



REPUBLIC OF NAURU

HEALTH PRACTITIONERS (AMENDMENT) ACT 2017

No. 29 of 2017

An Act to amend the *Health Practitioners Act 1999*

Certified: 19th December 2017

Table of Contents

1	SHORT TITLE.....	2
2	COMMENCEMENT.....	2
3	AMENDMENT OF HEALTH PRACTITIONERS ACT 1999.....	2
4	AMENDMENT OF SECTION 2.....	2
5	AMENDMENT OF SECTION 3.....	2
6	AMENDMENT OF SECTION 4.....	3
7	AMENDMENT OF SECTION 5.....	4
8	INSERT NEW SECTION 7A.....	4
9	AMENDMENT OF SECTION 9.....	4
10	AMENDMENT OF SECTION 15.....	5
11	AMENDMENT OF SECTION 16.....	6
12	REPEAL.....	6

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Health Practitioners (Amendment) Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Health Practitioners Act 1999

The Health Practitioners Act 1999 amended by the provisions of this Act.

4 Amendment of section 2

Section 2 is amended by:

(a) omitting '**Chief Nursing Superintendent**' means the person for the time being appointed as such, or an equivalent position, under the Public Service Act 1998 and substituting with '**Director of Nursing**' means the person appointed to head the Nursing services;

(b) inserting in alphabetical order:

'Director of Public Health' means the person appointed to head Public Health;

5 Amendment of section 3

Section 3 is omitted and substituted with the following:

'3 Classes of health practitioners

(1) A person shall not practice as a Health Practitioner:

(a) without a current registration; and

(b) in any class other than for which he or she has a current registration-
under the Act.

(2) A person who is eligible to practice as a Health Practitioner shall:

(a) register in the appropriate class under this Act;

(b) keep the registration current during the period of practice as a Health Practitioner; and

(c) pay the prescribed fees.

(3) The class or classes of registration for which a health practitioner shall register under subsection (1) are:

- (a) general and specialist medical practitioners;
 - (b) dental practitioners;
 - (c) nurses;
 - (d) nurse anaesthetists;
 - (e) pharmacists;
 - (f) psychiatrists;
 - (g) physiotherapists;
 - (h) radiographers; and
 - (i) lab technicians.
- (4) The Minister may on the recommendation of the Board approve and declare:
- (a) one or more classes of health practitioner that require registration under the Act;
 - (b) the registration fee for a class of health practitioners;
 - (c) details of the qualifications and experience necessary for each class of health practitioner.
- (5) The requirement for registration under this section applies to the health practitioners engaged or employed for either a short or long term contract by the Republic.

6 Amendment of section 4

Section 4 is omitted and substituted with the following:

'4 Health Practitioners Registration Board

- (1) The Health Practitioners Registration Board is established.
- (2) The Board shall consist of the following:
 - (a) Secretary for Health and Medical Services, who shall be the Chairperson;
 - (b) Director of Medical Services;
 - (c) Director of Public Health;
 - (d) Director of Nursing;

- (e) a member of the clergy; and
 - (f) a member of the community.
- (3) The Board shall appoint an officer of the Department to be the secretary of the Board.
- (4) The secretary shall maintain records of all minutes, records and proceedings of Board meetings.

7 Amendment of section 5

Subsection (2) is omitted and substituted as follows:

- (2) The quorum for the Board shall be 3 members which shall consist of the Director of Medical Services, Director of Public Health Services and Director of Nursing.

8 Insert new section 7A

7A Temporary registration

- (1) A health practitioner may apply for temporary registration under this in accordance with any conditions imposed by the Board and noted on the certificate.
- (2) A temporary practising certificate may be issued under this section to an applicant who is undertaking a course of relevant study from outside the Republic and who:
- (a) submits an application to do practical training in the Republic;
 - (b) is accepted to do the practical training by the Board; and
 - (c) undertakes to work in accordance with any direction given by the Board.
- (3) A certificate issued under this section shall be valid for such period as the Board may approve and may from time to time be renewed by the Board.
- (4) The Board may cancel a certificate issued under this section for any reason and at any time during its currency.

9 Amendment of section 9

Section 9 is omitted and substituted with the following:

'9 Registration fees

- (1) The registration and annual renewal of registration fees for the health practitioners in section 3 shall be as prescribed by regulations from time to time.

- (2) A health practitioner who practises exclusively in the employment of the Republic shall be exempt from the payment of a registration fee.'

10 Amendment of section 15

Section 15 is omitted and substituted with the following:

'15 Offences

- (1) A person who practises as a health practitioner in the Republic, whether alone or with others:

- (a) without being registered for the time being as a health practitioner in the appropriate class under this Act; or
- (b) while suspended from practice under section 13; or
- (c) in contravention of any limitation, restriction, term or condition of his or her registration, -

commits an offence and upon conviction is liable to a fine not exceeding \$10,000.

- (2) The Court convicting a person of an offence under subsections (1)(b) or (1)(c) may, in addition to, or instead of imposing a fine, order that the person's name is deleted from the register.

- (3) A person who employs, engages, supervises or has control over a person practising as a health practitioner:

- (a) without being registered for the time as a health practitioner in the appropriate class under this Act; or
- (b) while suspended from practice under section 13; or
- (c) in contravention of any limitation, restriction, term or condition of his or her registration, -

commits an offence and upon conviction is liable to a fine not exceeding \$10,000.

- (4) The Court convicting a person of an offence under subsection (2)(b) or (2)(c) and where the person convicted was a registered health practitioner, in addition to or instead of imposing a fine, order that the person be suspended or struck-off the register as a health practitioner.

- (5) A person who, without being registered for the time being in the appropriate class of health practitioner, in any manner holds himself or herself out to be or pretends to be or makes use of any words or description implying that he or she is:

- (a) a health practitioner; or

- (b) entitled to practice, whether alone or with others as a health practitioner, of a kind for which registration is required under this Act,
-
commits an offence and upon conviction is liable to a fine not exceeding \$10,000.

11 Amendment of section 16

Section 16 is omitted and substituted with the following:

'16 Regulations

- (1) The Cabinet may make regulations on any matter necessary or convenient to give effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for:
 - (a) the qualifications for the classes of health practitioners;
 - (b) the standards of health practice;
 - (c) the standards of professional competence and conduct of health practitioners;
 - (d) the rules of professional conduct for health practitioners;
 - (e) prescribing fees;
 - (f) any forms that are required under this Act; and
 - (g) any other matters.

12 Repeal

- (1) Schedule 1 is repealed.
- (2) The Health Practitioners (Classes of Health Practitioners) Notice 2015 is repealed.