



GOVERNMENT OF BERMUDA
Ministry Of Health

Information Statement
for the Office of Chief Medical Officer
(under the Ministry Headquarters Public Authority)

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Office of the Chief Medical Officer (CMO) in the Ministry Headquarters Authority. In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and 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 unless it is exempt. 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. However, these 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 [see sections 21 to 40, PATI Act]. In addition every person has a right to amend their personal information if it is incomplete, incorrect or misleading [s19, 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

- Authority means the Ministry Headquarters
- CMO means Chief Medical Officer
- Department means the Department of Health
- ESU means Epidemiology and Surveillance Unit
- Ministry means the Ministry of Health
- PATI means Public Access To Information
- Square brackets [], refer to sections of the PATI Act, unless another Act is indicated

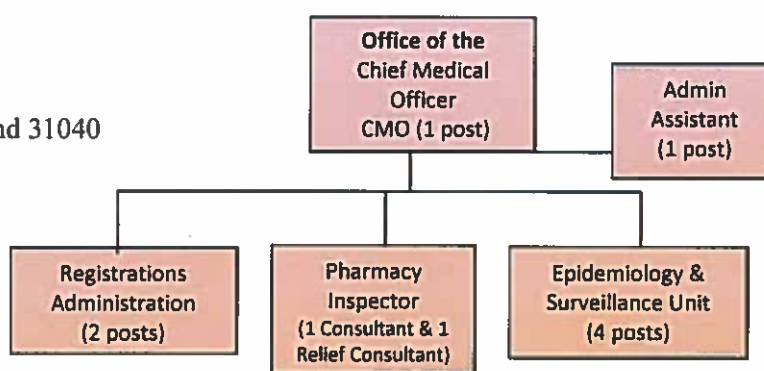
Section A: Structure, Organization and Legislation [s5(1)a]

Department Structure:

Ministry Headquarters

Section: Office of the CMO

Cost centre/ID Number: 31030 and 31040



The Office of the CMO was established as a separate section following the reorganization of the Department of Health in April 2013. The mandate of the Office is provided in several legislative instruments, foremost being the Public Health Act 1949. The OCMO has 8 established posts and one part-time pharmacy consultant and a relief consultant.

Main legislation: The Public Health Act, 1949

Other legislation: see list in section B1

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

1. Legislated Functions of the Office of the CMO

Legislation	Responsibility
Bermuda Health Council Act 2004	Act as an Ex-Officio on the Board
Bermuda Hospitals Board Act 1970	Act as an Ex-Officio on the Board
Criminal Code Act 1907	Responsibilities around the termination of pregnancies.
Customs Department Act 1952	Allows the Chief Medical Officer to direct immigration officers to act as per the Quarantine Act 2017.
Employment Act 2000	The Chief Medical Officer can receive a protected disclosure from an employee acting as a whistleblower.

Good Governance Act 2011	The Chief Medical Officer can receive a protected disclosure from an employee acting as a whistleblower.
Good Governance Act 2012	The Chief Medical Officer can receive a protected disclosure from an employee acting as a whistleblower.
Health Insurance Act 1970	The Chief Medical Officer serves on the Health Insurance Committee.
Medical Practitioners Act 1950	Regulation and oversight of registered medical practitioners.
Misuse of Drugs Act 1972	Determines what are controlled drug and licensing requirements for importation and distribution.
Pembroke Parish Public Cemetery Act 1907	Historic approval from the CMO for the Council to purchase land for a cemetery.
Pharmacy and Poisons Act 1979	Regulation of pharmacies and importation of drugs.
Public Health Act 1949	Responsibility for prevention, control and monitoring of communicable diseases, vaccinations,
Quarantine Act 2017	Reporting to Public Health England and UK International Health Regulations National Focal Point, UK IHRNFP), receiving directives from UK IHR NFP, coordinating directives with the Quarantine Authority and advising the Quarantine Authority on the implementation of the directives; determining local practices for controlling public health events.
Registration (Birth and Deaths) Act 1949	Notification of births and deaths must be made to the Chief Medical Officer.
Day Care Centre Regulations, Regulation 15	Controlling Infectious diseases in day care centres.
Misuse of Drugs Regulations 1973	The importation of controlled drugs.
Pharmacy and Poisons (Control Prescriptions) Regulations 1979	Ensuring the proper format of the prescription drug and updating drug Schedules (prescribed and over counter).
Residential Care Homes and Nursing Homes Act 1999	Can issue orders restricting access and staffing in care homes based on a risk of communicable disease.
Public Health (Food) Regulations 1950	Communicable diseases in food handlers must be reported to the Chief Medical Officer.
Public Health (Hairdressing Establishments) Regulations 1955	Persons suffering from a communicable disease may be reported to the CMO.
Public Health (Milk and Dairyfarm) Regulations 1952	Any employee suffering from a communicable disease must be reported to the CMO.

INTERNATIONAL COMMITMENTS

The Office of the CMO is responsible for upholding the Government's commitment to the following international treaties and conventions, and international reporting requirements, including:

- International Health Regulations (IHR)
- International Narcotics Control Board (INCB)
- Pan-American Health Organization, (PAHO), and World Health Organization (WHO)

INTERNATIONAL MEMBERSHIPS

- Pan American Health Organization (PAHO)
- World Health Organization (WHO)
- Caribbean Public Health Agency (CARPHA) (formerly Caribbean Epidemiology Centre (CAREC))
- Caribbean Health Research Council (CHRC)
- Caribbean Community and Common Market (CARICOM), associate member

B2. Obligations under PATI [s5(1)b]

Obligations of the Authority 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: Programmes and Services - [s5(1)c]

The work of the OCMO focuses on 5 main areas:

1. Registration of medical practitioners and pharmacies: monitors the credentials and qualifications of medical practitioners and their standards of practice and pharmacy registration and compliance.

- Registration and re-registration of medical practitioners
- Handles complaints from the public against medical practitioners.
- Provides Letters of Good Standing for registered medical practitioners
- Registration and annual inspections of pharmacies

Note- in 2020 all healthcare professional registrations and health care facility registrations, other than medical practitioners and pharmacies, that were managed by the OCMO were transferred to the Bermuda Health Council.

2. Drugs Control Services: monitors the importation and export of controlled (banned) drugs and related products to assure these items are safe and are delivered to the appropriate persons, and for reporting and compliance to INCB.

- Issues personal and commercial importation licenses for controlled drugs
- Assists individuals who want permission to import controlled drugs for medical reasons
- Inspects and tracks controlled drug importation
- Produces quarterly and annual reports of controlled drug importation
- Conducts annual estimates of the island's controlled drug requirements

3. Epidemiology and Surveillance Unit Services: monitors the occurrence of diseases in the island, both infectious disease (communicable diseases) and some chronic non-communicable diseases to help prevent and control these diseases.

- Receives reports and investigates possible outbreaks of infectious diseases
- Advises healthcare professionals and the public on managing infectious diseases which have the potential to spread widely in the community
- Provides information to the public on disease prevention and control
- Conducts intermittent community health surveys and assessments
- Provides health education presentations to workplaces, schools, government departments and other institutions, as required

4. Public Health Focal Point Services: for communications from international agencies related to health.

- Reports occurrences of local disease outbreaks to international authorities for guidance and advice
- Receives notifications of travellers arriving in Bermuda with specific infectious diseases so that control measures to protect the public can be put into place.

5. Statutory Function Services: puts into action many duties related to health which are required by Bermuda laws, such as granting permission for burials, relief of Customs duty, advising government on health matters and serving on statutory boards and councils.

- Issues Customs letters approving importation of personal medications or commercial drugs
- Considers request for Customs duty exemption of medical devices according to Tariff Code regulations
- Issues letters of approval for burials, overseas transfer of remains, disinterment
- Approves requests for funding of emergency overseas medical care by the Lady Cubitt Compassionate Association (LCCA)

Section D: Records held (mixed exempt and public access) [s5(1)d]

1. **Registers** (all public access) of:
 - a. **Medical practitioners.** (active, last 10 years). Government of Bermuda. 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. Early registers were a book, since the 1990s most were paper files and gazetted
 - i. **Register of Medical Practitioners (1854-2000).** Hardcopy book.
 - b. **Pharmacies.** (last 7 years). Ministry. (public access). The Register is a list of authorized pharmacies
 2. **Registration Applications.** (active last 10 years). Ministry. (Exemption section 23 – Personal Information). Contains application information such as qualifications and work experience for entities listed in #1 above.
 3. **Drugs importation/exportation licenses.** (since 2006). Government. (Public Access, with redactions under s23-personal information). Regulates the type and quantity of controlled drugs that commercial and personal entities may import according to the Misuse of Drugs Act.
 4. **Customs duty exemptions.** (since 2006). Government. (Public Access for entities; but exemption section 23-personal information for private use). Letters to Customs indicating medical goods which are exempt of customs duty – usually concerning the hospital, charities and personal use. According to the Customs Tariff Act, 1970
- Minutes, Reports, and Communications of statutory bodies.** (last 7 years). Government. (Public Access with redactions under section 23 - personal information). Records the activities of the bodies. For the healthcare professions and the Mental Health Review Tribunal – see their information statement online at <https://www.gov.bm/mental-health>

For more information on the Epidemiology and Surveillance Unit please see their information statement

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

1. **Procedures Manual for the Office of the Chief Medical Officer.** (March, 2012). Ministry. (public access). Describes the procedures undertaken by the Office for the CMO. Three volumes:
 - a. Vol I: Administrative procedures. Concerning operations – staff, budget etc
 - b. Vol II: Regulation procedures. Concerning regulatory functions
 - c. Vol III: Registration of Healthcare Professions. Outlines the process
 - d. note in Vol II: Staff Medical Board Procedures
 - e. note in Vol II: GEHI Appeals Tribunal Procedures
2. **Administrative documents:** Standing Operating Procedures for administrative tasks and Epidemiology and Surveillance Unit procedures (working documents).

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

1. Legislative Acts (as per section A above). Government of Bermuda. (Public Access).
2. *Drug Control Policies*. Ministry. (public access).
3. *Staff Medical Board Procedures* (as listed in section E#1 above)
4. For Medical Council duties:
 - a. *The Constitution of the Bermuda Medical Doctors Association (2015)*). BMDA. (Public access). Outlines the mandate and procedures of the BMDA. The aim of the BMDA is to improve medical services in Bermuda by promoting high standards of professional practice, ethical conduct and by fostering good relationships between members of the profession and the public.
 - b. *Bermuda Medical Doctors Association By-laws (1990s)*. BMDA. (public access). Replaced by the 2015 updated version above.
 - c. *Standards of Practice for Physicians (2020)*. Bermuda Medical Council. (public access). Describes the standards to which registered practitioners are expected to abide.
5. *International Health Regulations (IHR) (2005)*. World Health Organization. (Public Access). Relates to capacity to detect and notify the World Health Organization through IHR focal points of public health emergencies of international concern
6. *Public Health Emergency Response Plan, for public events and outbreak situations (Jan 2015)*. ESU (public access). Overview of Ministry and community public health partners' coordinated response to public health emergencies, including outbreak investigation, prevention and control.
7. *Public Health Management of Ebola and other Viral Haemorrhagic Fevers: Interim Guidance*. (Dec 2014). ESU. (public access). Guidance for the community management of serious communicable diseases, including Ebola and Viral Haemorrhagic Fevers.
8. *Surveillance Manual (2008)*. ESU (public access). A guide for reporting and investigating communicable diseases and syndromes.

For more information on the Epidemiology and Surveillance Unit please see their information statement

Section G: The Information officer [s5(1)g]

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,
Sarah D'Alessio
Ministry of Health
Re: Office of the CMO

Hand deliver to Continental Building, 25 Church Street, Hamilton

Mail* PO Box HM 380, Hamilton HM BX, Bermuda

Email* mohpati@gov.bm *Add subject line: PATI request re Office of CMO*

Telephone 278 4906

* 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]

1. **About us** is available on the government website at: <https://www.gov.bm/ministry/health-and-seniorsthen> select Office of the Chief Medical Officer
2. The **legislation** listed may be found at Bermuda Laws Online www.bermudalaws.bm.
3. **Financial Information.** For the annual expenditure of the Authority for the past fiscal period (31st Mar to 1st Apr), see the online Budget Book at: (www.gov.bm; then select Ministry of Finance; then select the "Budget Book" icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

Section I: Other Information To be Provided as Prescribed [s5(1)I, s6]

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)].
3. **Expenditure:** Quarterly expenditure of the Authority will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
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)]

Locations of Information Statement

- 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
 - Ministry website <https://www.gov.bm/ministry/health> Y
- 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: December 31, 2020

Sign: 

Name: Dr. Heather Armstrong, B.Sc.; M.B.,B. S. M.P.H.
Post: A/Chief Medical Officer, Ministry Headquarters Public Authority

Ends