

7. Health Care Professionals Bill 2014 – First Reading approved

Mr Butt to move:

That the Health Care Professionals Bill 2014 be read a first time.

The President: The Health Care Professionals Bill 2014. I call on Mr Butt to move the First Reading.

Mr Butt: Thank you, Madam President.

I move the First Reading of the Health Care Professionals Bill for the Department of Health.

The overarching purpose of the Health Care Professionals Bill is to prescribe the manner in which certain health care professionals are required to be registered, and other related purposes.

The main aim of the Bill is to facilitate new arrangements for doctors' re-validation by, in clause 5, giving the Department legal authority to act as a designated body – in the same way as a health body in the UK would – so that it can appoint responsible officers. A responsible officer is a person – usually a senior doctor – responsible for validating the practise of other doctors.

The appointment of the responsible officers, to report to the General Medical Council, is a new requirement. All doctors will be linked to the responsible officer, who must make a recommendation to the General Medical Council 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 with the United Kingdom in the area of regulating its healthcare professionals. 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 health care professionals.

While researching how best to introduce new legislation for re-validation, it was identified that the existing legislation governing the regulation of various health care 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 health care professionals, including doctors, nurses and midwives, to bring the Island into line with the United Kingdom.

Newly introduced into the Bill is the registration and regulation of chiropractors, osteopaths and some other relevant professionals – again to bring the Island into line with the United Kingdom.

The interpretation in clause 3 establishes that all of the various health care professionals covered by the Bill will be subject to the same offences.

These offences are set out in part 3 of the Bill. The offences most significantly relate to the operating as a health care professional without being registered with a legally recognised professional body in the UK. These offences include those of falsely representing, with intent to deceive, that a person is a health care professional, of implying they are a health care professional, allowing themselves to be described as a health care professional and of representing another as a health care professional. There are also offences of practising while suspended and pretending to have a licence to practise.

The need for legislation to be introduced to allow doctors re-validation is important and urgent, 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, which is the representative body for most doctors in the United Kingdom, has indicated that it is happy that the Bill establishes an equivalent regulatory system to the United Kingdom and, therefore, has no objections to the Bill.

Madam President, I beg to move that the Health Care Professionals Bill be read for the first time.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: Mr Downie.

Mr Downie: Yes, Madam President.

I understand the logic behind the Bill – that we do not get ourselves out of kilter with what is going on on the adjacent isle and UK registration – but I am concerned about the emergence of things that 10 years ago were not accepted but are now looking to be fully registered. For example, years ago there was no way an osteopath would ever get onto any form of their acceptable registration because they were not considered to be medical people.

I do not know whether there will be a category at some stage for people who provide acupuncture and alternative medicine. Is there a UK body that deals with this? Is there a relevant professional organisation?

The one I do not see mentioned here in the legislation is that you can now be a professional paramedic and a first responder; and I noticed lots of the health districts in the UK are employing people to go out on motorcycles and do all sorts of other things, and you have air medics as well. So it is just food for thought really.

I understand the Department's situation and requirement for this. I would just like to hear from the mover as to whether or not we can bring some of these other areas in and hopefully provide legislation for a few more years to come.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

Can I ask the mover whether, without this legislation, the clinicians and medical staff that we have working in the Isle of Man in these areas can actually re-validate their qualifications, as they are required at the moment by their professional bodies? I am taking it that, unless we pass this, the professional bodies will not accept re-validations.

Thank you.

The President: The mover to reply.

Mr Butt: Thank you, Madam President.

In response to Mr Downie, the chiropractors and osteopaths are registered in the United Kingdom, under legislation there, as medical practitioners and they do provide health care; so they are not an 'alternative therapy', should we say, like acupuncture, as such. So we are staying in line with the United Kingdom as far as we can.

I think there is some provision further in the Act where they can make incidental, supplementary, consequential and transitional provisions, as expedient under section 12, which may cover anything in the future that comes along in terms of other practises. This is not concerned with the registration of paramedics or those types of people at the moment; it is only in line with what the United Kingdom currently register.

In reply to Mr Coleman, yes, he is accurate: there is some urgency with this legislation because we have to stay in line with the United Kingdom and re-validate our doctors in accordance to the United Kingdom so they can practise here.

Currently, we have a medical director who is in the process of undergoing a re-validation, but we are now being set up as a separate health authority with powers to undertake those inspections and this Bill does give whoever is appointed as a responsible officer... to undertake those inspections.

We need to get on with this work and I would be grateful for the support for this Bill. That is the main thrust of the Bill, to be honest – the registration of the responsible officer and the powers that he is given by this Bill. So I beg to move, Madam President, the First Reading.

The President: The motion is that the Bill be read a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes consideration of our Order Paper, Hon. Members. Council will now adjourn until Tuesday, 1st April.