

Allied Health Professions Bill

Bill No. 33/2010.

Read the first time on 22nd November 2010.

ALLIED HEALTH PROFESSIONS ACT 2010

(No. of 2010)

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A BILL

i n t i t u l e d

An Act to provide for the registration of prescribed allied health professionals for the protection of the health and safety of the public and for purposes connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

5 1. This Act may be cited as the Allied Health Professions Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

10 “allied health professional” means a person who has a professional qualification in any of the allied health professions listed in the First Schedule;

“allied health professional with conditional registration” means a person registered as such under a provision of this Act;

15 “allied health professional with full registration” means a person registered as such under a provision of this Act;

“allied health professional with restricted registration” means a person registered as such under a provision of this Act;

“allied health professional with temporary registration” means a person registered as such under a provision of this Act;

20 “certificate of registration” means a certificate of registration issued by the Council under section 22;

“Council” means the Allied Health Professions Council established under section 6;

“Director” means the Director of Medical Services;

25 “institution of higher learning” includes a polytechnic or university;

“lay person” means any person other than a healthcare professional;

“medical practitioner” means a person who is registered under the Medical Registration Act (Cap. 174) and includes a person deemed to be so registered under section 72(1) of that Act;

30 “member” means a member of the Council;

“practising certificate” means a practising certificate issued under section 23;

“prescribed allied health profession” means any of the allied health professions set out in the first column of the Second Schedule;

5 “president” means the president of the Council;

“register” means any of the registers referred to in section 14(1);

“registered allied health professional” means an allied health professional with full, restricted, conditional or temporary registration;

10 “Registrar” means the Registrar of the Council;

“regulations” means regulations made under section 75.

Duly qualified allied health professional

3. In this Act and in any written law, unless the context otherwise requires, “duly qualified allied health professional”, or any expression
15 importing a person recognised by law as a member of one of the prescribed allied health professions, means a person who is a registered allied health professional and has a valid practising certificate.

Application

4. This Act applies only in relation to allied health professions set out in
20 the Second Schedule.

Amendment of Schedules

5.—(1) The Minister may, after consultation with the Council, by order published in the *Gazette*, amend the First or Second Schedule.

(2) The Minister may prescribe in an order amending the Second
25 Schedule such transitional provisions as may be necessary or expedient.

(3) Every order amending the Second Schedule shall be presented to Parliament as soon as possible after publication in the *Gazette*.

PART II

ALLIED HEALTH PROFESSIONS COUNCIL

Establishment of Allied Health Professions Council

5 **6.**—(1) There shall be established a body to be called the Allied Health Professions Council, which shall consist of —

- (a) the Director, or his representative nominated by him and approved by the Minister;
- (b) the Director-General of Education, or his representative nominated by him and approved by the Minister;
- 10 (c) the Registrar; and
- (d) the following persons, each appointed by the Minister:
 - (i) at least one allied health professional with full registration from each of the prescribed allied health professions who has at least 10 years' experience in that profession; and
 - 15 (ii) 2 other persons.

(2) The members referred to in subsection (1)(d) shall hold office for a term not exceeding 3 years and shall be eligible for reappointment.

(3) The Minister may, at any time, revoke the appointment of any member appointed under subsection (1)(d) without assigning any reason.

20 Functions of Council

7. The functions of the Council are —

- (a) to approve or reject applications for registration under this Act and to approve any such applications subject to such conditions and restrictions as it may think fit;
- 25 (b) to issue practising certificates to registered allied health professionals;
- (c) to accredit programmes for, and providers of, the training and assessment of persons seeking to become registered allied health professionals;
- 30 (d) to accredit programmes for, and providers of, the continuing professional education of registered allied health professionals;

- (e) to determine and regulate the standards of practice, competence, conduct and ethics of registered allied health professionals;
- (f) to keep and maintain the registers;
- (g) to coordinate and supervise the activities of the committees and professional boards appointed under section 12; and
- (h) generally to do all such acts, matters and things as are necessary or authorised to be carried out under or for the purposes of this Act.

President of Council

8.—(1) The Minister shall appoint one of the members to be the president.

(2) The president shall preside at any meeting of the Council and, in his absence, such member as the members present may elect shall preside at that meeting.

Disqualifications from membership of Council

9.—(1) Notwithstanding anything in section 6(1), no person shall be or shall continue to hold office as a member if —

- (a) he is not a citizen or a permanent resident of Singapore;
- (b) he is an undischarged bankrupt;
- (c) he has been convicted in Singapore or elsewhere of any offence involving fraud, dishonesty or moral turpitude or implying a defect in character which makes him unfit for his profession;
- (d) he has been found guilty in Singapore or elsewhere of any improper act or conduct which brings disrepute to his profession;
- (e) he has been found guilty in Singapore or elsewhere of professional misconduct; or
- (f) for medical reasons, he is unable to perform his duties as a member, as assessed by a medical practitioner.

(2) The Minister may waive the disqualification referred to in subsection (1)(a) in respect of any particular member.

Filling of vacancies

10.—(1) The office of a member becomes vacant if the member —

- (a) dies;
- (b) resigns his office;
- (c) becomes subject to any of the disqualifications specified in section 9, unless (in the case of the disqualification referred to in section 9(1)(a)) the Minister has waived the disqualification in respect of the member; or
- (d) has his appointment revoked before the expiry of the term for which he has been appointed.

(2) The Minister may remove from office any member who is absent without leave of the Council from 3 consecutive meetings of —

- (a) the Council;
- (b) any committee of the Council (including a Complaints Committee, a Disciplinary Tribunal, a Health Committee or an Interim Orders Committee) of which he is a member; or
- (c) any professional board appointed under section 12 of which he is a member.

(3) Any question as to whether a person has ceased to be a member shall be determined by the Minister whose decision shall be final.

(4) If any vacancy arises among the appointed members, the Minister may appoint a person to fill the vacancy in the manner in which the appointment to the vacant office was made, and that person shall hold office for as long as the member in whose place he was appointed would have held office.

(5) No act done by or under the authority of the Council shall be invalid in consequence of any defect that is afterwards discovered in the appointment or qualification of the members or any of them.

Meetings of Council and payment of members

11.—(1) The Council shall meet at such times and places as the president or the Registrar may appoint.

(2) The quorum at every meeting of the Council shall be one third of the total number of members or 4 members, whichever is the higher; and no business shall be transacted at any meeting unless a quorum is present.

(3) The president or member presiding at any meeting of the Council shall have an original vote and, in the case of an equality of votes, a casting vote.

5 (4) Subject to subsection (2), the Council may act notwithstanding any vacancy in the membership of the Council.

(5) Subject to the provisions of this Act, the Council may regulate its own procedure.

(6) The Council shall keep minutes of its proceedings in such form or manner as it thinks fit.

10 (7) There shall be paid to members of the Council and members of any committee or professional board appointed by the Council (including a Complaints Committee, a Disciplinary Tribunal, a Health Committee and an Interim Orders Committee) such fees as may, from time to time, be approved by the Minister.

15 (8) Where the member referred to in subsection (7) is an employee, the payment referred to in that subsection may be made to his employer or directly to the member.

Appointment and establishment of committees and professional boards and delegation of powers

20 **12.**—(1) The Council may —

(a) appoint one or more committees; and

(b) with the approval of the Minister, appoint one or more professional boards,

25 for any general or special purpose which in the opinion of the Council may be better dealt with or managed by a committee or professional board.

(2) The purpose referred to in subsection (1) includes the making of recommendations on any decision to be made by the Council under this Act.

30 (3) The Council may also —

(a) delegate to any professional board so appointed any of its powers or functions (other than its power under section 75) relating to the registration of allied health professionals, the accreditation of programmes for the continuing professional education of

registered allied health professionals and the training and assessment of persons seeking to be so registered, and the accreditation of providers of such education, training or assessment, with or without restrictions or conditions as the Council thinks fit; and

5

(b) delegate to any committee so appointed any of its other powers or functions (except the power of delegation conferred by this subsection and the powers under sections 73 and 75), with or without restrictions or conditions as the Council thinks fit.

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(4) The number and term of office of the members of a committee or professional board appointed under this section and the number of those members necessary to form a quorum shall be fixed by the Council.

(5) A committee or professional board appointed under this section may include persons who are not members of the Council.

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(6) The Council may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

PART III

REGISTRATION OF ALLIED HEALTH PROFESSIONALS

20

Registrar of Council

13.—(1) For the purposes of this Act, the Minister shall appoint a public officer to be the Registrar of the Council.

(2) The Minister may appoint a Deputy Registrar to assist the Registrar in carrying out his functions and duties under this Act.

25

(3) The Registrar may, subject to such conditions or restrictions as he thinks fit, delegate to the Deputy Registrar any of his powers or functions under this Act, except the power of delegation conferred by this subsection.

30

(4) The Registrar may continue to exercise any power conferred on him or perform any function under this Act notwithstanding the delegation of such power or function under this subsection.

(5) Other than his functions under this Act, the Registrar shall have such other functions as may be prescribed.

Registers

14.—(1) The Registrar shall maintain and keep the following registers:

- 5 (a) a register to be called “The Register of Allied Health Professionals with Full Registration”, which shall be divided into parts, with one part corresponding to every prescribed allied health profession and containing the particulars referred to in subsection (2) of persons who are registered as allied health professionals with full registration in that profession;
- 10 (b) a register to be called “The Register of Allied Health Professionals with Restricted Registration”, which shall be divided into parts, with one part corresponding to every prescribed allied health profession and containing the particulars referred to in subsection (2) of persons who are registered as allied health professionals with restricted registration in that profession;
- 15 (c) a register to be called “The Register of Allied Health Professionals with Conditional Registration”, which shall be divided into parts, with one part corresponding to every prescribed allied health profession and containing the particulars referred to in subsection (2) of persons who are registered as allied health professionals with conditional registration in that profession;
- 20 (d) a register to be called “The Register of Allied Health Professionals with Temporary Registration”, which shall be divided into parts, with one part corresponding to every prescribed allied health profession and containing the particulars referred to in subsection (2) of persons who are registered as allied health professionals with temporary registration in that profession.
- 25 (2) The particulars of every registered allied health professional to be contained in a part of a register are the following:
- 30 (a) his name and residential address;
- (b) the address of his current place of practice;
- (c) the date of the registration of the person in that part of the register;
- 35

(d) the qualification by virtue of which he is registered and the date he obtained that qualification; and

(e) such other particulars as the Council may determine for that part of the register.

5 (3) The Registrar shall be responsible for the maintenance and custody of the registers.

(4) Subject to subsection (6), every person whose name is entered in a register shall inform the Registrar in writing of —

(a) any change in his name or residential address;

10 (b) any change in his practice address or such of his other particulars as may be prescribed; or

(c) any change of or addition to his qualification,

within 28 days after such change or addition.

15 (5) Any person who contravenes subsection (4)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(6) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (4)(a) on the date on which he makes the report.

20 (7) The Registrar may disclose any information in the registers to any person prescribed by regulations, if such disclosure is in accordance with such conditions as may be specified in those regulations.

(8) Subsection (7) is without prejudice to any other right or duty to disclose the information under general or written law.

25 **Alterations in registers**

15.—(1) The Registrar shall —

(a) insert in the appropriate register any alteration which may come to his knowledge to any particulars or qualifications of any registered allied health professional;

30 (b) correct any error in a register; and

- (c) remove from the appropriate register the name of any person —
- (i) whose name is ordered to be removed under any provision of this Act;
 - (ii) who is deceased;
 - 5 (iii) who has requested and shown sufficient reason for his name to be removed from that register, unless an inquiry has or proceedings have commenced under Part V against that person; or
 - (iv) whose registration has lapsed.

10 (2) The Registrar may remove from the appropriate register the name of a person who has not renewed his practising certificate for a continuous period of not less than 2 years.

Full registration

15 **16.**—(1) Subject to the provisions of this Act, a person who is or was a registered allied health professional with conditional registration in a prescribed allied health profession by virtue of section 18(1)(a) may be registered as an allied health professional with full registration in that profession if he —

- 20 (a) has complied with the condition imposed on his registration referred to in section 18(5) to the satisfaction of the Council; and
- (b) satisfies such other requirements as the Council may, with the approval of the Minister, prescribe.

(2) Notwithstanding subsection (1), a person who —

- 25 (a) holds any qualification recognised by the Council for the purposes of this subsection; and
- (b) satisfies the Council that he has the knowledge and skill and sufficient experience in a prescribed allied health profession,

30 may, if the Council thinks fit so to direct, be registered as an allied health professional with full registration in that prescribed allied health profession.

(3) Notwithstanding subsections (1) and (2), the Council may, if it is of the view that it is not in the public interest for a person referred to in either of those subsections to be registered as an allied health professional with full registration, direct that he be registered —

- (a) provided section 17(1) is satisfied, as a registered allied health professional with restricted registration in any prescribed allied health profession, and section 17(2) and (3) shall apply accordingly; or
- 5 (b) as a registered allied health professional with conditional registration in any prescribed allied health profession, and section 18(4) to (9) shall apply accordingly.

Restricted registration

10 **17.**—(1) Subject to the provisions of this Act, a person may, if the Council thinks fit so to direct, be registered as an allied health professional with restricted registration in a prescribed allied health profession if, in the opinion of the Council, he is competent to practise independently only in a branch or an area of that profession or at a particular establishment or description of establishments, because of —

- 15 (a) the nature, extent, period or recency of his previous practice of that profession;
- (b) the nature, extent, period or recency of his training in that profession;
- (c) his physical or mental health; or
- 20 (d) any other reason.

(2) A person may be registered under subsection (1) subject to such conditions and restrictions as the Council may impose.

(3) Without affecting the generality of subsection (2), the Council may impose the following conditions and restrictions:

- 25 (a) the particular employment or description of employment for the purposes of which he is registered;
- (b) the particular establishment or description of establishments in which he may practise the prescribed allied health profession;
- 30 (c) the particular branch or area of the prescribed allied health profession which he may practise.

Conditional registration

18.—(1) Subject to the provisions of this Act, a person may, if the Council thinks fit so to direct, be registered as an allied health

professional with conditional registration in a prescribed allied health profession if —

- (a) he holds such qualification in that profession conferred by an institution of higher learning in Singapore as may be prescribed;
- 5 (b) he holds such qualification in that profession conferred by an institution of higher learning outside Singapore as may be prescribed; or
- 10 (c) he holds such other qualification in that profession which is in the opinion of the Council not lower in standing than a qualification referred to in paragraph (a) or (b), and he satisfies the Council that he has the knowledge and skills and has acquired the experience which is necessary for the practice of that profession,

15 and he has been selected for employment in Singapore as an allied health professional in an establishment approved by the Council.

(2) For the purpose of satisfying itself that a qualification in subsection (1)(c) is not lower in standing than a qualification referred to in subsection (1)(a) or (b), the Council may require a person to undergo and pass an examination conducted or arranged by the Council or by such other person as the Council may appoint.

(3) Notwithstanding subsection (1), a person who —

- (a) holds any qualification recognised by the Council for the purposes of this subsection;
- 25 (b) satisfies the Council that he has particular specialised knowledge and skill, and sufficient experience, in the practice of a prescribed allied health profession, or any branch thereof; and
- (c) has been selected for employment in Singapore as an allied health professional in an establishment approved by the Council,

30 may, if the Council thinks fit so to direct, be registered as a registered allied health professional with conditional registration in that prescribed allied health profession.

(4) The Council shall register a person under subsection (1) or (3) for such period as the Council thinks fit, and the period may be renewed, at the discretion of the Council, for such further period or periods as the Council thinks fit.

(5) A person may be registered under subsection (1) subject to such conditions and restrictions as the Council may impose.

(6) Without affecting the generality of subsection (5), the Council may impose the following conditions and restrictions:

- 5 (a) the person shall work for a specified period in such establishment
and under the supervision of such allied health professional who
is registered with full or restricted registration in the same
prescribed allied health profession as that of the person, as the
Council may approve in order to acquire practical experience of
10 such nature as the Council may determine;
- (b) the degree of the supervision referred to in paragraph (a) shall
meet such requirements as the Council may specify;
- (c) the person's performance shall be subject to review by such
allied health professional who is registered in the same
15 prescribed allied health profession as that of the person, or by
such healthcare professional, as the Council may approve;
- (d) the particular employment or description of employment for the
purposes of which he is registered;
- (e) the particular establishment or description of establishments in
20 which he may practise the prescribed allied health profession;
- (f) the particular branch or area of the prescribed allied health
profession which he may practise.

(7) Without affecting the generality of sections 16 and 17, a person who
is or has been registered with conditional registration may, upon the
25 revocation or lapsing of all the conditions and restrictions imposed under
subsection (5), apply to the Council to be registered as an allied health
professional with full or restricted registration, and section 16 or 17, as the
case may be, shall apply accordingly.

(8) On an allied health professional who is conditionally registered
30 becoming any other type of registered allied health professional, his name
shall be removed from the Register of Allied Health Professionals with
Conditional Registration.

(9) Except with the approval of the Council, no person who has been an
allied health professional with conditional registration in a prescribed
35 allied health profession may be registered again as such in the same
profession.

Temporary registration

19.—(1) Subject to the provisions of this Act, a person —

- 5 (a) who is in Singapore for the exclusive purpose of teaching, research or postgraduate study in a prescribed allied health profession in an institution approved for that purpose by the Council;
- 10 (b) who possesses knowledge, experience and skill in a prescribed allied health profession which the Council considers to be of international standing or are such as to have special value to the people of Singapore; or
- 15 (c) who is not otherwise entitled to be registered as a registered allied health professional under section 16(1) or (2), 17(1) or 18(1) or (3) but who, in the opinion of the Council, possesses other qualifications and experience in a prescribed allied health profession which are adequate for the purposes of registration under this section,

may be registered as an allied health professional with temporary registration in that profession for so long as he continues to engage himself exclusively in teaching, research or postgraduate study in that profession under such approved training scheme in such approved institution, or in such healthcare capacity, as the Council may specify.

(2) The Council may require a person seeking registration under subsection (1) to sit for and pass such examination as may be prescribed by the Council.

25 (3) Any registration under subsection (1) shall be for a period not exceeding 2 years which may be renewed, at the discretion of the Council, for a further period or periods each not exceeding 12 months.

(4) A person may be registered under subsection (1) subject to such conditions and restrictions as the Council may impose.

30 (5) Without affecting the generality of subsection (4), the Council may impose the following conditions and restrictions:

- 35 (a) the person shall work for a specified period in such establishment and under the supervision of such allied health professional who is registered with full or restricted registration in the same prescribed allied health profession as that of the person, as the Council may approve;

- (b) the degree of the supervision referred to in paragraph (a) shall meet such requirements as the Council may specify;
- (c) the person's performance shall be subject to review by such allied health professional who is registered in the same prescribed allied health profession as that of the person, or by such healthcare professional, as the Council may approve;
- (d) the particular employment or description of employment for the purposes of which he is registered;
- (e) the particular establishment or description of establishments in which he may practise the prescribed allied health profession;
- (f) the particular branch or area of the prescribed allied health profession which he may practise.

Power to amend, vary, rescind, revoke or suspend condition or restriction

20. For the avoidance of doubt, the power of the Council to impose a condition or restriction under section 17, 18 or 19 includes the power to amend, vary, rescind, revoke or suspend such condition or restriction.

Application for registration

- 21.—(1) An application for registration shall be made in such form and manner as the Council may determine and shall be accompanied by —

- (a) such documents and particulars as may be required by the Council; and
- (b) such fees as the Council may prescribe.

- (2) Before registering an applicant, the Council may require the applicant to submit himself to a medical examination by a medical practitioner approved by the Council to determine if the applicant is fit to practise as a registered allied health professional.

(3) The costs of any medical examination referred to in subsection (2) shall be borne by the applicant.

- (4) Subject to subsection (5), where an applicant has complied with subsection (1) and any requirement of the Council referred to in subsection (2), the Council may register him under section 16, 17, 18 or 19.

(5) The Council may refuse to register any applicant who —

(a) has had his registration as an allied health professional (or its equivalent) in any other country withdrawn, suspended or cancelled; or

5 (b) in the opinion of the Council —

(i) is not a person eligible to be registered;

(ii) is not of good reputation and character;

(iii) is unfit to practise —

10 (A) because his ability to practise has been impaired by reason of his physical or mental condition; or

(B) for any other reason;

(iv) has failed without reasonable cause to submit to a medical examination when required to do so under subsection (2);

15 (v) has failed to comply with any condition or restriction of any previous registration as may have been imposed on him by the Council; or

(vi) should not be registered because this would not be in the public interest.

20 (6) Where the Council refuses to register an applicant, the Council shall by notice in writing inform the applicant of such refusal.

(7) Any person who is aggrieved by any refusal of the Council under subsection (5) may, within 30 days of the notice given under subsection (6), appeal to the Minister whose decision shall be final.

25 (8) For the purpose of subsection (1), the Council may prescribe different fees for different classes of applicants.

Certificate of registration

22. Upon the registration of a person, the Council shall issue to him a certificate of registration and specify in the certificate the prescribed allied health profession for which the person is registered.

30 **Practising certificate**

23.—(1) A registered allied health professional who desires to obtain a practising certificate for the prescribed allied health profession for which

he is to be registered shall make an application to the Council in such form and manner as the Council may require.

(2) The application shall be accompanied by the prescribed fee.

(3) A practising certificate shall be valid for such period as the Council
5 may determine.

(4) An application for the renewal of a practising certificate shall be made no later than 30 days before the expiration of the practising certificate and shall be made in such form and manner as the Council may prescribe.

10 (5) A registered allied health professional who applies for a practising certificate later than 30 days before the expiration of the practising certificate shall be liable to pay to the Council such late application fee as may be prescribed.

(6) The Council may —

15 (a) refuse to grant a practising certificate to a registered allied health professional; or

(b) refuse to renew the practising certificate of the registered allied health professional,

20 if the registered allied health professional fails to comply with any condition that is prescribed by the Council with the approval of the Minister for the purposes of this section.

(7) Without affecting the generality of subsection (6) and section 75(2)(d), the Council may, with the approval of the Minister, prescribe conditions that require an applicant for the grant or renewal of a
25 practising certificate to —

(a) submit such information or declaration (including a statutory declaration) as the Council may require; and

(b) comply with such continuing professional education requirements as may be prescribed.

30 (8) Where a person's practising certificate is suspended or cancelled under any provision of this Act, he shall surrender the certificate to the Council within 14 days after the suspension or cancellation.

(9) If a person's registration has lapsed or he has had his name removed from a register or his registration suspended under any provision of this

Act, any practising certificate issued to him shall be deemed to be cancelled and he shall surrender such practising certificate to the Council within 14 days after such lapse, removal or suspension.

5 (10) Any person who fails to comply with subsection (8) or (9) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Publication of list of duly qualified allied health professionals

10 **24.** The Registrar shall publish on the Council's Internet website, or on such other medium which is accessible to members of the public as the Minister may require, a list of the names, practice addresses, qualifications and dates of qualifications and registration of all duly qualified allied health professionals.

Registered allied health professionals to use only qualifications entered in registers and approved titles, etc.

15 **25.—**(1) No registered allied health professional shall —

(a) use or exhibit or publish in any card, letter, stationery, nameplate, signboard, placard, circular, handbill or any notice displayed at the premises used by him for the practice of any prescribed allied health profession any qualification other than the qualifications which are entered against his name in the appropriate register or which has been approved by the Council;
20 or

(b) use any title, addition or designation other than the title, addition or designation which has been approved by the Council.

25 (2) Any registered allied health professional who contravenes subsection (1) may be subject to disciplinary proceedings under this Act.

Power of Council to remove names from registers

30 **26.—**(1) Notwithstanding the provisions of this Act, the Council may, upon such evidence as it may require, order the removal from the appropriate register of the name of a registered allied health professional under any of the following circumstances:

(a) if he has been registered with restricted, conditional or temporary registration, and has failed to comply with any condition or restriction to which his registration is subject;

- 5 (b) if he has been registered with conditional or temporary registration, and the Council is of the opinion, having regard to any review by a person referred to in section 18(6)(c) or 19(5)(c) (as the case may be), that he is unable to perform the duties of an allied health professional with conditional or temporary registration (as the case may be) satisfactorily;
- 10 (c) if he has been registered with conditional registration and the Council is of the opinion, having regard to a report of an allied health professional supervising him pursuant to a condition referred to in section 18(6)(a), that he is unable to perform the duties of an allied health professional with conditional registration satisfactorily;
- (d) if he has obtained his registration fraudulently or by an incorrect statement;
- 15 (e) if his qualification for registration under this Act has been withdrawn or cancelled by the authority or institution of higher learning through which it was acquired or by which it was awarded; or
- 20 (f) if he has had his registration (or its equivalent) in any other country withdrawn, suspended or cancelled by the authority which registered him.

(2) The Council shall, before exercising its powers under subsection (1), notify the registered allied health professional concerned of its intention to take such action and shall give the registered allied health professional an opportunity to submit reasons why his name should not be removed.

(3) Any person who is aggrieved by any order of the Council under subsection (1) may, within 30 days of being notified of the order, appeal to the Minister whose decision shall be final.

Restoration of name removed under section 26

30 **27.**—(1) Where the name of a person has been removed from a register under section 26(1)(a), (b) or (c), the Council may, on its own motion or upon the application by the person —

- (a) direct that his name be restored to the appropriate register; or
- 35 (b) register him as an allied health professional with restricted, conditional or temporary registration, and section 17(2) and (3),

18(4) to (9) or 19(3), (4) and (5) (as the case may be) shall apply accordingly.

(2) No application under subsection (1) shall be made to the Council more than once in any period of 6 months by or on behalf of the person.

5 (3) No application under subsection (1) shall be made to the Council by or on behalf of the person unless the person has complied with all the terms of the order made against him under section 26(1), where applicable.

Registrar's certificate

10 **28.** A certificate purporting to be under the hand of the Registrar to the effect that at any time or during any period specified in the certificate any person was or was not a registered allied health professional or had or did not have in force a practising certificate, or as to any entry in a register, or the removal from a register of any entry is, in the absence of proof to the
15 contrary, and without further proof of the signature appended to the certificate, sufficient evidence of the matters specified therein.

PART IV

OFFENCES

False assumption of title by non-duly qualified allied health professional

20 **29.—**(1) A person who is not a duly qualified allied health professional shall be guilty of an offence if he —

- (a) wilfully and falsely pretends to be a duly qualified allied health professional;
- 25 (b) practises any prescribed allied health profession or a branch thereof, under the style or title of an allied health professional from a prescribed allied health profession or under any name, title, addition or description implying that he holds any diploma, degree or qualification in a prescribed allied health profession or
30 in a branch thereof;
- (c) takes or uses any name or title set out in the second column of the Second Schedule, or any other word in any language having the same meaning or being to the like intent;

(*d*) takes or uses any name, title, sign, uniform, badge, or any other addition or description implying, whether in itself or in the circumstances in which it is used, that he is qualified to practise a prescribed allied health profession or a branch thereof; or

5 (*e*) advertises or holds himself out as an allied health professional from a prescribed allied health profession.

(2) Subsection (1)(*d*) shall not apply to any act carried out by a person in the course of his training to become an allied health professional, if that training is done under the supervision of a registered allied health professional and in an establishment approved by the Council.

(3) It is a defence for a person charged under subsection (1)(*c*), (*d*) or (*e*) to prove that he acted without the intention to deceive or to gain any advantage, benefit or financial gain for a business, trade, profession, vocation or employment carried on by him.

15 (4) Subsection (3) does not apply to a person charged under subsection (1)(*e*) if he so advertised or held himself out in prescribed circumstances.

False assumption of title by duly qualified allied health professional

20 **30.**—(1) A duly qualified allied health professional shall be guilty of an offence if he —

(*a*) wilfully and falsely pretends to be a duly qualified allied health professional from any prescribed allied health profession other than the one for which he is registered and issued a practising certificate (referred to in this section as the authorised profession);

(*b*) practises any prescribed allied health profession or a branch thereof under the style or title of an allied health professional from a prescribed allied health profession other than the authorised profession, or under any name, title, addition or description implying that he holds any diploma, degree or qualification in a prescribed allied health profession or a branch thereof other than the authorised profession;

(*c*) takes or uses any name or title set out in the second column of the Second Schedule relating to a prescribed allied health profession other than the authorised profession, or any other

word in any language having the same meaning or being to the like intent;

(*d*) takes or uses any name, title, sign, uniform, badge, or any other addition or description implying, whether in itself or in the circumstances in which it is used, that he is qualified to practise a prescribed allied health profession or a branch thereof other than the authorised profession; or

(*e*) advertises or holds himself out as an allied health professional from any prescribed allied health profession other than the authorised profession.

(2) Subsection (1)(*d*) shall not apply to any act carried out by a person in the course of his training to become an allied health professional, if that training is done under the supervision of a registered allied health professional and in an establishment approved by the Council.

(3) It is a defence for a person charged under subsection (1)(*c*), (*d*) or (*e*) to prove that he acted without the intention to deceive or to gain any advantage, benefit or financial gain for a business, trade, profession, vocation or employment carried on by him.

(4) Subsection (3) does not apply to a person charged under subsection (1)(*e*) if he so advertised or held himself out in prescribed circumstances.

Making representation of another

31.—(1) A person shall be guilty of an offence if he makes, with regard to another person, any representation which if made by the other person with the requisite intent, would be an offence by him under section 29 or 30.

(2) It is a defence for a person charged under subsection (1) to prove that he acted without the intention to deceive or to gain any advantage, benefit or financial gain for —

(*a*) a business, trade, profession, vocation or employment carried on by him or a person on whose behalf he committed the act; or

(*b*) if he or the person on whose behalf the act is committed is established for a charitable purpose or for purposes which include a charitable purpose, any activity carried out or service provided by him or the person for that purpose.

(3) Where an offence is committed under section 29 or 30 by a person acting as an employee, an agent or a partner of another person, that other person shall also be guilty of an offence.

5 (4) It is a defence for a person charged under subsection (3) to prove that the first-mentioned offence was committed without his knowledge and that he has taken all reasonable precautions and exercised due diligence to prevent the commission of that offence by the person.

Causing or permitting another to make representation of oneself

10 **32.**—(1) A person shall be guilty of an offence if he causes or permits another person to make any representation about himself which, if made by himself with the requisite intent, would be an offence under section 29 or 30.

15 (2) It is a defence for a person charged under subsection (1) to prove that he acted without the intention to deceive or to gain any advantage, benefit or financial gain for a business, trade, profession, vocation or employment carried on by him.

20 (3) Subsection (2) does not apply to a person charged under subsection (1) with respect to a representation referred to in section 29(1)(e) or 30(1)(e) if the representation is made in prescribed circumstances.

Liability of registered allied health professional for enabling another to act in contravention of section 29 or 30

25 **33.**—(1) A registered allied health professional who, by his presence, countenance, advice, assistance or co-operation, has knowingly enabled a person, whether described as an assistant or otherwise, to assume a title in contravention of section 29 or 30 shall be guilty of an offence.

(2) It is a defence for a person charged under subsection (1) to prove that —

- 30 (a) the commission of the offence was due to a mistake on his part or to reliance on information supplied to him or to the act of another person or some other cause beyond his control; and
- (b) he took all reasonable precautions and exercised due diligence to prevent the commission of the offence.

Suspended persons not to practise prescribed professions during period of suspension

5 **34.**—(1) Any person whose registration as a registered allied health professional under this Act has been suspended under Part V shall not practise in any prescribed allied health profession during the period of his suspension.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Fraudulent registration, etc.

10 **35.**—(1) No person shall —

15 (a) procure or attempt to procure registration as a registered allied health professional under this Act, a certificate of registration or a practising certificate, by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;

(b) wilfully make or cause to be made any false entry in a register;

(c) forge or alter a certificate of registration or a practising certificate;

20 (d) fraudulently or dishonestly use as genuine a certificate of registration or a practising certificate which he knows or has reason to believe is forged or altered; or

(e) buy, sell or fraudulently obtain a certificate of registration or a practising certificate.

25 (2) Any person who contravenes subsection (1) shall be guilty of an offence.

General penalty

30 **36.** Any person who is guilty of an offence under this Part shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

PART V

DISCIPLINARY PROCEEDINGS, HEALTH COMMITTEE
INQUIRIES AND PERFORMANCE ASSESSMENTS*Division 1 — Voluntary removal, suspension, etc.*5 **Voluntary removal, suspension, etc.**

37.—(1) A registered allied health professional who believes that —

- (a) his fitness to practise is impaired by reason of his physical or mental condition; or
- (b) the quality of the professional services provided by him does not meet the standard which is reasonable to expect of an allied health professional,

may request the Council to do one or more of the following:

- (i) to remove his name from the appropriate register;
- (ii) to suspend his registration in the appropriate register for a period of not more than 3 years;
- (iii) where the registered allied health professional is an allied health professional with full registration, to remove his name from the Register of Allied Health Professionals with Full Registration and register him as an allied health professional with restricted or conditional registration in the prescribed allied health profession in which he is registered and with appropriate conditions or restrictions, and section 17(2) and (3) or 18(4) to (9), as the case may be, shall apply accordingly;
- (iv) where the registered allied health professional is registered in any register other than the Register of Allied Health Professionals with Full Registration, to impose appropriate conditions or restrictions on his registration;
- (v) to suspend or cancel his practising certificate.

(2) Subject to this section, if the Council and the registered allied health professional agree in writing on the action to be taken under subsection (1), the Council may proceed with the agreed course of action.

(3) The Council shall not take any action under this section if —

(a) it believes that there is evidence of any of the matters referred to in section 39(1)(a) or (b); or

(b) proceedings have been commenced under Division 2 of this Part.

5 (4) This section shall also apply where the Council has made a notification to the registered allied health professional under section 39(3)(b), except that if the Council and the registered allied health professional are unable to agree on the course of action to be taken under subsection (1), the Council shall proceed to refer the matter to the
10 Chairman of the Complaints Panel under section 39(3)(a).

Division 2 — Complaints and commencement of inquiry

Appointment of Complaints Panel

38.—(1) For the purpose of enabling Complaints Committees and Disciplinary Tribunals to be constituted in accordance with this Part, the
15 Council shall appoint a panel (referred to in this Act as the Complaints Panel) consisting of —

(a) a Chairman and one or more Deputy Chairmen, from among the members of the Council;

20 (b) not less than 10 and not more than 100 members, who are registered allied health professionals each of whom has at least 10 years' experience in the practice of a prescribed allied health profession and who is not a member of the Council; and

(c) not less than 6 and not more than 50 members, who are lay persons nominated by the Minister.

25 (2) The term of office of a member of the Complaints Panel referred to in subsection (1)(a) shall expire at the end of his term of office as member of the Council.

30 (3) The term of office of a member of the Complaints Panel referred to in subsection (1)(b) or (c) shall be determined by the Council and shall not exceed 2 years; and any such member shall be eligible for reappointment.

(4) The Council may at any time remove from office any member of the Complaints Panel referred to in subsection (1)(a), (b) or (c) or fill any vacancy in its membership.

(5) Any member of the Complaints Panel who is employed in the Ministry of Health shall not be disqualified from being a member of any Complaints Committee, Disciplinary Tribunal, Health Committee or Interim Orders Committee by reason only that he is so employed.

5 **Complaints against registered allied health professionals, etc.**

39.—(1) Any —

- (a) complaint touching on the conduct of a registered allied health professional in his professional capacity or on his improper act or conduct which brings disrepute to his profession;
- 10 (b) information on the conviction of a registered allied health professional of any offence in Singapore or elsewhere involving fraud or dishonesty, or implying a defect in character which makes him unfit for his profession;
- 15 (c) complaint that the professional services provided by a registered allied health professional is not of the quality which is reasonable to expect of him; or
- (d) information touching on the physical or mental fitness to practise of a registered allied health professional,

20 shall be made or referred to the Council in writing and supported by such statutory declaration as the Council may require, except that no statutory declaration shall be required if the complaint or information is made or referred by any public officer or by the Council.

25 (2) The Council shall refer every complaint or information, other than a complaint or information touching on the matters referred to in section 26, to the Chairman of the Complaints Panel.

(3) The Council may, on its own motion —

- 30 (a) make a complaint or refer any information on a registered allied health professional to the Chairman of the Complaints Panel if it believes that there is evidence of any of the matters referred to in subsection (1); or
- (b) notify the registered allied health professional and proceed under section 37(1)(i) to (v) if it believes that there is evidence of any of the matters referred to in subsection (1)(c) or (d) and the registered allied health professional agrees thereto in writing.

(4) Notwithstanding subsections (2) and (3), where a registered allied health professional has been convicted in Singapore or elsewhere of an offence implying a defect in character which makes him unfit for his profession, the Council may immediately refer the matter to a Disciplinary Tribunal under section 50.

Appointment of Complaints Committees

40.—(1) The Chairman of the Complaints Panel may from time to time appoint one or more committees each comprising 3 members of the Complaints Panel referred to in section 38(1)(b) and (c) —

- (a) 2 of whom shall be registered allied health professionals who are registered in the same allied health profession as the registered allied health professional being complained against; and
- (b) one of whom shall be a lay person,

to be known for the purposes of this Act as Complaints Committees, to inquire into any complaint or information mentioned in section 39(1).

(2) The Chairman of the Complaints Panel shall appoint one of the 2 registered allied health professionals referred to in subsection (1)(a) to be the chairman of the Complaints Committee.

(3) A Complaints Committee shall be appointed in connection with one or more matters or for such fixed period of time as the Chairman of the Complaints Panel may think fit.

(4) The Chairman of the Complaints Panel may at any time revoke the appointment of a Complaints Committee or may remove any member of a Complaints Committee or fill any vacancy in a Complaints Committee.

(5) No act done by or under the authority of a Complaints Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(6) All the members of a Complaints Committee shall be present to constitute a quorum for a meeting of the Complaints Committee.

(7) Notwithstanding subsection (6), any resolution or decision in writing signed by all the members of a Complaints Committee shall be as valid and effectual as if it had been made or reached at a meeting of the Complaints Committee where all its members were present.

(8) A Complaints Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as its members may think fit.

5 (9) The chairman of a Complaints Committee may at any time summon a meeting of the Complaints Committee.

(10) All members of a Complaints Committee present at a meeting thereof shall vote on any question arising at the meeting and such question shall be determined by a majority of votes and, in the case of an equality of votes, the chairman shall have a casting vote.

10 (11) A member of a Complaints Committee shall, notwithstanding that he has ceased to be a member of the Complaints Panel on the expiry of his term of office, be deemed to be a member of the Complaints Panel until such time as the Complaints Committee has completed its work.

Referral to Complaints Committee, etc.

15 **41.**—(1) Where any complaint or information mentioned in section 39(1)(a), (b) or (c) is made or referred by the Council to the Chairman of the Complaints Panel, the Chairman of the Complaints Panel shall lay the complaint or information before a Complaints Committee.

20 (2) Where any information mentioned in section 39(1)(d) is referred by the Council to the Chairman of the Complaints Panel, the Chairman of the Complaints Panel shall —

25 (a) if he is satisfied, based on any evidence given in support of the information, that a formal inquiry is necessary to determine the physical or mental fitness of the registered allied health professional to practise, refer the information to a Health Committee; or

(b) in any other case, lay the information before a Complaints Committee.

Commencement of inquiry by Complaints Committee

30 **42.**—(1) A Complaints Committee shall, within 2 weeks of its appointment, commence its inquiry into any complaint or information, or any information or evidence referred to in section 44(5), and complete its inquiry not later than 3 months after the date the complaint or information is laid before the Complaints Committee.

(2) Where a Complaints Committee is of the opinion that it will not be able to complete its inquiry within the period specified in subsection (1) due to the complexity of the matter or serious difficulties encountered by the Complaints Committee in conducting its inquiry, the Complaints Committee may apply in writing to the Chairman of the Complaints Panel for an extension of time to complete its inquiry and the Chairman may grant such extension of time to the Complaints Committee as he thinks fit.

(3) For the purposes of an inquiry, a Complaints Committee may appoint one or more investigators in accordance with section 69 to investigate the complaint or information, and the investigator may exercise any one or more of the powers under that section in carrying out his functions and duties under this Part.

(4) A Complaints Committee shall —

(a) if it is unanimously of the opinion that the complaint or information is frivolous, vexatious, misconceived or lacking in substance, make an order under section 49(1)(i);

(b) if it is unanimously of the opinion that no investigation is necessary —

(i) issue a letter of advice to the registered allied health professional; or

(ii) refer the matter for mediation between the registered allied health professional and the complainant; or

(c) in any other case, direct one or more investigators to carry out an investigation and make a report to it under section 48.

Mediation

43.—(1) In referring a matter for mediation under section 42(4)(b)(ii), the Complaints Committee may order the personal attendance of the complainant and the registered allied health professional before a mediator specified by the Complaints Committee.

(2) The mediator shall submit a report to the Complaints Committee on the outcome of the mediation.

(3) If the complainant refuses or fails, without reasonable cause, to comply with the order under subsection (1), the Complaints Committee may dismiss the matter.

(4) If the registered allied health professional refuses or fails, without reasonable cause, to comply with the order under subsection (1), the Complaints Committee may proceed to make a direction under section 42(4)(b)(i) or (c).

5 (5) If for any reason the mediation does not take place or the matter is not amicably resolved through mediation, the Complaints Committee or another Complaints Committee appointed in its place may make any order or direction under section 42(4)(b)(i) or (c) as it thinks fit.

10 (6) Where the matter is amicably resolved through mediation, the Complaints Committee or another Complaints Committee appointed in its place may —

(a) discontinue the matter; or

(b) make such other order under section 49(1) as it thinks fit.

Conduct of investigation

15 **44.**—(1) An investigator directed under section 42(4)(c) to investigate any complaint or information shall, if he is of the opinion that the registered allied health professional should be called upon to answer any allegation made against him, give notice in writing of the complaint or information to him.

20 (2) A notice under subsection (1) shall —

(a) include copies of any complaint or information and of any statutory declaration or affidavit that have been made in support of the complaint or information; and

25 (b) invite the registered allied health professional, within such period (not being less than 21 days from the date of the notice) as may be specified in the notice, to give to the investigator any written explanation he may wish to offer.

(3) In the course of investigations, the Complaints Committee may authorise the investigator in writing to —

30 (a) in the case of a complaint mentioned in section 39(1)(c), obtain the consent of the registered allied health professional to undergo a performance assessment in accordance with the provisions of Division 3; and

(b) in the case of information mentioned in section 39(1)(d), obtain the consent of the registered allied health professional to submit to a fitness assessment in accordance with the provisions of Division 3,

5 and the registered allied health professional shall respond within such reasonable time as the investigator may, in the notice, specify.

(4) If the registered allied health professional —

(a) declines to undergo a performance or fitness assessment requested under subsection (3);

10 (b) having agreed to undergo such an assessment, subsequently fails to participate in the assessment or refuses to cooperate with the assessors; or

(c) does not respond to the notice within the time specified in subsection (3),

15 the investigator shall make a report to the Complaints Committee under section 48 and the Complaints Committee may proceed with the inquiry and make such order as it deems fit under section 49(1) or (2).

(5) Where, in the course of an investigation, an investigator receives information touching on, or obtains evidence of, the conduct, physical or
20 mental fitness, or professional performance —

(a) of the registered allied health professional concerned, which is outside the subject-matter of the complaint or information referred to the investigator; or

25 (b) of a registered allied health professional other than the registered allied health professional concerned,

which may give rise to proceedings under this Part, the investigator shall make a report of this to the Complaints Committee under section 48.

(6) On receiving a report under subsection (5), the Complaints Committee shall —

30 (a) if it is unanimously of the opinion that the complaint or information is frivolous, vexatious, misconceived or lacking in substance, make an order under section 49(1)(i); or

(b) if it believes there is evidence of any of the matters referred to in section 39(1) —

- (i) direct one or more investigators to carry out an investigation and make a report to it under section 48; or
- (ii) refer the matter to the Chairman of the Complaints Panel and the Chairman shall act in accordance with section 41 by referring the complaint or information to a Health Committee or laying it before a different Complaints Committee, as the case may be.

Division 3 — Performance and fitness assessments

Performance assessment

10 **45.**—(1) If the registered allied health professional agrees to undergo a performance assessment under section 44(3)(a), the quality of professional services provided by him shall be assessed by a Performance Assessment Panel appointed by the Complaints Committee and comprising one or more suitably qualified persons as the Complaints
15 Committee may determine.

(2) The Performance Assessment Panel will carry out the performance assessment in accordance with —

- (a) the provisions of this Division;
- (b) the practice and procedure as may be determined by the Council;
20 and
- (c) such instructions as may be issued by the Complaints Committee.

(3) The registered allied health professional under assessment shall, if required by the Performance Assessment Panel —

- (a) produce to the Panel or afford the Panel access to any record or other document specified by the Panel or any record or other document which is of a class or description so specified and which is in his possession or under his control, being in either case a record or other document which the Panel reasonably
25 believes is or may be relevant to the performance assessment,
30 within such time and at such place as the Panel may reasonably require;

(b) give to the Panel such explanation or further particulars in respect of anything produced in compliance with a requirement under paragraph (a) as the Panel shall specify; and

5 (c) give to the Panel all assistance in connection with the performance assessment which he is reasonably able to give.

(4) Where any information or matter relevant to a performance assessment is recorded otherwise than in a legible form, the power of a Performance Assessment Panel to require the production of any record or other document conferred under subsection (3)(a) shall include the power
10 to require the production of a reproduction of any such information or matter or of the relevant part of it in a legible form.

(5) A Performance Assessment Panel may inspect, examine, make copies of or take any abstract of or extract from any record or document produced under subsection (3)(a) or (4).

15 (6) The Performance Assessment Panel shall give a report of the assessment to the Complaints Committee and, with the approval of the Complaints Committee, the registered allied health professional.

(7) The Complaints Committee, or the investigator with the approval of the Complaints Committee, may discuss the report with the registered
20 allied health professional under assessment and, in the case of an adverse finding in the report, the possible ways of dealing with that finding.

Fitness assessment

25 **46.**—(1) If the registered allied health professional agrees to submit to a fitness assessment under section 44(3)(b), his fitness to practise the prescribed allied health profession by reason of his physical or mental condition shall be assessed by a Fitness Assessment Panel appointed by the Complaints Committee and comprising one or more suitably qualified persons as the Complaints Committee may determine.

30 (2) The Fitness Assessment Panel will carry out the fitness assessment in accordance with —

(a) the provisions of this Division;

(b) the practice and procedure as may be determined by the Council; and

35 (c) such instructions as may be issued by the Complaints Committee.

(3) The Fitness Assessment Panel shall submit a report of the assessment to the Complaints Committee and, with the approval of the Complaints Committee, provide a copy of the report to the registered allied health professional.

- 5 (4) The Complaints Committee, or the investigator with the approval of the Complaints Committee, may discuss the report with the registered allied health professional under assessment and, in the case of an adverse finding in the report, the possible ways of dealing with that finding.

Confidentiality of information

10 **47.**—(1) A person to whom this section applies shall not be compellable in any proceedings to give evidence in respect of, or to produce any document containing any information which has been obtained in the course of, a performance or fitness assessment except in the case of the following:

- 15 (a) an inquiry by a Complaints Committee, a Disciplinary Tribunal, a Health Committee or an Interim Orders Committee; or
 (b) a prosecution for a criminal offence.

(2) A person to whom this section applies shall not disclose any information contained in any document as may have come to his
 20 knowledge in the course of a performance or fitness assessment unless the disclosure is made —

- (a) under or for the purpose of administering and enforcing this Act or the Infectious Diseases Act (Cap. 137); or
 (b) for any other purpose with the consent of the person to whom the
 25 information relates.

(3) This section applies to —

- (a) a member of a Performance or Fitness Assessment Panel;
 (b) the investigator referred to in section 42(4)(c) or 44(6)(b)(i);
 (c) a member of a Complaints Committee, Disciplinary Tribunal,
 30 Health Committee or an Interim Orders Committee; and
 (d) a member, an officer or an agent of the Council.

*Division 4 — Powers after investigation***Investigation report and deliberation by Complaints Committee**

5 **48.**—(1) Upon completing an investigation into any complaint or information, the investigator shall submit a report on the findings of the investigation to the Complaints Committee for its deliberation.

(2) The report referred to in subsection (1) shall include —

(a) any written explanation given by the registered allied health professional after receiving a notice under section 44(1);

10 (b) any assessment report made under Division 3, if a performance or fitness assessment was undertaken; and

(c) any recommendation on the necessity or otherwise of a formal inquiry by a Disciplinary Tribunal or Health Committee.

15 (3) No person shall disclose the contents of the investigation report or any information contained in any document which was obtained in the course of an investigation or inquiry commenced under this Part to any other person, including the registered allied health professional, except where —

(a) the Complaints Committee in its absolute discretion thinks otherwise; or

20 (b) such disclosure is required for the purpose of administering and enforcing this Act or the Infectious Diseases Act (Cap. 137).

(4) The Complaints Committee may, in the course of its deliberations and before it reaches a decision, seek such legal advice as it thinks necessary.

25 (5) The registered allied health professional concerned shall not have the right to be heard by the Complaints Committee, whether in person or by counsel, unless the Complaints Committee in its absolute discretion otherwise allows.

Findings of Complaints Committee

30 **49.**—(1) After deliberation of the investigation report and any recommendation of an investigator made under section 48, and upon due inquiry into the complaint or information (including any information or evidence referred to in section 44(5)), a Complaints Committee shall, if it

is of the view that no formal inquiry by a Disciplinary Tribunal or Health Committee is necessary, do one or more of the following:

- (a) issue a letter of advice to the registered allied health professional;
- 5 (b) issue a letter of warning to the registered allied health professional;
- (c) order that the registered allied health professional seek and undergo medical or psychiatric treatment or counselling;
- (d) order that the registered allied health professional undertake and complete specified further education or training within a specified period;
- 10 (e) order that the registered allied health professional report on the status of the fitness of his physical or mental condition or on the status of his practice at such times, in such manner and to such persons as may be specified by the Complaints Committee;
- 15 (f) order that the registered allied health professional seek and take advice, in relation to the management of his practice, from such persons as may be specified by the Complaints Committee;
- (g) by agreement with the registered allied health professional —
 - 20 (i) order the Registrar to remove the name of the registered allied health professional from the appropriate register;
 - (ii) suspend the registration of the registered allied health professional from the appropriate register for a period of not more than 3 years;
 - 25 (iii) where the registered allied health professional is an allied health professional with full registration, order the Registrar to remove his name from the Register of Allied Health Professionals with Full Registration and register him as an allied health professional with restricted or conditional registration in the prescribed allied health profession in which he is registered and with appropriate conditions or restrictions, and section 17(2) and (3) or 18(4) to (9), as the case may be, shall apply accordingly;
 - 30 (iv) where the registered allied health professional is registered in any register other than the Register of Allied Health

Professionals with Full Registration, impose appropriate conditions or restrictions on his registration; or

(v) order that his practising certificate be suspended or cancelled;

5 (h) refer the matter for mediation between the registered allied health professional and the complainant;

(i) order that the complaint or matter be dismissed;

(j) make such other order as it thinks fit.

10 (2) Where a Complaints Committee determines that a formal inquiry is necessary, it shall order —

(a) that an inquiry be held by a Health Committee if the complaint, information or evidence touches on the physical or mental fitness of the registered allied health professional to practise; or

(b) that an inquiry be held by a Disciplinary Tribunal.

15 (3) Where a Complaints Committee has made an order under subsection (2) or (6) for a formal inquiry to be held by a Disciplinary Tribunal or Health Committee, the Council shall appoint a Disciplinary Tribunal or Health Committee, as the case may be, which shall hear and investigate the complaint or matter.

20 (4) Where a Complaints Committee has decided to issue a letter of advice, the chairman of the Complaints Committee shall issue a letter of advice in such terms as it thinks fit.

25 (5) Where a Complaints Committee has referred the matter for mediation, section 43 shall apply with the necessary modifications and references in section 43(4) and (5) to section 42(4)(b)(i) or (c) shall be read as references to section 49(1) or (2), respectively.

30 (6) Where the registered allied health professional in respect of whom an order is made under subsection (1)(c), (d), (e) or (f) is found by a Complaints Committee (whether it is the Complaints Committee that made the order or another Complaints Committee appointed in its place) to have failed to comply with any of the requirements imposed on him, the Complaints Committee may, if it thinks fit, order that a formal inquiry be held by a Disciplinary Tribunal or Health Committee, as the case may be, in respect of the complaint, information or evidence.

(7) Where, in the course of an inquiry, a Complaints Committee receives information touching on, or evidence of, the conduct of the registered allied health professional concerned which discloses an offence under any written law, the Complaints Committee shall record the information and report it to the Council.

(8) Where the complainant withdraws his complaint before —

(a) it is referred to a Complaints Committee, Disciplinary Tribunal or Health Committee under this section; or

(b) the conclusion of the inquiry by a Complaints Committee, Disciplinary Tribunal or Health Committee,

the Council may, notwithstanding such withdrawal, refer the complaint to or direct a Complaints Committee, Disciplinary Tribunal or Health Committee to continue the inquiry, as the case may be, and the Chairman of the Complaints Panel, or the Complaints Committee, Disciplinary Tribunal or Health Committee, as the case may be, shall comply with such direction as if the complaint had been made by the Council.

(9) A Complaints Committee shall notify the registered allied health professional concerned and the person who made the complaint or referred the information under section 39(1) of its decision under subsection (1) or (2) and, if it makes an order under subsection (1), the reason for making the order.

(10) A registered allied health professional who is aggrieved by any order of a Complaints Committee under subsection (1) may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.

(11) If the person who has made the complaint or referred information to the Council is dissatisfied with any order of a Complaints Committee under subsection (1), he may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.

(12) If the Council is dissatisfied with any order of a Complaints Committee under subsection (1) in a case where a complaint is made on any matter or information is referred to the Chairman of the Complaints Panel under subsection (8) or section 37(4), 39(3)(a) or 44(6), the Council may, within 30 days after being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.

(13) The Minister may, after considering the appeal, make —

- (a) an order affirming the determination of a Complaints Committee;
- (b) an order directing a Complaints Committee to immediately appoint one or more investigators for the purposes of carrying out an investigation under section 42(4)(c);
- (c) an order directing the Council to —
 - (i) immediately appoint a Disciplinary Tribunal to hear and investigate the complaint or matter; or
 - (ii) order that an inquiry into such matter be held by a Health Committee; or
- (d) such other order as he thinks fit.

(14) Every Complaints Committee shall immediately report to the Council its findings and the order or orders made.

Division 5 — Disciplinary Tribunals

Disciplinary Tribunal

50.—(1) The Council may from time to time appoint one or more Disciplinary Tribunals, each comprising —

- (a) a chairman, from a panel appointed by the Minister, who is —
 - (i) a registered allied health professional who has practised for not less than 15 years in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in;
 - (ii) a person who has at any time held office as a Judge or Judicial Commissioner of the Supreme Court; or
 - (iii) a person who has had —
 - (A) an aggregate of not less than 15 years' standing as an advocate and solicitor;
 - (B) an aggregate of not less than 15 years of full time employment in the Singapore Legal Service; or
 - (C) any combination of standing referred to in subparagraph (A) and employment referred to in sub-

paragraph (B) which in the aggregate is not less than 15 years;

(b) a registered allied health professional from among members of the Complaints Panel, who has practised for not less than 10 years in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in;

(c) a member who is —

(i) where the chairman is a registered allied health professional, either —

(A) another registered allied health professional referred to in paragraph (b); or

(B) a person referred to in paragraph (a)(ii) or (iii); or

(ii) where the chairman is a person referred to in paragraph (a)(ii) or (iii), another registered allied health professional referred to in paragraph (b); and

(d) where the chairman is a registered allied health professional and the member referred to in paragraph (c)(i) is that referred to in sub-paragraph (A) of that paragraph, one observer from among members of the Complaints Panel who is a lay person,

to inquire into any matter in respect of which a Complaints Committee has under section 49(2)(b) ordered that a formal inquiry be held, any matter which it is directed to hear and investigate under section 49(13)(c), or any matter referred to the Disciplinary Tribunal under section 39(4).

(2) Notwithstanding subsection (1), if, in the Minister's opinion, it is inexpedient, difficult or impracticable to make an appointment under subsection (1)(a)(i), (b) or (c)(i)(A) or (ii) because of the requirement that the appointee must have practised for not less than 15 or 10 years (as the case may be) in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in, the Minister may appoint a registered allied health professional who has practised in that profession for less than those number of years.

(3) Notwithstanding subsection (1), if, in the Minister's opinion, due to the nature of the issues likely to be raised at the inquiry, it is unnecessary for the chairman under subsection (1)(a)(i) or a member under

subsection (1)(b) or (c)(i)(A) or (ii) to have practised in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in, the Minister may appoint —

- 5 (a) a registered allied health professional from another prescribed allied health profession; or
- (b) a person permitted under any other written law to practise any other healthcare profession in Singapore,

10 who has practised that other profession for any number of years, as the chairman or member.

(4) A member of a Complaints Committee inquiring into any matter concerning a registered allied health professional shall not be a member of a Disciplinary Tribunal inquiring into the same matter.

15 (5) The observer appointed under subsection (1)(d) shall not vote on any question or matter to be decided by the Disciplinary Tribunal and need not be present at every meeting of the Disciplinary Tribunal.

(6) A Disciplinary Tribunal may be appointed in connection with one or more matters or for a fixed period of time as the Council may think fit.

20 (7) The Council may at any time revoke the appointment of a Disciplinary Tribunal or may remove any member of a Disciplinary Tribunal or fill any vacancy in a Disciplinary Tribunal.

25 (8) Without affecting the generality of subsection (7), where, after a Disciplinary Tribunal has commenced the hearing and investigation of a matter, any member of the Disciplinary Tribunal is unable through death, illness or any other cause to continue with the hearing and investigation of the matter, the Council may fill the vacancy or appoint another Disciplinary Tribunal to continue the hearing and investigation of the matter.

30 (9) The Disciplinary Tribunal so reconstituted or appointed under subsection (8) —

- 35 (a) may, with the consent of the Council and the registered allied health professional being complained against and who is represented by counsel, continue with the hearing as if the Disciplinary Tribunal had not been reconstituted or appointed, and when so hearing the Disciplinary Tribunal shall have regard to the evidence given, the arguments adduced and any orders

made during the proceedings before the previous Disciplinary Tribunal; and

(b) shall, in any other case, hear and investigate the matter afresh.

5 (10) The production of any written instrument purporting to be signed by the Council and making an appointment, revocation or removal referred to in this section shall be evidence that such appointment, revocation or removal has been duly made.

10 (11) Every member of a Disciplinary Tribunal appointed under subsection (1) shall be paid such remuneration as the Council may determine.

(12) No act done by or under the authority of a Disciplinary Tribunal shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

15 (13) Subject to subsection (5), all members of a Disciplinary Tribunal shall be personally present at any meeting thereof to constitute a quorum for the transaction of any business.

20 (14) Subject to subsection (5), all members of a Disciplinary Tribunal present at any meeting thereof shall vote on any question arising at the meeting and such question shall be determined by a majority of votes and, in the case of an equality of votes —

(a) where the chairman is a registered allied health professional, the chairman shall have a casting vote; or

25 (b) where the chairman is a person referred to in subsection (1)(a)(ii) or (iii), the question shall be resolved in favour of the registered allied health professional concerned.

Proceedings of Disciplinary Tribunal

30 **51.**—(1) A Disciplinary Tribunal shall meet from time to time to inquire into a matter referred to it by the Council and may regulate its own procedure.

(2) A member of a Disciplinary Tribunal shall, notwithstanding that he has ceased to be a member of the Complaints Panel or a panel referred to in section 50(1)(a) on the expiry of his term of office, continue to be a member of the Disciplinary Tribunal until such time as the Disciplinary Tribunal has completed its work.

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(3) The registered allied health professional concerned may appear in person or be represented by counsel.

5 (4) A Disciplinary Tribunal shall not be bound to act in a formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(5) A Disciplinary Tribunal may, for the purposes of any proceedings before it, administer oaths, and any party to the proceedings may take out a subpoena to testify or a subpoena to produce documents.

10 (6) The subpoenas referred to in subsection (5) shall be served and may be enforced as if it is a subpoena issued in connection with a civil action in the High Court.

(7) A person giving evidence before a Disciplinary Tribunal shall be legally bound to tell the truth.

15 (8) Witnesses shall have the same privileges and immunities in relation to hearings before a Disciplinary Tribunal as if such hearings were proceedings in a court of law.

20 (9) A Disciplinary Tribunal shall carry out its work expeditiously and may apply to the Council for an extension of time and for directions to be given to the Disciplinary Tribunal if the Disciplinary Tribunal fails to make its finding and order within 6 months from the date of its appointment.

25 (10) When an application for extension of time has been made under subsection (9), the Council may grant an extension of time for such period as it thinks fit.

30 (11) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” is deemed to include a member of a Disciplinary Tribunal taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code, “judicial proceeding” is deemed to include any such investigation.

Reference and transfer of cases to Health Committee

52.—(1) Where, in the course of inquiring into the case of a registered allied health professional, it appears to a Disciplinary Tribunal that his fitness to practise may be impaired by reason of his physical or mental

condition, the Disciplinary Tribunal may refer that question to a Health Committee for determination.

5 (2) If, on a reference under this section, the Health Committee determines that the fitness of the registered allied health professional to practise is not impaired by reason of his physical or mental condition, the Health Committee shall certify its opinion to the Disciplinary Tribunal.

10 (3) If, on a reference under this section, the Health Committee determines that the fitness of the registered allied health professional to practise is impaired by reason of his physical or mental condition, the Health Committee shall —

(a) certify its opinion to the Disciplinary Tribunal; and

(b) proceed to dispose of the case in accordance with section 58,

and the Disciplinary Tribunal shall cease to exercise its function in relation to the case.

15 **Findings of Disciplinary Tribunal**

53.—(1) Where a registered allied health professional is found by a Disciplinary Tribunal —

(a) to have been convicted in Singapore or elsewhere of any offence involving fraud or dishonesty;

20 (b) to have been convicted in Singapore or elsewhere of any offence implying a defect in character which makes him unfit for his profession;

25 (c) to have been guilty of such improper act or conduct which, in the opinion of the Disciplinary Tribunal, brings disrepute to his profession;

(d) to have been guilty of professional misconduct; or

(e) to have failed to provide professional services of the quality which is reasonable to expect of him,

30 the Disciplinary Tribunal may exercise one or more of the powers referred to in subsection (2).

(2) For the purposes of subsection (1), the Disciplinary Tribunal may —

(a) by order direct the Registrar to remove the name of the registered allied health professional from the appropriate register;

- (b) by order suspend the registration of the registered allied health professional in the appropriate register for a period of not less than 3 months and not more than 3 years;
- (c) where the registered allied health professional is an allied health professional with full registration, by order direct the Registrar to remove his name from the Register of Allied Health Professionals with Full Registration and register him as an allied health professional with restricted or conditional registration in the prescribed allied health profession in which he is registered and with appropriate conditions or restrictions, and section 17(2) and (3) or 18(4) to (9), as the case may be, shall apply accordingly;
- (d) where the registered allied health professional is registered in any register other than the Register of Allied Health Professionals with Full Registration, by order impose appropriate conditions or restrictions on his registration;
- (e) by order impose on the registered allied health professional a penalty not exceeding \$50,000;
- (f) by writing censure the registered allied health professional;
- (g) by order require the registered allied health professional to give such undertaking as the Disciplinary Tribunal thinks fit to abstain in future from the conduct complained of; or
- (h) make such other order as the Disciplinary Tribunal thinks fit, including any order that a Complaints Committee may make under section 49(1).

(3) In any proceedings instituted under this Part against a registered allied health professional consequent upon his conviction for a criminal offence, a Disciplinary Tribunal and the High Court on appeal from any order of a Disciplinary Tribunal shall accept his conviction as final and conclusive.

(4) Where a registered allied health professional is not found by a Disciplinary Tribunal to have been convicted or guilty of any matter referred to in subsection (1), the Disciplinary Tribunal shall dismiss the complaint or matter.

(5) A Disciplinary Tribunal may under subsection (2) order the registered allied health professional concerned to pay to the Council such

sums as it thinks fit in respect of costs and expenses of and incidental to any proceedings before the Disciplinary Tribunal and, where applicable, an Interim Orders Committee.

5 (6) The High Court shall have jurisdiction to tax such costs referred to in subsection (5) and any such order for costs made shall be enforceable as if it were ordered in connection with a civil action in the High Court.

10 (7) The Disciplinary Tribunal in ordering that costs be paid by the registered allied health professional under this section may certify that costs for more than one solicitor be paid if it is satisfied that the issues involved in the proceedings are of sufficient complexity, and the certification by the Disciplinary Tribunal shall have the same effect as if it were a certification by a Judge in a civil action in the High Court.

(8) The costs and expenses referred to in subsection (5) shall include —

15 (a) the costs and expenses of any assessor and advocate and solicitor appointed by the Council for proceedings before the Disciplinary Tribunal and the Interim Orders Committee;

(b) such reasonable expenses as the Council may pay to witnesses; and

20 (c) such reasonable expenses as are necessary for the conduct of proceedings before the Disciplinary Tribunal and the Interim Orders Committee.

(9) The penalty under subsection (2)(e) shall be recoverable as a debt due to the Government.

25 **Effective dates of Disciplinary Tribunal orders and non-compliance with orders, etc.**

30 **54.**—(1) Where a registered allied health professional in respect of whom an order under section 53(2)(c) or (d), 61(1)(b) or 63(1)(d) is made, is found by a Disciplinary Tribunal (whether, in the case of an order under section 53(2)(c) or (d), it is the Disciplinary Tribunal that made the order or another Disciplinary Tribunal appointed in its place) to have failed to comply with any of the requirements imposed on him as conditions or restrictions of his registration, the Disciplinary Tribunal may, if it thinks fit, by order —

35 (a) direct the Registrar to remove his name from the appropriate register; or

(b) suspend his registration in the appropriate register for such period not exceeding 12 months as may be specified in the order.

(2) Where a Disciplinary Tribunal has made an order for suspension under subsection (1)(b) or section 53(2)(b), the Disciplinary Tribunal may
5 make an order under section 53(2)(c) or (d), to take effect from the expiry of the current period of suspension.

(3) Where a Disciplinary Tribunal has made an order for suspension under subsection (1)(b) or section 53(2)(b) against a registered allied health professional and he has failed to comply with that order, the
10 Disciplinary Tribunal or another Disciplinary Tribunal appointed in its place may, if it thinks fit —

(a) by order direct the Registrar to remove his name from the appropriate register; or

(b) make an order under section 53(2)(c) or (d), to take effect from
15 the expiry of the current period of suspension.

(4) Where a Disciplinary Tribunal has made an order under section 53(2)(c) or (d), the Disciplinary Tribunal or another Disciplinary Tribunal appointed in its place may revoke the order or revoke or vary any of the conditions or restrictions imposed by the order.

(5) Subsection (1) shall apply to a registered allied health professional whose registration is subject to conditions or restrictions imposed by an order made under subsection (2) or (3) as it applies to a registered allied health professional whose registration is subject to conditions or restrictions imposed by an order made under section 53(2)(c) or (d), and
20 subsection (4) shall apply accordingly.

(6) Where a Disciplinary Tribunal has made an order under section 53 or this section, or has varied the conditions or restrictions imposed by an order under this section, the Registrar shall immediately serve on the registered allied health professional and on the complainant a notice of the
30 order or the variation.

(7) Subject to subsection (8), an order made by a Disciplinary Tribunal for the removal of the name of a registered allied health professional from the appropriate register or for the suspension of his registration under subsection (1) or (3) or section 53(2) shall not take effect until the
35 expiration of 30 days after the order is made.

(8) On making an order for the removal of the name of a registered allied health professional from the appropriate register or for the suspension of his registration under subsection (1) or (3) or section 53(2), a Disciplinary Tribunal, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of the registered allied health professional concerned, may order the Registrar to remove his name from the register or that his registration in the register be suspended immediately.

(9) Where an order under subsection (8) is made, the Registrar shall immediately serve a notice of the order on the person to whom it applies and —

- (a) if that person was present or represented at the proceedings of the Disciplinary Tribunal, the order shall take effect from the time the order is made; or
- (b) if that person was neither present nor represented at the proceedings of the Disciplinary Tribunal, the order shall take effect from the date of service of the notice on him.

(10) An order of a Disciplinary Tribunal, other than an order for the removal of a name or for the suspension of a registration under subsection (1) or (3) or section 53(2)(a) or (b), shall take effect from the date the order is made.

(11) While any order of suspension of registration remains in force, the person concerned shall not be regarded as being registered, notwithstanding that his name still appears in a register, but immediately on the expiry of the order, his rights and privileges as a registered allied health professional shall be revived as from the date of the expiry provided that the registered allied health professional has complied with all the terms of the order.

Appeal against order by Disciplinary Tribunal

55.—(1) A registered allied health professional or the Council who is dissatisfied with a decision of the Disciplinary Tribunal referred to in section 53(2), (4) or (5) or 54 (referred to in this section as the decision of the Disciplinary Tribunal) may, within 30 days after the service on the registered allied health professional of the notice of the order, appeal to the High Court against the order (referred to in this section as an appeal to the High Court).

(2) A complainant who is dissatisfied with the decision of the Disciplinary Tribunal may, within 30 days from the lapse of the period for appeal in subsection (1), provided he has not received notice of the Council's decision to file an appeal to the High Court, apply to a Review Committee to direct the Council to file an appeal to the High Court.

(3) For the purposes of hearing applications under subsection (2), the Minister may from time to time appoint one or more Review Committees, each comprising —

(a) one member from the panel referred to in section 50(1)(a); and

(b) 2 members who shall be registered allied health professionals each of whom has practised for not less than 10 years in the same prescribed allied health profession as that which the registered allied health professional is registered in.

(4) The chairman of a Review Committee shall be appointed by the Minister from among its 3 members.

(5) A Review Committee shall not be bound by the rules of evidence and shall regulate its own proceedings.

(6) Upon an application under subsection (2), the Review Committee may, if it is unanimously of the opinion that there are sufficient grounds for the decision of the Disciplinary Tribunal to be appealed against to the High Court, direct the Council to file an appeal to the High Court.

(7) Before exercising its power under subsection (6), the Review Committee shall give to both the Council and the registered allied health professional concerned a reasonable opportunity to make representations in writing as to why the Review Committee should not make a direction under subsection (6).

(8) The Review Committee's decision under subsection (6) shall be final.

(9) If the Review Committee directs the Council to file an appeal to the High Court, the Council shall do so within 14 days of the receipt of the direction notwithstanding the expiry of 30 days referred to in subsection (1).

(10) An appeal under this section shall be heard by the High Court and from the decision of that Court there shall be no appeal.

(11) The procedure governing any such appeal to the High Court shall be as provided in the Rules of Court.

(12) In any appeal to the High Court against a decision referred to in section 53(2), (4) or (5) or 54, the High Court shall accept as final and conclusive any finding of the Disciplinary Tribunal relating to any issue of medical ethics or standards of professional conduct unless such finding is in the opinion of the High Court unsafe, unreasonable or contrary to the evidence.

(13) Notwithstanding anything in section 53 or 54, where a registered allied health professional has appealed to the High Court against an order referred to in section 53(2) or 54, the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or is withdrawn.

Restoration of names to register

56.—(1) Where the name of a registered allied health professional has been removed from a register pursuant to an order made by a Disciplinary Tribunal under section 53 or 54, the Council may, on its own motion or upon his application —

- (a) direct that his name be restored to the register; or
- (b) direct that he be registered with restricted, conditional or temporary registration, and section 17(2) and (3), 18(4) to (9) or 19(3), (4) and (5), as the case may be, shall apply accordingly.

(2) No application for the restoration of a name to a register under this section shall be made to the Council —

- (a) before the expiration of 3 years from the date of the removal; or
- (b) more than once in any period of 12 months by or on behalf of the person,

and unless the person has complied with all the terms of the order made against him.

Division 6 — Health Committee

Health Committee

57.—(1) The Council may, from time to time, appoint one or more Health Committees, each comprising not less than 3 persons, of whom —

- 5 (a) at least one shall be a registered allied health professional who has practised for not less than 15 years in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in, and who shall be the chairman;
- (b) at least one shall be a registered allied health professional who has practised for not less than 10 years in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in; and
- 10 (c) one shall be a lay person.

(2) A Health Committee shall inquire into any case or matter referred to it under this Act.

(3) A Health Committee may be appointed in connection with one or more matters or for a fixed period of time as the Council may think fit.

15 **Unfitness to practise through illness, etc.**

58.—(1) Where a Health Committee determines that a registered allied health professional's fitness to practise is impaired by reason of his physical or mental condition, the Health Committee may exercise one or more of the following powers:

- 20 (a) order that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order;
- (b) where the registered allied health professional is an allied health professional with full registration, direct the Registrar to remove his name from the Register of Allied Health Professionals with Full Registration and register him as an allied health professional with restricted or conditional registration in the prescribed allied health profession in which he is registered and with appropriate restrictions or conditions, and section 17(2) and (3) or 18(4) to 25 (9), as the case may be, shall apply accordingly;
- 30 (c) where the registered allied health professional is registered in any register other than the Register of Allied Health Professionals with Full Registration, order that appropriate conditions or restrictions be imposed on his registration;

(d) recommend to the Council that the name of the registered allied health professional be removed from the appropriate register;

(e) order that he pays to the Council costs and expenses of and incidental to any inquiry or hearing by the Health Committee and, where applicable, an Interim Orders Committee.

5 (2) Where the Council accepts the recommendation of the Health Committee under subsection (1)(d), the Council shall by order direct the Registrar to remove the name of the registered allied health professional from the appropriate register and that order shall take effect from the date
10 the order is made.

(3) Where a registered allied health professional, in respect of whom an order under subsection (1)(b) or (c) or section 61(1)(b) or 63(1)(d) is made, is determined by a Health Committee to have failed to comply with any of the requirements imposed on him as conditions or restrictions of
15 his registration, the Health Committee may, if it thinks fit, order that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order.

(4) Where a Health Committee has made an order for suspension under subsection (1) or (3), the Health Committee may make an order under
20 subsection (1)(b) or (c), to take effect from the expiry of the current period of suspension.

(5) Where a Health Committee has made an order for suspension under subsection (1) or (3) against a person and that person has failed to comply with that order, the Health Committee may, if it thinks fit —

25 (a) make a recommendation referred to in subsection (1)(d) to the Council, and subsection (2) shall apply accordingly; or

(b) make an order under subsection (1)(b) or (c), to take effect from the expiry of the current period of suspension.

30 (6) Where a Health Committee has made an order under subsection (1)(b) or (c), the Health Committee or another Health Committee appointed in its place may, on its own motion or on the application of the Council or the registered allied health professional, revoke the order or revoke or vary any of the conditions or restrictions imposed by the order.

(7) No application under subsection (6) shall be made in respect of the same registered allied health professional more than once in any period of 12 months.

5 (8) Subsection (3) shall apply to a registered allied health professional whose registration is subject to conditions or restrictions imposed by an order made under subsection (4) or (5)(b) as it applies to a registered allied health professional whose registration is subject to conditions or restrictions imposed by an order made under subsection (1)(b) or (c), and subsection (5) shall apply accordingly.

10 (9) Where a Health Committee has made an order (including a revocation of the order or a revocation or variation of any condition or restriction imposed by the order) under this section, the Registrar shall immediately serve on the person to whom the order applies a notice of the order or of the revocation or variation.

15 (10) While a person's registration in a register is suspended by virtue of this section, he shall be treated as not being registered in the register notwithstanding that his name still appears in it, but immediately on the expiry of the order of suspension, his rights and privileges as a registered allied health professional shall be revived as from the date of the expiry
20 provided that the registered allied health professional has complied with all the terms of the order.

(11) Sections 50(11), (12), (13) and (14)(a) and 51 shall apply, with the necessary modifications, to a Health Committee and references to a Disciplinary Tribunal shall be read as references to a Health Committee.

25 (12) Any person who is aggrieved by an order (including a revocation of the order or a revocation or variation of any condition or restriction imposed by the order) made under this section may, within 30 days after the service on him of the notification of the order, appeal to the Minister whose decision shall be final.

30 (13) Any order (including a revocation of the order or a revocation or variation of any condition or restriction imposed by the order) made under this section shall take effect from the date the order, revocation or variation is made unless the Minister decides otherwise.

Restoration of names removed on recommendation of Health Committee

5 **59.**—(1) Where the name of a registered allied health professional has been removed from a register on the recommendation of a Health Committee under section 58, the Council may, on its own motion or upon his application —

(a) direct that his name be restored to the register; or

10 (b) direct that he be registered with restricted, conditional or temporary registration, and section 17(2) and (3), 18(4) to (9) or 19(3), (4) and (5), as the case may be, shall apply accordingly.

(2) No application under subsection (1) in respect of the same person shall be made to the Council more than once in any period of 12 months.

15 (3) No application under subsection (1) in respect of a person shall be made to the Council unless that person has complied with all the terms of the order made against him.

Division 7 — Interim Orders Committees

Interim Orders Committee

60.—(1) The Council may from time to time appoint one or more committees each comprising —

20 (a) 2 of its members of whom one shall be appointed the chairman; and

25 (b) one registered allied health professional who has practised for not less than 10 years in the same prescribed allied health profession as that which the registered allied health professional being complained against is registered in,

to be known for the purposes of this Act as Interim Orders Committees, to inquire into any matter referred by the Council under subsection (3).

(2) An Interim Orders Committee may be appointed in connection with one or more matters or for a fixed period of time.

30 (3) The Chairman of the Complaints Panel, or a Complaints Committee, Disciplinary Tribunal or Health Committee may refer any complaint or information to the Council for the purpose of determining if an order should be made under section 61(1), and the Council shall refer the

complaint or information to an Interim Orders Committee for this purpose.

(4) Neither the Chairman of the Complaints Panel nor a member of a Complaints Committee, Disciplinary Tribunal or Health Committee
5 inquiring into any matter shall be a member of an Interim Orders Committee inquiring into or reviewing the same matter.

(5) A member of an Interim Orders Committee inquiring into or reviewing any matter shall not be a member of a Complaints Committee, Health Committee or Disciplinary Tribunal inquiring into the same
10 matter, or take part in any deliberation of the Council under section 58 in respect of the same matter.

(6) All members of an Interim Orders Committee shall vote on any question arising at a meeting of the Interim Orders Committee and such question shall be determined by a majority of votes.

(7) A member of an Interim Orders Committee which has commenced
15 any inquiry or review of any case or matter shall, notwithstanding that he has ceased to be a member of the Council, continue to be a member of the Interim Orders Committee until completion of that inquiry or review.

(8) Sections 50(11), (12), (13) and (14)(a) and 51(1), (4) to (8) and (11)
20 shall apply, with the necessary modifications, to an Interim Orders Committee and to proceedings before it as they apply to a Disciplinary Tribunal and to proceedings before a Disciplinary Tribunal.

Interim orders

61.—(1) Where, upon due inquiry into any complaint or information
25 referred to it, an Interim Orders Committee is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the registered allied health professional concerned, that his registration be suspended or be made subject to conditions or restrictions, the Interim Orders Committee may make an
30 order —

- (a) that his registration in the appropriate register be suspended for such period not exceeding 18 months as may be specified in the order (referred to in this Part as an interim suspension order); or
- (b) that his registration be conditional on his compliance, during
35 such period not exceeding 18 months as may be specified in the order, with such conditions or restrictions so specified as the

Interim Orders Committee thinks fit to impose (referred to in this Part as an interim restriction order).

(2) The Registrar shall immediately serve a notification of the order on the registered allied health professional, and such order shall take effect from the date the order is made.

Review of interim orders

62.—(1) Subject to subsection (2), where an Interim Orders Committee has made an order under section 61(1), the Interim Orders Committee or another Interim Orders Committee appointed in its place —

(a) shall review it within the period of 6 months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it before the end of the period of 3 months beginning on the date of the decision of the immediately preceding review; and

(b) may review it where new evidence relevant to the order has become available after the making of the order.

(2) Where the High Court has extended the order under section 65(2) or an Interim Orders Committee has made a replacement order under section 63(1)(c) or (d), the first review after such extension or making of the replacement order shall take place —

(a) if the order (or the order which has been replaced) had not been reviewed under subsection (1), within the period of 6 months beginning on the date on which the High Court ordered the extension or on which the replacement order was made, as the case may be; or

(b) if it had been reviewed under subsection (1), within the period of 3 months beginning on the date on which the High Court ordered the extension or on which the replacement order was made.

Interim Orders Committee may revoke, vary or replace interim order

63.—(1) Where an interim suspension order or an interim restriction order has been made under this section or section 61(1) in relation to any person, the Interim Orders Committee that made the order or another Interim Orders Committee appointed in its place may, either upon its review referred to in section 62 or upon the recommendation of a Complaints Committee, Disciplinary Tribunal or Health Committee —

- (a) revoke the order or revoke any condition or restriction imposed by the order;
- (b) make an order varying any condition or restriction imposed by the order;
- 5 (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the registered allied health professional concerned, or that the registered allied health professional has not complied with any requirement imposed as a condition or
10 restriction of his registration in the interim restriction order, replace that order with an interim suspension order having effect for the remainder of the period of the former; or
- (d) if satisfied that the public interest or the interests of the registered allied health professional concerned would be more
15 adequately served by an interim restriction order, replace the interim suspension order with an interim restriction order having effect for the remainder of the period of the former.

(2) The Registrar shall immediately serve a notification of the decision under subsection (1) on the registered allied health professional, and such
20 order shall take effect from the date the order is made.

Right of hearing

64.—(1) No order under section 61(1) or 63(1)(b), (c) or (d) shall be made by an Interim Orders Committee in respect of any registered allied health professional unless he has been afforded an opportunity of
25 appearing before the Interim Orders Committee and being heard on the question whether such an order should be made in his case.

(2) For the purposes of subsection (1), the registered allied health professional may be represented before the Interim Orders Committee by counsel.

30 (3) Regulations made for the purposes of an Interim Orders Committee may include provisions securing that the registered allied health professional in respect of whom an interim suspension order or an interim restriction order has been made shall, if he so requires, be entitled to be heard by the Interim Orders Committee on each occasion when it reviews
35 the order, and be represented by counsel during such review.

Application to High Court

65.—(1) The Council may apply to the High Court for an extension of the period for which an order made under section 61(1) or 63(1)(c) or (d) has effect, and may apply again for further extensions.

5 (2) On such an application, the High Court may extend (or further extend) for up to 12 months the period for which the order has effect.

(3) The High Court may, on application by the registered allied health professional concerned —

- (a) in the case of an interim suspension order, revoke the order;
- 10 (b) in the case of an interim restriction order, revoke the order or vary any condition or restriction imposed by the order; or
- (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order
- 15 extending it).

Duration of interim orders

66.—(1) An interim suspension order or an interim restriction order shall be in force until —

- (a) the end of the period specified —
 - 20 (i) in the order; or
 - (ii) if the period is extended under section 65(2), in the order extending it; or
- (b) the date on which the relevant proceedings are concluded, whichever is the earlier.

25 (2) For the purposes of subsection (1)(b), the relevant proceedings are concluded if —

- (a) the Complaints Committee inquiring into the complaint or information has made an order under section 49(1) and —
 - 30 (i) no appeal to the Minister under section 49(10) or (11) was made against that decision within the period specified in that provision or such an appeal was withdrawn; or
 - (ii) the Minister made an order under section 49(13)(a) or (d);

(b) the Disciplinary Tribunal inquiring into the complaint or information has made an order under section 53(2) which has taken effect, or has dismissed the complaint or matter under section 53(4); or

5 (c) the Health Committee inquiring into the matter has made an order under section 58(1) which has taken effect, the Council has made an order under section 58(2) which has taken effect, or the Health Committee has dismissed the complaint or matter,

as the case may be.

10 **Person suspended under interim suspension order not regarded as registered**

67.—(1) While a person's registration in a register is suspended by virtue of an interim suspension order, he shall not be regarded as being registered notwithstanding that his name still appears in the register.

15 (2) Immediately upon the expiry or revocation of the interim suspension order, the person's rights and privileges as a registered allied health professional shall be revived from the date of such expiry or revocation, provided that he has complied with all the terms of the order.

20 (3) For the avoidance of doubt, sections 39 to 55, 57 and 58 shall continue to apply to a person whose registration in the register is suspended by virtue of an interim suspension order.

Division 8 — Appointment of legal counsel

Council may appoint legal counsel

25 **68.** For the purposes of an inquiry under this Part by a Disciplinary Tribunal, a Health Committee or an Interim Orders Committee, the Council may appoint an advocate and solicitor and pay him, as part of the expenses of the Council, such remuneration as the Council may determine.

PART VI

MISCELLANEOUS

Investigators

5 **69.**—(1) The Council may, in writing, appoint a member of the Council, a public officer or any other person as an investigator, subject to such conditions and limitations as the Council may specify —

 (*a*) to investigate the commission of an offence under this Act; or

 (*b*) to carry out an investigation under Part V.

(2) An investigator may, for the purposes of subsection (1) —

10 (*a*) by order in writing require any person —

 (*i*) to furnish any information within his knowledge; or

 (*ii*) to produce any book, document, paper or other record, or any article or thing which may be in his custody or possession and which may be related to or be connected with the subject-matter of the investigation for inspection by the investigator and for making copies thereof, or to provide
15 copies of such book, document, paper or other record,

 and may, if necessary, further require such person to attend at a specified time and place for the purpose of complying with
20 sub-paragraph (*i*) or (*ii*);

 (*b*) by order in writing require the attendance before him of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances of the matter under investigation;

25 (*c*) examine orally any person apparently acquainted with the facts and circumstances of the matter under investigation, and to reduce into writing the answer given or statement made by that person who shall be bound to state truly the facts and circumstances with which he is acquainted, and the statement
30 made by that person shall be read over to him and shall, after correction, be signed by him; and

 (*d*) without warrant enter, inspect, and search during regular business hours any premises which are used or proposed to be

used, or in respect of which there is reasonable cause to believe are being used by the registered allied health professional who is under investigation to carry out the practice of the prescribed allied health profession and may —

- 5 (i) inspect and make copies of and take extracts from, or require the registered allied health professional or the person having the management or control of the premises to provide copies of or extracts from, any book, document, record or electronic material relating to the affairs of the premises or the facilities or services provided or the practices or procedures being carried out thereat;
- 10 (ii) inspect any apparatus, appliance, equipment or instrument used or found on the premises;
- 15 (iii) inspect, test, examine, take and remove any chemical, pharmaceutical or any other substance found on the premises;
- 20 (iv) inspect, test, examine, take and remove any container, article or other thing that the investigator reasonably believes to contain or to have contained any chemical, pharmaceutical or any other substance found on the premises;
- (v) inspect any test or procedure performed or carried out on the premises;
- 25 (vi) take such photographs or video recording as he thinks necessary to record the premises or part thereof, including any apparatus, appliance, equipment, instrument, article, book, document or record found on the premises; and
- 30 (vii) seize and remove from the premises any book, record, document, apparatus, equipment, instrument, material, chemical, pharmaceutical or any other substance which the investigator reasonably believes to be the subject-matter of, or to be connected with, an investigation under subsection (1)(a) or (b).
- (3) Any person who —
- 35 (a) intentionally offers any resistance to or wilfully delays an investigator in the exercise of any power under subsection (2); or

(b) fails to comply with any requisition or order of an investigator under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) In this section, “record” includes the medical record of any person.

Assessors to Council

70.—(1) For the purposes of advising the Council, and any committee or professional board appointed by the Council, the Council may appoint a legal assessor to the Council who shall be an advocate and solicitor of not less than 10 years’ standing.

(2) The legal assessor shall not participate or sit in any deliberations of the Council or its committees and professional boards unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

(3) The Council may appoint a medical assessor to assist the Council and any committee or professional board appointed by the Council in proceedings before any of them under the provisions of this Act.

(4) The Council may pay to the legal assessor and medical assessor, as part of the expenses of the Council, such remuneration as the Council may determine.

(5) In this section, a committee appointed by the Council includes a Complaints Committee, a Disciplinary Tribunal, a Health Committee and an Interim Orders Committee.

No action against Council, etc., in absence of bad faith

71. No action or legal proceedings shall lie against —

(a) a member of the Council or a person authorised, appointed or employed to assist the Council;

(b) a member of a Complaints Committee, a Disciplinary Tribunal, a Health Committee, an Interim Orders Committee or any other committee or professional board appointed by the Council;

(c) a member of a Performance Assessment Panel, a Fitness Assessment Panel or a Review Committee; or

(d) an investigator appointed under section 69,
for any act or thing done under this Act, which is done with reasonable
care and in good faith in exercise of any power or the performance of any
duty or function under this Act.

5 **Service of documents**

72.—(1) Any notice, order or document required or authorised by this
Act to be served on any person may be served on the person —

- 10 (a) by delivering it to the person or to some adult member or
employee of his family or household at his last known place of
residence;
- (b) by leaving it at his usual or last known place of residence or
place of practice in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at his
usual or last known place of residence or place of practice; or
- 15 (d) in the case of an incorporated company, a partnership or a body
of persons —
 - (i) by delivering it to the secretary or other like officer of the
company, partnership or body of persons at its registered
office or principal place of business; or
 - 20 (ii) by sending it by registered post addressed to the company,
partnership or body of persons at its registered office or
principal place of business.

(2) Any notice, order or document sent by registered post to any person
in accordance with subsection (1) shall be deemed to be duly served on
25 the person at the time when the notice, order or document, as the case may
be, would in the ordinary course of post be delivered and, in proving
service of the notice, order or document, it shall be sufficient to prove that
the envelope containing the same was properly addressed, stamped and
posted by registered post.

30 (3) Any notice, order or document required or authorised by this Act to
be served on the owner or occupier of any premises may be served by
delivering it or a true copy thereof to some adult person on the premises
or, if there is no such person on the premises to whom it can with
reasonable diligence be delivered, by affixing the notice, order or
35 document to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

5 **Composition of offences**

73.—(1) The Council may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

10 (a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$2,000,

whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Council may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid to the Consolidated Fund.

20 **Exemption**

74. The Minister may, after consultation with the Council, by order published in the *Gazette* and subject to such conditions as he may impose, exempt any person or class of persons from all or any of the provisions of this Act.

25 **Regulations**

75.—(1) Subject to the provisions of this Act, the Council may, with the approval of the Minister, make such regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof.

30 (2) Without affecting the generality of subsection (1), regulations may be made to —

(a) provide for the duties of the Registrar;

- (b) provide for different registration requirements for different prescribed allied health professions;
- (c) provide for the form of the registers and the mode in which they shall be kept;
- 5 (d) regulate the grant and renewal of practising certificates, including prescribing conditions for such grant and renewal;
- (e) regulate the procedure of, and the conduct of any proceedings before, a Complaints Committee, a Disciplinary Tribunal, a Health Committee, an Interim Orders Committee, any other
10 committee or professional board appointed by the Council and a Review Committee;
- (f) provide for payment of fees to any member of a Complaints Committee, a Disciplinary Tribunal, a Health Committee, an Interim Orders Committee, any other committee or professional
15 board appointed by the Council or a Review Committee;
- (g) regulate the removal of and restoration of names to a register;
- (h) regulate the professional practice, etiquette, conduct and discipline of registered allied health professionals;
- (i) prescribe the forms necessary for the administration of this Act;
- 20 (j) prescribe the fees and other charges for the purposes of this Act;
- (k) prescribe acts or activities which a registered allied health professional may perform only on satisfaction of specified requirements;
- (l) provide that a contravention of any regulation made under this
25 Act is an offence and provide for penalties not exceeding a fine of \$5,000 or imprisonment for a term not exceeding 6 months or both for each offence; and
- (m) prescribe such other matter as are necessary or authorised to be prescribed under this Act.

30 **Savings and transitional provisions**

76.—(1) Any person who, immediately before the date of commencement of Part III, was practising any prescribed allied health profession shall be deemed to be a duly qualified allied health professional in that prescribed allied health profession until such time as

he becomes registered under section 16, 17, 18 or 19 in respect of that prescribed allied health profession or his application for registration is refused or withdrawn, or until such date as may be prescribed, whichever is the earlier.

5 (2) For the purpose of the first appointment of the members of the Council under section 6, the reference in subsection (1)(d) of that section to an allied health professional with full registration from a prescribed allied health profession shall be read as a reference to any person who —

10 (a) immediately prior to the date of commencement of Part II of this Act, had been practising that profession; and

(b) possesses such qualification in or in relation to that profession which the Minister is satisfied renders him fit for appointment as a member of the Council.

15 (3) For a period of 2 years after the date of commencement of this section, the Minister may by regulations prescribe such additional provisions of a savings or transitional nature as he may consider necessary or expedient.

FIRST SCHEDULE

Sections 2 and 5

20 ALLIED HEALTH PROFESSIONS

1. Audiologist
2. Clinical Psychologist
3. Dietitian
4. Occupational Therapist
- 25 5. Physiotherapist
6. Podiatrist
7. Prosthetist/Orthotist
8. Radiation Therapist
9. Radiographer
- 30 10. Speech Therapist.

SECOND SCHEDULE

Sections 2, 4, 5, 29(1) and 30(1)

PRESCRIBED ALLIED HEALTH PROFESSIONS

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
1. Occupational Therapy (or Ergomedicine or Ergotherapy)	1. Occupational Therapist 2. Ergotherapist	<p>1. Occupational therapy involves assessment and interventions to work or school, self-care, leisure or play, physical environments as well as cognitive, mental and physical components of function to enable individuals affected by physical injury or illness, developmental or learning disabilities, psychosocial dysfunctions or the aging process, to engage in everyday life occupations in order to maximise independent performance of life roles, prevent disability and maintain health.</p> <p>2. The acts or activities constituting occupational therapy include, but are not limited to the following:</p> <p>(a) assess and identify problems in everyday life occupations, which impede the safe and effective performance of everyday activities; “everyday activities” being defined as activities necessary for self-care, being productive in work, school, homemaking or volunteering activities, play and leisure;</p> <p>(b) prescribe and carry out interventions to prevent, remedy or adapt to problems in performing everyday life occupations;</p>

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
		<ul style="list-style-type: none"> (c) apply universal design principles to adapt physical environment and tools to enable everyday life occupations; (d) remediate or restore musculo-skeletal, neurological, cognitive, perceptual, behavioural and psychosocial deficits limiting everyday life occupations; (e) conduct of sensorimotor and neurobehavioural performance tests to screen infants and children for potential developmental delay; (f) assessment and remediation of activities of daily living, including management of toileting and personal hygiene, driver assessment and rehabilitation, and sexual rehabilitation following disabilities; (g) assessment and intervention for safe and independent community living; (h) fabrication of orthotic devices to protect or stretch tissues; (i) measurement and prescription of pressure garments to manage edema and scarring; (j) prescription and training in assistive technologies; (k) pre-vocational and vocational assessment and training.

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
2. Physiotherapy	1. Physiotherapist 2. Physical Therapist	<p>1. Physiotherapy involves the assessment, treatment, rehabilitation and prevention of pain, injury, or any other physical dysfunction, through the use of education, exercise, manual therapy, electro-physical agents, technology or any other treatment for those purposes.</p> <p>2. The acts or activities constituting physiotherapy include, but are not limited to the following:</p> <ul style="list-style-type: none"> (a) physical rehabilitation; (b) prescribing of therapeutic exercises, manual techniques, electro-physical agents, technology, aids and appliances; (c) detecting abnormalities of human movements and functions, from newborn to older persons, using the following methods: <ul style="list-style-type: none"> (i) clinical examinations and tests; (ii) goniometry, dynamometry and posturography; (iii) all forms of human motion analysis; (iv) exercise tests; (v) use of bioimpedance technology and perometry; and (vi) instruments to assess mobility, physical functions and quality of life.

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
		<p>(d) any other type of practice of restoration of normal human movements that forms part of the practice of physiotherapy;</p> <p>(e) health promotion, illness and disease prevention.</p>
3. Speech-Language Pathology (or Speech Language Pathology)	<p>1. Speech Language Therapist (or Speech-Language Therapist)</p> <p>2. Speech Language Pathologist (or Speech-Language Pathologist)</p> <p>3. Speech and Language Therapist (or Speech-and-Language Therapist)</p> <p>4. Speech and Language Pathologist (or Speech-and-Language Pathologist)</p> <p>5. Speech Therapist (or Speech-Therapist)</p> <p>6. Speech Pathologist (or Speech-Pathologist)</p>	<p>1. Speech and Language Therapy involves the assessment, diagnosis, treatment and management of communication and swallowing disorders.</p> <p>2. Communication encompasses spoken and symbolic representations of language (i.e. written, pictorial, signed), and takes into consideration hearing, auditory processing, understanding, expressive language, articulation, fluency, resonance, voice, prosody, non-verbal and social skills.</p> <p>3. Swallowing disorders encompass disorders in the oral, pharyngeal and oesophageal phases of swallowing.</p> <p>4. The acts or activities constituting the practice of speech and language therapy include, but are not limited to the following:</p> <p>(a) assessment, diagnosis, and management of hearing, auditory processing, spoken, written and symbolic language (receptive and expressive), articulation, fluency, resonance, voice, prosody, non-verbal and social skills (subsequently referred to as “communication disorders”);</p>

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
		<p>(b) assessment, diagnosis, and management of feeding, oral, pharyngeal and oesophageal swallowing disorders (subsequently referred to as “swallowing disorders”);</p> <p>(c) administration and interpretation of standardised and informal assessments and/or objective assessments (e.g. stroboscopy, endoscopy videofluoroscopy, electromyography, manometry and communication technology) to aid in the diagnosis and management of communication and swallowing disorders;</p> <p>(d) modification or enhancement of communicative performance, or remediation of communication and swallowing disorders through client and caregiver education, counselling and using a variety and combination of treatment approaches such as (but not limited to) —</p> <ul style="list-style-type: none"> (i) cognitive rehabilitation; (ii) behavioural modification; (iii) oromotor (and oral-placement) therapy;

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Allied health profession</i>	<i>Titles</i>	<i>Description</i>
		<p>(e) provision of expert opinion, selection of, and training in augmentative and alternative communication (AAC) systems and prostheses for communication and swallowing (e.g. for clients with tracheostomies or laryngectomies);</p> <p>(f) advising on and addressing the implications of communication and swallowing problems on an individual's quality of life and participation in society.</p>

EXPLANATORY STATEMENT

The purpose of this Bill is to establish a legislative framework for regulating allied health professions for the protection of the public.

Specifically, the Bill —

- (a) establishes a regulatory body under the Ministry of Health for the regulation of those professions;
- (b) provides for the registration of allied health professionals; and
- (c) establishes a regime for complaints management, inquiry, investigation and discipline of cases involving registered persons.

PART I

PRELIMINARY

Part I deals with preliminary matters.

Clause 1 relates to the short title and commencement.

Clause 2 defines various words and expressions used in the Bill.

Clause 3 provides for a definition of the term “duly qualified allied health professional” used in the Bill (principally in Parts III and IV) and in other written law.

The term means a person registered under the Bill and holding a valid practising certificate.

Clause 4 provides that the Bill only applies to allied health professions set out in the Second Schedule (known as prescribed allied health professions). For the present, the Bill will regulate occupational therapists, physiotherapists and speech therapists.

Clause 5 enables the Minister to amend the Schedules which set out allied health professions and prescribed allied health professions. The Minister has the power to extend the scope of the Bill to cover other allied health professions in the future by amending the Second Schedule.

PART II

ALLIED HEALTH PROFESSIONS COUNCIL

Part II deals with the Allied Health Professions Council.

Clause 6 establishes a regulatory body for prescribed allied health professions known as the Allied Health Professions Council (the Council).

Clause 7 sets out the functions of the Council.

Clause 8 provides for the appointment of the president of the Council.

Clause 9 sets out matters which disqualify a person from becoming or remaining as a member of the Council.

Clause 10 deals with vacancy of the office of a member and empowers the Minister to remove a member for absenting himself without leave from meetings.

Clause 11 deals with meetings and quorum of meetings, as well as payment of fees to members.

Clause 12 empowers the Council to appoint committees as well as appoint (with the Minister's approval) professional boards. The functions of such committees and professional boards include advising and making recommendations to the Council on the exercise of its various functions. The Council may also delegate its functions and powers to the committees and professional boards.

PART III

REGISTRATION OF ALLIED HEALTH PROFESSIONALS

Part III deals with the registration of allied health professionals.

Clause 13 provides for the appointment of the Registrar and a Deputy Registrar of the Allied Health Professions Council.

Clause 14 provides for the keeping of 4 registers which correspond to the 4 types of registration under the Bill. It also requires registered persons to inform the Registrar of any change to certain of his registered particulars.

Clause 15 provides that the Registrar may alter the particulars of a person in a register or remove the name of a person from a register under certain circumstances.

Clauses 16 to 19 deal with the 4 types of registration of allied health professionals.

Clause 16 deals with full registration. An allied health professional with full registration may practise generally and without supervision in the allied health profession in which he is registered. To qualify for full registration, an allied health professional must generally be an allied health professional with conditional registration who holds prescribed local or foreign qualification, and has satisfied all conditions of his conditional registration. Exceptionally, an allied health professional who holds any qualification recognised by the Council and satisfies the Council that he has the knowledge and skill and sufficient experience in a prescribed allied health profession, may be registered with full registration.

Clause 17 deals with restricted registration. An allied health professional may be granted restricted registration if the Council is of the opinion that he is competent to practise independently only in a limited area of practice or at a particular establishment or description of establishments. He will generally be subject to restrictions on his practise, e.g., the area of practice, the employment that he may undertake, and the establishment he may practise in.

Clause 18 deals with conditional registration. An allied health professional may be registered with conditional registration to practise generally, or in a restricted area or place of practice, subject to conditions. In addition to the restrictions on practice which may be imposed under restricted registration, conditions that may be imposed under conditional registration include practice under the supervision of another allied health professional with full or restricted registration, and performance reviews.

To be eligible for conditional registration, an allied health professional must hold prescribed local or foreign qualification, or any other qualification which the Council opines is not lower in standing than the local or foreign qualification, provided he also satisfies the Council that he has the knowledge, skills and experience necessary for the practice of the profession he is seeking to be registered for. In all cases, the applicant must have been selected for employment in Singapore in an establishment approved by the Council.

Alternatively, an applicant may also be eligible for conditional registration if he satisfies the Council that he has particular specialised knowledge and skill, and sufficient experience, in the practice of a prescribed allied health profession or any branch thereof, and has been selected for employment in Singapore in an establishment approved by the Council.

Conditional registration is granted for a fixed period of time. Except with the approval of the Council, an allied health professional who has previously been registered with conditional registration in a prescribed allied health profession may not be granted conditional registration in the same profession.

Clause 19 deals with temporary registration. An allied health professional may be placed on temporary registration if —

- (a) he is in Singapore for the exclusive purpose of teaching, research or postgraduate study in a prescribed allied health profession in an approved institution;

- (b) he possesses knowledge, experience and skill in a prescribed allied health profession which the Council considers to be of international standing or are such as to have special value to the people of Singapore; or
- (c) he is not otherwise entitled to be registered with full, restricted or conditional registration but the Council opines that he possesses other qualifications and experience in a prescribed allied health profession which are adequate for the purposes of temporary registration.

Temporary registration is for a period of 2 years which may be renewed for a further period or periods each not exceeding 12 months. Temporary registration may be subject to similar conditions as those which may be imposed under conditional registration.

Clause 20 clarifies that the Council's power to impose conditions or restrictions of registration includes the power to amend, vary, rescind, revoke or suspend such conditions or restrictions.

Clause 21 provides for the manner of making an application for registration, and provides that the Council may refuse to register an applicant in certain circumstances.

Clause 22 provides for the issue of a certificate of registration to a registered person.

Clause 23 provides for the issue of a practising certificate upon application by a registered person. The Council may refuse to issue or renew a practising certificate if the applicant does not satisfy prescribed conditions, e.g., a condition that he has successfully completed specified continuing professional education. A registered person must have a practising certificate to be considered a duly qualified allied health professional for the purposes of clause 29 (false assumption of title by non-duly qualified allied health professional). The clause further requires the certificate to be returned when it has been suspended or cancelled under the Bill, when the registration lapses or when the registered person has had his name removed from the register or has had his registration suspended.

Clause 24 requires the Registrar to publish a list of duly qualified allied health professionals.

Clause 25 requires a registered allied health professional to use only qualifications entered in the register, and to use only approved titles. Any contravention of the clause may subject him to disciplinary proceedings.

Clause 26 empowers the Council to order the removal from a register of the name of a registered allied health professional under certain circumstances, e.g., if he fails to comply with a condition of his registration, if he is assessed (having regard to any review or supervision report) that he is unable to perform his duties satisfactorily, or he has obtained his registration using fraud or an incorrect statement.

Clause 27 provides that a person who has had his name removed from a register on certain grounds under clause 26 may have his name restored to the register either on application or on the Council's own motion. The Council may, instead of restoring his name to the register, register him with restricted, conditional or temporary registration.

Clause 28 provides that a certificate of the Registrar regarding certain matters, e.g., whether a person is registered or has a practising certificate, is sufficient proof of those matters in the absence of any proof to the contrary.

PART IV

OFFENCES

Part IV sets out various offences for the purposes of the Bill.

Clause 29 creates the offence of false assumption of title by a person who is not a duly qualified allied health professional. Such a person must not (a) pretend to be a duly qualified allied health professional; (b) practise a prescribed profession under any name or title implying that he has a qualification in that profession; (c) take or use any name or title set out in the Second Schedule; (d) take or use any name, badge, etc., implying that he is qualified to practise as an allied health professional in a prescribed profession; or (e) hold himself out as an allied health professional from a prescribed profession.

He is not guilty of an offence under paragraph (c), (d) or (e) if he can prove that he did not intend to deceive or gain an advantage for any trade, business, profession, vocation or employment carried on by him. This defence is inapplicable to an act under paragraph (e) that is carried out in circumstances to be prescribed by regulations. Circumstances which may be prescribed include those in which such holding out may tend to influence a person to make certain decisions or do certain things even though the decision or thing may not include procuring the services of an allied health professional, e.g., an employee of a fitness centre who holds himself out to a visitor to the centre that he is a physiotherapist.

Clause 30 creates the offence of false assumption of title by a duly qualified allied health professional. A person who is registered and holding a practising certificate for a particular prescribed profession may not pretend to be a duly qualified allied health professional from any other prescribed profession for which he is not registered or issued a practising certificate, and may not practise under any name or title implying that he has a qualification for that other profession. He may not use any title set out in the Second Schedule for that other profession. Further, he may not use any name, badge, etc., implying that he is qualified to practise that other profession, or hold himself out as an allied health professional from that other profession. A defence similar to that in clause 29 applies here.

Clause 31 provides that a person is guilty of an offence who makes a representation about another which if made by that other person would be an offence under clause 29 or 30. The clause further provides that the employer, principal or partner of a person who commits an offence under clause 29 or 30 is also guilty of an offence.

Clause 32 provides that a person is guilty of an offence who causes or permits another to make a representation about him which if, made by him, would be an offence under clause 29 or 30.

Clause 33 provides that a registered allied health professional who, by his presence, countenance, advice, assistance or co-operation, knowingly enables another to contravene clause 29 or 30 is guilty of an offence.

Clause 34 prohibits a person whose registration is suspended to practise in any prescribed profession during his suspension.

Clause 35 creates several offences such as procurement of registration using false information or fraud, forgery of a certificate of registration or practising certificate, fraudulent use of a forged certificate of registration or practising certificate, and buying, selling or fraudulently obtaining a certificate of registration or practising certificate.

Clause 36 sets out the punishment for offences under the Part.

PART V

DISCIPLINARY PROCEEDINGS, HEALTH COMMITTEE INQUIRIES AND PERFORMANCE ASSESSMENTS

Part V of the Bill deals with disciplinary proceedings, health committee inquiries and performance and fitness assessments involving registered persons. The clauses in the Part are substantially similar to the new Part VII of the Medical Registration Act (Cap. 174).

Clause 37 provides a new “voluntary insight” mechanism which facilitates negotiation and the taking of constructive remedial action, enabling the Council to resolve certain matters by consent without the need to resort to formal disciplinary proceedings. A registered person who believes that his ability to practise is affected by his physical or mental health or other reasons, may ask the Council to remove his name from any register, suspend his registration, register him in another register, impose appropriate conditions or restrictions on his registration, or suspend or cancel his practising certificate.

Clause 38 relates to the establishment of the Complaints Panel, from which members of the Complaints Committees and Disciplinary Tribunals are drawn.

Clause 39 deals with the lodging of a complaint to the Council and provides for the referral by the Council of such complaint or information to the Chairman of the Complaints Panel.

Clause 40 relates to the appointment of Complaints Committees.

Clause 41 provides for referrals of cases from the Chairman of the Complaints Panel to a Complaints Committee or a Health Committee, which will inquire into the matter.

Clause 42 sets out the timeframe within which a Complaints Committee must commence and complete its inquiry. The clause empowers the Complaints Committee to dismiss a complaint that is frivolous, vexatious, misconceived or lacking in substance; issue a letter of advice; refer the matter for mediation; or appoint investigators to investigate the complaint or information and make a report to it.

Clause 43 allows a Complaints Committee to refer parties for mediation. If the complainant refuses or fails without reasonable cause to attend mediation as ordered,

his complaint may be dismissed. If the parties are unable to reach an amicable solution, the mediation fails to take place or the registered person fails to attend mediation, the Complaints Committee may issue a letter of advice to the registered person or direct an investigation. Where the matter is amicably resolved, the Committee may discontinue the matter or make other orders under section 49(1).

Clause 44 sets out how the investigator appointed under clause 69 is to conduct the investigations, which includes asking the registered person, with his consent, to undergo a performance or fitness assessment.

Clause 45 provides for the appointment of a Performance Assessment Panel and sets out the procedure for a performance assessment. The Performance Assessment Panel must submit a report to the Complaints Committee and, with the approval of the Complaints Committee, provide a copy of the report to the registered person being investigated. The Complaints Committee, or the investigator with the approval of the Complaints Committee, may then discuss the performance assessment report with the registered person and discuss possible ways of dealing with any adverse findings.

Clause 46 provides for the appointment of a Fitness Assessment Panel and mirrors the provisions in clause 45 in respect of a Performance Assessment Panel.

Clause 47 provides for confidentiality of information obtained in the course of a performance or fitness assessment and situations where the information may be disclosed.

Clause 48 sets out the matters that must be included in the investigator's report for the Complaints Committee's deliberation.

Clause 49 deals with the findings and determination of a Complaints Committee and the orders that the Committee may make after due inquiry into a complaint or information. If the Complaints Committee is of the view that no formal inquiry by a Disciplinary Tribunal or Health Committee is necessary, it may, besides issuing a letter of advice or warning to the registered person, refer the matter for mediation, dismiss the complaint, or order the registered person to undergo medical or psychiatric treatment or counselling, attend further training, provide updates on his physical or mental fitness or his practice, or get advice on the management of his practice.

With the agreement of the registered person, the Complaints Committee may also order the removal of his name from the appropriate register, order his suspension for not more than 3 years, order that he be registered with conditional or restricted registration, impose conditions or restrictions on his registration, or order that his practising certificate be suspended or cancelled.

Where a formal inquiry by a Disciplinary Tribunal or a Health Committee is ordered by the Complaints Committee, the Council must appoint a Disciplinary Tribunal or Health Committee, as the case may be, to hear and investigate the complaint or matter.

Anyone who is aggrieved by an order of a Complaints Committee may appeal to the Minister whose decision is final.

Clause 50 deals with the appointment of a Disciplinary Tribunal and its constitution and functions. The chairman of the Tribunal will be drawn from a panel appointed by

the Minister comprising senior registered allied health professionals and senior legal professionals. The Council may, in its discretion, appoint a legal professional to the Tribunal, either as chairman or member. Any question arising at a meeting will be determined by a majority of votes. Where the chairman is a registered person, he has a casting vote if there is an equality of votes (which may occur if a member abstains from voting). If the chairman is not a registered person and there is an equality of votes, the issue will be resolved in favour of the registered person concerned.

Clause 51 sets out the powers and procedures of a Disciplinary Tribunal.

Clause 52 empowers a Disciplinary Tribunal to refer and transfer cases to a Health Committee if it appears to the Disciplinary Tribunal that the registered person's fitness to practise may be impaired by reason of his physical or mental condition.

Clause 53 relates to the findings of a Disciplinary Tribunal and the orders the Tribunal may make after hearing and investigating any matter referred to it. The orders include removing the name of the registered person from a register, suspending his registration, registering him with conditional or restricted registration, imposing conditions or restrictions on his registration, imposing on him a penalty of up to \$50,000, censuring him, requiring him to give an undertaking, and such other order as it thinks fit including the orders available to the Complaints Committee under clause 49(1). If the registered person is not found to be guilty, the Tribunal must dismiss the complaint or matter.

Clause 54 deals with the consequences for failure to comply with a suspension order or any of the conditions or restrictions imposed by the Disciplinary Tribunal under clause 53. The provision also specifies when an order of the Tribunal is to take effect.

Clause 55 sets out the framework for appeals against an order of a Disciplinary Tribunal. The registered person and the Council may, within 30 days after the service of the notice of the order on the registered person, appeal to the High Court against the order. If the Council does not appeal, the complainant may apply to a Review Committee to direct the Council to file the appeal. The members of the Review Committee comprise 3 members appointed by the Minister from the panel of chairpersons under clause 50(1)(a) and 2 registered persons of not less than 10 years' standing, from among whom the Minister must appoint the chairman. The Review Committee may, if it is unanimously of the opinion that there are sufficient grounds for the decision of the Disciplinary Tribunal to be appealed against to the High Court, direct the Council to file an appeal to the High Court.

Clause 56 provides that a person who has had his name ordered to be removed from a register by a Disciplinary Tribunal may have his name restored to the register either on application or on the Council's own motion. The Council may, instead of restoring his name to the register, register him with restricted, conditional or temporary registration.

Clause 57 allows the Council to appoint one or more Health Committees in connection with one or more matters or for a fixed period of time as the Council may think fit.

Clause 58 specifies the powers of a Health Committee. A Health Committee may suspend a registered person for a period not exceeding 12 months, order that he be registered with restricted or conditional registration or that conditions or restrictions be imposed on his registration, or recommend to the Council that his name be removed from the appropriate register. The clause also deals with the consequences for failure to comply with a suspension order or any of the conditions or restrictions imposed by the Health Committee. Where the Health Committee has imposed conditions or restrictions on the registration of a registered person, it may revoke the order or revoke or vary any of the conditions or restrictions imposed, except that no application for such revocation or variation may be made in respect of a registered person more than once in any period of 12 months.

Clause 59 deals with restoration of a name ordered removed by the Council on the recommendation of a Health Committee, and mirrors clause 56.

Clause 60 provides for the appointment of Interim Orders Committees. An Interim Orders Committee has the power to suspend or restrict the practice of a registered person, until the outcome of the disciplinary or health inquiry against him becomes known.

Clause 61 allows an Interim Orders Committee to make an interim suspension order or an interim restriction order against a registered person if it is satisfied that this is necessary for the protection of the public, is in the public interest or is in the interests of the registered person.

Clause 62 provides that an interim suspension order or interim restriction order must be reviewed on a regular basis, and may be reviewed when new evidence that is relevant becomes available.

Clause 63 allows an Interim Orders Committee, on its review of an interim suspension order or interim restriction order or on recommendation of a Complaints Committee, Disciplinary Tribunal or Health Committee, to revoke or vary the order or replace the order with another.

Clause 64 gives the registered person a right to be heard regarding the making of an interim suspension order or interim restriction order against him or a variation of the same.

Clause 65 enables the Council to apply to the High Court for an extension of the period of an interim suspension order or interim restriction order, and also allows the registered person to apply to the High Court to revoke or vary a condition or restriction or the period of such an order.

Clause 66 provides for when an interim suspension order or interim restriction order is to end.

Clause 67 provides that a person whose registration is suspended by an interim suspension order is deemed not to be registered notwithstanding that his name still appears in the relevant register.

Clause 68 allows the Council to appoint a legal counsel to act for the Council for an inquiry under the Part.

PART VI

MISCELLANEOUS

Part VI deals with miscellaneous matters.

Clause 69 allows the Council to appoint an investigator to investigate the commission of an offence under the Bill or to carry out an investigation under Part V, spells out the powers of an investigator, and makes it an offence for anyone to intentionally hinder or delay an investigator in the exercise of his powers or to fail to comply with an investigator's requisition or order.

Clause 70 allows the Council to appoint a legal assessor and a medical assessor to advise the Council and any committee or professional board of the Council in their duties.

Clause 71 grants protection against liability to certain office holders for acts done pursuant to the Bill with reasonable care and in good faith.

Clause 72 provides for when documents served under the Bill are deemed to be duly served.

Clause 73 provides for the composition of any offence under the Bill (including regulations) which is a compoundable offence by the payment to the Council of one half of the maximum fine that is prescribed for the offence or \$2,000, whichever is the lower.

Clause 74 empowers the Minister to make orders to exempt persons from the provisions of the Bill (including regulations).

Clause 75 is a regulation-making power.

Clause 76 is a savings and transitional provision. A person who immediately before the commencement of the Bill practises any prescribed allied health profession is deemed to be a duly qualified allied health professional in that profession until he becomes registered or his application for registration is refused or withdrawn, or until a prescribed date, whichever is the earlier. It also allows the Minister to appoint current practitioners of the prescribed professions as members of the Council for the purpose of the first appointment of the Council. The Minister may also make other savings and transitional provisions by regulations.

The First Schedule sets out the professions coming within the meaning of the expression "allied health professions".

The Second Schedule sets out the allied health professions which are regulated by the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

TABLE OF DERIVATIVES

This Table shows in the first column the provisions of the Bill and in the second column the provisions of existing Acts, from which those provisions are derived. The provisions have been substantially modified in some cases.

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<i>Section Heading</i>	<i>Clause</i>	<i>Medical Registration Act (Cap. 174)</i>	<i>Optometrists and Opticians Act (Cap. 213A)</i>	<i>Pharmacists Registration Act (Cap. 230)</i>	<i>Others</i>
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“allied health professional with full registration”					
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“lay person”					
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