If I can help the previous speaker, there are no doctors at Ramsey Cottage Hospital particularly attached there – other than the GPs in the practice, who obviously would have to have revalidation.

Could I ask the hon. mover, in relation to clause 6, is there any evidence that people are representing themselves? Do you see them in public, representing themselves as healthcare professionals? Is there any evidence at all that this is happening?

If there is and it does happen, what are the powers for the Department to take...? And if people are found to be guilty of misrepresentation, would it be the intention to publicise these in the newspapers etc, in the press, so that the public are well aware that this is happening?

The Speaker: I call on the mover to reply.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

I thank all the Hon. Members who have had input into this small but important piece of legislation for Second Reading this morning.

The first query was from my hon. seconder, Mr Cregeen, whom I thank for doing that. He queried about X-rays. The point of this legislation is entirely to do with the legalities of registration. It is about building the confidence of the public and raising the standard of our

healthcare professionals. The query with X-rays... I know where he is coming from on this, because I too have received enquiries from members of the public with regard to establishments in the Island that call themselves healthcare clinics, or do some sort of advertising to indicate that they are doing some sort of therapeutic work and that they have access on their own premises to X-ray machines.

The professional use of such items and the professional guidelines which Noble's uses is a completely different matter. However, if there was a healthcare professional who was using such a machine in a manner which breached a professional code of conduct, then it is up to a complaint to be progressed in that matter, and I would be happy to look into any such issues on that front.

The legislation specifically is more to do with the registration, although it can, as a side effect, concern itself slightly with professional behaviour and where to direct a complaint to. It may be that the Hon. Member would be well advised to communicate with our radiology department on the professional code of conduct or systems that are used for X-ray and the re-use of X-ray, which are quite clear.

Mr Quayle queried about revalidation and how does the public know. When the process kicks in properly, then the UK professional register is available publicly and questions can be asked of any particular practitioner – and it can be checked quite easily, which is the whole point of the thing.

Mrs Cannell wanted to know – and I thank her for her kind comments, because it has been a long road to get one small clause in here and it has taken some quite considerable effort, albeit the main part of the Bill is to do with medical practitioners – will the Director become the responsible officer. The answer is that at the minute it is envisaged that the Medical Director will assume... or whoever the Medical Director is in the future will assume that role of the senior responsible officer, and he has already been away on training courses to update in this direction.

I can see that it will be a big job, and as time goes on the structure will have to be incorporated within the Health Service to cope with this. I am sure there will be some assistance as regards this, and we will just have to see how the situation unfolds – but unfold it will have to.

I cannot say if there will be a cost or not a cost. There possibly will be a small cost. There will certainly be an additional use of the responsible officer's time in this role, but it is something that we will have to do. We have no choice in it: we have to mirror what is happening around us, and certainly within the UK, to ensure that our medical practitioners are up to the standard that we wish and in the adjacent jurisdictions. We have to have the reciprocity there.

Mr Singer specifically looked at clause 6 and the misrepresentation. The honest answer is yes, there have been misrepresentations, and I am thinking of one particular one from about six or seven years ago from one of my constituents, which started this all off in the first place. That was dealt with, it was dealt with in a court of law and it was well publicised.

With the implementation of this legislation, however, it makes it very clear to anyone who wishes to access the services of a healthcare professional that they should be registered, within the UK normally, with a UK professional body, and it clearly sets out a set of guidelines so the public can be reassured that the treatment that they are receiving is actually up to the standard that they are anticipating.

As such, this Bill now recognises that for anyone who is pretending or purporting to be a healthcare professional there is a fine of £5,000.

Mrs Cannell: No, it is not enough.

Mr Henderson: Certainly, the Department will wish to know about any such person in the future and I am sure the Department will not hesitate to bring an individual to court who is in breach of this legislation, and I am sure that it will be very well publicised and the public will know.

With that, Vainstyr Loayreyder, I thank Hon. Members for their input and ask for their support on the Second Reading.

The Speaker: Hon. Members, I put the motion that the Healthcare Professionals Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.