

### 5.3 Health Care Professionals Bill 2014 – Third Reading approved

**The Speaker:** The Health Care Professionals Bill. I call on the mover, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

I am pleased to be able to move the Third Reading of the Health Care Professionals Bill for the Department of Health and thank Members for their contributions during the previous stages of the Bill.

The overarching purpose of this Bill is to prescribe the manner in which certain health care 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 giving the Department the legal authority to act as a designated body, in the same way as the body in the UK would, so that it can appoint the responsible officers to report to the General Medical Council on the fitness to practise of every doctor on the Island once every five years.

The Bill also updates and improves the legislation around the regulation of various health care professionals – including doctors, nurses, midwives, chiropractors and osteopaths – to bring the Island into line with the UK.

During consideration of the clauses for this Bill, the Hon. Member for East Douglas, Mrs Cannell, asked for further details about anybody who had not indicated support for the proposals during the consultation process of the Bill. I am pleased to confirm that only one person refused to support the proposals, and their views were so contrary to the views of the General Medical Council, the Department and the rest of the respondents, that they could not be seriously considered.

Mrs Cannell also asked about the regulations which are referred to in this Bill. I can confirm that no local regulations are anticipated. However, under clause 5, which deals with the appointment of responsible officers to evaluate and report on the fitness to practice of doctors, it is established that... [*Inaudible*] the Island in relation to doctors' revalidation is to be done in accordance with the UK Responsible Officers Regulations. This is to make sure that, going forward, the Island stays in train with the UK in this most important area.

With regard to the appointment of a responsible officer for the Isle of Man, I have previously stated that it is the intention of the Department that the Medical Director will take on this role.

Mrs Cannell queried whether this might change in consequence of the Beamans review and the proposal that in future the Medical Director will not have any clinical duties. I am pleased to reassure the Hon. Member that the implications of the review will be carefully considered to ensure that the Department will still be in a position to appoint a suitably qualified responsible officer as soon as the Bill comes into effect.

Mrs Cannell also spoke about the potential length of suspensions which would stop a health care professional from carrying out their functions. As I said in my response, the length of a suspension depends very much on what a person was suspended for in the first place. The Department has very limited influence in this, and for the most part we would be in the hands of the regulatory body for the profession concerned and would have to abide by their timescales for consideration of the matter in hand.

Finally, the Hon. Member for Ramsey, Mr Singer, queried the level of the penalties attached to the offences in the Bill. As I stated previously, the Department is of the view that, for the time being, the penalties should remain as they are set out in both the existing Manx legislation and the equivalent UK legislation. This is because the offences in the Bill essentially deal with the protection of professional titles and would also give the Department the power to act in the case of an individual purporting to be a health care professional or undertaking health care professional activities when they should not be, thus providing an element of prevention.

More serious matters relating to the conduct of health care professionals would either be dealt with via the disciplinary procedures of the various UK regulatory bodies, or via other existing legislation. Under the rules of the various healthcare professions, any person being dealt with under

either of these processes would, in the case of alleged serious misdemeanours, be unable to practise while outstanding matters were being investigated.

I understand the Hon. Member's concerns in this regard and fully sympathise with him. I can assure him that the Department will be watching closely how this part of the Bill works and should it be felt that an increase in the penalties necessary, will give this further consideration.

In summary, Vainstyr Loayreyder, I would just confirm that the need for the legislation to allow doctors' revalidation is important and urgent to ensure that doctors can continue to practise on the Island, so I hope that Members will continue to give their support to this Bill so that it can be progressed as soon as possible.

I must thank the Department's staff for their help and support in the construction and presentation of this Bill – Colin Brew and Kate Usher in particular – and also to Simon Jackson in the background. I also thank local practitioners who have provided unwavering support to me personally for the progression of this legislation – Dr Chris Walker being one of them. I must also thank all those who took part in the consultation and gave their support. I also thank Mr Cregeen for seconding the Bill during its progression in this House.

I am particularly very pleased that the Department has agreed to place the regulation of chiropractors within the Bill. It has taken me a long time to achieve this.

Vainstyr Loayreyder, I beg to move that the Health Care Professionals Bill be read a third time.

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.  
I am more than happy to second.

**The Speaker:** Mr Karran.

**Mr Karran:** Eaghtyrane, I would just like to say that I think that the proposed bill is a step in the right direction.

I just wondered... I did raise it outside this chamber with the mover, about the issue of insurance cover. Will there be any responsibility as far as professional insurance cover as far as this Bill coming in to regulate?

I just would like to say that I have no problem with the Bill. I am just very disappointed that we saw the ministers vote against... that we could not get the rest of the Questions answered in this forum, and there is no excuse for it.

**Mrs Cannell:** Hear, hear.

**The Speaker:** Mr Henderson to reply.

**Mr Henderson:** Gura mie eu, Eaghtyrane. Loayreyder  
I thank the Hon. Member for his comments.

The insurance issue is a matter for each medical professional to have their own professional indemnity insurance, and also through their own professional bodies. Any self-respecting *bona fide* medical professional, as used in the widest term in this Bill, encompassing all the professions mentioned, will have their own issues sorted out and it is something certainly that members of the public should look at when they are engaging the services of the medical profession, such as the chiropractor or other matters.

**The Speaker:** Hon. Members, I put the question that the Health Care Professionals Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business of the House today.

May I congratulate those Members answering Questions for the first time in their capacity as Minister – on this occasion, Mr Quayle. (**Several Members:** Hear, hear.)

I have been asked to remind Members of a briefing at 1.30 by the Department of Education and Children on the future of the 14-16 qualification reform consultation.

With that, the House will now stand adjourned until the next sitting, which will take place at 10.30 on 18th March in Tynwald Chamber.