

Information Statement

Public Authority: Bermuda Medical Council

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Bermuda Medical Council (the Council). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement. The Council is regulated by legislation under the Ministry responsible for Health.

The purpose of this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

Key and Definitions

- Square brackets [] refer to sections of the PATI Act, unless another Act is indicated
- Act means Medical Practitioners Act, 1950, Amended 2016
- Council means the Bermuda Medical Council
- Ministry means the Ministry of Health
- PATI means Public Access To Information

Section A: Structure, Organization and Legislation [s5(1)a]

Insert governing Legislation:

Medical Practitioners Act, 1950. The Council is established and governed by legislation under the Ministry responsible for Health.

Insert structure of Authority (text, and figure if latter useful):

The Council consists of seven members, of whom—
(a) two registered medical practitioners;
(b) two persons, not being registered medical practitioners, to assist in matters of law or ethics;
(c) two registered medical practitioners nominated by the Bermuda Medical Doctors Association*;
and
(d) the Chief Medical Officer, *ex officio*,
[s5(3), Medical Practitioners Act]

Please see the Government website for the list of current members at: <https://www.gov.bm/government-boards-and-committees>; then select current Boards and Committees and then search for Bermuda Medical Council.

*Note, in 2013 the Bermuda Medical Association and Bermuda Medical Society combined and became the Bermuda Medical Doctors Association (BMDA). The Act prescribed a member from each Association. Thus until the Act was amended to reflect this change (effective April 2016) two members were picked from this joint body, as representing the two association, to sit on the Council.

Section B1: Functions, powers, duties of the Authority [s5(1)b]

Insert power, duties and function of the authority (cite Act or Policy):

Functions of Council under the Medical Practitioners Act [sections 5(1), s8(1-6), s9(1-2) & s13-17]:
The general function of the Council is to secure high standards of professional competence and conduct in the practice of medicine and surgery in Bermuda [s5(1)]. This is achieved through:
a. establishing qualifications and training requirements for the registration of practitioners;
b. recommending the registration of individuals who meet the established qualifications and training requirements for registration in the profession
c. appointing examiners to conduct examinations for persons applying for registration.
d. deciding actions to be taken in cases of professional misconduct which have been referred for action by the Medical Practitioners Professional Conduct Committee.
e. deciding conditions to be met in cases where individuals have applied for restoration of registration

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Council under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:

- a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
 4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
 5. To respond to requests from the Information Commissioner [s9]
 6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
 7. To conduct an **internal review** if formally requested [part 5]
 8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
 9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
 10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
 11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
 12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

Insert a summary of services and programmes provided by the authority:

Services

1. The registration of physicians
2. Investigation of complaints against practitioners

Programmes. Not applicable - the Council has no programmes.

Section D: Records held [s5(1)d]

Insert list and description of the classes of records held by the authority:

Registration Records

1. *The Medical Practitioners Register.* (Gazetted annually). Government of Bermuda. (Public Access). The Register is a list of practitioners authorized to practice in Bermuda. It is an electronic database, an official copy of which is Gazetted every year.
2. *Registration Applications.* (Exemption section 23 – Personal Information). Records application information such as qualifications and work experience.

Activities of the Council

3. *Meeting minutes of the Medical Council* (2009-current). Bermuda Medical council. (Public Access with personal identifiers redacted). Records the business matters addressed and attendance.
4. *Annual Report of the Medical Council* (2011-current). Bermuda Medical council. (Public Access with personal identifiers redacted). Summarizes the activities of the Council for the preceding

year including attendance.

Section E: Administration manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

1. *Registration and Re-registration Guidelines.* (2017). Bermuda Medical Council. (Public Access). Describes the process for applicants to register with the Council
2. *Bermuda Medical Council General Practitioner (GP) Qualifying Exam Guidelines* (2018). Bermuda Medical Council. (exempt). A policy document which describes the eligibility and process for sitting the General Practitioner Qualifying Exam for registration as a General Practitioner

Section F: Decision-making documents (all public access) [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person.

The following is the legislation that governs the powers, functions and procedures of the Council.

1. Medical Practitioner's Act, 1950. Government of Bermuda. (Public Access).
2. Medical Practitioner's (Registrations) Regulations, 1950. Government of Bermuda. (Public Access).
3. *Standards of Practice for Medical Practitioners.* (July, 2013). Bermuda Medical Council. (Public Access). Describes the standards of professional practice that registered practitioners are expected to abide by. Contravention of the Code may be used for misconduct proceedings.

Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

Insert name and contact information:

How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

| | |
|-----------------|--|
| Contact | PATI Information Officer, Dr. Cheryl Peek-Ball c/o Administration Assistant Ministry of Health Office of the Chief Medical Officer <i>Re: Bermuda Medical Council</i> |
| Hand-deliver to | Continental Building, 25 Church Street, Hamilton |
| Mail to | PO Box HM 380, Hamilton HM BX, Bermuda |
| Email* | OfficeofCMO@gov.bm Add subject line: PATI request re <i>Bermuda Medical Council</i> |
| Telephone | 278-4920 or 278-4961 |

* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

Section H: Further Information [s5(1)h]

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

1. **About us** is available on the Bermuda Health Council's website at: <http://www.bhec.bm/professionals/professional-bodies/> select Medicine. This includes the list of registered practitioners.
2. The **legislation** listed may be found at Bermuda Laws Online www.bermudalaws.bm.
3. **Financial Information.** As with all statutory boards, the fees for services and the remuneration of board members for service is governed by the following legislation:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.

Section I: Other Information As Prescribed [s5(1)i]

At Aug2016 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Other than remuneration to members for attending meetings, as described in section H (3) above, the Authority has no expenses.
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(2-5), PATI Act]:

Locations of Information Statement (*Confirm copies of Information Statement are available at*):

- Office: Ministry Headquarters, Continental Building, 25 Church St, Hamilton Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
 - PATI website <https://www.gov.bm/public-access-information-pati> Y
 - Authority's website – there is no website for the authority n/a
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

Date Information Statement was updated:

Date: 19th December 2018

Sign:



Name:

Dr. Cheryl Peek-Ball

Post:

Chief Medical Officer, Ex-officio for the Council

Ends