

CHAPTER 255A

MEDICAL ASSISTANTS

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Act No. 11 of 1978

AN ACT TO MAKE PROVISION FOR THE REGISTRATION AND
CONTROL OF MEDICAL ASSISTANTS

[1 January 1978]

Short title

1. This Act may be cited as the Medical Assistants Act.

Interpretation

2. In this Act, unless the context otherwise requires—
 - “appropriate form” means a form approved by the Minister for use in any particular case pursuant to this Act;
 - “Council” means the Medical Assistants Registration Council established under section 3;
 - “medical assistant” means a person who has been granted a certificate under section 4;
 - “Permanent Secretary” means the Permanent Secretary for Health;
 - “Secretary” means the Secretary to the Council.

Establishment of Medical Assistants Registration Council

3.—(1) For the purposes of this Act, there shall be established a Medical Assistants Registration Council.

(2) The Council shall consist of—

- (a) the Permanent Secretary who shall be Chairman;
- (b) a senior professional medical officer of the Ministry of Health appointed by the Minister;
- (c) the Principal of the Fiji School of Medicine; and
- (d) Two medical assistants appointed by the Minister.

(3) The Minister shall appoint a suitable person to be Secretary to the Council.

(4) Three members shall constitute a quorum at any meeting of the Council.

(5) Subject to the provisions of this Act, the Council may regulate its own procedure and may make rules for that purpose.

(6) The Council shall cause proper records of its proceedings to be kept.

Requirements for registration

4. A person in possession of a certificate in the appropriate form granted by the Fiji School of Medicine (hereinafter referred to as "the School") certifying that he has—

- (a) attended an approved course of study as a medical assistant at the School for a period of not less than 3 years;
- (b) passed, to the satisfaction of the School, approved examinations; and
- (c) satisfied the School of his ability to practise as a medical assistant in the service of the Government subject to such regulations as may be made under this Act,

shall be entitled to make application to the Council for registration as a medical assistant.

Register to be kept

5.—(1) The Council shall form and maintain a register in which shall be entered the names of all persons registered as medical assistants.

(2) The Secretary shall, in the month of January in each year, cause to be published in the Gazette a list of the names of the persons registered in the register.

Limitation on practice

6. No medical assistant shall practise medicine except in the service of Government.

Prescriptions

7. Notwithstanding the provisions of the Pharmacy and Poisons Act, but subject to any limitations or restrictions which may be imposed by the Permanent Secretary, a medical assistant may issue prescriptions and dispense any medicine or drug.

(Cap. 115.)

Misconduct

8.—(1) If any person who is registered as a medical assistant is, after due inquiry, at which inquiry such person shall be entitled to be heard, adjudged by the Council to have been guilty of professional misconduct, the Council may, if it sees fit, order that the name of any such person be deleted from the register and the Chairman of the Council shall forthwith delete that name and the Secretary shall notify the person affected.

(2) Notwithstanding the provisions of subsection (1), the Council may, instead of ordering that the name of any person be deleted from the register, issue a reprimand or warning to such person.

(3) In directing that a person's name shall be deleted from the register, the Council may, if it sees fit, specify a period on the expiration of which such person may again apply to be registered under the provisions of this Act.

(4) An order made by the Council under this section shall not take effect in any case until the expiration of 30 days after the date of the order and if, within that period, the person affected gives notice of his intention to appeal against the order, shall not take effect until and unless it is confirmed by a resident magistrate that the appeal is for any reason dismissed by such magistrate.

Appeals

9. Any person whose application for registration under the provisions of section 4 is refused or whose name has been deleted from the register under the provisions of section 8 may, within 30 days of notification to him of such refusal or deletion, appeal to a resident magistrate and, on any such appeal, the resident magistrate may make such order as he thinks proper having regard to the merits of the case and the public welfare.

Penalty

10.—(1) No person shall be entitled to take or use the name or title of medical assistant or any name title, addition or description implying that he is registered under this Act unless he is so registered.

(2) Any person not being registered under this Act who takes or uses any such name, title, addition or description as aforesaid shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding \$500 or to imprisonment for a period not exceeding 1 year or to both such fine and imprisonment.

Penalty for obtaining registration by false pretences

11. Every person who wilfully procures or attempts to procure himself to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding \$500 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

Regulations

12. The Minister may make regulations—

- (a) imposing conditions and restrictions on practising by medical assistants; and
- (b) generally for the better carrying out of the provisions of this Act.

Controlled by Ministry of Health

SECTION 12—MEDICAL ASSISTANTS REGULATIONS

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Legal Notice No. 144 of 1978

Short title

1. These Regulations may be cited as the Medical Assistants Regulations.

Postings

2. A medical assistant shall discharge his duties only within the defined limits of the area to which he is posted from time to time.

Certificates for incapacity for work

3. In any case where there is no medical practitioner available, a medical assistant may issue a certificate of temporary incapacity for work:

Provided that a medical assistant shall not issue to any 1 person a certificate or certificates of incapacity for work for a period exceeding in the aggregate 7 days in any month.

Certificates of death

4. In any case where there is no medical practitioner available, a medical assistant may issue a certificate of death.

Reference to medical practitioner

5. A medical assistant shall without delay refer to a medical practitioner any person—

- (a) in respect of whom he is unable to establish a diagnosis;
- (b) whose condition demands immediate surgical intervention;
- (c) whose condition does not respond to treatment within a reasonable time.

Duties of medical assistant

6. A medical assistant shall perform such medical and administrative functions as are assigned to him by the Permanent Secretary and, without prejudice to the generality of the foregoing, may be required to undertake any or all of the following duties:—

- (a) in the absence of a medical practitioner, to undertake medicolegal work of a non-specialist nature, including the giving of medical evidence before any court, tribunal, commission or other body duly constituted under the provisions of any written law;
- (b) to perform simple laboratory tests;
- (c) to operate any portable X-ray unit and to interpret simple films;
- (d) to assist registered nurses and midwives in the discharge of their duties;
- (e) to provide advice, guidance and assistance in matters relating to family planning;
- (f) to promote and participate in programmes relating to health education, disease control and sanitation;
- (g) to form and maintain health records;
- (h) to exercise administrative control over any medical unit or part thereof.

Issue of certificates, etc.

7. Every certificate or other document issued by a medical assistant in his professional capacity shall be signed by him with his usual signature and shall bear thereunder the words "Medical Assistant".

Responsibilities of medical assistant

8. Every medical assistant shall accept and comply with the legal, ethical and moral responsibilities associated with the practice of medicine.

Controlled by Ministry of Health