

## Information Statement

### Public Authority: Medical Practitioners Professional Conduct Committee

#### Table of Contents

Introduction:	Your Rights under Public Access to Information
Section A:	Organizational structure of the authority and governing legislation
Section B:	1. Legislated functions and powers of the authority 2. Obligations under PATI
Section C:	Services and programmes
Section D:	Documents: Records held
Section E:	Documents: Administrative manuals/ guidelines
Section F:	Documents: Decision making
Section G:	How to Contact the Information Officer and Make a Request
Section H:	Further information (includes financial)
Section I:	Other information (as prescribed)
Section J:	Locations of the Information Statement

#### Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Medical Practitioners Professional Conduct Committee (the MPPCC). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement. The MPPCC 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
- MPPCC means the Medical Practitioners Professional Conduct Committee
- 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 MPPCC is established and governed by legislation under the Ministry responsible for Health.

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

The MPPCC consists of three members appointed by the Minister, as follows—

- a. one from a list of at least three registered medical practitioners in good standing nominated by the Bermuda Medical Doctors Association (BMDA);
- b. one from a list of at least three registered medical practitioners in good standing nominated by the Bermuda Medical Council;
- c. one professionally qualified person who is not a registered medical practitioner (ordinarily a lawyer)

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 Medical Practitioners Professional Conduct Committee.

\*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 MPPCC. A person who is a member of the Council may not be appointed as a member of the MPPCC. [schedule 2]

**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 MPPCC under the Medical Practitioners Act [sections 12AA, and 12A]:**

The general function of the MPPCC are—

- a) to receive and investigate, or cause to be investigated, complaints against any registered person, including any allegation that—
  - i. the person’s registration was improperly obtained;
  - ii. the person is guilty of professional misconduct;
  - iii. the person is unfit to practise a specialty or to be registered;
  - iv. the person is unfit to practise by reason of a conviction of an indictable offence, adverse physical or mental health, or being drug or alcohol impaired in the course of performing professional functions; and
- b) to perform such other functions as may be assigned to it by the Council.

The Committee may investigate any complaint based on matters alleged to have occurred—

- a) inside or outside of Bermuda; or
- b) at any time, whether or not at a time when the person was a registered person.

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

*(same for all public authorities)*

### Obligations of the MPPCC 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 investigation of complaints against registered medical practitioners
2. To make a determination whether the complaint is—
  - a) frivolous or vexatious, is made in bad faith, is an abuse of process, or for any other reasons ought not to be referred to the Council;
  - b) arose from a misapprehension on the part of the complainant or a misunderstanding between the complainant and the registered person; or
  - c) ought to be referred to the Council for decision

**Programmes.** Not applicable - the MPPCC has no programmes.

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

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

**Complaint files**—details of complaints made to the MPPCC, respondent replies, hearing notes and decision documents.

#### **Activities of the MPPCC**

1. *Meeting notes of MPPCC hearings* (2012-current). Medical Practitioners Professional Conduct Committee. (Public Access with personal identifiers redacted). Records the decisions of hearings.
2. *Annual Report of the Medical MPPCC* (2018). Medical Practitioners Professional Conduct Committee. (Public Access with personal identifiers redacted). Summarizes the activities of the MPPCC 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. *Procedures of the Medical Practitioners Professional Conduct Committee* (2018). Medical Practitioners Professional Conduct Committee. (Public Access). Describes the process for complaints handling by the MPPCC. Document is a working draft procedures document.

#### **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 MPPCC.

1. Medical Practitioner’s Act, 1950, amended 2016. Government of Bermuda. (Public Access).
2. *Standards of Practice for Medical Practitioners*. (July, 2013). Medical Practitioners Professional Conduct Committee. (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: Medical Practitioners Professional Conduct Committee</i>
Hand-deliver to	Continental Building, 25 Church Street, Hamilton
Mail to	PO Box HM 380, Hamilton HM BX, Bermuda
Email*	<a href="mailto:OfficeofCMO@gov.bm">OfficeofCMO@gov.bm</a> Add subject line: PATI request re <i>Medical Practitioners Professional Conduct Committee</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/for-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](http://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 Bldg, 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:* 19<sup>th</sup> December 2018

*Sign:*



*Name:*

Dr. Cheryl Peek-Ball

*Post:*

Chief Medical Officer, Ex-officio for the MPPCC

*Ends*