

TURKS AND CAICOS ISLANDS

HEALTH SERVICES AUTHORITY BILL 2026

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SCHEDULE: Health Care Facilities

TURKS AND CAICOS ISLANDS

**A
PROPOSAL
FOR
A
BILL
FOR**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A HEALTH SERVICES AUTHORITY RESPONSIBLE FOR PROVIDING, MANAGING, AND OVERSEEING PUBLIC HEALTH CARE SERVICES IN THE TURKS AND CAICOS ISLANDS; AND FOR CONNECTED PURPOSES.

ENACTED by the Parliament of the Turks and Caicos Islands.

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Health Services Authority Act 2026 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette* and different dates may be appointed for different provisions and different purposes.

Interpretation

2. In this Act—

“annual services agreement”, for a financial year, means the annual services agreement referred to in section 45 and includes any amendment to that agreement applicable to the financial year;

“Authority” means the Health Services Authority established under section 3;

“Board” means the Board of the Authority that is established under section 7;

“Chairperson” means the Chairperson of the Board appointed under section 7(3);

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 26;

“committee” means a committee appointed by the Board under section 13;

“dental service” means a service that is provided to an individual for the purpose of evaluating, diagnosing and treating, surgically and non-surgically, diseases, disorders and conditions of—

- (a) the mouth, including the teeth, gums and other supporting structures;
- (b) the maxillofacial area, which includes the upper and lower jaws and joints; and
- (c) the adjacent and associated structures of the head and neck,

to maintain and improve a person's physical or psychological health, including without limitation—

- (i) the provision of any device, product, equipment or item or other thing, such as dentures or partial dentures, a crown, bridge or other prosthesis, and the repair or other service in relation to any of the them; and
- (ii) the administration, prescription or provision of an anaesthetic, drug or medicine;

“designated health care facility” means a health care facility specified in the Schedule and/or any public health facilities, clinics and hospitals established or operated in the Islands by the Authority;

“health care facility” means premises at which health services are provided by the Authority; and “facility” shall be construed accordingly;

“health information” means information, whether recorded in written, electronic, photographic, audio or any other form, that—

- (a) relates to the physical or mental health of a patient;
- (b) relates to the provision of health care to a patient by the Authority;
- (c) is contained in a health record maintained by the Authority; or

(d) is otherwise obtained or created by the Authority in connection with the provision of health care to a patient,

and includes health information that, immediately before the commencement of this Act, was in the custody or under the control of the Government and that, on the commencement of this Act, came into the custody or under the control of the Authority;

“health record” means a record containing health information maintained by or on behalf of the Authority;

“patient” means a person who receives or has received health care from the Authority;

“health professional” means a health professional a trained and licensed individual who provides medical, nursing, or therapeutic care to maintain or restore physical and mental well-being;

“health service” means a service provided to an individual—

(a) for the purpose of—

(i) protecting, promoting or maintaining physical or mental health;

(ii) preventing illness;

(iii) diagnosing and treating illness;

(iv) rehabilitation; or

(v) caring for the health needs of the ill, disabled, injured or dying;

(b) by an emergency medical technician or paramedic; or

(c) for a purpose or by a person prescribed for the purpose of this definition,

including without limitation the provision of—

(i) any device, product, equipment or item or other thing, such as the administration, prescription or provision of an anaesthetic, drug or medicine or the provision of blood or plasma;

(ii) any service in relation to any device, product, equipment or item or other thing; and

(iii) a dental service;

“health services provider” means—

(a) a health professional; or

(b) any other individual,

who is employed by, or has a contract with, the Authority for the provision of health services on behalf of the Authority;

“hospital” means—

(a) the Cheshire Hall Medical Centre, in Providenciales; or

(b) the Cockburn Town Medical Centre in Grand Turk,

and “public hospital” shall be construed accordingly;

“Medical Director” means the medical director appointed by the Authority from time to time under section 28;

“medical staff” includes a person who provides diagnosis or treatment as—

(a) a licensed medical practitioner, a dental practitioner or other health practitioner;

(b) a registered nurse; or

(c) a registered pharmacist;

“member” means a member of the Board specified or appointed under section 7;

“Minister” means the Minister responsible for health;

“Minister of Finance” means the Minister for the time being charged with responsibility for finance;

“Ministry” means that portion of a Ministry that is responsible for health;

“personal care service” means a service provided to an individual for the purpose of care in any facility operated by the Authority for the aged or infirm or for persons who are not able to care properly for themselves;

“public officer” has the meaning given to it under section 131 of the Constitution and means the holder of any public office including any person appointed to act in that office and may include a person appointed on contract;

“record” includes a record maintained in paper, electronic or any other form.

PART II

HEALTH SERVICES AUTHORITY AND BOARD

Establishment of Authority

3. (1) There is established for the purpose of this Act the Health Services Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its own name and subject to this Act, shall do or perform such acts or things as bodies corporate may, by law, do or perform.

Seal of Authority

4. (1) The seal of the Authority shall be such device as shall be determined by the Authority and shall be kept in the custody of the Chief Executive Officer.

(2) The seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer or any other person authorised in that behalf by a resolution of the Board.

(3) Any document not required by law to be executed under seal shall be deemed duly executed if signed by the Chairperson and the Chief Executive Officer, or by any person authorised by the Board in that behalf.

Functions of Authority

5. (1) The Authority shall be responsible for providing, managing and overseeing health services at the designated health care facilities specified in the Schedule.

(2) Without limiting subsection (1), the Authority shall provide or arrange for the provision of the following health services—

- (a) primary health care services;
- (b) secondary care services;
- (c) oral health services;
- (d) allied health services;
- (e) national public health laboratory services;
- (f) emergency medical services;
- (g) behavioural health services;
- (h) aged care and rehabilitation services;
- (i) pharmaceutical procurement and supply chain management; and
- (j) pathology services.

(3) The services referred to in subsection (2) may be provided directly by the Authority or through arrangements, agreements, partnerships or contracts with a health services provider or other person.

(4) The Authority may provide or arrange for the provision of any other health service that is necessary or desirable for the effective delivery of public health services in the Turks and Caicos Islands.

(5) The functions of the Authority are—

- (a) to manage and operate the designated health care facilities vested in or placed under the management of the Authority and to control the activities at such hospitals and other public health care facilities to ensure continuous improvement in the quality of the care to patients;
- (b) to set the strategic direction for the administration of the designated health care facilities through the development of a strategic plan and to determine policies for the provision of health services based on the health care needs of the Islands;
- (c) to provide or arrange for the provision of safe, accessible, equitable, efficient and quality health care services;
- (d) to ensure the application of efficient and appropriate techniques, systems, standards and models for the delivery of health care in designated health facilities, towards the goal of achieving international accreditation;
- (e) to make modern methods of treatment of the sick and infirm available to the public so far as sufficient funds are at its disposal to do so;
- (f) to establish and manage programmes and services that promote, protect and maintain good health in communities throughout the Islands ;
- (g) to ensure that all premises occupied by, or under the control of, the Authority are kept as resistant to disaster as possible and that there is a disaster preparedness plan for such premises that is known to all relevant members of staff;
- (h) to establish and maintain systems for emergency preparedness, disaster response, epidemic and pandemic preparedness and other public health emergencies;

- (i) to make recommendations to the Minister on the development of the hospitals and community health services and such other matters as the Minister may refer to the Board;
- (j) to ensure that the highest performance is realised by all members of its staff and that professional standards are maintained at all times;
- (k) to develop a marketing plan that promotes the services of the hospitals and community health services and attracts individuals to utilise those services with a view to creating such partnership and encouraging such involvement with the community as will serve the best interest of the Authority;
- (l) to ensure that the services offered by the Authority are appropriate to the Islands, effectively and efficiently delivered and cost-effective to its customers;
- (m) to ensure the development and implementation of a quality assurance programme for the Authority and the attainment by the Authority of accreditation from an appropriate accrediting body;
- (n) to ensure adequate financing and control of expenses through a well-planned annual budget;
- (o) to develop plans and procedures that enable access to and use of the facilities of the hospitals by medical and dental practitioners in private practice;
- (p) in furtherance of agreements made by the Minister under section 19, to collaborate with educational institutions, in the education and training of employee and other persons, and in research in medicine, nursing, dentistry, pharmacy and biomedical and health science fields, as well as any related ancillary and supportive fields;
- (q) to facilitate the use of its designated health facilities for service, teaching and research and to establish and develop relationships with national, regional and international bodies engaged in similar or ancillary pursuits;
- (r) to adopt telehealth solutions as a major transformation technology for improving access to

diagnostic and other services within designated health facilities and primary care networks;

- (s) to ensure that the business and affairs of the Authority are conducted according to this and any other Acts or regulations applicable to the Authority;
- (t) to consult with the Minister on matters of national health policy and capital development programmes for hospitals and other health facilities; and
- (u) to discharge such other functions as may be assigned to it under this or any other Act.

(6) In this section—

“aged care and rehabilitation services” means services for short-term or long-term medical, physical, and social support for elderly patients to recover from illness, injury, or surgery and regain their independence;

“allied health services” means services provided by qualified health professionals who are not doctors, nurses, or dentists, but who contribute directly to the prevention, diagnosis, treatment, rehabilitation, and management of illness and disability;

“behavioural health services” means services focused on the prevention, assessment, diagnosis, treatment and ongoing management of mental health conditions, substance-use disorders, and behavioural or emotional problems that affect an individual’s functioning and wellbeing;

“emergency medical services” means services that provide rapid assessment, emergency treatment, stabilisation, transportation and continuing care for people experiencing acute illness or injury;

“national public health laboratory services” means a specialised laboratory service that supports the protection and improvement of the population’s health through disease surveillance, laboratory diagnosis, outbreak investigation, public health research, detection of health threats. and monitoring of environmental and other health-related risks;

“oral health services” means services aimed at the prevention, diagnosis, treatment and management of diseases and conditions affecting the mouth, teeth, gums and related oral structures, as well as the promotion of good oral health;

“pathology services” means diagnostic healthcare services concerned with the examination of blood, tissues, cells, body fluids and other specimens to detect, diagnose, monitor and help guide treatment of disease;

“pharmaceutical procurement and supply-chain management services” means the systems and activities required to ensure that essential medicines, vaccines, pharmaceutical products and related supplies are available in the right quantities, at the right time, in the right condition, at the appropriate cost, and at the point of care where they are needed;

“primary health care services” means the first level of contact with the health system, which provides accessible, continuous, comprehensive and community-oriented care with a focus on health promotion, disease prevention, early diagnosis, treatment, chronic disease management and referral, when more specialised care is required;

“secondary care services” means specialist healthcare services provided to patients who require a higher level of clinical expertise, diagnostic capability, treatment or monitoring than is normally available through primary health care.

Powers of Authority

6. (1) Subject to this Act and any other enactment, the Authority has power to do anything that is necessary or expedient for, or incidental or conducive to, the performance of its functions.

(2) Without prejudice to the generality of subsection (1), but subject to this Act, the Authority has power—

- (a) to acquire, take on lease, hire, hold and enjoy movable and immovable property and to convey, assign, surrender, charge, mortgage, demise, transfer or otherwise dispose of, or deal with any movable or immovable property belonging to the Authority upon such terms as the Board considers fit;
- (b) to enter into any contract or agreement for carrying out the purposes of this Act;
- (c) to enter into contract with any person for the supply to, or by, the Authority of any equipment, supplies, appliances or other goods or services;
- (d) to accept, deposit or act as trustees or managers of any legacy, endowment, bequest or gift for purposes of patient care, treatment or research;

- (e) to engage in fund raising activities for the benefit of the Authority;
- (f) to carry on any activities which are requisite, advantageous, or convenient for or in connection with the discharge of its functions under this Act;
- (g) to fix, charge and collect fees and may, with the approval of the Minister, reduce, waive or refund any fees, having regard to the principle that no person should be prevented, through lack of means from obtaining adequate medical treatment;
- (h) to utilise telemedicine to facilitate the remote diagnosis and treatment of patients by means of telecommunications technology;
- (i) to participate in international recognition programmes that promote quality care and patient safety;
- (j) to appoint such agents or enter into such arrangements with suppliers it may consider necessary for the proper discharge of its functions; and
- (k) generally, to do all such matters and things as may be incidental to or consequential upon the exercise of the Authority's powers or the discharge of its functions under this Act.

Board of Authority

7. (1) The Authority shall be governed by a Board.

(2) The Board shall consist of twelve members appointed by the Minister as follows—

- (a) one member who is or was a registered medical practitioner;
- (b) one member who is or was a registered nurse;
- (c) one member who represents the public interest;
- (d) five members with qualifications in a different areas that will assist the Board in the performance of its functions or the exercise of its powers, such as—
 - (i) finance, accounting or economics;
 - (ii) business management;
 - (iii) personnel management or industrial relations;

- (iv) quality and risk management; and
- (v) information technology;
- (e) the Permanent Secretary responsible for health, or nominee, *ex officio*; and
- (f) the Permanent Secretary responsible for Finance, or nominee, *ex officio*;
- (g) the Chief Executive Officer, *ex officio*; and
- (h) the Medical Director, *ex officio*.

(3) The Chief Executive Officer, the Medical Director and the Permanent Secretary responsible for finance (or nominee) shall not have a right to vote or be counted for the purpose of constituting a quorum.

(4) The Minister shall appoint a Chairperson and Deputy Chairperson of the Board from amongst the members.

(5) Subject to section 9(2) and (3), an appointed member shall hold office for a term not exceeding three years, and shall be eligible for reappointment, but a member shall not hold office for more than seven years in the aggregate.

(6) To ensure that the terms of appointed members do not expire at the same time, the Minister shall make an appointment in a manner that the tenure does not expire at the same time.

(7) Appointments made under this section shall be published in the *Gazette*.

Functions of Board

8. (1) The Board shall be responsible for the execution of the policy and the general administration of the Authority and in particular shall be responsible for—

- (a) the governance, policy and performance of the Authority and the general conduct of its affairs and business;
- (b) securing the effective implementation of the functions and duties of the Authority;
- (c) monitoring and evaluating the implementation of strategies, policies, management performance and business plans;
- (d) performing such other duties as required for the efficient management of the Authority;
- (e) making such rules as it thinks fit for the regulation of the internal management of the Authority; and

- (f) discharging such other functions as may be assigned to it under this or any other Act.

(2) In the performance of its functions, the Board shall operate in accordance with the highest standards of transparency, financial management and accountability.

(3) The Board shall consider and advise on all matters which may from time to time be referred to it by the Minister and shall furnish the Minister such information as he may require relating to the administration of this Act.

(4) The Board shall ensure that the Authority is adequately covered by a policy of insurance as required under the Health Regulation Act.

Disqualification, removal and resignation of members

9. (1) A person shall not be appointed as a member of the Board if—

- (a) he is a member of the Parliament;
- (b) he is an employee or officer of the Authority, except as provided in section 7(2);
- (c) he is employed in the Ministry, except as provided in section 7(2);
- (d) he has in terms of any law in force in any country or in the Islands—
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been rehabilitated or discharged; or
 - (ii) made an assignment, arrangement or composition with his creditors, which has not been rescinded or set aside;
- (e) within a period of ten years immediately preceding the date of his proposed appointment, he has been convicted—
 - (i) in the Islands, of a criminal offence; or
 - (ii) outside the Islands, of an offence which if committed in the Islands would have been a criminal offence,

and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not and for which he has not received a free pardon;

(f) he has been sentenced by a court of competent jurisdiction to a fine of \$500 or more and the fine has not been paid for a period of three months or more; or

(g) he is certified as being mentally ill or disordered.

(2) The Minister may—

(a) at any time revoke the appointment of a member as the Minister may think is expedient to do so; or

(b) may by notice in writing remove a member from office—

(i) in the event of the occurrence of anything which would render the member ineligible for appointment as member in terms of subsection (1);

(ii) where the member is absent without leave from the Chairperson from three consecutive meetings of which he has been given notice;

(iii) where the member contravenes this Act or otherwise misconducts himself to the detriment of the objectives of the Board and of the Authority, or of the public interest; or

(iv) where the member fails to comply with section 23, 24 or 56.

(3) A member may, at any time, resign his office by writing to the Chairperson, who shall, without delay, cause the written resignation to be forwarded to the Minister.

(4) For purposes of subsection (2)(b)(iii), “misconduct” includes any act done without reasonable excuse by a member which—

(a) amounts to failure to perform in a proper manner any duty imposed on the member;

(b) is prejudicial to the efficient conduct of the Board; or

(c) tends to bring the Board into disrepute.

Vacation of office of member

10. The office of a member shall become vacant—

(a) in the event of the occurrence of anything which would render the member ineligible for appointment as member in terms of section 9(1);

- (b) upon the death of a member;
- (c) if the appointment of a member is revoked by the Minister, or the member has been removed from office in terms of section 9(2);
- (d) upon delivery of written resignation by the member in terms of section 9(3); or
- (e) if the member has contravened any provision of the Integrity Commission Act.

Filling of vacancy

11. (1) Where the Minister is satisfied that a member is temporarily incapacitated by illness, absence or other cause from satisfactorily performing the duties of his office, the Minister may in terms of section 9(1), appoint another person to act temporarily in his place for a period not exceeding six months, as the Minister may specify.

(2) On the death of, or vacating of office by a member, the Minister shall in terms of section 9(1), appoint another person to be a member in place of the member who vacates office, for the remaining period of office of such member.

(3) Subsection (2) shall not apply where the remainder of the period for which the member whose office has been vacated is less than six months.

Publication of appointment, revocation or filling of vacancy

12. The appointment of, or vacation from office, of a person, either by death, revocation, resignation or otherwise shall be published in the *Gazette*.

Committees of Board

13. (1) The Board may appoint such committees as it considers necessary to assist it in the exercise of its functions, and may delegate to such committees, such functions as it considers necessary or appropriate.

(2) Without limiting the generality of subsection (1), the Board shall appoint the following standing committees—

- (a) the Executive Committee which shall comprise of—
 - (i) the Chairman;
 - (ii) the Deputy Chairman;

- (iii) one other *non-ex officio* member;
- (iv) the person appointed as Chairman of the Finance and Audit Committee referred to in paragraph (b); and
- (v) the Chief Executive Officer;
- (b) the Finance and Audit Committee, which shall assist the Board with respect to matters relating to finance, budgeting, service planning, audit and procurement;
- (c) the Quality Assurance and Patient Care Committee, which shall assist the Board with respect to matters relating to clinical governance, including clinical standards, quality management, risk management and patients' complaints;
- (d) the Human Resources Committee, which shall assist the Board in talent management;
- (e) the Ethics Committee; and
- (f) the Building and Properties Committee.

(3) The Board may appoint to the committees, at least one member of the Board and such other number of persons as it considers appropriate, and the persons shall hold office for such period as may be determined by the Board.

(4) A simple majority of the members of a committee shall be a quorum for the transaction of business

(5) Subject to special or general directions of the Board, a committee may regulate its own procedure.

(6) Meetings of a committee shall be held at such place, day and time as a committee may determine, or as the Board may direct.

(7) A committee shall keep records of its meetings and report to the Board on its activities.

(8) The Board may, by resolution, adopt or reject a report made to it by any committee, either wholly or with such modifications, additions or adaptations as the Board may see fit.

Secretary of the Board

14. (1) There shall be a Secretary of the Board who shall be appointed by the Board, on such terms and conditions as may be specified in the instrument of appointment.

(2) The Secretary shall, in addition to any function that may be assigned to him by the Board, be responsible for—

(a) taking the minutes of the meetings of the Board;
and

(b) keeping the records of all decisions of the Board.

(3) The Secretary shall attend all meetings of the Board, but shall not have a right to vote on any matter before the Board.

(4) In the absence of the Secretary, the Chief Executive Officer may appoint an employee of the Authority to perform the functions of the Secretary until the Secretary resumes office or the vacancy is filled, as the case may be.

(5) In the performance of his duties, the Secretary shall be responsible to the Board.

Remuneration, allowances and expenses

15. A member of the Board or committee or any person co-opted to attend any meeting of the Board or committee, shall be paid such remuneration, allowances and traveling expenses incurred in connection with service on the Board or committee, as the Minister may approve.

Submission of particulars for declaration to Integrity Commission

16. A member shall comply with the provisions of the Integrity Commission Act, and shall submit to the Integrity Commission all particulars required by that Act to identify the member's assets, holdings, beneficial income and other relevant interests.

Directions of Minister

17. (1) The Minister may give to the Authority such general or specific directions of policy as the Minister considers necessary in the public interest and the Authority shall give effect to all such directions.

(2) The Minister may, at any time, request the Board to provide him with information concerning any matter relating to the functions of the Board, the Authority or a health care facility or that the Minister considers to be in the public interest and the Board shall provide the information requested within fourteen days of such request or within such other period as may be specified by the Minister.

(3) Any directions given or request made by the Minister under this section shall be in writing and shall be recorded in the minutes of the next meeting of the Board.

(4) The Board may make written representations to the Minister in relation to a direction, but the Board shall comply with the direction given under subsection (1).

(5) The Minister shall not give a direction under subsection (1) in relation to—

- (a) the clinical diagnosis, treatment or management of an individual patient;
- (b) the professional judgment of a health care professional in relation to an individual patient;
- (c) the employment, appointment, promotion, discipline or termination of an individual employee, except as otherwise provided by this Act or another enactment; or
- (d) the day-to-day clinical or operational management of the Authority.

Strategic Plan for Health in the Islands

18. (1) The Minister shall establish a Strategic Plan for Health for the Islands.

(2) The Minister is responsible under this Act for the implementation of the Strategic Plan for Health in relation to the Authority.

Agreements by Minister with educational institutions

19. Without prejudice to the powers of the Minister in respect of agreements, the Minister may enter into agreements with educational institutions, such as the University of the West Indies and others, with respect to education, training and research in health care.

Mechanisms to enable Authority to consult with local communities and others

20. The Board may take such steps as it considers appropriate to consult with local communities or other groups about health services, in particular—

- (a) persons who are being or have been provided with a health service or who are seeking or have sought a health service;
- (b) personal care service;
- (c) service providers; and

- (d) such other persons as the Board considers appropriate.

PART III

MEETINGS AND PROCEEDINGS OF BOARD

Meetings of Board

21. (1) Subject to this Act, the Board shall regulate its own procedure.

(2) The Board shall meet as often as is necessary or expedient for the discharge of its functions, but in any case, at once in each month, and such meetings shall be held at such place, day and time as the Chairperson may determine.

(3) A meeting shall be called by the Chairperson upon giving written notice of not less than fourteen days.

(4) The Chairperson may call a special meeting—

(a) by giving a shorter notice where the urgency of any matter does not require the giving of notice in terms of subsection (3); or

(b) within seven days on written request addressed to him by any three members.

(5) The Chairperson shall preside at meetings of the Board or in the absence of the Chairperson, the Deputy Chairperson shall preside, or in the absence of both the Chairperson and Deputy Chairperson, the members present at such meeting shall elect one from amongst themselves to preside at such meeting.

(6) At any meeting of the Board, five members shall constitute a quorum, two of whom shall be from the private sector, and one of whom shall be from the public sector.

(7) A decision of the Board shall be passed by a simple majority of the members present and voting, and in the case of an equality of votes, the person presiding shall cast a vote in addition to his deliberative vote.

(8) The minutes of a meeting of the Board shall be kept in a proper form, and shall be confirmed by the person presiding as soon as practicable after any meeting, and before any subsequent meeting of the Board.

(9) A meeting of the Board may be held using a method of communication, or a combination of methods of communication, that allows a member taking part in the meeting to hear what

each other member taking part says without the members being present in each other's presence.

(10) The Board may co-opt any person whose presence it considers necessary to assist or advise at any deliberation of the Board, but such person shall not form part of the quorum or have any right to vote.

Public meeting of Board

22. (1) The Board shall, as soon as practicable after receiving the audited statements of the Authority, hold a Board meeting which is open to attendance by the general public.

(2) A notice of the day, time and place of the meeting and that it is open to the public shall be published in a newspaper of general circulation in the Islands and on other media platforms not less than fourteen days before the meeting.

(3) A reasonable number of copies of the statements mentioned in subsection (1) shall be made available at the meeting.

(4) An account of the performance of the Authority in the previous year and its objectives and priorities in the year in which the meeting is held and the following two years shall be given at the meeting, and persons present at the meeting shall be given a reasonable opportunity to ask questions.

Disclosure of interest

23. (1) Where a member the Board or committee is present at a meeting of the Board or committee, at which meeting a matter which is the subject of consideration is one in which the member has any pecuniary interest, directly or indirectly, in a contract, proposed contract or other matter, the member shall as soon as practicable after the commencement of the meeting and before the matter is discussed, disclose his interest and shall not, unless the Board or committee otherwise directs, take part in any consideration or discussion of any question touching upon such matter, but the member shall not be entitled to vote and shall withdraw from the meeting before a vote is taken.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it was made.

(3) Where a member of the Board or committee fails to disclose his interest in terms of subsection (1) and a decision by the Board or committee is made benefiting the member, such decision shall be null and void to the extent to which it benefits that member.

(4) A member of the Board or committee who fails to comply with subsection (1), commits an offence and is liable—

- (a) on summary conviction, to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
- (b) on conviction on indictment, to a fine of \$50,000 or to imprisonment for a term of three years, or to both.

Pecuniary interest

24. (1) For the purposes of section 23, a member of the Board or committee shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member or any nominee of his is a member of a company or other body which has a direct or indirect pecuniary interest in the contract, proposed contract or other matter under consideration;
- (b) the member is a partner, or in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration;
- (c) the member or any partner of his is a professional advisor to a person who has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration; or
- (d) the member's spouse or child has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration.

(2) Subsection (1) does not apply to membership of, or employment by, any public body.

(3) The Minister may, subject to such conditions as he may determine, appoint persons to act as members for any specified period, in any case in which the number of members disabled by section 23 at any one time would be so great a proportion of the whole, as to impede the transaction of business of the Board or committee.

Validity of decisions

25. The validity of any act or proceedings of the Board or committee shall not be affected by any vacancy among its members, or by any defect in the appointment of a member.

PART IV**CHIEF EXECUTIVE OFFICER AND STAFF OF AUTHORITY****Chief Executive Officer**

26. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Minister on the recommendation of the Board on such terms and conditions as specified in the contract of employment.

(2) A person shall not be appointed as a Chief Executive Officer unless the Minister is satisfied that the person possesses the appropriate qualifications and experience to undertake the duties, and the person demonstrates that he is competent to carry out the functions of the Authority.

(3) The Chief Executive Officer shall be a full time officer and employee of the Authority, and shall render his services exclusively to the Authority.

(4) The Chief Executive Officer shall be answerable to the Board for his actions and decisions.

(5) In the Chief Executive Officer's absence or inability to fulfil his functions, the Board may appoint a senior officer of the Authority to discharge the functions of the Chief Executive Officer during the period of absence or disability.

(6) The Chief Executive Officer shall attend meetings of the Board and the standing committees and take part in discussion of any matter other than such as may concern himself personally, but shall not be entitled to vote.

Functions of Chief Executive Officer

27. (1) Subject to the directions on matters of policy as may be given by the Board, the Chief Executive Officer shall be responsible for—

- (a) the day-to-day management of the affairs of the Authority;
- (b) the discharge of the Board's functions and the exercise of its powers;
- (c) the management and supervision of the Authority's employees; and
- (d) the discharge of such functions and exercise of such powers specified in his employment contract

or assigned or conferred upon him by this or any other Act or delegated to him by the Board.

(2) The Chief Executive Officer may delegate to any senior officer of the Authority, any powers that he is authorised to exercise under this Act.

Medical Director

28. (1) The Board shall, on the recommendation of the Chief Executive Officer, appoint a Medical Director for the Authority, who shall be a medical practitioner and a full-time officer of the Authority.

(2) The Medical Director shall be responsible to the Chief Executive Officer for the clinical organisation of the Authority and for the supervision of the clinical care given to all patients of designated health facilities in accordance with the policies established by the Board.

(3) The Medical Director shall—

- (a) ensure and monitor the quality of medical care at designated health facilities;
- (b) ensure the achievement of continuing quality improvement in all aspects of medical care at designated health facilities;
- (c) advise the Chief Executive Officer on—
 - (i) the priorities in the budget of the Authority in relation to clinical services;
 - (ii) the employment and allocation of medical staff to clinical departments of the Authority; and
 - (iii) perform any other duties as may be specified by the Board and under his contract of employment.

Other employees of Authority

29. The Authority may employ such officers and employees as are necessary for the proper discharge of its functions under this Act.

(2) The senior officers shall be appointed by the Board on such terms and conditions as the Board may determine.

(3) All other officers and employees of the Authority shall be appointed by the Chief Executive Officer, subject to such terms and conditions as may be determined by the Board.

(4) Subject to this Act, the Board shall determine the executive, management and administrative structure of the Authority for the necessary and proper discharge of the duties and functions of the Authority.

(5) The Board shall also determine—

- (a) the professional qualifications and requirements of the employees of the Authority and persons under contracts for services with the Authority;
- (b) the terms and conditions of employment and contracts for services;
- (c) the medical staff structure relating to doctors, dentists and such other health practitioners; and
- (d) disciplinary procedures for employees of and for persons under contracts for services with the Authority.

Engagement of specialists, consultants and other health professionals

30. (1) The Board may, after consultation with the Chief Executive Officer, appoint, employ or otherwise engage such specialists, consultants, locum doctors and other health professionals as it considers necessary or desirable for the due performance of the functions and exercise of the powers of the Authority.

(2) A person may be appointed, employed or otherwise engaged under subsection (1)—

- (a) on a full-time, part-time, sessional, temporary or locum basis;
- (b) for the provision of specialist or other clinical services;
- (c) to perform specific clinical, technical, advisory, managerial or other functions; or
- (d) for such period and on such terms and conditions as the Board considers appropriate.

(3) The Board may, with the approval of the appropriate authority and subject to the law relating to the public service, appoint or engage a person who is employed by the Ministry responsible for health or another Government department or entity to provide clinical or other health services to the Authority.

(4) A person referred to in subsection (3) who holds a managerial, administrative or other position in the Ministry responsible for health may, with the approval of the appropriate

authority, be appointed or engaged by the Authority to practise medicine or otherwise provide clinical services, whether on a full-time, part-time, sessional or locum basis, in accordance with the person's professional qualifications, registration and licence to practise.

(5) The appointment or engagement of a person under this section does not, of itself, affect the person's substantive appointment or employment in the public service.

(6) A person engaged under this section shall comply with—

- (a) the terms and conditions of the person's appointment or engagement;
- (b) the clinical, professional and ethical standards applicable to the person's profession; and
- (c) any applicable policy, protocol or procedure of the Authority.

(7) Nothing in this section authorises a person to practise a health profession unless the person is duly qualified, registered and licensed to practise that profession.

Transfer of public officers to Authority

31. (1) On the commencement of this Act, every public officer and employee of the Government who, immediately before that day, is employed or assigned to a designated health care facility shall, subject to this section, be transferred to the service of the Authority.

(2) A person transferred under subsection (1) shall be employed by the Authority on terms and conditions of service that are no less favourable than the terms and conditions of service applicable to that person immediately before the commencement day.

(3) Where a person referred to in subsection (1) is employed under a fixed-term contract of employment, the Authority shall, for the unexpired term of the contract, assume the rights and obligations of the Government under the contract, and the transfer shall not constitute a termination, variation or repudiation of the contract.

(4) A person employed under a fixed-term contract transferred to the Authority under this section shall remain employed by the Authority until the expiration of the contract, unless the contract is earlier terminated in accordance with its terms or otherwise in accordance with law.

(5) Nothing in this section shall be construed as conferring on a person employed under a fixed-term contract any right to renewal, extension or continued employment after the expiration of the contract.

(6) On the expiration of a fixed-term contract transferred to the Authority, the Authority may, in accordance with its policies—

(a) renew or extend the contract; or

(b) enter into a new contract of employment with the person.

(7) The transfer of a person under this section shall not affect any right or entitlement accrued by the person before the commencement day in respect of a pension, gratuity, allowance or other benefit.

(8) For the purposes of determining the entitlement of a public officer to, and the calculation of, any pension, gratuity or allowance under the Pensions Act, service with the Authority following the transfer shall be treated as continuous service with the Government.

(9) A person transferred under this section shall, while employed by or performing duties for the Authority, comply with this Act and the rules, policies and procedures of the Authority applicable to that person.

(10) The transfer of a public officer or employee under this section shall not constitute a termination of employment or, in the case of a person employed under a fixed-term contract, a termination or expiration of that contract.

(11) A public officer or employee to whom this section applies may, before the commencement of this Act, notify the Deputy Governor in writing that the officer or employee does not wish to be transferred to the service of the Authority.

(12) Where a public officer or employee gives notice under subsection (11), the transfer of that officer or employee under this section shall not take effect.

(13) Where an officer or employee does not transfer to the Authority by reason of subsection (12), the Government shall determine, in accordance with the applicable law and terms and conditions of service—

(a) whether the officer or employee is to remain in the public service and, if so, the position or duties to which the officer or employee is to be assigned; or

- (b) where there is no suitable position or duties available, the manner in which the employment of the officer or employee is to be brought to an end.

(14) Nothing in this section shall be construed as—

- (a) terminating the employment of an officer or employee merely by reason of the officer or employee's refusal to transfer; or
- (b) terminating or otherwise affecting a fixed-term contract of employment except in accordance with its terms or applicable law.

(15) Where the employment of an officer or employee is brought to an end pursuant to subsection (13)(b), the officer or employee shall be entitled to any notice, compensation, pension, gratuity or other benefit to which the officer or employee is entitled under the applicable law or terms and conditions of service.

Transfer of hospital employees

32. (1) A person who, immediately before the commencement of this Act, is employed at a public hospital shall, with their consent and subject to this section, be eligible for transfer to the employment of the Authority.

(2) The transfer of a person referred to in subsection (1) shall take effect on such date as may be agreed by the Government, having regard to the date on which the Authority assumes responsibility for the management and provision of services at the public hospital at which that person is employed.

(3) The transfer of an employee under this section shall not—

- (a) constitute a termination of the employee's employment;
- (b) constitute a dismissal, redundancy or resignation of the employee;
- (c) break the continuity of the employee's employment; or
- (d) affect any right, entitlement, benefit or liability accrued by or in respect of the employee before the commencement day.

(4) An employee transferred under this section shall be employed by the Authority on terms and conditions of employment that are no less favourable than those applicable to the employee immediately before the commencement of this Act.

(5) Where an employee transferred under this section is employed under a fixed-term contract, the Authority shall employ the employee on a new contract on the terms and conditions applicable immediately before the commencement of this Act and nothing in this section shall be construed as conferring on such an employee a right to renewal or extension of the contract beyond its expiration.

(6) Any reference in a contract of employment or other instrument relating to the employment of an employee transferred under this section shall, on and after the commencement of this Act, be construed, so far as necessary to give effect to this section, as a reference to the Authority.

(7) Any dispute arising in relation to the transfer of an employee under this section shall be determined in accordance with the Employment Act and the terms of the employee's contract of employment.

Privileges for private health professionals

33. The Board may, after consultation with the Chief Executive Officer, on such terms and conditions as it thinks fit, allow health professionals in private practice to have access to and utilise any of its facilities, when the use of such facilities is not immediately required by the Authority.

Disclosure by employees of Authority of certain interests

34. (1) Where an officer or employee of the Authority has a material interest, otherwise than in his capacity as such an officer or employee, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority is a party, that person shall—

- (a) disclose to the Authority his interest and the nature of the interest;
- (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Authority or employees of the Authority in relation thereto; or
- (c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) Subsection (1) does not apply to contracts or proposed contracts of employment of employees of the Authority with the Authority.

(3) Where a person contravenes this section the Authority may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

PART V

FINANCIAL PROVISIONS

Funds of Authority

35. The funds of the Authority shall consist of—

- (a) such sums of moneys as may be appropriated by the Parliament for the purposes of the Authority;
- (b) moneys received by the Authority by way of rents, fees and other charges for medical services;
- (c) moneys or other property, real or personal, received by way of grants, donations, gifts or bequests given to the Authority or to the Government for the purposes of the Authority;
- (c) sums payable to the Authority in respect of advertisements, promotions, public relations or any other services rendered by the Authority;
- (d) moneys borrowed by the Authority; and
- (e) any other moneys to which it may be entitled in terms of this Act.

Application of funds of the Authority

36. The funds of the Authority shall be applied towards—

- (a) the payment of salaries, wages, fees, allowances, gratuities or similar benefits of persons employed by the Authority;
- (b) the working and establishment expenses of the Authority, including expenses relating to the maintenance of the property and installations of the Authority and the discharge of the functions of the Authority properly chargeable to revenue;
- (c) the meeting of obligations and the performance of any of the functions of the Authority and matters incidental thereto; and
- (d) the principal of, and any interest and other charges on, any sums borrowed by the Authority.

Borrowing powers

37. (1) The Authority may, with the approval of the Minister of Finance and to the extent that it considers it necessary to meet its obligations or discharge its functions—

- (a) borrow money by way of loan, advance or overdraft; and
- (b) obtain goods and services on credit.

(2) An approval given under subsection (1) may be either general or limited to a particular borrowing, and may be either unconditional or subject to conditions.

Guarantees for Authority

38. (1) With the approval of the Parliament, the Minister of Finance may guarantee, in such manner and on such conditions as he thinks fit, the payment of the principal and interest on any authorised borrowings of the Authority.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the general assets and revenue of the Islands of the amount in respect of which there has been such default.

Repayment of guarantees called up

39. The Authority shall pay into the Consolidated Fund, at such times and in such manner as the Minister of Finance may direct—

- (a) such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under, section 38; and
- (b) interest on what is outstanding for the time being in respect of such advances and of any sum so issued at such rate as the Minister of Finance may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Reserve fund

40. (1) The Authority shall maintain a reserve fund to cover three months of operating expenses of the Authority.

(2) The management of the reserve fund and its application shall be as the Authority may determine, subject to the approval of the Permanent Secretary, Finance.

(3) No part of the reserve fund shall be applied otherwise than for the purposes of the Authority.

Restricted account

41. The Board may allocate and place into a designated reserve account such sums as the Board may deem appropriate to set aside for the purposes of the future removal, replacement or renewal of property or installations due to obsolescence and depreciation.

Financial year

42. The financial year of the Authority shall be a period of twelve months commencing from 1 April and ending on 31 March.

Accounts and audit

43. The provisions of the Public Finance Management Act in relation to the preparation and submission of annual estimates, accounts, audits and reporting of a statutory body shall apply to the Authority.

Quarterly report

44. (1) The Chief Executive Officer shall prepare and submit to the Board quarterly reports on the performance and activities of the Authority no later than thirty days after the end of the quarter.

(2) The Board shall within one month of receiving a report under subsection (1) forward a copy of the report to the Minister.

(3) The Minister shall, as soon as possible after receiving a report in accordance with subsection (2), lay a copy of the report before the Parliament.

Annual report

45. (1) In addition to submitting a report of its governance arrangements and finances as required by the Public Finance Management Act, the Authority shall prepare a written report of its activities and operations during the last preceding year and furnish that report to the Minister within six months after the end of each financial year.

(2) The Minister shall, as soon as possible after receiving a report in accordance with subsection (1), lay a copy of the report before the Parliament.

Annual service agreement

46. (1) The Authority shall, not later than four months before the commencement of each financial year, or at such later time in as the Minister approves, enter into an annual services agreement with the Government as represented by the Minister of Finance for the financial year.

(2) The agreement shall contain—

- (a) a provision stating the Authority's objectives and priorities in carrying out its responsibilities and exercising its powers for the financial year and the following two financial years, which shall incorporate the national objectives and priorities for health in the Strategic Plan for Health referred to in section 18 as they relate to the health services and personal care services of the Authority;
- (b) a provision setting out a general description of the health services and personal care services to be provided by the Authority and the level of those services;
- (c) a provision respecting how the Authority proposes to carry out its responsibilities and exercise its powers under this Act in the financial year;
- (d) a provision for a comprehensive financial plan that shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year and that includes estimates of its expected revenue and expenditure, both recurrent and capital, for the financial year setting out the heads of revenue and expenditures;
- (e) a provision respecting the amounts of reserves and a statement of the purposes of the reserves;
- (f) a provision respecting how the Authority proposes to measure its performance in carrying out its responsibilities and exercising its powers in the financial year;
- (g) a provision respecting what financial statements and reports on the carrying out of its responsibilities and exercising its powers will be required by the Minister and when they will be required;
- (h) a provision respecting the procedure for amending any provisions of the agreement;

- (i) a provision for the resolution of disagreements;
and
- (j) any other provisions that the Authority and the Government consider necessary or appropriate.

(3) The Authority shall in each financial year implement the annual services agreement for that financial year.

Unexpended funds

47. Section 44 of the Public Finance Management Act shall apply in relation to the unexpended balance of moneys appropriated to the Authority for any financial year.

PART VI

TRANSFER OF HEALTH CARE SERVICES, PROPERTY AND OTHER ASSETS

Interpretation of this Part

48. In this Part “transferred service” means the health services transferred to the Authority.

Vesting of property in Authority

49. (1) The Governor may, by Order, vest in the Authority any property owned by the Government and used for, or in connection with, the provision of health services or any property owned by the Government which the Governor considers appropriate for the purposes of the Authority.

(2) An Order under subsection (1) shall identify the property to which the Order applies and specify the date on which the property is vested in the Authority.

(3) On the date specified in the Order, the property to which the Order applies vests in the Authority without further conveyance, transfer or other assurance.

(4) An Order under subsection (1) may make such incidental, consequential, supplementary or transitional provision as the Governor considers necessary or expedient to give effect to the vesting of the property.

Transfer and assignment of leases

50. (1) On the commencement of this Act, every lease, tenancy, licence or other agreement under which the Government holds or occupies any land, building or other premises for the

provision or administration of health services is transferred and assigned to the Authority.

(2) The Authority shall, with effect from the date of commencement of this Act, be substituted for the Government as the tenant, lessee or licensee under each lease, tenancy, licence or agreement transferred and assigned under subsection (1), and the Authority shall be entitled to all rights and subject to all obligations and liabilities of the Government arising under the lease, tenancy, licence or agreement on or after that day.

(3) The Authority and the Government shall execute such instruments and take such other steps as may be necessary to record or give effect to the transfer and assignment of a lease, tenancy, licence or other agreement under this section.

Transfer of contracts and other arrangements

51. (1) Subject to this section, every procurement contract, supply contract, service agreement, lease, licence or other arrangement entered into by the Government in respect of a transferred service and in force immediately before the commencement of this Act, shall, to the extent permitted by law, continue in force on and after that day.

(2) Where a contract or arrangement is transferable, the Authority shall, on and after the commencement of this Act, assume responsibility for the performance of the contract or arrangement in respect of obligations arising on or after the commencement of this Act.

(3) The Government shall remain responsible for all liabilities and obligations arising from the contract or arrangement in respect of any act, omission, breach or other event occurring before the commencement of this Act.

(4) The transfer or continuation of a contract or arrangement under this section shall not be construed as transferring to the Authority any liability of the Government arising before the commencement of this Act.

(5) Where the consent of a contracting party is required for the transfer of a contract or arrangement, the Government and the Authority shall use their best endeavours to obtain that consent.

(6) Pending the transfer of a contract or the obtaining of any required consent, the Government may continue to administer the contract on behalf of the Authority to ensure continuity of the relevant service.

(7) The transfer or continuation of a contract or arrangement under this section shall not, by itself, constitute a

breach, repudiation, event of default or ground for termination of the contract or arrangement, unless otherwise provided by the contract or applicable law.

Transfer of supplies, inventory and equipment

52. (1) On the commencement of this Act, all medical supplies, pharmaceuticals, consumables, equipment, furniture, vehicles and other movable assets held by the Government for the purposes of a transferred service shall be transferred to the Authority.

(2) The Minister of Finance may direct that an inventory and valuation of the property referred to in subsection (1) be prepared before or after the commencement of this Act.

(3) The Authority shall maintain proper records of all assets transferred to it under this section.

(4) The transfer of any controlled drugs, pharmaceutical products, medical devices or other regulated goods under this section is subject to the requirements of any applicable law.

Liabilities and obligations

53. (1) Notwithstanding any other provision of this Act, no liability, debt, obligation, claim, demand or cause of action incurred, arising or accruing before the commencement of this Act in connection with a transferred service shall be transferred to, assumed by or become a liability or obligation of the Authority.

(2) The Government remains solely responsible for any liability, debt, obligation, claim, demand or cause of action referred to in subsection (1), whether or not—

- (a) the liability, debt or obligation has been ascertained, quantified or recorded before the commencement of this Act;
- (b) the claim or demand has been made or notified before the commencement of this Act; or
- (c) proceedings in respect of the liability, debt, obligation, claim, demand or cause of action have been commenced before the commencement of this Act.

(3) Without limiting subsection (1), the Government remains responsible for any liability arising from—

- (a) an act or omission occurring before the commencement of this Act;

- (b) a contract entered into by the Government before the commencement of this Act, including any breach of that contract occurring before the commencement of this Act;
- (c) the employment of a public officer or employee before the commencement of this Act;
- (d) the provision of health care or other services before the commencement of this Act;
- (e) any claim for negligence, personal injury, loss or damage arising from an event occurring before the commencement of this Act; and
- (f) any debt or other financial obligation relating to a period before the commencement of this Act.

(4) Where, after the commencement of this Act, a claim, proceeding or other matter is brought against the Authority in respect of a liability to which this section applies, the Government shall indemnify and hold the Authority harmless against that liability and against any costs or expenses reasonably incurred by the Authority in defending or otherwise dealing with the claim or proceeding.

(5) The Government shall, on request, provide the Authority with reasonable assistance in identifying, defending, settling or otherwise dealing with any claim or proceeding referred to in subsection (4).

(6) Nothing in this section prevents the Authority from providing administrative or operational assistance to the Government in relation to a claim or proceeding to which this section applies.

(7) For the avoidance of doubt, the transfer of a contract or other arrangement under this Act does not transfer to the Authority any liability arising from a breach, act or omission occurring before the commencement of this Act.

Ongoing litigation and proceedings

54. (1) Notwithstanding any other provision of this Act, any civil, criminal, administrative or other proceeding, action, claim or matter commenced or pending immediately before the commencement of this Act in respect of a transferred service shall remain a proceeding, action, claim or matter by or against the Government.

(2) The Government shall remain solely responsible for the conduct, defence, settlement or other disposition of a proceeding, action, claim or matter referred to in subsection (1).

(3) The Authority shall not, by reason only of the transfer of a service, property, contract, record, function or responsibility under this Act, be substituted for the Government as a party to any proceeding, action, claim or matter referred to in subsection (1).

(4) Where a proceeding, action, claim or matter referred to in subsection (1) relates to an act or omission occurring before the commencement of this Act, the Government shall remain responsible for any judgment, order, award, costs or other liability arising from or in connection with that proceeding, action, claim or matter.

(5) Where, after the commencement of this Act, a proceeding, action, claim or matter is commenced in respect of an act or omission occurring before the commencement of this Act, the proceeding, action, claim or matter shall be brought against the Government and shall not be brought against the Authority solely by reason of the transfer of the relevant service.

(6) The Government may request the Authority to provide records, information or reasonable administrative assistance required for the conduct or defence of a proceeding, action, claim or matter referred to in this section.

(7) The Authority shall, subject to any law relating to confidentiality and the protection of health information, provide reasonable assistance and access to records and information requested under subsection (6).

(8) For the avoidance of doubt, nothing in this section prevents the Authority from being a party to proceedings arising from an act or omission occurring on or after the commencement of this Act.

PART VII

MISCELLANEOUS PROVISIONS

Indemnity

55. No matter or thing done or omitted to be done by a member of the Board or committee, officer or employee of the Authority shall, if the matter or thing is done or omitted to be done in good faith and without negligence, in the course of the operations of the Authority, render a member, officer or employee of the Authority or any person acting by his direction, personally liable to an action, claim or demand.

Confidentiality

56. (1) A member of the Board or committee, officer or employee of the Authority, or any person assisting the Board, committee or Authority shall observe and preserve the confidentiality of all matters coming before the Board, committee or Authority and such confidentiality shall subsist even after the termination of the term of office or the mandate.

(2) A member of the Board or committee, officer or employee of the Authority, or any person to whom confidential information is revealed through working with the Board, committee or Authority shall not disclose that information to any person, unless he is required to do so in terms of any law or for purposes of any judicial proceedings.

(3) Any person who contravenes this section, commits an offence and is liable—

- (a) on summary conviction, to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
- (b) on conviction on indictment, to a fine of \$50,000 or to imprisonment for a term of three years, or to both.

Offences and penalties

57. A person who wilfully obstructs any officer or employee of the Authority in the performance of his functions under this Act, commits an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of two years, or to both.

Public Sector Employees Pension Fund

58. (1) The Authority shall subscribe to the Public Sector Employees Pension Fund in accordance with the Public Sector Employees Pension Fund Act for the payment of pensions to employees of the Authority.

(2) Notwithstanding subsection (1), where an employee of the Authority or an employee transferred in accordance with section 31 is entitled to a contract officer's gratuity, the Authority shall not subscribe to the Public Sector Employees Pension Fund in respect of such employee during the period in which the employee remains entitled to such gratuity.

Power to amend Schedule

59. The Minister may, by Order, amend the Schedule.

Rules

60. (1) The Board may make rules—

- (a) regarding the organisation of the medical staff of designated health facilities and such committees as may be necessary;
- (b) specifying the professional and other qualifications required for appointment as officers of the Authority;
- (c) specifying the conditions under which private medical and dental and other practitioners are selected and permitted to practise at designated health facilities;
- (d) regulating the conduct of all persons employed in designated health facilities;
- (e) governing the professional conduct of a clinical practitioner, based on the code of conduct of his professional body and respective Council;
- (f) specifying the duties to be performed by the various officers and committees of the Board;
- (g) specifying, subject to this Act, the composition, procedure and functions of each committee established under this Act;
- (h) as to investigations into all allegations of misconduct by the medical staff, officers or employees of the Authority;
- (i) as to the disciplinary action that may be taken following a finding of misconduct;
- (j) establishing and instituting policies for the efficiency, good order and management of the Authority and designated health facilities;
- (k) as to the security of patients, personnel, visitors and designated health facilities;
- (l) as to the holding of annual public meetings by the Authority;
- (m) as to the utilisation of telemedicine to facilitate the remote diagnosis and treatment of patients by means of telecommunications technology; or
- (n) regarding—

- (i) the admission and discharge of patients, patients identification and protection of the rights of patients;
- (ii) the conduct and control of patients;
- (iii) the conduct of visitors;
- (iv) the control and supervision of clinical work and the use of the facilities of the Authority in the course of that work;
- (v) the upkeep and maintenance of the designated health facilities and equipment.

(2) The Board shall cause to be supplied a handbook of the policies and rules of the Board to all medical staff, officers and employees of the Authority and make the same available for inspection by any person on request being made to the Chief Executive Officer.

(3) Rules made under subsection (1)(n)(i) shall not discriminate against patients who cannot pay or allow any patient to be turned away from a designated health facility.

Regulations

61. (1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations made under this section may provide for—

- (a) the fees to be payable in respect of any treatment, amenities, facilities, services or materials of any description provided by or through the Authority, and provide for the manner in which such fees shall be collected;
- (b) the category of persons who may be exempt from the payment of such fees;
- (c) the conditions under which students and interns are selected and permitted to study at designated health facilities;
- (d) the appointment of medical officers to health care facilities and the duties and responsibilities assigned to them;

(e) anything which may be or is to be prescribed under this Act; and

(f) any other thing as may be required for the proper implementation of this Act.

(3) Any regulations made under this section may provide for the imposition upon persons convicted of offences under such regulations of penalties not exceeding a fine of \$5,000 or a term of imprisonment of six months, or to both.

Repeal and savings

62. (1) The Medical Act is repealed.

(2) Notwithstanding the repeal of the Medical Act, any subsidiary legislation made under that Act shall continue in force as if made under the corresponding provision of this Act until amended or replaced under this Act.

Act binds the Crown

63. This Act binds the Crown.

Transitional provisions

64. (1) The Minister shall ensure, where necessary, that arrangements are made for the services of the staff presently employed by the hospital to be made available to the Authority from the commencement of this Act.

(2) The Government may, at the request of the Board, make available to the Authority the services of such public officers and may place at the disposal of the Authority such facilities under the control of the Government as may be necessary for the proper discharge of the activities of the Authority, including, without limitation, the following—

(a) computer support services; and

(b) payroll services.

SCHEDULE

HEALTH CARE FACILITIES

(Sections 2 and 5)

Grand Turk

Cockburn Town Medical Centre

Centre of Hope

Morgue

Wellness Centre

National Public Health Laboratory

Emergency Medical Services Base

Department of Behavioural Health Services

Salt Cay

Primary Health Care Clinic

Dental Clinic

South Caicos

Primary Health Care Clinic

Morgue

Emergency Medical Services Base

Dental Clinic

Wellness Centre

North Caicos

Primary Health Care Clinic, Kew

Primary Health Care Clinic, Bottle Creek

Dental Clinic, Kew

Dental Clinic, Bottle Creek

Emergency Medical Services Base

Behavioural Health Office*

Wellness Centre

Middle Caicos

Primary Health Care Clinic

Providenciales

Cheshire Hall Medical Centre

Blue Hills Community Clinic

Polyclinic

National Public Health Laboratory

Emergency Medical Services Base

Behavioural Health Department*

Morgue

NB: *Rented premises

PASSED by the Parliament this day of 2026.

.....
Tracey Parker
Clerk to the Parliament

.....
Gordon Burton
Speaker

EXPLANATORY MEMORANDUM

The Health Services Authority Bill (“the Bill”) provides for the establishment of the Health Services Authority (“the Authority”) as a statutory body responsible for the management and delivery of public health services at designated health care facilities in the Turks and Caicos Islands.

The Bill is intended to strengthen the governance, management and delivery of public health services by establishing an entity with dedicated responsibility for the day-to-day administration and operation of designated health care facilities and the provision of health services.

The Authority will have responsibility for the management and operation of designated health care facilities and for the provision of such health services as may be assigned to it. The Bill provides the Authority with the governance arrangements, functions and powers necessary to discharge those responsibilities.

The Bill also provides for the orderly transition of responsibility for designated health services from the Government to the Authority. In particular, provision is made for the transfer of public officers and employees working in designated health care facilities, the transfer and vesting of Government property and assets used in the provision of those services, and the transfer or assignment of relevant leases, contracts and other arrangements necessary for the continued operation of the services.

THE BILL

PART I – Preliminary

Clause 1 provides for the short title of the Act and commencement and enables the Governor to commence the Act by Notice published in the *Gazette*. Phased commencement is provided for to facilitate orderly transition.

Clause 2 defines key terms used throughout the Bill, which ensures consistency of interpretation.

PART II – Establishment of Health Services Authority

Part II provides for the establishment of the Health Services Authority as a body corporate with legal personality; and provides the standard provisions applicable to corporate bodies.

Clauses 5 and 6 provides for the functions and powers of the Authority.

Clause 7 provides for composition of the Board, whilst **clause 8** provides for the functions of the Board, amongst others, specifying that the Board is the governing body of the Authority.

Clauses 9, 10, and 11 makes provision for the qualifications to appointment as member of the Board, the removal and resignation from office, and the filling of vacancies.

Clause 13 provides for the committees of the Board and **clause 15** for the remuneration, allowance and expenses to be paid to a member of the Board or committee.

Clause 15 makes provision for the remuneration, allowance and expenses to be paid to a Director of or member of a committee.

Clause 16 provides for the submission of particulars for declaration by Directors to the Integrity Commission.

Clause 17 provides for the Minister to give directions to the Board.

Clause 18 provides for the establishment of a Strategic Plan for Health for the Islands.

Clause 19 empowers the Minister to enter into agreements with educational institutions with respect to education, training and research in health care.

Clause 20 provides that the Board may put mechanisms in place to consult with local communities and other groups about health services.

PART III – Meetings and proceedings of Board

PART III makes provisions for the meetings and proceedings of the Board.

Clause 21 sets out provisions for the meetings of the Board.

Clause 22 requires the Board to hold a Board meeting that is open to attendance by the general public.

Clauses 23 and 24 provide for the disclosure of interest of any Director, member of a committee or any person co-opted to a meeting of the Board or committee, and makes it an offence to fail to disclose.

Clause 25 makes provisions to validate decisions made at any meeting where amongst others, there was a vacancy in the Board or members were absent.

PART IV – Chief Executive Officer and Staff of Authority

Part IV makes provision for the appointment of the Chief Executive Officer and other employees of the Authority and

clarifies the respective powers of the Board and the Chief Executive Officer in relation to appointments.

Clauses 26 and 27 make provision for the appointment and functions of the Chief Executive Officer.

Clause 28 makes provision for the appointment and functions of the Medical Director.

Clause 29 confers general power on the Authority to employ such officers and employees as are necessary for the proper discharge of its functions.

Clause 30 makes provision with respect to the engagement of specialists, consultants, locum doctors and other health professionals, whether on a full-time, part-time, seasonal, temporary or locum basis.

Clause 31 provides for the transfer to the Authority of public officers and employees of the Government who are employed in designated health care facilities immediately before the commencement of the Act.

The clause preserves the remuneration and terms and conditions of service applicable to transferred officers and employees immediately before the transfer. It also preserves the pension, gratuity and allowance rights of public officers and ensures that their service with the Authority continues to be treated as pensionable service under the Pensions Act.

Where an employee is employed under a contract, the contract continues with the Authority for its unexpired term, with the Authority assuming the Government's rights and obligations under the contract. The clause further makes clear that the expiry of such a contract does not create a right to renewal or continued employment.

Clause 32 provides for employees at the public hospitals to be transferred to the Authority on terms and conditions of employment that are no less favourable than those applicable to the employee immediately before the transfer.

PART V – Financial Provisions

Part V deals with the financial provisions.

Clauses 35 and 36 provide where the funds of the Authority are derived from and can be applied to. The funds will mainly come from moneys appropriate by the Parliament. The funds will be applied for—

- (a) the payment of salaries, wages, fees, allowances, gratuities or similar benefits of persons employed by the Authority; and

- (b) the meeting of obligations and the performance of any of the functions of the Authority and matters incidental thereto.

Clauses 37, 38 and 39 make provisions with respect to borrowing by the Authority, provision of guarantee and repayment of guarantees called up

Clause 40 provides for the Authority to maintain a reserved fund to cover three months of operating expenses.

Clause 41 provides for a restricted account.

Clause 42 states the financial year of the Authority which coincides with the financial year of the Government.

Clause 43 links the accounts and audits and process of reporting to the Public Finance Management Act which sets out the requirements for the keeping of accounts and auditing, including those for statutory bodies.

PART VI – Transfer of health care services, property and other assets

Part VI sets out the provisions intended to facilitate the orderly transfer of responsibility for the day-to-day management and operation of the Government's primary health care services to the Health Services Authority.

The Part provide for the transfer to the Authority of the property, assets, rights, contracts, records and other resources necessary to enable the Authority to assume responsibility for the provision and management of the transferred health services and facilities without interruption.

The Part provides for the transfer and vesting in the Authority of property and assets used wholly or principally for the purposes of the transferred services. These include clinic facilities, equipment, furniture, vehicles, medical supplies, pharmaceuticals, consumables, information technology systems, records and other operational assets.

Clause 49 provides for vesting of property owned by the Government used wholly or principally for the purposes of the transferred services to be vested in the Authority.

Clause 50 provides for the transfer and assignment to the Authority of leases, tenancies, licences and other agreements under which the Government occupies or uses land, buildings or other premises for the provision or administration of health services.

Clause 51 provides for the transfer or continuation of contracts and other arrangements relating to the transferred services. This is intended to ensure continuity of essential supply and service arrangements, including contracts for medicines, pharmaceuticals, medical and clinical supplies, equipment maintenance, laboratory services, cleaning, security, waste disposal, information technology, utilities and other operational services.

Clause 52 provides for the transfer of inventories and supplies held for the purposes of the transferred services and for the maintenance of appropriate records of assets transferred to the Authority.

Clause 53 provides that no liability, debt, obligation, claim, demand or cause of action incurred, arising or accruing before the commencement of the Act in connection with a transferred service shall be transferred to, assumed by or become a liability or obligation of the Authority.

Clause 54 provides that any civil, criminal, administrative or other proceeding, action, claim or matter commenced or pending immediately before the commencement of the Act in respect of a transferred service shall remain a proceeding, action, claim or matter by or against the Government.

PART VII - Miscellaneous Provisions

Part VII sets out the general provisions.

Clause 55 indemnifies anyone acting in his capacity of employment, in good faith from any liability to an action, claim or demand.

Clause 56 makes provision for confidentiality by members of the Board, committees and employees.

Clause 57 provides for the offences and penalties.

Clause 60 makes provision for the making of rules by the Board.

Clause 61 makes provision for the making of regulations by the Minister.