

CHAPTER 372C

PARAMEDICAL PROFESSIONS

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FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 372C

PARAMEDICAL PROFESSIONS

An Act to provide for the registration of members of certain professions supplementary to medicine, the regulation of the conduct of, and the training for, members of those professions, and for related purposes.

1975-5.
1975-24.
1978-45.
1997-12.
2003/125.
2006/100.
2008/62.

[1st January, 1976] Commence-
ment.
1976/2.

1. This Act may be cited as the *Paramedical Professions Act*. Short title.

2. (1) For the purposes of this Act, Interpretation.

"annual registration fee" means the fee payable annually in accordance with section 4 of the *Profession, Trade and Business Registration Act*; Cap. 373.

"Council" means the Paramedical Professions Council established by section 3;

"dental practitioner" means a person registered under the *Dental Registration Act*; Cap. 367.

"first registration fee" means the fee payable on first registration in accordance with section 3 of the *Profession, Trade and Business Registration Act*; Cap. 373.

"medical practitioner" has the same meaning as in section 2 of the *Medical Registration Act*; Cap. 371.

"Minister" means the Minister responsible for Health;

"paramedical practitioner" means a person whose name appears on the register;

- First Schedule. "paramedical profession" means any profession specified in the *First Schedule*;
- "paramedical services" means such services as are performed by members of a paramedical profession;
- "register" means the Paramedical Professions Register required to be kept by the Registrar under section 6;
- "Registrar" means the Registrar of the Supreme Court;
- "Secretary" means the person for the time being performing the functions of Secretary to the Council.
- First Schedule. (2) The Minister may by order amend the *First Schedule* by inserting therein or deleting therefrom any profession.
- Establishment of Paramedical Professions Council. Cap. 1. **3.** (1) For the purposes of this Act, there is hereby established a Council to be known as the Paramedical Professions Council.
- (2) The Council shall be a body corporate and section 21 of the *Interpretation Act* shall apply thereto.
- Second Schedule. (3) The provisions of the *Second Schedule* shall have effect with respect to the constitution of the Council and otherwise in relation thereto.
- Council to report to and advise Minister. **4.** The Council shall
- (a) as soon as practicable after the beginning of each year submit to the Minister a report of its activities during the preceding year; and
- (b) advise the Minister where necessary on matters relating and incidental to
- (i) the performance of paramedical services in Barbados; and
- (ii) the maintenance of a good standard of those services.

5. (1) Where there is an insufficient number of persons qualified and willing to serve as members of the Council, the Minister may by order appoint a person to be Commissioner for the purpose of performing the functions of the Council under this Act, the rules and the regulations. Commissioner in lieu of Council. 1975-24.

(2) Where an order under subsection (1) is in force, a reference in this Act, the rules, or the regulations to the Council shall be construed as a reference to the Commissioner appointed by the order. 1975-24.

6. (1) The Registrar shall keep a register, to be known as the Paramedical Professions Register, which shall be divided into as many parts as there are paramedical professions and in which he shall cause to be entered in respect of each person entitled to be registered under section 7 Register of paramedical practitioners.

- (a) his full name and address;
- (b) the date of his registration; and
- (c) a description and the date of the qualification in respect of which he is registered.

(2) The register shall at all reasonable times be open to inspection at the Registration Office.

(3) The Registrar shall make such alterations in the addresses and qualifications of paramedical practitioners as are necessary and shall remove from the register the name of a paramedical practitioner who is deceased or no longer qualified to practise his profession in Barbados.

(4) A person whose name is not entered in the register shall be deemed not to be a paramedical practitioner for the purposes of this Act.

7. (1) A person who, after 1st January, 1976, applies to the Council to be registered as a paramedical practitioner and who satisfies the Council that First registration.

- (a) he can read, write, speak and understand the English language;
- (b) he is qualified to be so registered; and
- (c) he is a fit and proper person to practise his profession in Barbados,

is entitled, upon compliance with this Act and on payment of the first registration fee, to be registered under this Act.

1978-45.

(2) For the purposes of subsection (1), and subject to section 8, a person is qualified to be registered as a paramedical practitioner if he holds a diploma, degree, membership, licence, certificate or other status or form of recognition granted by a University, College or body empowered to confer authority to practise any paramedical profession by the law of the country or place where it is granted and which in the opinion of the Council is evidence of satisfactory training in that profession.

(3) An application for registration under this Act shall be made in the form approved by the Council, and an applicant shall furnish to the Secretary

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- (a) evidence of his qualifications;
- (b) proof of his identity; and
- (c) such further or other information as the Council requires in respect of the matters specified in paragraphs (a) and (b) of subsection (1).

Examina-
tions.

8. (1) Notwithstanding section 7, a person who is not qualified to be registered under subsection (2) of that section, but who

- (a) holds a diploma, certificate or other status or form of recognition granted by a University, College or body empowered to confer authority to practise any paramedical profession by the law of the country or place where it is granted; or
- (b) has for not less than 5 years immediately preceding the 1st January, 1976 been engaged in Barbados in the performance of a paramedical service,

may apply to the Council to be registered, and the Council in its absolute discretion may require the applicant to undergo such training and submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory paramedical training.

(2) Where the Council requires an applicant to submit to an examination under subsection (1), it shall, as soon as practicable, cause the applicant to be notified of its decision.

(3) For the purposes of any examination required under subsection (1), the Council shall appoint a Board of Examiners, in this section referred to as "the Board", consisting of not less than 2 and not more than 3 paramedical practitioners, to set and conduct the examination in such subjects as the Council directs.

(4) A candidate shall pay to the Secretary such examination fee as the Council, with the approval of the Minister, determines.

(5) The Board shall as soon as practicable after the examination report its findings thereon to the Council.

(6) Where the Board finds that a candidate is sufficiently informed and skilled in the subjects in which he is examined, he shall be deemed on receipt of the report by the Council of

those findings to have satisfied the Council that he is, subject to subsection (7), qualified to be registered as a paramedical practitioner.

(7) The Council may, when permitting the registration of a person to whom this section applies, impose such conditions and restrictions as it thinks fit as to the nature of the paramedical service he may perform.

(8) Where the Board reports to the Council that a candidate has been unsuccessful in an examination under this Act, he shall not, unless the Board so recommends, be permitted to present himself for further examination until the expiration of 6 months from the date of the examination in which he was unsuccessful.

(9) A candidate who is unsuccessful in an examination under this section shall, before being permitted to present himself for further examination, comply with such conditions as the Council requires, including the payment to the Secretary of such further fee as the Council, with the approval of the Minister, determines.

9. (1) The Registrar shall, in respect of the registration of a person under section 7, issue to that person a certificate to be called a practising certificate.

Practising certificate and annual registration.

(2) A paramedical practitioner who desires to practise as such in Barbados in any year shall, in the month of January in that year, apply to the Registrar for a practising certificate and the Registrar shall on payment of the annual registration fee issue to him a practising certificate.

1978-45.

(3) Where a paramedical practitioner applies to the Registrar for a practising certificate in a month other than January, the Registrar shall on payment of the additional sum imposed by section 10 issue to him a practising certificate.

(4) A practising certificate is valid for the year in which it is issued and expires on the 31st January of the ensuing year.

(5) The annual registration fee payable under this Act becomes due and payable on the 1st January in each year.

10. A person required by section 9 to pay an annual registration fee who fails to pay such fee during the month of January in any year

Penalty for late payment of annual registration fee.

shall, in respect of his registration for that year, pay to the Registrar in addition to the annual registration fee a sum equal to that fee.

Effect of refusal or failure to pay annual registration fee.

11. A person who

(a) is by section 9 required to pay an annual registration fee; and

(b) refuses or fails to pay such fee during the month of January, shall be deemed not to be registered for the purposes of this Act.

Exemption of whole-time public officials from payment of registration fee.

12. No fee shall be payable in respect of registration under this Act of any person who is employed on a whole-time basis in the public service.

Additional qualifications.

13. Where a paramedical practitioner obtains a qualification approved by the Council as higher than or additional to that in respect of which he is registered, he is entitled without payment of fees additional to those referred to in sections 7 and 9 to have that higher or additional qualification entered by the Registrar in the register in substitution for, or in addition to, the qualifications in respect of which he is registered.

Publication of lists of paramedical practitioners.

14. (1) The Registrar shall cause to be published in the *Official Gazette*

(a) in the month of February in every year in respect of each paramedical profession an alphabetical list of persons who have, at the 31st January in that year, registered their names as required by section 9;

(b) as soon as practicable after registration, the name of any person who registers his name as a paramedical practitioner after the 31st January in any year.

(2) A copy of the *Official Gazette* containing the list referred to in paragraph (a) of subsection (1) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence in a court of the registration and qualifications of any person mentioned in the list or of that person, and such list is *prima facie* evidence of the non-registration of any person whose names does not appear therein.

Disciplinary proceedings.

15. (1) A paramedical practitioner who

(a) is convicted of an indictable offence in Barbados; or

(b) is convicted of such offence outside Barbados; or
 (c) is alleged to be guilty of professional misconduct,
 is subject to disciplinary proceedings.

(2) If in any proceedings under subsection (1) the Council is satisfied that a paramedical practitioner has been convicted of an offence under paragraph (a) or (b) of that subsection, or that he has been guilty of professional misconduct, it may—

- (a) censure him; or
- (b) direct the Registrar to—
 - (i) suspend his registration for a period not exceeding one year, or
 - (ii) remove his name from the register.

16. Where in the opinion of the Council it is—

- (a) inexpedient; or
- (b) against public interest; or
- (c) not in the interest of the health of a patient,

Suspension
from practice
pending
disciplinary
proceedings.

that a paramedical practitioner should continue to practise pending the institution of disciplinary proceedings, the Council may direct the Registrar to suspend the registration of that paramedical practitioner.

17. (1) Where the Council under section 15 or 16 directs—

- (a) the suspension of the registration; or
- (b) the removal of the name from the register,

Notice to
Registrar of
Council's
decision and
publication
in *Official
Gazette*.

of any paramedical practitioner, the Secretary shall immediately give notice in writing to the Registrar of that suspension or direction.

(2) The Registrar shall as soon as practicable after receiving a notice under subsection (1) cause notice of the Council's decision to be published in the *Official Gazette*.

18. Where the name of a paramedical practitioner is removed from the register, the Council may in writing require that person to return to the Registrar his certificate of registration, and that person shall comply with the requirement.

Return of
certificate of
registration
to Registrar.

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Unfitness to practise.

19. (1) The Council may enquire into the state of health of any paramedical practitioner who appears to be suffering from an illness rendering him unfit to practise his profession, and the paramedical practitioner shall submit to the enquiry.

(2) Where after an enquiry held under subsection (1) the Council is satisfied that a paramedical practitioner is unfit to practise his profession, it may have recourse to any of the measures referred to in paragraph (b) of section 15 (2) and that paramedical practitioner shall be notified in accordance with section 20 of the Council's decision.

Person affected by a decision of the Council to be notified.

20. Where the Council—

- (a) refuses to approve the registration of a person under this Act; or
- (b) directs the suspension of the registration of a paramedical practitioner; or
- (c) directs the removal of the name of a paramedical practitioner from the register,

the Secretary shall within seven days of such refusal or direction give written notice thereof to the person affected.

Restoration of name to register and publication in the *Official Gazette*.

21. (1) A paramedical practitioner whose name has been removed from the register may, after the expiration of one year from the date of such removal, apply to the Council to have his name restored to the register.

(2) Where the Council is satisfied that an applicant under subsection (1) has established sufficient grounds to support his application, it may direct the Registrar to restore the applicant's name to the register.

(3) Notwithstanding subsections (1) and (2), the Council may, at any time, direct the Registrar to restore to the register any name that has been removed therefrom.

Appeals.

22. (1) Subject to subsection (4), any person who is aggrieved by the refusal of the Council to approve his registration under this Act or by its decision to censure him or direct the suspension of his registration or cause his name to be removed from the register may, within three months of his being censured or of the receipt by him of a notice under

section 20, appeal to a Judge in chambers whose decision shall be final.

(2) The Council may, pending an appeal under subsection (1) of any person aggrieved by its decision to direct the suspension of his registration or cause his name to be removed from the register, on the application of that person suspend the operation of any such decision until the determination of the appeal.

(3) The Judge may

(a) on hearing an appeal against refusal to approve registration dismiss the appeal or allow the appeal and direct the Council to approve the registration;

(b) on hearing an appeal other than an appeal against refusal to approve registration

(i) dismiss the appeal and confirm the decision of the Council; or

(ii) allow the appeal and set aside the decision of the Council; or

(iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council is made be re-conducted by the Council; or

(iv) set aside the penalty imposed by the Council and impose in substitution therefor such other penalty under section 15(2) as he thinks fit.

(4) Notwithstanding subsection (1), no appeal may be made under this section against refusal of an application for registration in a case in which such registration is conditional upon the applicant's satisfying the Council that he is qualified to be registered.

23. (1) Subject to the approval of the Minister, the Council may make rules for any of the following purposes: Rules and regulations.

(a) prescribing qualifications for admission of persons for training in any paramedical profession;

- (b) prescribing the course and programme of training and the curricula of study to be followed in the preparation of persons for registration as paramedical practitioners in any paramedical profession;
 - (c) the conduct of examinations and related matters;
 - (d) prescribing the examinations to be passed and other requirements to be satisfied, whether in addition or as an alternative to the passing of examinations by persons applying for registration under this Act;
 - (e) prescribing the nature of the services which may be rendered by paramedical practitioners in any paramedical profession;
 - (f) the determination of professional conduct and general fitness to practise any paramedical profession;
 - (g) the institution of disciplinary proceedings in relation to any charge under section 15(1), and the manner in which such proceedings shall be conducted;
 - (h) providing for the approval of the establishment, maintenance and policy of schools or training centres for the education and training of persons desiring to be trained in any paramedical profession; and
 - (i) respecting the formation of special boards or committees for any paramedical profession, and determining the functions of members of such boards or committees in order that the highest standards of qualification may be achieved.
- (2) Without prejudice to subsection (1), the Minister may make regulations generally for carrying out the provisions of this Act and for any of the following purposes
- (a) prescribing the fees payable for registration under this Act;
 - (b) prescribing anything not mentioned in subsection (1) that is by this Act required to be prescribed.

(3) Regulations made under this section may contain different provisions in relation to the several paramedical professions specified in the *First Schedule*.

First
Schedule.

24. Where

Offences.

(a) a paramedical practitioner practices a paramedical profession other than that in respect of which he is registered; or

(b) a person who is not a paramedical practitioner

(i) uses any name, title, addition or other description implying or calculated to imply that he is recognised by law as a person authorised or qualified to practice any paramedical profession;

(ii) assumes or uses any affix or prefix indicative of any occupational designation relating to the practice of any paramedical profession;

(iii) advertises or holds himself out as a person authorised or qualified to practice any paramedical profession; or

(iv) engages in the practice of any paramedical profession,

he is guilty of an offence and liable on summary conviction, in the case of a first offence, to a fine of \$500 or to imprisonment for 3 months or both, and in the case of a subsequent offence, to a fine of \$1 000 or to imprisonment for 6 months or both.

25. Nothing in this Act prevents the performance of paramedical services in any paramedical profession by a person in training therein if those services are performed under the direct supervision and control of a paramedical practitioner registered in that paramedical profession, or of a medical or dental practitioner.

Performance
of para-
medical
services by
students.

26. (1) Subject to subsection (3), a person who for the purpose of practising a paramedical profession has in his possession or control paramedical appliances or supplies is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months or both.

Possession
or control of
paramedical
appliances
or supplies.

(2) For the purposes of subsection (1), possession or control of paramedical appliances or supplies by a person is *prima facie* evidence that the possession or control is for the purpose of practising a paramedical profession.

(3) Subsection (1) does not apply to the possession or control of paramedical appliances or supply by

- (a) a person registered under this Act;
- (b) a dealer in paramedical appliances or supplies;
- (c) a person permitted by the Council to have such possession or control; or
- (d) a person registered under

Cap. 371. (i) the *Medical Registration Act*, or

Cap. 367. (ii) the *Dental Registration Act*,

or any person acting under the instructions of a person registered under those Acts.

(4) A magistrate who is satisfied upon information on oath that there are reasonable grounds for believing that there are in any building or premises paramedical appliances, supplies or other devices which will afford evidence as to the commission of an offence under this section, may issue a warrant under his hand authorising any member of the Police Force named in the warrant to enter and search the building or premises and to seize such paramedical appliances, supplies or devices.

Cap. 116A. (5) Subsections (2) and (3) of section 84 of the *Magistrate's Courts Act*, apply to a search warrant issued under subsection (4) as they apply to a search warrant issued under that section.

Recovery
of unpaid
registration
fees.

27. Without prejudice to sections 11 and 24, any registration fee payable under this Act which remains unpaid after one month from the date on which such fee becomes payable may be recovered as a debt due to the Crown in civil proceedings before a magistrate for District "A".

- 28.** All fees collected by the Registrar under this Act shall be paid into the Consolidated Fund. Payment of fees into Consolidated Fund.
- 29.** The Minister may by order amend the *First Schedule* by the addition thereto or the deletion therefrom of any paramedical profession. Power to amend First Schedule.
- 30.** Any expenses incurred by the Council in the performance of its functions under this Act and the rules and regulations shall be defrayed out of moneys voted for the purpose by Parliament. Expenses.
- 31.** Nothing done by any member of the Council, the Secretary or any person acting under the authority of either of them shall, if such thing was done *bona fide* for the purpose of executing any of the provisions of this Act, the rules or the regulations, subject such person to any action, liability, claim or demand whatsoever. Exemption from liability. 1975-24.

FIRST SCHEDULE

(Section 2(1))

Paramedical Professions

For the purposes of this Schedule, the expression "prescription" means a direction issued by a dental practitioner, a medical practitioner, a legally qualified veterinary practitioner, or a person qualified under this Act to practise optometry as described in paragraph 4.

1. *Deleted by 2003/125.*
2. Medical Laboratory Technology — the examination under prescription of specimens of or from a human or animal body for the purpose of diagnosis and treatment of disease or injury, or the examination with or without prescription of specimens of food, drugs, cosmetics, water or any other substance for the purpose of detecting the presence of bacterial or chemical contamination and toxic or pathogenic organisms or substances. 1975-24.

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- 1975-24. 3. Occupational Therapy — any form of activity under prescription for the purpose of contributing to the recovery of a person from disease, injury or psychiatric disorder, or for the improvement or maintenance of body functions designed to assist a person to engage in normal activities and employment.
4. Optometry — the measurement of or the attempt to measure, by any means other than the use of drugs, the refractive or muscular condition of the eye, the prescribing of any ophthalmic lens or lenses or the prescribing of any spectacles or eyeglasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye, and includes the furnishing of eyeglasses therefor.
5. Ophthalmic Dispensing — the dispensing under prescription of any ophthalmic lens or lenses, spectacles or eyeglasses for the relief or correction of any visual or muscular error or defect of the eye, but does not include the sale by any person of sunglasses that are not ground to prescription.
- 1975-24. 6. Physiotherapy — the treatment under prescription of a patient by physical or mechanical means, exercise, the application of splints and appliances, hydrotherapy and medical electricity, such treatment being for the therapeutic purpose of maintaining or restoring function that has been impaired by injury or disease.
- 1975-24. 7. Clinical Psychology — the study and psychotherapeutic treatment of human behaviour in all its aspects including the deviations from normal behaviour, based upon a psychological assessment of the existence or non-existence of psychiatric or psychoneurological abnormality and the casual relationship thereof to overt behaviour.
8. Diagnostic Radiography — the exposure under prescription by X-radiation of any part of the body for the purpose of diagnosis of disease or injury and the processing of X-ray film.
9. Therapeutic Radiography — the application under prescription of X-radiation, gamma radiation and ionising radiations for the treatment of disease in or injury to the human body.
- 1997-12. 10. Dietetics — the science of planning and regulating feeding according to nutritional needs and principles, especially in the patient care services in hospitals and other health care institutions and facilities.
11. Nutrition — the study of the chemistry of food and its relation to health and disease. The assessment of the nutritional value of food consumed by individuals and the planning and implementation of educational programmes designed to improve and maintain the nutritional status of the population.

12. Cardiac Technology —the examination (invasive and non-invasive) under prescription of the human cardio-vascular system for the purpose of diagnosis of disease or injury.

13. Speech Language Pathology —the study of the aspects of functional and organic speech or language disorders.

14. Audiology —the study of hearing disorders through the identification and measurement of hearing function loss, as well as the rehabilitation of persons with hearing impairments.

15. Chiropody/Podiatry —the study and care of the foot, including its normal structure, its diseases and their treatment.

16. Nuclear Medicine —the administration, under prescription, of radio pharmaceuticals for the purpose of the diagnosis or treatment of disease in the human body.

17. Counselling Psychology — the study and treatment of maladaptive human behaviour, including emotional behaviour and the study and application of career and vocational assessment and adaptation.

18. Educational Psychology — the application of psychology to education, especially to problems of teaching and learning.

19. Acupuncture — a technique of insertion of special needles into particular parts of the body for the treatment of disease, relief of pain or production of anaesthesia.

20. Orthoptics — the study and treatment of muscle imbalances of the eye (squint).

21. Osteopathy — the diagnosis and manual treatment of many problems affecting the neuromuscular-skeletal systems, with main emphasis on the structural and mechanical problems. Treatment includes a variety of soft tissue 'massage type' techniques and repetitive stretching movements. Adjunctive physical procedures are also included.

22. Reflexology — stimulation of the various reflex points of the foot as a means of balancing the systems of the body to improve their function and well-being.

23. Chiropractic — the diagnosis and treatment of problems affecting the neuromuscular-skeletal systems. Treatment includes the manipulation and adjustment of the spine and other anatomical structures as well as adjunctive physical procedures and diagnostic imaging.

24. (1) Pre-hospital Emergency Care — the management of adult and 2006/100. paediatric patients with traumatic and non-traumatic conditions.

(2) The services of the paramedical profession of Pre-hospital Emergency Care are the provision of paramedical services by the following:

- (a) an emergency medical dispatcher - a person responsible for the receipt of emergency calls, the appropriate questioning and collating of information, the dispatch and the issuing of pre-arrival instructions;
- (b) an emergency medical technician - a person who provides basic and limited advanced medical care and transportation for persons with traumatic or non-traumatic conditions; and
- (c) a paramedic - a person who provides basic and advanced emergency care for persons with traumatic and non-traumatic conditions.

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- 2008/62. 25. Orthotics - the science and practice of making and fitting of orthoses used in the treatment of physical impairments cause by congenital defects, disease or trauma.
- 2008/62. 26. Prosthetics - the science and practice of making and fitting of prostheses used in the treatment of physical impairments caused by congenital defects, disease or trauma.

SECONDSCHEDULE

(Section 3)

Constitution of Paramedical Professions Council

1. Subject to paragraph 3, the Paramedical Professions Council shall consist of the following persons:
 - (a) the Chief Medical Officer or his nominee;
 - (b) 2 paramedical practitioners appointed by the Minister;
 - (c) 4 members appointed by the Minister on the recommendation of an association of the paramedical practitioners approved by the Minister;
 - (d) where no association of paramedical practitioners referred to in paragraph (c) exists, 4 paramedical practitioners appointed by the Minister.
2. The Council may
 - (a) appoint committees composed of members of the Council and of medical or paramedical practitioners, not being members of the Council, for the proper carrying out of its functions; and
 - (b) delegate to such committees any functions it considers necessary.
3. (1) Members of the Council other than the Chief Medical Officer shall hold office for 2 years, but are eligible for re-appointment.
 - (2) Notwithstanding sub-paragraph (1), no member of the Council other than the Chief Medical Officer shall hold office for more than 2 consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.

(3) In the case of the first Council constituted after 1st January, 1976, one of the persons appointed by the Minister under paragraph 1(*b*) and 2 of the persons appointed by the Minister under paragraph 1(*c*) or paragraph 1(*d*), as the case may be, shall be appointed for a period of one year, and thereafter appointments shall be made in the manner otherwise provided by this Schedule.

4. (1) The Minister may appoint a member to preside as chairman of the first meeting of the Council.

(2) The Council shall elect from among its members a chairman and a deputy chairman for a term of one year and each such person shall be eligible for re-election.

(3) In the absence of the chairman and deputy chairman, the Council shall elect one of the members present to be the chairman of that meeting.

5. Four members of the Council shall form a quorum.