

BILL

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THE ALLIED HEALTH PROFESSIONS ACT, 2020

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No.



2020

Sierra Leone

A BILL ENTITLED

Short title.

Being an Act to provide for the establishment of the Allied Health Professions Council, to provide for the regulation, including the registration of allied health professions and allied health facilities and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

- Interpretation. 1. In this Act, unless the context otherwise requires-
- "activity" relating to allied health means any activity, which has a direct or an indirect effect on patient care, or on the health of an individual or the population;
- "allied health professional" means a person who has a professional qualification in any of the allied health professions listed in the Schedule;
- "certificate of registration" means a certificate of registration issued by the Council under paragraph (a) of subsection (7) of section 29;
- "Chairman" means the Chairman of the Allied Health Professions Council appointed under subsection (2) of section 4;
- "Committee" means a committee appointed by the Council under section 11;
- "Council" means the Allied Health Professions Council established under section 3;
- "Health Service Commission" means the Sierra Leone Health Service Commission established under section 2 of the Sierra Leone Health Service Commission Act, 2011 (Act No. 5 of 2011);
- "institution of higher learning" includes a polytechnic, college or university;
- "Minister" means the Minister responsible for health and sanitation and "Ministry" shall be construed accordingly;

- "practising certificate" means a practising certificate approved under section 30;
- "register" means a register established and maintained under section 24;
- "Registrar" means the Registrar of the Allied Health Professions Council appointed under section 13;
- "registered allied health professional" means an allied health professional who is registered under this Act.
- "supervisory authority" means a senior registered professional appointed by the Council under subsection (1) of section 48 to supervise registered allied health professionals in a region, district or smaller area.

2. This Act applies to allied health professions set out in the Application Schedule.

PART II - ESTABLISHMENT OF THE ALLIED HEALTH PROFESSIONS COUNCIL

3. (1) There is hereby established a body to be known as the Establishment of the Allied Leone Allied Health Professions Council. Council.
- (2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

- (3) The Council shall have a common seal, the use of which shall be authenticated by the signatures of the Chairman and other member of the Council authorised either generally or specially by the Council in that behalf.

Membership of Council.

4. (1) The membership of the Council shall consist of a Chairman, and the following other members-

- (a) the Permanent Secretary, Ministry of Health and Sanitation;
- (b) one member representing each of the allied health professions specified in the Schedule, elected by the members of that allied health profession;
- (c) the heads of all accredited allied health professional institutions of higher learning in Sierra Leone;
- (d) the Solicitor-General, Law Officers' Department;
- (e) 2 other persons who are not members of the allied health professions, representing diverse public interests, appointed by the Minister; and
- (f) the Registrar, who shall serve as secretary to the Council.

(2) The Chairman shall be a registered Allied Health Professional, appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament.

Tenure of members.

5. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a member of the Council on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Council without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

6. (1) The Council shall meet for the dispatch of its business at least once every 2 months and at such time as the Chairman may determine. Meetings of Council.

(2) The Chairman shall preside at every meeting of the Council and in his absence, the members present shall appoint one of their number to preside.

(3) A minimum of 3 members of the Council may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Council for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 3 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Council shall be 15.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:

Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply to such proposal.

(8) The Council may co-opt a person to attend and participate in its deliberations but that person shall not vote on any issue to be decided by the Council.

(9) The minutes of all meetings of the Council shall be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Council shall regulate its own procedure.

Disclosure of interest.

7. (1) A member of the Council who has an interest, whether direct or indirect in any matter being considered or to be considered by the Council, shall disclose the nature of his interest and the disclosure shall be recorded in the minutes of the Council and that member shall not take part in any deliberation or decision of the Council relating to that matter.

(2) A member of the Council who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Council.

Immunity of members of Council.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Council or member of a Committee of Council in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Council shall not be personally liable for any debt or obligation of the Council.

9. The Chairman and the other members of the Council shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions as the Council may, with the approval of the Minister, determine.

Remuneration of members.

10. (1) Where the Chairman or a member of the Council dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of -

Filling of vacancies.

- (a) the Chairman, the members of the Council shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Council.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

11. (1) The Council may, for the discharge of its functions, appoint one or more committees to perform such functions as the Council may determine.

Committees of Council.

(2) Without prejudice to the generality of subsection (1), the Council shall appoint a Disciplinary Committee which shall be responsible to hold inquiries into the conduct of allied health professionals.

(3) A Disciplinary Committee appointed by the Council under subsection (2) shall consist of a Chairman, appointed by the Council from among its members who shall preside at all meetings of the committee and the following other members -

- (a) 3 members appointed by the Council from among its members;
- (b) one person appointed by the Council who shall be a person registered in the same discipline as the person whose conduct is the subject of an inquiry by the Committee;
- (c) a legal practitioner of not less than 5 years standing appointed by the Council;
- (d) a member of the Health Service Commission;
- (e) a supervisory authority from the area in which the person whose conduct is the subject of inquiry operates; and
- (f) the Registrar, who shall also be a secretary to the Committee.

PART III—FUNCTIONS OF COUNCIL

Functions of Council.

12. (1) The Council shall be responsible for the regulation of allied health professionals and allied health facilities.

(2) Without prejudice to the generality of subsection (1), the Council shall be responsible to -

- (a) authorise the registration of -
 - (i) allied health professionals; and
 - (ii) allied health facilities;
- (b) authorise the issuance of a licence to -

- (i) registered allied health professionals;
- (ii) establish or operate allied health facilities;
- (c) approve, organise or cause to be organised training programmes, courses, lectures, seminars or conferences for the allied health professionals;
- (d) regulate the standards of practice, competence, conduct and ethics of registered allied health professionals;
- (e) regulate the inspection of allied health facilities and monitor enforcement and compliance thereof,
- (f) advise the Minister on matters relating to the allied health profession; and
- (g) perform such other functions as are conducive to the objects of the Council.

PART IV—ADMINISTRATIVE PROVISIONS

13. The Minister shall, on the recommendation of the Council and after consultation with the Health Service Commission, appoint a Registrar of the Council from amongst persons who are registered allied health professionals under this Act.

Appointment of Registrar.

14. (1) The Registrar shall be responsible to -

Functions of Registrar.

- (a) provide overall leadership in the administration and management of the day-to-day business or activities of the Council;

- (b) carry out such functions as may be assigned by the Council or necessary for the purposes of the Council including -
- (i) the establishment, maintenance and custody of the categories of registers of allied health professions under section 24;
 - (ii) the inspection of allied health facilities and enforcement of compliance;
- (c) monitor and supervise the preparation of the annual budget and reports of the Council for the review and approval of the Council; and
- (d) serve as Secretary to the Council.

(2) The Registrar may, subject to such conditions or restrictions as he thinks fit, delegate to the Deputy Registrar any of his functions under this Act.

(3) Where the Registrar is for any reason unable to carry out his functions, the Deputy Registrar shall act as Registrar.

(4) The Registrar may continue to perform any function under this Act notwithstanding the delegation of such function under this section.

(5) Notwithstanding subsection (1), the Registrar shall have such other functions as may be prescribed by the Council.

Deputy Registrar.

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

(2) The Deputy Registrar shall carry out such duties as the Registrar shall assign to him.

16. (1) The Council shall have in addition to the Registrar and Deputy Registrar, a secretariat comprising a Finance Officer, Administrative Officer and such other staff as may be required for the efficient performance of the functions of the Council. Other staff of Council.

(2) The other staff of the Council shall be appointed by the Council and shall hold office on such terms and conditions as the Council may determine.

17. A public officer may at the instance of the Council, be seconded or otherwise render assistance to the Council but the Council may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Council. Secondment of public officers.

18. An officer or employee of the Council shall not be liable in respect of any matter or thing done by him in good faith under this Act. Protection of Officers.

PART V—FINANCIAL PROVISIONS

19. (1) The activities of the Council shall be financed by funds consisting of - Funds of Council.

- (a) monies appropriated by Parliament for the purposes of the Council;
- (b) monies given to the Council by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Council;
- (c) all other monies which may, from time to time, accrue to the Council.

(2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

Accounts and audit of Council.

20. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Council a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Council kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.

(4) The Council shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Council.

(5) The Auditor-General or the auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Council; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Council.

21. The financial year of the Council shall be the same as the financial year of the Government. Financial year of Council.

22. (1) The Council shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. Annual report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 20 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 3 months after he has received the report.

(4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI –REGISTRATION OF ALLIED HEALTH PROFESSIONS

23. (1) An allied health profession listed in the Schedule shall have an Advisory Board which shall be responsible to advise the Council on policy and other matters, including training, relating to that profession. Advisory Board.

(2) An Advisory Board under subsection (1) shall consist of allied health professionals of that profession registered under this Act.

24. (1) The Registrar shall establish and maintain a register for each of the allied health professions listed in the Schedule according to the following classification- Classification of registers of allied health professions.

- (a) Permanent Register - in which shall be recorded, the names, addresses, qualifications and other particulars of persons in that profession who are -

- (i) citizens of the Republic of Sierra Leone; and
 - (ii) practicing for a period exceeding 90 consecutive days in any one year;
- (b) Conditional Register -in which shall be recorded, the names, addresses, qualifications and other particulars of persons in that profession who -
- (i) are citizens of the Republic of Sierra Leone; and
 - (ii) hold basic allied health qualifications and work under the direct supervision of an allied health professional.
- (c) Temporary Register - in which shall be recorded, the names, addresses, qualifications and other particulars of persons in that profession who-
- (i) are not citizens of the Republic of Sierra Leone;
 - (ii) hold work permits or are exempted by law from holding work permits; and
 - (iii) registered allied health professionals that-
 - (aa) practice as allied health professionals for not more than 90 consecutive days in any one year; or

- (bb) are visiting Sierra Leone under a scheme or agreement with the Government of Sierra Leone to offer services, teach, research, study in a medical field or as a visiting force or ship lawfully present in Sierra Leone.

(2) The Registrar shall record in the appropriate register established under subsection (1), the name and residential address of allied health professionals, including -

- (a) the address of current place of practice;
- (b) the qualification by virtue of which the allied health professional is registered and the date of qualification;
- (c) the date of registration; and
- (d) such other particulars as the Council may determine.

(3) The Registrar shall, in addition to the names, addresses, qualifications and other particulars of allied health professionals registered under this Act, enter in the Register -

- (a) alteration in the names, addresses, qualifications and other particulars of registered allied health professionals;
- (b) annotations indicating whether a registered allied health professional -
 - (i) has died;
 - (ii) has been struck off the Register by the Council;

(iii) has been suspended from practising as an allied health professional; or

(iv) is no longer resident in Sierra Leone.

(4) A registered allied health professional shall inform the Registrar in writing within 28 days of -

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

(b) a change in his practice address or other particulars as may be prescribed; or

(c) an addition to his qualification.

Removal
of names
from
Register.

25. (1) The Registrar shall remove the names and other particulars of an allied health professional entered in the register under subsection (3)-

(a) who has died;

(b) who is of unsound mind or is otherwise incapable of discharging his duties;

(c) who has obtained his registration fraudulently;

(d) whose qualification for registration under this Act has been withdrawn or cancelled by the authority or institution of higher learning through which it was acquired or by which it was awarded;

(e) who has not applied to the Registrar for renewal of his licence for 3 consecutive years; and

(f) whose name has been ordered to be removed by the Council.

(2) The Registrar shall notify the registered allied health professional of his removal under paragraphs (b) to (f) of subsection (1).

(3) A registered allied health professional whose name is removed from the Register under subsection (1) shall, within 14 days of the date of receipt of the notification of the removal, surrender his certificate of registration to the Council.

(4) A registered allied health professional that is aggrieved by the decision of the Council under subsection (1) may, within 30 days of being notified of the removal, appeal to the Minister whose decision shall be final.

26. (1) The Council may, on its own or upon an application by a registered allied health professional whose name has been removed from the Register, stating reasons why his name should be reinstated, order the Registrar to -

(a) reinstate the name of the registered allied health professional in the Register; or

(b) notify the registered allied health professional of its refusal of his application, giving reasons for such refusal.

(2) The Registrar shall upon an order for reinstatement under paragraph (a) of subsection (1), issue a certificate of re-registration to the applicant subject to the payment of the prescribed fee.

(3) An applicant who is aggrieved by a refusal of the Council to approve his application for reinstatement under paragraph (b) of subsection (1) may, within 30 days from the receipt of the notification, appeal to the Minister whose decision shall be final.

27. (1) The Registrar shall, not later than the end of February each year, submit to the Minister, a list of allied health professionals registered in that year.

(2) The Council shall, not later than the 15th of March each year, publish in the Gazette an annual list of allied health professionals registered in that year.

Allied health professionals and facilities required to be registered and licensed.

28. A person shall not -

- (a) practice as an allied health professional; or
- (b) establish or operate an allied health facility,

unless he or the facility is registered and licensed by the Council for that purpose.

Registration of allied health professionals and facilities.

29. (1) A person shall not -

- (a) register as an allied health professional; or
- (b) establish or operate an allied health facility,
 - (i) has such qualifications as prescribed by the Council;
 - (ii) is of good character and has not been convicted of an offence involving fraud or dishonesty or moral turpitude;
 - (iii) has not been disqualified from practice as an allied health professional on account of fraud, professional misconduct or negligence;
 - (iv) does not suffer from mental or physical incapacity; and
 - (v) has paid such fee as may be prescribed.

(2) A person who wishes to register as an allied health professional, or establish or operate an allied health facility shall apply to the Council to be registered for that purpose.

(3) An application under subsection (2) shall be in such form as the Council may prescribe and shall be accompanied by -

- (a) a copy of the applicant's identification document;
- (b) a copy of the applicant's qualification certificates;
- (c) a copy of a medical report by a medical practitioner approved by the Council to determine whether the applicant is fit to practise as a registered allied health professional;
- (d) a processing fee prescribed by the Council.

(4) The Council may refuse to register an applicant -

- (a) whose registration as an allied health professional in another country has been withdrawn, suspended or cancelled; or
- (b) who in the opinion of the Council -
 - (i) is not a person eligible to be registered;
 - (ii) is not of good reputation and character;
 - (iii) is unfit to practise as an allied health professional because of his physical or mental condition or for any other reason;
- (c) who has failed, without reasonable cause, to submit the documents referred to under subsection (3) with his application;

- (d) who has failed to comply with a condition or restriction of any previous registration as may have been imposed on him by the Council; or
- (e) who should not be registered because it would not be in the interest of the public.

(5) The Council may, if satisfied that the applicant possesses the relevant qualifications, authorise that -

- (a) the name, address, qualifications and the date of registration of the allied health professional;
- (b) the name and address of the facility and the conditions, if any, attached to the registration,

be entered in the Register and published in the Gazette.

(6) An application for registration under subsection (2), shall be determined within 21 days of the date of submission.

(7) The Registrar shall, where an application to register as an allied health professional or establish or operate an allied health facility is -

- (a) approved, enter the name, address, qualifications and other particulars of the applicant in the Register and issue a Certificate of Registration to the applicant;
- (b) refused, give notice to the applicant of the decision of the Council, stating the reasons for the refusal.

Allied health professionals practising certificate.

30. (1) A person who wishes to engage in allied health professionals practice shall apply to the Council for an allied health professional practising certificate.

(2) An application for an allied health professionals practising certificate under subsection (1) shall not be approved by the Council unless -

- (a) the applicant is a registered allied health professional and possesses the relevant qualifications prescribed by the Council;
- (b) the application is in such form as may be prescribed by the Council and accompanied by the prescribed fee.

(3) The Council may, if satisfied that the applicant possesses the relevant qualifications, approve the application subject to such conditions as it may consider fit.

(4) An allied health professionals practising certificate shall specify the address of the principal place of practice and all other places of practice of the registered allied health professional.

(5) Where the Council refuses an application under subsection (1), the Registrar shall give notice to the applicant of the decision of the Council, stating the reasons for the refusal.

(6) A registered allied health professional who practises without a practising certificate commits an offence and shall, upon conviction, be liable to a fine of not exceeding 10 million Leones or to imprisonment for a term of not exceeding 2 years or to both.

31. (1) A registered allied health professional shall, on or before the 31st January in each year, pay an annual allied health professionals practising fee as the Council may prescribe.

Annual practising fee.

(2) A registered allied health professional who fails to comply with subsection (1), shall be liable to pay the annual allied health professionals practising fee, together with a surcharge of 50 percent of the annual allied health professionals practising fee, by February 15 in the year in respect of which it is due.

(3) The Council may, where a registered allied health professional fails to pay the annual allied health professional practising fee together with the surcharge under subsection (2), remove the name and other particulars of that registered allied health professional from the Register.

Renewal
of practising
certificate.

32. (1) A registered allied health professional may apply to renew his professional practising certificate.

(2) The provision on the application for an allied health professional practising certificate shall apply to an application for renewal.

(3) Where a registered allied health professional whose allied health professionals practising certificate has lapsed for 4 years or more, applies for the renewal of his practising certificate, he shall be subject to an assessment of competency as may be determined by the Council.

Temporary
practising
certificate.

33. (1) A non-Sierra Leonean who has been practising in an allied health profession outside Sierra Leone may apply to the Council to practice as an allied health professional in Sierra Leone.

(2) An application under subsection (1) shall not be granted unless the applicant -

- (a) is in Sierra Leone for the exclusive purpose of, teaching, conducting research or undergoing postgraduate study in the field of allied health in an institution approved by the Council;
- (b) possesses expertise in such field of allied health which the Council considers necessary for the advancement of healthcare in Sierra Leone;

(c) has a contract of employment with the public service; or

(d) is a registered allied health professional engaged in private practice.

(3) An application under subsection (1) shall be in such manner as may be determined by the Council and such application shall be accompanied by the prescribed fee.

(4) Where the Council approves an application under subsection (1), the Registrar shall issue to the applicant a temporary practising certificate and make an entry in the Register.

(5) A non-Sierra Leonean shall not practice any allied health profession unless he is issued with a temporary practising certificate.

(6) The temporary practising certificate issued under subsection (4) shall be valid for one year and may be renewed on payment of the prescribed fee.

(7) The Council may revoke the temporary practising certificate if the holder of such certificate contravenes the conditions and restrictions specified in the certificate.

(8) The temporary practising certificate shall specify the address of the principal place of practice and all other places of practice of the holder of the temporary practising certificate.

(9) A non-Sierra Leonean who practises as an allied health practitioner without a temporary practising certificate commits an offence and is liable, on conviction, to a fine of not exceeding 10 million Leones or to a term of imprisonment not exceeding 12 months.

(10) The holder of a temporary practicing certificate shall, while the certificate remains in force and subject to the conditions and restrictions specified in the certificate, be deemed to be a registered allied health professional under this Act.

Private allied health professional practice.

34. (1) A person who wishes to engage in private allied health professional practice shall apply to the Council for a licence for that purpose.

(2) An application for licence to engage in private allied health professional practice under subsection (1) shall not be approved by the Council unless the applicant-

- (a) is a registered allied health professional;
- (b) has at least 5 years' experience in full-time employment in a hospital or health facility approved by the Council; and
- (c) submits, together with his application -
 - (i) a copy of his certificate of registration;
 - (ii) a liability insurance or other relevant insurance or indemnity cover approved by the Council; and
 - (iii) the prescribe fee.

(3) The Council may approve an application for licence under subsection (1) subject to such conditions as it may consider fit.

(4) The Registrar shall, where an application for a licence to engage in private allied health professional practice under subsection (1) is -

- (a) approved, issue a licence to the applicant; and
- (b) refused, give notice to the applicant of the decision of the Council, stating the reasons for the refusal.

(5) Where the name of an allied health professional licensed to engage in private practice is removed from the Register, the licence issued under paragraph (a) of subsection (4) shall cease to be in force.

(6) A licence to engage in private allied health professional practice issued under paragraph (a) of subsection (4) shall be valid for one year and shall be renewable.

(7) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 5 million Leones.

35. (1) A person registered to establish or operate a private allied health facility may apply to the Council to be licensed for that purpose.

Licence to establish or operate private allied health facility.

(2) An application under subsection (1), for a licence to establish or operate a private allied health facility shall not be approved by the Council unless the applicant-

- (a) is a registered allied health professional;
- (b) has at least 10 years' experience in the operation of an allied health facility; and
- (c) pay such application fee as may be prescribed by the Council.

(3) The Council may, after making such inquiry in relation to the application as it considers necessary, authorise that -

- (a) the name, address, qualifications and the date of registration of the allied health professional; and
- (b) the name and address of the facility and the conditions, if any, attached to the licence,

be entered in the Register and published in the Gazette.

(4) An application for a licence under subsection (1) shall be determined by the Council within 21 days of the date of receipt of the application.

(5) The Registrar shall, where an application for licence under subsection (1) is -

- (a) approved, -
 - (i) enter the name, address of the applicant, including the qualifications and other particulars of the applicant;
 - (ii) the name and address of the facility and the conditions, if any, attached to the licence; and
 - (iii) issue a licence to establish or operate an allied health facility to the applicant.
- (b) refused, give notice to the applicant of the decision of the Council, stating the reasons for the refusal.

(6) A licence issued under subparagraph (iii) of paragraph (a) of subsection (5) is valid for one year and shall be renewable.

PART VII-DISCIPLINARY PROCEEDINGS

Complaints against registered allied health professional.

36. A complaint shall be made in writing to the Council against a registered allied health professional who -

- (a) has been convicted of on offence under this Act;
- (b) has been convicted by a court in Sierra Leone or elsewhere of an offence involving corruption, fraud, dishonesty or moral turpitude, or any other offence punishable with imprisonment, whether in itself only or in lieu of a fine, for more than 2 years;

- (c) had qualification withdrawn or cancelled by the awarding authority through which it was acquired or by which it was awarded;
- (d) has been prohibited from practicing in an allied health profession in Sierra Leone or outside Sierra Leone;
- (e) has been alleged to have committed serious professional misconduct as stipulated in the code of ethics and professional conduct and any other guidelines and directives issued by the Council; and
- (f) has obtained registration under this Act by fraud or misrepresentation.

37. (1) A Disciplinary Committee appointed by the Council under subsection (2) of section 11 shall have the power of the High Court to - Investigation of complaints.

- (a) inquire into complaints made against an allied health professional; and
- (b) in the adjudication of complaints under paragraph (a) -
 - (i) issue summons to an allied health professional against whom a complaint is made, to appear before it; and
 - (ii) subpoena, a person to attend a hearing of the Committee, to give evidence and to be examined as a witness.

(2) Where a person fails to appear before a Disciplinary Committee after summons have been issued twice for his appearance, the Disciplinary Committee shall proceed with the matter as if the person is before it.

(3) Summons for the attendance of witnesses or other persons at any inquiry shall be signed by the Registrar, and oaths and affirmations shall be authenticated by the person presiding over the Committee.

(4) The Disciplinary Committee shall, after an inquiry into a complaint submit its report containing recommendations to the Council.

(5) Where, based on the report and recommendation of the Disciplinary Committee, the Council is satisfied that a case has been established against an allied health professional, it may order that the -

- (a) registration of the registered allied health professional be -
 - (i) suspended for such an interim period, not exceeding 12 months as may be specified in the order; or
 - (ii) continued for such interim restricted period, not exceeding 12 months and subject to conditions specified in the order;
- (b) name of the registered allied health professional be struck off the Register;

(6) The Council shall not execute any punishment in accordance with its decision until an appeal has been heard or it is certain that no such appeal has been lodged after 30 days from the date of its decision.

Appeal.

38. (1) A person who is aggrieved by a decision of the Council under subsection (5) of section 37 may, within 30 days from the date of the decision, appeal to the Minister.

(2) The Minister may, upon such appeal under subsection (1), confirm, revoke or vary the order appealed against upon such terms and conditions as it may think fit and the decision of the Minister shall be final.

39. A person whose name has been struck off the register pursuant to an order of the Council shall, if his appeal is allowed, be reinstated in the register and the Registrar shall issue a certificate of re-registration. Reinstatement.

PART VIII—OFFENCES

40. (1) A registered allied health professional or an employer of a registered allied health professional who - Advertisement.

- (a) raises a claim in any advertisement, journal, article, pamphlet, website or media commercial in respect of the allied health services or any matter relating to health;
- (b) makes any false or misleading representation in respect of the allied health services so as to induce, influence or cause any person to enter into a contract for the purchase of such services;
- (c) in carrying out the allied health practice, contravenes any written law regulating advertisements for medical and health matters or purposes; or
- (d) in carrying out the allied health practice, acts contrary to any guidelines or directives on advertisement issued by the Council,

commits an offence and is liable on conviction -

- (i) to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 2 months or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding 5 million Leones for every day or part of a day during which the offence continues after conviction.

(2) For the purposes of this section, "misleading representation" means any action which is likely to mislead the public as to the -

- (a) nature, characteristics, suitability for the purpose or quantity, of the service being provided; or
- (b) services provided of a particular kind, standard, quality or quantity.

Fraud on the title of an allied health profession.

41. A person who not being a registered allied health professional under this Act -

- (a) practices, carries on or operates, or holds himself out as practising or carrying on or operating, or takes up employment, as a registered allied health professional ;
- (b) uses the title "registered" to the respective allied health professions or any title in any language which may be reasonably construed to imply that he is a registered practitioner;
- (c) holds himself out as an expert;

- (d) uses or displays a sign, or other device representing or implying that he is a registered allied health professional ; or
- (e) recovers in a court, a fee, charge or remuneration for a professional advice or services rendered as a registered allied health professional,

commits an offence and is liable on conviction to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment.

42. A person who-

- (a) procures or causes the procurement of a certificate by making or causing to be made, or producing or causing to be produced, a false or fraudulent declaration, certificate, application or representation;
- (b) forges, alters or counterfeits a certificate;
- (c) uses a forged, altered or counterfeited certificate;
- (d) buys or fraudulently obtains a certificate: and
- (e) sells, assigns or transfers a certificate.

Offences relating to certificates.

commits an offence and is liable, on conviction -

- (i) to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 12 months or to both; and

- (ii) in the case of a continuing offence, to a further fine not exceeding 5 million Leones for every day or part of a day during which the offence continues after conviction.

Falsely personating allied health professional.

43. A person who not being a registered allied health professional-

- (a) falsely personates a registered allied health
- (b) takes or uses a name, title, addition or description implying that he is a registered allied health professional;
- (c) uses a form of diagnostic, investigative or therapeutic equipment or device to induce a person to believe that he is a registered allied health professional; or
- (d) holds himself out, by advertisement or otherwise, as being qualified or authorised to practise as a registered allied health professional,

commits an offence and is liable, on conviction -

- (i) to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding 5 million Leones for every day or part of a day during which the offence continues after conviction.

44. (1) A person who employs a person who is not a registered allied health professional under this Act commits an offence and is liable on conviction -

Employing a person who is not a registered allied health professional.

(a) in the case of an individual -

- (i) to a fine not exceeding 10 million Leones or to a term of imprisonment not exceeding 2 years or to both such fine and imprisonment; or
- (ii) for a continuing offence, to a fine not exceeding 20 million Leones for every day or part of a day during which the offence continues after conviction; and

(b) in the case a body corporate, partnership or society-

- (i) to a fine not exceeding 20 million Leones; and
- (ii) for a continuing offence, to a fine not exceeding 20 million Leones for every day or part of a day during which the offence continues after conviction.

(2) Where an offence under paragraph (b) of subsection (1) is committed by -

- (a) a body corporate, the person responsible for the body corporate shall be guilty of the offence;
- (b) a partnership, every partner in the partnership shall be guilty of the offence; or
- (c) a society, its office bearers shall be guilty of the offence.

General
penalty.

45. (1) A person who commits an offence under this Act or any Regulations made under this Act for which no penalty is expressly provided is liable, on conviction -

- (a) in the case of an individual -
 - (i) to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment; and
 - (ii) for a continuing offence, to a fine not exceeding 10 million Leones for every day or part of a day during which the offence continues after conviction; and
- (b) in the case of a body corporate, partnership or society-
 - (i) to a fine not exceeding 20 million; and
 - (ii) for a continuing offence, to a fine not exceeding 20 million Leones for every day or part of a day during which the offence continues after conviction.

(2) Where an offence under subsection (1) is committed by -

- (a) a body corporate, the person responsible for the body corporate shall be guilty of the offence;

(b) a partnership, every partner in the partnership shall be guilty of the offence; or

(b) a society, its office bearers shall be guilty of the offence.

PART IX– MISCELLANEOUS PROVISIONS.

46. (1) A person registered under this Act who, having been practising in a place ceases to practice in that place and commences to practise in some other place shall, within 7 days before commencing to practise, give notice accompanied by a recommendation from the supervising authority to the Registrar.

Change
of practising
venue.

(2) A notice under subsection (1) shall contain particulars as the Council may by statutory instrument prescribe.

(3) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 12 months or to both.

47. A person registered under this Act who has acquired additional qualifications approved by the Council may, on the payment of a prescribed fee, have the additional qualification included in the register.

Additional
qualifications.

Supervisory
authority.

48. (1) The Council may, in respect of any region, district or smaller area, appoint a senior registered professional to be the supervisory authority to a registered allied health professional.

(2) A supervisory authority shall-

- (a) exercise general supervision over the allied health professionals in accordance with the rules made under this Act;
- (b) refer a complaint made against a registered allied health professional accompanied by a report to the Council;
- (c) report to the Council a registered allied health professional convicted of an offence and the nature of the offence committed as soon as possible after he is aware of the conviction;
- (d) suspend from practice a professional convicted of an offence for a period not exceeding 3 months in accordance with rules made under this Act and shall, immediately after the suspension make a report, including the circumstances and reasons for the suspension, to the Council;

Death
notification.

49. The supervisory authority shall, on receiving information of the death of a registered allied health professional, notify the Registrar in writing of the death.

50. (1) The publication of any list in the Gazette under this Act shall prima facie be evidence that-

Publication of
prima facie
evidence.

- (a) a person whose name appears therein is registered as indicated in the Gazette;
- (b) the allied health facility mentioned in the Gazette at the time of publication is duly registered under this Act;
- (c) in the case of the absence of the name of an allied health professional or allied health facility from the relevant list, that allied health professional or facility is not registered under this Act.

(2) A copy or extract from a register certified under the hand of the registrar shall be received in evidence without further proof unless the contrary is shown.

51. A registered allied health professional engaged in private practice may demand reasonable charges for the attendance on, treatment of or service rendered to any person under this Act and for drugs supplied and shall be entitled to sue for or recover the same, with full costs, in a court of competent jurisdiction.

Charges.

52. (1) The Minister may by statutory instrument, after consultation with the Council make regulations as he considers necessary or expedient for giving effect to this Act.

Regulations.

(2) Notwithstanding subsection (1), the Minister may prescribe -

- (a) the fees to be paid under this Act;
- (b) the application forms that may be necessary;
- (c) any other form to be issued under this Act;
- (d) the procedure of appointing Committees of the Council;
- (e) the form of the registers to be kept under this Act;
- (f) the form of application and other requirements for the registration of a person under this Act;
- (g) any other thing that may be necessary under this Act.

Minister
may amend
Schedule.

53. The Minister may, by statutory instrument, after consultation with the Council make regulations to -

- (a) amend the Schedule by deleting from or adding to the list of allied health professions;
- (b) prescribe an activity relating to allied health to which this Act shall apply.

SCHEDULE

Section. 2

LIST OF ALLIED HEALTH PROFESSIONS IN SIERRA LEONE

1. Environmental Health Practitioners.

Environmental health officers, Health education officers. Entomologists (public health)

2. Rehabilitation professionals.

Prosthetists/orthotics, speech-language therapists, Physiotherapists, occupational therapists, wheel chair technologists, Audiologists, Community health practitioners, Clinicals psychologists

3. Nutritionists/Dieticians.

Food services officers (healthcare),

4. Medical laboratory scientists/technicians.

microbiologists, parasitologists, biochemists, hematologists, Dental technologists, Forensic science officers, Medical physicists, Physician assistants, Clinical engineers (biomedical), Clinical scientists (embryologists), Radiographers.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to establish the Allied Health Professions Council, to provide for the regulation, including the registration, of allied health professionals and allied health facilities and to provide for other related matters.

Part I - deals with interpretation by defining words used throughout the Bill.

Part II - deals with the establishment of the Allied Health Professions Council.

Part III - deals with the functions of the Council which stipulates that the object for which the Council is established is to regulate the allied health professionals and allied health facilities including the authorisation of registration and issuance of licence to health professionals and allied health facilities.

Part IV - deals with the Administrative provisions which stipulate that the Council shall have a Registrar who shall be a public officer and a Deputy Registrar and shall also have a secretariat comprising a Finance Officer, Administrative Officer and such other staff as may be required for the efficient performance of the functions of the Council.

Part V - deals with the financial aspects including funds, accounts and audit of the Council.

Part VI- deals with the establishment of the allied health professionals registers, registration of allied health professionals and allied health facilities, the issuance of licence and practising certificate to allied health professionals and the issuance of licence to allied health facilities, etc.

Part VII - deals with disciplinary proceedings which provide that a complaint against

a registered allied health professional shall be made in writing to the Council and the Disciplinary Committee shall inquire into the complaints and after the inquiry, submit its report containing recommendations to the Council.

Part VIII - contains offences for failing to comply with the provisions of this Act, etc.

Part IX- Miscellaneous Provision - provides for an allied health professional to notify the Council about a change in practicing venue and additional qualification, the appointment of a supervisory authority in respect of any region, district or smaller area and also provides that the Minister may by statutory instrument, after consultation with the Council, make regulations as it considers necessary or expedient for giving effect to the provisions of this Act.

MADE this day of , 2020

DR. ALPHA TEJAN WURIE
Minister of Health and Sanitation

FREETOWN,
SIERRA LEONE