

CAYMAN ISLANDS



Supplement No. 5 Published with Extraordinary Gazette Dated Thursday,
15th August, 1991

**THE HEALTH SERVICES AUTHORITY LAW, 1991
(LAW 14 OF 1991)**

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
2. Interpretation.
3. Establishment of the Cayman Islands
Health Services Authority and vesting of property.
4. Use of seal and authentication of documents.
5. Constitution of the Authority.
6. Meetings of the Authority.
7. Authority of have general management of health care facilities.
8. Chief Executive Officer.
9. Medical Directors.
10. Medical Staff.
11. Appeal from termination of appointment.
12. Clinical department and services.
13. Officers and Staff of the Authority.
14. Medical Staff Committees.
15. Fees.
16. Authority to meet expenses out of fees, etc.
17. Powers of the Authority.
18. Application of funds by the Authority.
19. Accounts of the Authority.
20. Audit of accounts.
21. Reports of the Authority.
22. Member may require returns, etc.
23. Inspection of premises of health care facilities.
24. Disposal of premises no longer required by the Authority.

25. Member may give general directions.
26. Licensing of private health care facilities.
27. Regulations.
28. Rules of the Authority.
29. Repeal and saving.

SCHEDULE

CAYMAN ISLANDS

Law 14 of 1991

I Assent

A. J. SCOTT
Governor

9th August, 1991

**A LAW TO ESTABLISH A HEALTH SERVICES AUTHORITY
TO ADMINISTER THE HEALTH CARE FACILITIES
IN THE CAYMAN ISLANDS AND TO MAKE PROVISION
FOR MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO**

ENACTED by the Legislature of the Cayman Islands.

Short title and
commence ment.

1. This Law may be cited as the Health Services Authority Law, 1991, and shall come into operation on the first day of January, 1992.

Interpretation.

2. In this Law –

"auditor" means the Auditor General;

"Authority" means the Cayman Islands Health Services Authority established under section 3;

"Chief Executive Officer" means the person appointed as such under section 8;

"fees" includes any fees or charges prescribed to be paid by patients of the health care facilities, (whether in-patients or out-patients), for treatment, nursing, accommodation, attendance, food, dressings, drugs, medicines or other supplies or services of whatever kind rendered to such patients by the health care facilities, but does not

include fees payable to members of the medical staff whose services are not paid for by Authority;

"funds" includes monies, stocks, shares and other securities;

"financial year" means the twelve months ending the 31st December in any year;

"Governor" means the Governor in Council;

"health care facilities" means the George Town Hospital in Grand Cayman, the Faith Hospital in Cayman Brac, and any other public health facilities and public hospitals established or operated in the Islands by the Authority;

"Medical Director" means a person appointed as such under section 9;

"licensed" means licensed by the Member under section 26(1);

"Medical Officer of Health" has the meaning assigned to that expression by the Public Health Law, 1981;

"Medical Staff Committee" means a committee established under section 14;

"Member" means the Member of Executive Council for the time being charged with responsibility for health and social services and related matters;

"public officer" has the meaning assigned to that expression by section 50 of the Cayman Islands (Constitution) Order, 1972.

Law 6 of 1981.

Establishment of the
Cayman Islands Health
Services Authority and
vesting of property.

3. (1) There shall be established an Authority to be known as "the Cayman Islands Health Services Authority" having the powers and duties conferred or imposed upon it by this Law and any other statutory provision.

(2) The Authority shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Law, shall have power to acquire, hold and dispose of property of any kind and to enter into contracts and to do all things necessary for the purposes of its functions.

(3) The Authority may sue and be sued in its corporate name and may for all purposes be described by the name to the use of which it shall have exclusive right.

(4) The property belonging to the Government specified in the Schedule, shall, at the commencement of this Law, vest in the Authority without further assurance.

Use of seal and authentication of documents.

4. (1) The seal of the Authority shall be authenticated by the Chairman or Deputy Chairman and one other member authorized to act in that behalf and shall be judicially and officially noticed.

(2) All documents, other than those required by law to be under seal, made by the Authority, and all decisions of the Authority, may be signified under the hand of the Chairman or any other member or officer authorised by the Authority to act in that behalf.

Constitution of the Authority.

5. (1) The Authority shall consist of –

- (a) the Principal Secretary to the Portfolio of Health and Social Services, *ex officio*;
- (b) the Medical Officer of Health, *ex officio*;
- (c) the Chief Executive Officer, *ex officio*;
- (d) the Chairman of the Medical Staff Association of the George Town Hospital, *ex officio*; and
- (e) not less than six nor more than eight other members appointed by the Governor.

(2) A person appointed to be a member of the Authority shall hold office during the Governor's pleasure.

(3) There shall be a Chairman and a Deputy Chairman of the Authority, each of whom shall be appointed by the Governor from among the members of the Authority and each of whom shall hold office as such during the Governor's pleasure.

(4) The Authority shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or any other member.

(5) There shall be paid to the appointed members of the Authority such remuneration as the Governor may determine.

Meetings of the Authority.

6. (1) The Authority shall meet as often as may be necessary or expedient for the performance of its functions and shall in any event meet not less than ten times in any one year.

(2) Meetings of the Authority shall be held at such places, on such days, and at such times as the Chairman shall determine, and due notice of such place, date and time shall be given to each member in writing at least forty-eight hours before the time at which the meeting is to be held. Any three members of the Authority, acting together, may require the Chairman to hold a meeting.

(3) A meeting of the Authority shall be presided over by –

- (a) the Chairman; or

- (b) in the absence of the Chairman, the Deputy Chairman; or
- (c) in the absence of both the Chairman and Deputy Chairman, such member of the Authority as the members present elect to act as Chairman at that meeting.

(4) The quorum of the Authority shall be six, including the member of the Authority presiding at that meeting.

(5) Every question or matter to be determined by the Authority at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter, and, in the event of an equal division of votes on any question or matter, the person presiding at the meeting may give a second or casting vote.

Authority to have
general management of
health care facilities.

7. (1) The Authority shall, subject to the provisions of this Law and any other statutory provision, have the general charge and management of the health care facilities and any property, moveable or immoveable, appurtenant thereto.

(2) It shall be the duty of the Authority –

- (a) to administer the health care facilities generally in an efficient manner and in such a way as to promote the health of the patients of those facilities;
- (b) so far as funds at its disposal permit, promptly to make available at the health care facilities modern methods of treatment of the sick and infirm;
- (c) to co-ordinate the administration and operation of the health care facilities;
- (d) to make recommendations to the Member on the development of the health care facilities and the health care services in the Islands and on such matters as the Member may refer to the Authority for advice;
- (e) to give effect to any directions given by the Member under section 25; and
- (f) subject to the approval of the Medical Officer of Health, to provide staff and services to him, and to assist in providing statutory public health programmes;
- (g) to provide public health care programmes as determined by the Member and under the direction of the Medical Officer of Health, utilizing such funds as may be specifically appropriated for those purposes by the Legislature.

Chief Executive Officer.

8. The Authority shall appoint, at such remuneration and on such terms and conditions as it may think fit, a Chief Executive Officer who shall be –

- (a) a full-time officer of the Authority; and

(b) the principal executive officer of the Authority.

Medical Directors.

9. The Authority shall appoint, at such remuneration and on such terms and conditions as it may think appropriate –

- (a) a Medical Director for the George Town Hospital;
- (b) a Medical Director for the Faith Hospital;
- (c) a Medical Director of Public Health Programmes who shall be the Medical Officer of Health; and
- (d) such other Medical Directors as may be necessary for other health care facilities.

Medical staff.

10. (1) The Authority may, after consultation with the appropriate Medical Staff Committee, appoint a medical staff in respect of each health care facility.

(2) A person appointed to the medical staff shall not, by reason only of such appointment, be an officer, servant or agent of the Authority for any purpose.

(3) Subject to subsection (4), every person appointed to the medical staff shall be appointed for a period of one year or such other period of time, not exceeding three years, as the Authority may decide, and shall be eligible for reappointment.

(4) The Authority may, by notice in writing, terminate any such appointment for good cause before the expiration of the period of the appointment.

Appeal from termination of appointment.

11. Any person aggrieved by a decision of the Authority to terminate his appointment under section 10(4) may, within seven days after service upon him of a notice terminating his appointment, appeal to the Grand Court by notice in writing asking for a case to be stated by the Authority as to –

- (a) the procedure of the Authority leading up to the termination;
- (b) the legal justification of the decision;
- (c) the basis of the opinion of the Authority as to the fairness of the decision;
- (d) any other matter affecting the decision;

and the Grand Court may make an order confirming, quashing, reversing or varying the decision or any part thereof, and may make such other order as appears to it just.

Clinical department and services.

12. (1) The Authority may, as far as the funds at its disposal permit, and as far as the circumstances of the health care facilities may allow, after consultation with the appropriate Medical Staff Committee,

establish and maintain such clinical departments or services as it considers necessary for the proper operation of the health care facilities.

(2) The Authority may, after consultation with the appropriate Medical Staff Committee and on such terms and conditions as it may think fit, appoint a member of the medical staff to act as head of any department or service established under subsection (1).

Officers and staff of the Authority.

13. (1) The Authority may, at such remuneration and on such terms and conditions as it may think fit, recruit and appoint such other officers and staff as may be necessary for the due performance of the functions of the Authority.

(2) The Governor, in the exercise of his own deliberate judgment and subject to such conditions as he may impose, may approve of the secondment of any public officer to service with the Authority.

(3) Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded.

(4) The Governor, in his discretion, may authorise any public officer to exercise any function or class of functions under the direction and control of the Authority as he may think fit, and, for the purpose of exercising such functions, such public officer shall be deemed to be an officer of the Authority.

Law 12 of 1975.

(5) Without prejudice to the power of the Governor to approve the secondment of any public officer under subsection (2), an officer of the Authority, other than a public officer on secondment under subsection (2) or exercising a function under subsection (4), shall, for the purposes of any statutory provision, other than the provisions of the Penal Code, be deemed not to be a public officer or civil servant or otherwise in the service of the Crown.

(6) Where in this Law an officer is stated to be an officer of the Authority, he shall not, except with the permission of the Authority, practice any profession, or engage in any trade or business, or take any employment for gain, other than in pursuance of the duties of his office.

Medical Staff Committees.

14. There shall be established a Medical Staff Committee for each of the following –

- (a) the George Town Hospital in Grand Cayman;
- (b) the Faith Hospital in Cayman Brac; and
- (c) any other health care facility or programme as the Authority may determine from time to time.

Fees.

15. (1) The Governor shall, by regulations, fix the fees to be charged for services of health care facilities and programmes.

(2) Regulations made under subsection (1) shall be subject to

affirmative resolution.

Authority to meet
expenses out of fees, etc.

16. (1) So far as is practicable, the Authority shall administer the health care facilities and programmes to ensure that its expenditure will be within the financial resources available to the Authority by the collection of fees, appropriations by the Legislature, and any other source, including allocations for the replacement of plant and the provisions for depreciation of assets.

(2) The Authority shall not, without the written approval of the Governor, exercise any power of borrowing.

Powers of the Authority.

17. (1) The Authority shall have power –

- (a) to receive all funds or gifts in kind given or bequeathed to the health care facilities, or to the Government of the Islands for the purposes of the health care facilities, or given or bequeathed by words showing an intention that the funds or gifts should enure to or for the benefit of the health care facilities; and subject to the provisions of this Law, the Authority shall apply all such funds or gifts or, if such funds are invested, the income derived therefrom, to furthering the purposes of the health care facilities in such manner as the Authority thinks fit; and
- (b) to acquire by purchase, gift or demise, and hold in their corporate capacity, with the previous sanction in each case of the Governor, but not otherwise, any land in the Islands required to further the purposes of the health care facilities or programmes:

PROVIDED that the powers conferred by this subsection shall not be exercised in any manner inconsistent with any condition or direction imposed or given by the donor or testator with respect to any such fund or gift.

(2) The following provisions shall have effect with respect to funds received by the Authority by way of gift or bequest for the purposes of the health care facilities, that is to say –

- (a) the Authority may invest liquid funds in such securities as the Authority may determine, and shall so invest any such funds that are given or bequeathed for the endowment of the health care facilities;
- (b) the Authority may realise any funds that are in a state of investment:

PROVIDED that any funds so realised which are given or bequeathed for the endowment of the health care facilities or programmes shall, as soon as may be practicable or expedient, be reinvested by the Authority;

- (c) funds which, when received by the Authority, are in any

investment, may be retained by the Authority in that investment.

Application of funds by the Authority.

18. Subject to the provisions of sections 16 and 17 and without prejudice to the provisions of section 19, any funds appropriated by the Legislature for the purposes of the health care facilities or programmes, any income derived from fees and any other income of the Authority, shall be held and applied to furthering the purposes of the health care facilities or programmes in such manner as the Authority may think fit:

PROVIDED that –

- (a) any expenditure or liability incurred by the Authority or any abatement of income provided for by the Authority shall be subject to the prior written approval by the Governor of annual estimates of revenue and expenditure, and annual supplementary estimates of revenue and expenditure submitted by the Authority in such form as the Member may direct; and
- (b) any funds appropriated by the Legislature for the purposes of the health care facilities and programmes shall be applied by the Authority in accordance with the terms of the appropriation.

Accounts of the Authority.

19. (1) The Authority shall cause proper accounts of its financial affairs to be maintained.

(2) The accounts prepared for the purposes of subsection (1) shall set out –

- (a) the accounts for each health care facility;
- (b) the income and expenditure of each health care facility and programme and, where an activity can be shown separately for accounting purposes, the income and expenditure arising from such activity;
- (c) such other matters as the Member may specify.

(3) Without prejudice to the provisions of subsection (2), the Member may give general or special directions with respect to the accounting procedures of the Authority and the Authority shall act in accordance with such directions.

Audit of accounts.

20. (1) The accounts of the Authority shall be audited annually by the Auditor General.

(2) The audit shall be completed not later than the end of the sixth month after the close of the financial year.

(3) In addition to, or in substitution for, the audit carried out for the purposes of subsection (1), the Member may at any time require the auditor to examine and report upon the accounts of the Authority or any

part of those accounts and the Authority shall provide the facilities necessary for such examination.

Reports of the Authority.

21. (1) The Authority shall, as soon as possible after the end of each financial year, forward to the Member –

- (a) a report on the operations of the Authority during that year and on the Authority's policy and programme for future years;
- (b) a copy of the accounts prepared for the purposes of section 19 certified by the auditor.

(2) The report prepared for the purposes of paragraph (a) of subsection (1) shall set out –

- (a) any directions given by the Member to the Authority during that year; and
- (b) the scales of salaries and wages paid to officers and employees of the Authority.

(3) The Member shall cause copies of the report and accounts of the Authority forwarded to him under subsection (1) to be laid before the Legislative Assembly at its next meeting after receipt by him of the report.

Member may require returns, etc.

22. Without prejudice to the generality of section 21 the Authority shall forward to the Member such returns, statistics or other information as the Member may, by notice in writing, require.

Inspection of premises of health care facilities.

23. At the request of the Member, the Chief Engineer of the Public Works Department, or any officer of the Public Works Department authorised by the Chief Engineer in that behalf, may, at all reasonable times and upon reasonable notice being given to the Authority, enter into and inspect all premises within the control and management of the Authority, and the Chief Engineer shall report to the Member upon the state of such premises and the Member shall forward a copy of each report to the Authority.

Disposal of premises no longer required by the Authority.

24. (1) The Authority shall each year review its requirements for premises, and any premises in the possession of the Authority which are no longer required for the purposes of the Authority shall be disposed of in accordance with this section.

(2) Premises which were transferred to the Authority by the Government for no consideration or for a nominal consideration shall be transferred by the Authority to the Government for no consideration or for the same nominal consideration, as the case may be.

(3) Premises other than those to which subsection (2) applies shall be offered to the Government for purchase at a fair market value. Any appraisal of real property in relation to this subsection shall be made according to the principles of valuation used by the Portfolio

responsible for lands.

(4) If Government does not wish to purchase the premises offered to it under subsection (3) it shall notify the Authority in writing within twenty-one days of the receipt of the offer, after which the Authority may dispose of the premises on the open market to the Authority's best advantage.

Member may give
general directions.

25. The Member may, after consultation with the Authority give such general directions in written form as to the policy to be followed by the Authority in the performance of its functions as appear to the Member to be necessary in the public interest.

Licensing of private
health care facilities.

26. (1) The Governor may, on an application being made to him, after consultation with the Authority, grant a licence for the operation of a privately owned health care facility at which patients are kept overnight, or at which obstetrical deliveries, or surgical operations, or health care programmes are carried out.

(2) If, upon an inspection of the premises by the Authority's nominee it is found that the premises are no longer suitable for the purposes specified in subsection (1), or are no longer being used for those purposes, the Member may, on the advice of the Authority, cancel the licence.

(3) Before a licence may be cancelled pursuant to subsection (2), the Member shall give to the licensee fourteen days' notice in writing specifying the faults or defects which would justify cancellation of the licence, and calling upon the licensee to correct those faults or defects within a period of time specified in the notice, failing which the licence will be cancelled.

(4) Any person who operates a private health care facility without a licence granted under subsection (1), shall be guilty of an offence and liable on summary conviction to fine of five thousand dollars and five hundred dollars a day during which the facility is operated without a licence.

Regulations.

27. (1) The Governor may make regulations –

- (a) prescribing anything which may be or is to be prescribed under this Law;
- (b) prescribing professional and other qualifications required by officers of the Authority;
- (c) prescribing the conditions under which medical and dental practitioners shall be admitted to the health care facilities to practise their professions;
- (d) prescribing the conditions under which students shall be admitted to the health care facilities to study their professions;

- (e) prescribing the duties to be performed by the various officers and committees of the Authority;
- (f) prescribing the composition, procedure and functions of each Medical Staff Committee;
- (g) prescribing a code of standards for the construction of premises licensed under section 26(1);
- (h) prescribing the conditions under which medical practitioners employed by the Authority may be permitted to undertake paid employment outside the jurisdiction of the authority;
- (i) generally for the purpose of giving effect to the provisions of this Law.

(2) Regulations made under this section shall be subject to negative resolution within three months of the laying of the regulations before the Legislative Assembly.

Rules of the Authority.

28. (1) The Authority may, with the prior approval of the Member, make rules –

- (a) setting out procedures for the admission and discharge of patients and for patient's identification;
- (b) for the conduct and control of patients;
- (c) for the conduct of visitors;
- (d) for the control and supervision of clinical work and the use of the facilities of the health care facilities in the course of such work;
- (e) generally for the efficiency, good order and management of the health care facilities.

(2) Any person who fails to comply with any rule made under subsection (1)(b) and (c) shall be liable to a penalty of fifty dollars.

Repeal and saving.

29. The Health Services Law (Law 20 of 1974) is repealed:

PROVIDED that any regulations made thereunder shall continue in force until repealed by regulations made under this Law.

SCHEDULE (Sec. 3(4))

PROPERTY

Bodden Town District Clinic
East End District Clinic

LOCATION

Block 44B Parcel 242
Block 72C Parcel 200

*North Side District Clinic
*West Bay District Clinic
**Little Cayman Clinic
Cayman Brac Dental Clinic
George Town Hospital
The new Cayman Islands
Hospital Site

Block 49C Parcel 20
Block 4E Parcel 43
Block 81A Parcels 21 & 22
Block 98D Parcel 129
Block 14E Parcel 319

Block 15C Parcel 28

* Does not include land occupied by the Primary
School and the Town Hall.

** Does not include land occupied by other
Government offices.

NOTE: (1) "Property" has the meaning assigned to it by section 3(1) of the Interpretation
Law (Cap. 70).

(2) Moveable property situated on land leased by Government for health care
facilities of Faith Hospital in Cayman Brac are included in property vested in the Authority.

Passed by the Legislative Assembly the 3rd day of July, 1991.

SYBIL McLAUGHLIN
Speaker.

GEORGETTE MYRIE
Clerk of the Legislative Assembly.

(Price \$ 3.20)