

**VIRGIN ISLANDS**  
**MEDICAL ACT, 2000**  
**ARRANGEMENT OF SECTIONS**

*Section*

**PRELIMINARY**

1. short title

**PART I**

**MEDICAL AND DENTAL PRACTITIONERS**

2. Interpretation.
3. Establishment of the Medical and Dental Council.
4. Minister to provide staff, etc. For the Council.
5. Funds of the Council.
6. Accounts and audit.
7. Annual reports and estimates.
8. Registrar.
9. Duties of Registrar.
10. Application for registration.
11. Council's power to re-examine applicant.
12. Additional qualifications.
13. Alteration in Medical and Dental Register.
14. Removal of name from Medical and Dental Register.
15. Removal of name on death.
16. Publication of the list of medical and dental practitioners in the *Gazette*.
17. Temporary registration.
18. Limitation on the rights to private practice.
19. Disciplinary proceedings.
20. Restoration of name to register.
21. Penalty for obtaining registration by false pretences.
22. Penalty for making false entry.
23. Persons entitled to be registered as medical practitioners.
24. Naval and military medical and dental officers.
25. Rights of registered medical practitioners.
26. Offences by unregistered persons.
27. Validity of certificates.
28. Definition of practice of dentistry.
29. Registration of dentists.
30. Offences by unregistered persons.
31. Qualifications for registration as dentist.
32. Rules of Council.

## **PART II**

### **ALLIED HEALTH PRACTITIONERS**

33. Interpretation.
34. Establishment of the Allied Health Professionals Council.
35. Minister to provide staff, etc. for the Council.
36. Funds of the Council.
37. Accounts and audit.
38. Annual reports and estimates.
39. Registrar.
40. Duties of Registrar.
41. Application for registration.
42. Council's power to re-examine applicant.
43. Additional qualifications.
44. Alteration in Allied Health Practitioners Register.
45. Removal of name from Allied health practitioners in the Register on request.
46. Removal of name on death.
47. Publication of list of allied health practitioners in the *Gazette*.
48. Temporary registration.
49. Limitation on the rights to private practice.
50. Disciplinary proceedings.
51. Restoration of name to register.
52. Rules for registration as Allied Health Practitioners.
53. Offences.
54. Performance of allied health services by students.

## **PART III**

### **SALE OF DRUGS AND POISONS**

55. Prohibition of sale of drugs by unregistered persons.
56. Sign on shops for sale of drugs.
57. Refusal to dispense.
58. Prescription to be numbered and filed.
59. Substances deemed to be poison.
60. Prohibition of sale of poison to persons under sixteen years.
61. Restriction of sale of poison.
62. Penalty for false information.
63. Prohibition of sale or delivery of poison by uncertified shop assistant.
64. Duty of pharmacist when excessive dose of poison prescribed.
65. Label on container of proprietary medicine.
66. Substances deemed to be narcotic and psychotropic.
67. Prohibition of sale of narcotic and psychotropic substances.

- 68. Prohibition of sale of unit medicines or drugs.
- 69. Inspection of drugs and books, etc.

**PART IV**

**GENERAL**

- 70. Exemptions.
- 71. Appeal.
- 72. lodging of compliants.
- 73. Recovery of unpaid registration fees.
- 74. Exemption and payment of fees into Consolidated Fund.
- 75. Expenses.
- 76. Exemption from liability.
- 77. Penalties.
- 78. Regulations.
- 79. Repeal and savings.
  - Schedule 1
  - Schedule 2
  - Schedule 3
  - Schedule 4
  - Shedule 5
  - Schedule 6
  - Schedule 7
  - Schedule 8
  - Schedule 9
  - Schedule 10

I Assent  
Francis J. Savage,  
CMG, LVO, OBE,  
Governor.  
7<sup>th</sup> April, 2000

**VIRGIN ISLANDS**

**NO. 4 of 2000**

An Act to repeal and replace the Medical Act (Cap. 183).

[Gazetted 20<sup>th</sup> April, 2000]

ENACTED by the Legislature of the Virgin Islands as follows:

**PRELIMINARY**

1. This Act may be cited as the Medical Act, 2000 and shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint. Short title.

**PART I**

**MEDICAL AND DENTAL PRACTITIONERS**

2. In this Part, unless the context otherwise requires, Interpretation.

“**Council**” means the Medical and Dental Council established by section 3;

“**Medical and Dental Register**” means the register of medical and dental practitioners;

“**Secretary**” means the person performing the functions of Secretary to the Council.

3. (1) There is established a Medical and Dental Council to perform the functions assigned to it by or under this Act. Establishment of the Medical and Dental Council.

(2) The Council shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property and to negotiate and enter into contract with any person or body.

(3) The provisions of Schedule 1 shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto. Schedule 1.

Minister to provide staff, etc. for the Council.

4. The Minister shall provide the Council with staff, accommodation and services and other facilities as appear to the Minister to be necessary or expedient for the performance of the functions of the Council.

Funds of the Council.

5. The funds of the Council shall consist of such monies as may, from time to time, be placed at its disposal for the purpose of this Act by the Legislative Council and such other monies as may lawfully be paid to the Council.

Accounts and audit.

6. The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Annual reports and estimates.

7. (1) The Council shall in each year prepare and submit to the Minister on or before the thirty-first day of March, a report of its proceedings during the twelve months ending on the last day of December in the preceding year, including a statement of its accounts audited in accordance with section 6.

(2) The Council shall, on the first day of August in each year or such earlier date as may be required by the Minister, submit to the Minister for approval its estimates of revenue and expenditure in respect of the twelve-month period commencing on the first day of January next following.

Registrar.

8. The person holding the office of Director of Health Services shall, *ex officio*, be the Registrar under this Part.

Duties of Registrar.

9. (1) The Registrar shall keep a register to be known as the Medical and Dental Register which shall be divided into sections adapted to contain the particulars of the categories of persons that may be registered, and in which he shall cause to be entered the name of every person entitled to be registered as a medical or dental practitioner together with the following particulars in respect of each such person:

- (a) his full name and address;
- (b) the date of his registration;  
and
- (c) a description and the date of the qualification in respect of which he is registered.

(2) The register shall at all reasonable times be open to inspection at the registration office.

(3) The Registrar shall, from time to time, make such alterations in the addresses and qualifications of medical and dental practitioners as are necessary and shall remove from the register the name of any medical or dental practitioner who is no longer qualified to practise in the Virgin Islands.

(4) Subject to subsection (5), a person whose name is not entered on the register shall not be entitled to practice medicine or dentistry in the Virgin Islands.

(5) The Registrar shall, immediately upon the commencement of this Act, cause to be entered in the register the particulars specified in paragraphs (a), (b) and (c) of subsection (1), in respect of all persons who immediately before such commencement were registered as medical or dental practitioners under the repealed Medical Act, 1938, without application on the part of such persons and without the payment of any fee, and, pending such entry, those persons shall be deemed to be medical or dental practitioners, as the case may be, registered under this Act.

Cap. 183

(6) Upon entering in the Medical and Dental Register the name of any such person who is entitled to be registered as provided in subsection (5), the Registrar shall also issue to him a Certificate of Registration in the form set out in Schedule 2.

Schedule 2

**10.** (1) Where, after the commencement of this Act, any person desires to be registered as a medical or dental practitioner, he shall make an application in writing to the Registrar and submit such evidence as may be required to establish that he is eligible to be registered and is a fit and proper person to be so registered.

Application  
for  
registration.

(2) The evidence submitted under subsection (1) shall include a declaration on oath in proof of the applicant's identity and good character, and of the authenticity of any diploma or certificate submitted in support of the application.

(3) The Registrar shall refer an application under this section to the Council and the Council, if satisfied that the applicant is eligible and is a fit and proper person to be registered, shall direct the Registrar to register him upon payment of the fee set out in Schedule 3 and subject to such conditions as to the term of his registration as the Council may deem fit.

(4) The Registrar shall

Schedule 2

- (a) issue to the person registered a Certificate of Registration in the form set out in Schedule 2; and
- (b) make the necessary entry in the Medical and Dental Register and publish a notice to that effect in the *Gazette*.

Council's  
power to  
re-  
examine  
applicant.

**11.** (1) Where in respect of any application for registration as a medical or dental practitioner,

- (a) the Council is satisfied as to the matters specified in subsection (2) of section 10, but is of the opinion that any qualification mentioned therein which the applicant holds is not evidence satisfactory medical or dental training, or
- (b) a question has arisen with respect to the evidence presented by the applicant to his training,

the Council may require that the applicant submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory medical or dental training, or serve a period of internship.

(2) For the purposes of any examination pursuant to subsection (1), the Council shall appoint a Board of Examiners (hereafter in this section referred to as “the Board”) consisting of three medical or dental practitioners to set and conduct the examination in such subjects as the Council directs.

(3) The Council shall enter into special arrangements with the University of the West Indies or any regional medical body appointing the University or that body as the Board for the purposes of subsection (2), on such terms and conditions as may be agreed between the Council and the University or that body.

(4) The Board shall fix a time and place for holding the examination and the Secretary shall notify the applicant of that time and place.

(5) The applicant shall pay to the Secretary such fee, subject to the approval of the Minister, as may be determined by the Council.

(6) The Board shall, as soon as practicable after the examination, report the results of the examination to the Council.

(7) Where as a result of the examination, the Board finds that the applicant is sufficiently informed and skilled in the subjects in which he was examined, he shall be deemed, on the receipt of the report of such findings by the Council, to have satisfied the Council that he is qualified to be registered as a medical or dental practitioner for the purposes of subsection (2) of section 10.

(8) Where the Board reports to the Council that the applicant has been unsuccessful in the examination, he shall not, unless the Board so recommends, be permitted to present himself for further examination until the expiration of six months from the date of the examination in which he was unsuccessful.

(9) An applicant who is unsuccessful in the examination under this section shall, before being permitted to sit for further examination, comply with such conditions as the Council directs, including the payment to the Secretary of such further fee as, subject to the approval of the Minister, may be determined by the Council.

**12.** A person registered under this Act who may have any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the Medical and Dental Register, in substitution for, or in addition to, the qualification previously registered, on payment of the fee set out in Schedule 3.

Additional qualifications.

Schedule 3

**13.** The Registrar may correct any errors or omissions in the Medical and Dental Register and insert therein any alteration in the name or address of any person registered.

Alteration in Medical and Dental Register.

**14.** The Registrar shall, upon the application of any person registered under this Act, remove the name of such person from the Medical and Dental Register.

Removal of name from Medical and Dental Register.

**15.** The Registrar shall, on the death of any person registered under this Act, remove the name of such deceased person from the Medical and Dental Register.

Removal of name on death.

**16.** (1) The Registrar shall cause to be published in the *Gazette*,

(a) in the month of February in every year, an alphabetical list of persons who have by the

Publication of list of medical and dental practitioners in the *Gazette*.



31st day of January in that year registered their names pursuant to section 10;

(b) as soon as practicable after any such registration, the name of any person registering his name as a medical or dental practitioner after the 31st day of January in any year; and

(c) a notice of each cancellation of registration.

(2) A copy of the *Gazette* containing the list referred to in paragraphs (a) and (b) of subsection (1) is *prima facie* evidence of the registration of any person whose name is shown therein.

Temporary  
registration.

**17.** Notwithstanding section 10, the Registrar may

(a) register for a period not exceeding six months, on payment of such fee as the Council may determine, the name of a person who

(i) applies to the Council for temporary registration;

(ii) satisfies the Council that he is temporarily resident in the Virgin Islands; and

(iii) is, in the opinion of the Council, qualified for registration under section 10;

(b) provisionally register the name of any person who satisfies the Council that he is employed as an intern in a hospital in the Virgin Islands, for the period of the internship.

Limitation on  
the rights to  
private  
practice.

**18.** (1) Subject to subsection (2), no non-belonger who is registered as a medical or dental practitioner under this Act shall, except with the written approval of the Minister, act as a private practitioner or engage in private practice, or be employed by a private medical or dental practitioner who has been registered under this Act.

(2) A non-belonger who is registered as a medical or dental practitioner under this Part, and who has been engaged in private practice in the Virgin Islands for at least five years before the commencement of this Act shall be allowed the right to private practice.

Disciplinary  
proceedings.

**19.** (1) A registered medical or dental practitioner who is

- (a) convicted of an offence outside the Virgin Islands which if committed in the Virgin Islands would be punishable on indictment,
- (b) convicted of an indictable offence in the Virgin Islands, or
- (c) guilty of professional misconduct,

is subject to disciplinary proceedings.

(2) Where in any disciplinary proceedings the Council is satisfied that a medical or dental practitioner is convicted of an offence under paragraph (a) or (b) of subsection (1) or is found guilty of professional misconduct, it may

- (a) censure him;
- (b) suspend his registration for a period not exceeding one year; or
- (c) direct the Registrar to remove his name from the Medical and Dental Register.

**20.** The Council may direct any name removed from the Medical and Dental Register to be restored thereon on the payment of such fee, not exceeding the registration fee, as the Council may fix.

Restoration of name to Register.

**21.** A person who fraudulently represents or attempts to represent himself, or procures or attempts to procure another person to be registered under this Act, as a medical or dental practitioner, or who aids or abets in such fraudulent procurement or attempt, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

Penalty for obtaining registration by false pretence.

**22.** The Registrar or other person who fraudulently makes or causes or permits to be made any false or incorrect entry in the Medical and Dental Register or any copy thereof, commits an offence and is liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years, or both

Penalty for making false entry.

**23.** (1) The following persons shall be entitled to be registered as medical practitioners:

Persons entitled to be registered as medical practitioners.

- (a) a person who, at the commencement of this Act, is in actual practice in the Virgin Islands, and was registered to practise

medicine or surgery under the provisions of the repealed Medical Act, 1938;

(b) a person who satisfies the Council that he is of good character and holds a medical or surgical degree, diploma or qualification from any university, college, or incorporated society recognised by the Council, and that such degree, diploma or qualification furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, and surgery and he otherwise fulfils the conditions prescribed under this Act.

(2) The medical or surgical degree, diploma or qualification referred to in subsection (1) (b) must be shown to be one that

(a) was obtained by examination after attending a prescribed medical course; and

(b) is registrable in the country in which it was obtained.

(3) If, at any time, in the opinion of the Governor in Council, a state of emergency renders it necessary, the Governor in Council may authorise the Registrar to register as a medical or dental practitioner under this Act, any person who shows to the satisfaction of the Governor in Council that he is of good character and holds a medical or surgical degree or diploma of any university or institution in any country which is authorised by the law of such country to grant medical or surgical degrees or diplomas, and that such degree or diploma furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine and surgery, and he otherwise fulfils the conditions prescribed by this Act.

(4) Without prejudice to section 19, a person registered by virtue of subsection (3) shall cease to be registered if the Governor in Council at any time, by Order, declares that the emergency which was the occasion for the registration has ceased to exist.

Naval and  
military medical  
and dental  
officers.

**24.** All medical and dental officers of Her Majesty's Navy, Army or Air Force serving in the Virgin Islands shall be deemed to be registered as medical or dental practitioners, as the case may be, under this Act.

**25.** (1) Subject to section 18, every person registered as a medical practitioner shall be entitled to practise medicine and surgery, in any part of the Virgin Islands, and to demand and recover in any court of competent jurisdiction his charges for professional aid, advice and visit, and the cost of any medicine or other medical or surgical appliances, rendered or supplied by him to his patients.

Rights of  
registered  
medical  
practitioners.

(2) No person shall be entitled to recover any charges in a court for any medical or surgical advice or attendance or for the performance of any operation, or for any medicine which he has both prescribed and supplied, unless he is registered as a medical practitioner under this Act.

**26.** A person who, not being registered as a medical practitioner under this Act,

Offences by  
persons not  
registered as  
medical  
practitioners.

- (a) practises medicine or surgery or performs any surgical operation or gives any medical opinion or advice, or prescribes any medical or surgical treatment within the Virgin Islands, in respect of which he demands or receives any fee or gratuity, or any remuneration, profit or compensation under pretext of services rendered, loss of time, traveling or other expenses or under any other pretext whatsoever, or
- (b) holds himself out or pretends to be or takes or uses the name or title of physician, surgeon, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, or practitioner in medicine, or takes or assumes any other step, title, addition, designation or description implying that he is qualified to practise medicine or surgery, under this Act or that he is recognized by law as a physician or surgeon or licentiate in medicine or surgery, or practitioner in medicine

commits an offence and is liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years, or both.

**27.** No certificate required by any enactment now in force or that may hereafter be passed, from any physician or other medical practitioner shall be valid unless the person signing the same is registered under this Act.

Validity of  
certificates.

**28.** For the purposes of this Part, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice,

Definition of  
Practice of  
dentistry.

or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purposes of, or in connection with the fitting, insertion, or fixing of artificial teeth shall be deemed to have practised dentistry within the meaning of this Act.

Registration of dentists.

**29.** No person, unless registered as a dentist under the provisions of this Act, shall take or use the name or title of dentist (either alone or in combination with any other word or words), or dental practitioner, or any name, title, addition or description, implying that he is registered under this Act, or that he is a person specially qualified to practise dentistry.

Offences by persons not Registered as dentists.

**30.** (1) A person who, not being registered as a dentist,

- (a) takes or uses any such name, title, addition or description as mentioned in section 29, or any addition to a name, designation or description, whether expressed in words, or by letters or partly in letters, or
- (b) practises or holds himself out, whether directly or by implication, as practising or entitled to practise dentistry,

commits an offence and is liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years, or both.

(2) Nothing in this section shall operate to prevent

- (a) the practice of dentistry by a registered medical practitioner; or
- (b) the performance under the direct personal supervision of a registered dentist of minor dental work by a person suitably trained and certified as a dental nurse, dental auxiliary, dental hygienist or a dental student in the final year of dental school.

Qualifications for registration as dentist.

**31.** The following persons are entitled to be registered as dentists under this Act:

- (a) a person who, at the commencement of this Act, is in actual practice in the Virgin Islands and was registered to practise dentistry under the provisions of the repealed Medical Act, 1938;

Cap. 183

(b) a person who satisfies the Council that he is of good character, and otherwise fulfils the conditions prescribed by this Act, and who holds any diploma or licence from any university, college or incorporated society recognized by the Council.

**32.** Subject to the approval of the Minister, the Council may make rules for any of the following matters:

Rules of  
Council.

- (a) the proper conduct of its affairs, including the time, manner and place of meeting and the proceedings thereof;
- (b) the determination of professional conduct and general fitness to practice medicine;
- (c) the institution of disciplinary proceedings in relation to any charge under section 19 and the manner in which such proceedings are conducted;
- (d) the processing and hearing of complaints received pursuant to section 72 and the procedures to be applied in respect thereof;
- (e) the conduct of examinations and for matters relating thereto.

## **PART II**

### **ALLIED HEALTH PRACTITIONERS**

**33.** In this Part, unless the context otherwise requires,

**“Council”** means the Allied Health Professionals Council established by section 34;

Interpretation  
.

**“allied health practitioner”** means a person whose name appears on the Allied Health Practitioners Register;

**“allied health profession”** means any profession specified in Part I of Schedule 4;

**“Secretary”** means the person performing the functions of Secretary to the Council.

Schedule 4

**34. (1)** There is established the Allied Health Professionals Council to perform the functions assigned to it by or under this Act.

Establishmen  
t of the Allied  
Health  
Professionals  
Council.

(2) The Council shall be a body corporate having perpetual succession and a common seal, with power to

acquire, hold and dispose of land and other property and to negotiate and enter into contract with any person or body.

Schedule 5

(3) The provisions of Schedule 5 shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto.

Minister to provide staff, etc. for Council.

**35.** The Minister shall provide the Council with staff, accommodation and staff the services and other facilities as appear to the Minister to be necessary or expedient for the performance of the functions of the Council.

Funds of the Council.

**36.** The funds of the Council shall consist of such monies as may, from time to time, be placed at its disposal for the purposes of this Act by the Legislative Council and such other monies as may lawfully be paid to the Council.

Accounts and audit.

**37.** The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Annual reports and estimates.

**38.** (1) The Council shall in each year prepare and submit to the Minister on or before the thirty-first day of March, a report of its proceedings during the twelve months ending on the last day of December in the preceding year, including a statement of its accounts audited in accordance with section 37.

(2) The Council shall, on the first day of August in each year or such earlier date as may be required by the Minister, submit to the Minister for approval its estimates of revenue and expenditure in respect of the twelve-month period commencing on the first day of January next following.

Registrar.

**39.** The person holding the office of Director of Health Services shall, *ex officio*, be the Registrar under this Part.

Duties of Registrar.

**40.** (1) The Registrar shall keep a register to be known as the Allied Health Practitioners Register which shall be divided into as many parts as there are allied health professions, and in which he shall cause to be entered

(a) the name and address of every person entitled to be registered as an allied health practitioner;

(b) the date of his registration; and

(c) a description and the date of the qualification in respect of which he is registered.

(2) The register shall at all reasonable times be open to inspection at the registration office.

(3) The Registrar shall, from time to time, make such alterations in the register as are necessary, and shall remove from the register the name of any allied health practitioner who is no longer qualified to practise in the Virgin Islands.

(4) A person whose name is not entered on the register shall be deemed not to be an allied health practitioner for the purposes of this Act.

(5) The Registrar shall, immediately upon the commencement of this Act, cause to be entered in the register the particulars specified in paragraphs (a), (b) and (c) of subsection (1), of all persons who immediately before such commencement were registered as Allied Health Practitioners under the repealed Medical Act, 1938 without application on the part of such persons and without the payment of any fee, and pending such entry, those persons shall be deemed to be Allied Health Practitioners registered under this Act.

Cap. 183

(6) Upon entering the name of any such person who is entitled to be registered as provided in subsection (5) in the Allied Health Practitioners Register, the Registrar shall issue to him a Certificate of Registration in the form set out in Schedule 6.

Schedule 6

**41.** (1) Where any person desires to be registered as an allied health practitioner under this Act, he shall make application to the Registrar in such form as may be approved by the Council and shall submit such evidence as may be required to establish that he is eligible to be registered and is a fit and proper person to be so registered.

Application  
for  
registration.

(2) The evidence submitted under subsection (1) shall include a declaration on oath in proof of the applicant's identity and good character, and of the authenticity of any diploma or certificate submitted in support of the application.

(3) The Registrar shall refer the application to the Council and the Council, if satisfied that the applicant has the requisite qualifications set out in Part II of Schedule 4 in respect of his application, and is eligible and is a fit and proper person to be so registered, shall direct the Registrar to

Schedule 4



Schedule 7 register him upon payment of the fee set out in Schedule 7 and subject to such terms and conditions as the Council may deem fit.

(4) The Registrar shall

Schedule 6 (a) issue to the person registered a Certificate of Registration in the form set out in Schedule 6; and

(b) make the necessary entry in the Allied Health Practitioners Register and publish a notice to that effect in the *Gazette*.

Council's  
power to  
re-examine  
applicant.

42. (1) Where, in respect of any application for registration as an allied health practitioner,

(a) the Council is satisfied as to the matters specified in subsection (1) of section 41, but is of the opinion that any qualification mentioned therein which the applicant holds is not evidence of satisfactory medical training, or

(b) a question has arisen with respect to the evidence presented by the applicant as to his training,

the Council may require that the applicant submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory medical training.

(2) For the purposes of any examination pursuant to subsection (1), the Council shall appoint a Board of Examiners (hereafter in this section referred to as "the Board") consisting of three Allied Health Practitioners to set and conduct the examination in such subjects as the Council directs.

(3) The Council shall enter into special arrangements with the University of the West Indies or any regional medical body appointing the University or that body as the Board for the purposes of subsection (2), on such terms and conditions as may be agreed between the Council and the University or that body.

(4) The Board shall fix a time and place for holding the examination and the Secretary shall notify the applicant of that time and place.

(5) The applicant shall pay to the Secretary such fee, subject to the approval of the Minister, as may be determined by the Council.

(6) The Board shall, as soon as practicable after the examination, report the results of the examination to the Council.

(7) Where, as a result of the examination, the Board finds that the applicant is sufficiently informed and skilled in the subjects in which he was examined, he shall be deemed, on the receipt of the report of such findings by the Council, to have satisfied the Council that he is qualified to be registered as an allied health practitioner for the purposes of subsection (1) of section 41.

(8) Where the Board reports to the Council that the applicant has been unsuccessful in the examination, he shall not, unless the Board so recommends, be permitted to present himself for further examination until the expiration of six months from the date of the examination in which he was unsuccessful.

(9) An applicant who is unsuccessful in an examination under this section shall, before being permitted to sit for further examination, comply with such conditions as the Council directs, including the payment to the Secretary of such further fee as, subject to the approval of the Minister, may be determined by the Council.

**43.** A person registered under this Act who may have any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the Allied Health Practitioners Register, in substitution for, or in addition to, the qualification previously registered, on payment of the fee set out in Schedule 7.

Additional  
qualifications.

Schedule 7

**44.** The Registrar may correct any errors or omissions in the Allied Health Practitioners Register, and insert any alteration in the name or address of any person registered.

Alteration in  
Allied Health  
Practitioners  
Register.

**45.** The Registrar shall, upon the application of any person registered under Allied Health this Act, remove the name of such person Practitioners from the Register.

Removal of name  
from Allied Health  
Practitioners  
Register on  
request.

**46.** The Registrar shall, on the death of any person registered under this Act, remove the name of such deceased person from the Allied Health Practitioners Register.

Removal of  
name on death.

Publication of  
list of allied  
health  
practitioners  
in the  
*Gazette*.

- 47.** (1) The Registrar shall cause to be published in the *Gazette*,
- (a) in the month of February in every year, an alphabetical list of persons who by the 31st day of January in that year registered their names pursuant to subsection (1) of section 41;
  - (b) as soon as practicable after any such registration, the name of any person registering his name as an Allied Health Practitioner after the 31st day of January in any year; and
  - (c) a notice of each cancellation of registration.

(2) A copy of the *Gazette* containing the list referred to in paragraphs (a) and (b) of subsection (1) is *prima facie* evidence in any court of the registration and qualifications of any person mentioned in such list.

Temporary  
registration.

**48.** Notwithstanding section 41, the Registrar may register for a period not exceeding six months, on payment of such fee as the Council may determine, the name of a person who

- (a) applies to the Council for temporary registration; and
- (b) satisfies the Council that he is temporarily resident in the Virgin Islands; and
- (c) is, in the opinion of the Council, qualified for registration under section 41.

Limitation on  
the rights  
to private  
practice.

**49.** (1) Subject to subsection (2), no non-belonger who is registered as an allied health practitioner under this Act shall, except with the written approval of the Minister, act as a private practitioner or engage in private practice, or be employed by a private medical or dental practitioner who has been registered under this Act.

(2) A non-belonger who is registered as an allied health practitioner under this Act and has been in private practice in the Virgin Islands for at least five years before the commencement of this Act shall be allowed the right to private practice.

Disciplinary  
proceedings.

**50.** (1) An allied health practitioner who is

- (a) convicted of an offence outside the Virgin Islands, which if committed in the Virgin Islands, would be punishable on indictment,
- (b) convicted of an offence in the Virgin Islands, or
- (c) guilty of professional misconduct,

shall be subject to disciplinary proceedings.

(2) Where in any such proceedings the Council is satisfied that an allied health practitioner is convicted of an offence under paragraph (a) or (b) of subsection (1) or is found guilty of professional misconduct, it may

- (a) censure him;
- (b) suspend his registration for a period not exceeding one year; or
- (c) direct the Registrar to remove his name from the Allied Health Practitioners Register.

**51.** The Council may direct any name removed from the Allied Health Practitioners Register to be restored thereon on the payment of such fee, not exceeding the registration fee, as the Council may fix.

Restoration of name to register.

**52.** (1) Subject to the approval of the Minister, the Council may make rules for any of the following purposes:

Rules for registration as allied health practitioners.

- (a) the conduct of examinations and related matters;
- (b) prescribing the examinations to be passed and other requirements to be satisfied, whether in addition or as an alternative to the passing of examinations by persons applying for registration under this Part;
- (c) prescribing the nature of the services which may be rendered by allied health practitioners in any allied health profession;
- (d) the determination of professional conduct and general fitness to practise any allied health profession;
- (e) the institution of disciplinary proceedings in relation to any charge under section 50 (1), and the manner in which such proceedings shall be conducted;

- (f) the processing and hearing of complaints received pursuant to section 72 and the procedures to be applied in respect thereof;
- (g) providing for the approval of the establishment, maintenance and policy of schools or training centres for the education and training of persons desiring to be trained in any allied health profession; and
- (h) the formation of special boards or committees for any allied health profession, and determining the functions of members of such boards or committees in order that the highest standards of qualification may be achieved.

(2) Without prejudice to subsection (1), the Minister may make rules generally for carrying out the provisions of this Part and for any of the following purposes:

- (a) prescribing the fees payable for registration under this Part;
- (b) prescribing anything not mentioned in subsection (1) that is by this Part required to be prescribed.

(3) Rules made under this section may contain different provisions in relation to the several allied health professions specified in Part I of Schedule 4.

Schedule 4

Offences.

### **53. Where**

- (a) an allied health practitioner practises an allied health profession other than that in respect of which he is registered, or
- (b) a person who is not an allied health practitioner
  - (i) uses any name, title, addition or other description implying or calculated to imply that he is recognized by law as a person authorised or qualified to practise any allied health profession,
  - (ii) assumes or uses any affix or prefix indicative of any occupational designation

relating to the practice of any allied health profession,

(iii) advertises or holds himself out as a person authorised or qualified to practise any allied health profession, or

(iv) engages in the practice of any allied health profession,

such practitioner or person commits an offence and is liable on conviction, in the case of a first offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or both, and in the case of a second or subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or both.

**54.** Nothing in this Act prevents the performance of allied health services in any allied health profession by a medical practitioner or by a person in training therein or by a registered nurse if those services are performed under the direct supervision and control of an allied health practitioner registered, or of a medical or dental practitioner with training, in that allied health profession.

Performance of allied health services by students.

### **PART III**

#### **SALE OF DRUGS AND POISONS**

**55.** (1) No person shall keep open a shop for selling, retailing, dispensing or compounding, or sell, retail, dispense or compound medicines, drugs, or poisons, unless those medicines, drugs or poisons are sold, retailed, dispensed or compounded, in a shop which is under the immediate personal control, management and supervision of a duly registered pharmacist, employed therein for the purpose, and the registered pharmacist is not acting in a similar capacity for any other person or in any other shop.

Prohibition of sale of drugs by unregistered person.

(2) Nothing in this section shall be construed to restrict the right of any person to sell any patent or proprietary medicines in the same package, bottle, box or other container, and under wrapper or cover, as imported into the Virgin Islands, properly secured and bearing the seal, name or trade mark of the proprietor, inventor or manufacturer thereof and directions for their use, and any household or domestic medicines of a non-poisonous nature, and medicines known as quinine, senna, epsom salts, and castor oil.

(3) Notwithstanding the provisions of subsection (2) the sale of any class of patent or proprietary medicine by persons other than pharmacists may at any time be prohibited by the Minister by Order published in the *Gazette*.

(4) The registered person by or under whose supervision any medicine, drug or poison is dispensed or compounded shall write, on a label on the bottle or other package containing the medicine, drug or poison, his name or initials, and any label attached to the bottle or package and having the name or initials of any registered person written thereon, shall be *prima facie* evidence in any case that the medicine, drug or poison was dispensed or compounded by him or under his supervision.

(5) A person who keeps open a shop for selling, retailing dispensing or compounding medicines, drugs or poisons and who fails to ensure that the provisions of subsection (4) are complied with in respect of all medicines, drugs or poisons dispensed from the shop commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

Sign on  
shops for  
sale of drugs.

**56.** (1) A person who keeps open a shop for the sale of medicines, drugs or poisons shall display prominently in capital letters over the principal entrance of the shop the name of the registered pharmacist employed therein, with the addition of the words “Registered Pharmacist”

(2) A person who contravenes the provisions of sub-section (1) commits an offence and is liable on conviction to a fine not exceeding five hundred dollars.

Refusal to  
dispense.

**57.** (1) A person who is a registered pharmacist commits an offence if he

- (a) wilfully refuses to mix, compound or prepare or to sell, put to sale or dispense to any person any drug or any appliance or thing used in medical treatment and contained in his shop or premises or in the shop or premises of his employer, as the case may be;
- (b) deliberately or negligently, falsely, fraudulently or unduly makes, mixes compounds, prepares, or gives or sells, puts to sale or dispenses any drug, appliance or thing directed by any prescription, order or receipt signed with the name or with the initials in his own handwriting of any duly qualified medical practitioner.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or both.

**58.** Every person who is a registered pharmacist shall

Prescription to  
be numbered  
and filed.

- (a) number each medical prescription which shall be brought to his establishment or to the establishment of his employer, as the case may be, to be made up;
- (b) file the medical prescription, or, in the event that the person for whom the prescription was given desires to retain the original prescription and the prescription does not prescribe any dangerous substances or quantities of any substance which would make it inadvisable for the registered pharmacist to part with the same, a true copy thereof;
- (c) register in a book, the number and date of each medical prescription made up on his establishment, or on the establishment of his employer, as the case may be, the name of the person for whom, and the name of the medical practitioner by whom, the same was given, the particulars of every such prescription, and the directions which accompanied the medicine.

**59.** (1) The several articles named and described in Parts I and II of Schedule 8 shall be deemed to be poisons within the meaning of this Act.

Substances  
deemed to be  
poison.  
Schedule 8

(2) The Minister, acting after consultation with the Director of Health Services may, by Order, amend Schedule 8 by adding any substance thereto, by deleting any substance therefrom, by altering or modifying the description of any substance therein and by changing the classification of any substance therein from one Part of the Schedule to another.

(3) An Order made under subsection (2) shall be laid before the Legislative Council.

**60.** No person shall sell any poison to a person under sixteen years of age unless prescribed by a duly qualified medical practitioner, and any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

Prohibition of  
sale of poison  
to person  
under  
sixteen years.



Restriction on  
sale of poison.

**61.** (1) No person shall sell any poison either by wholesale or retail unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly marked by a label stating the name of the article and the word "poison", and in the case of a preparation containing a poison as one of its ingredients, stating in addition thereto the quantity of that poison in each dose of the preparation.

Schedule 8

Schedule 9

(2) No person shall sell any poison named in Part I of Schedule 8 to any person unknown to the seller unless introduced by someone known to both parties, and on every sale of the article the seller shall, before delivery, enter or cause to be entered in a book to be kept for the purpose in the form set out in Schedule 9, the date of sale, name and address of the purchaser, name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required and the signature of the purchaser and of the introducer, if any.

(3) Where the purchaser is a registered medical practitioner, veterinary surgeon or dentist, an order signed by the purchaser may be accepted in place of the signature in the book referred to in subsection (2), and the seller shall enter therein the words "signed order" and retain the order for a period of two years.

Schedule 8

(4) Notwithstanding subsections 2 and (3), in cases of emergency, any poison named in Part I of Schedule 8 may be, on the written undertaking of a registered medical practitioner, veterinary surgeon or dentist to furnish a signed order therefor within twenty-four hours, sold without the immediate requirement of the signed order or of the purchaser's signature in the book.

(5) A person selling poisons otherwise than as provided under this Part commits an offence and is liable on conviction to a fine not exceeding five hundred dollars for the first offence and one thousand dollars for the second or subsequent offence.

(6) For the purposes of this section, the person on whose behalf any sale is made by an apprentice or servant shall be deemed to be the seller.

(7) This section shall not apply to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, or to any article when forming part of the ingredients of any medicine dispensed by or under the supervision of any person registered under this Act, but the medicine shall be labelled in the manner provided in this Part with the name and address of the seller, and the ingredients thereof shall be entered with

the name and address of the person to or for whom it is sold or delivered in a book to be kept for that purpose.

(8) No person shall sell any arsenic unmixed with other drugs unless before the sale thereof it is mixed with soot or indigo in the proportion of one ounce of soot, or half an ounce of indigo, at the least, to one pound of the arsenic, and so in proportion for any greater or less quantity.

(9) Notwithstanding subsection (8), where arsenic is stated by the purchaser to be required for some purpose for which that admixture would, according to the representation of the purchaser, render it unfit, the arsenic may be sold without the admixture in a quantity of not less than ten pounds at any time.

(10) No medical or dental practitioner registered under this Act shall prescribe for himself any poison, narcotic or psychotropic substance.

**62.** If any person purchasing any poison gives false information to the person selling the same in relation to the particulars which the last mentioned person is authorized to inquire into of the purchaser, or if any person signs his name as a witness to a sale of poison to a person unknown to the person so signing as a witness, such person commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

Penalty  
for false  
information.

**63.** (1) No poison shall be sold, dispensed or delivered by any shop assistant, or apprentice or other person except under the immediate supervision of a registered pharmacist or medical practitioner.

Prohibition of  
sale or  
delivery of  
poison by  
uncertified  
shop assistant.

(2) Any shop assistant, or apprentice or other person contravening this section, and any person who keeps open any shop for the sale of drugs and poisons and the registered pharmacist by or under whose supervision any drugs or poisons are dispensed or compounded thereat, who permits or suffers any shop assistant, apprentice or other person to contravene this section, commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

**64.** (1) Any pharmacist who receives a prescription in which the maximum dose of any poison or drug as laid down in the British Pharmacopoeia has been exceeded, shall not dispense the prescription unless that dose is underlined and initialled by the prescriber, but the pharmacist may reduce the dose, and without delay refer the prescription to the prescriber, to be initialed, if the reduction is correct, before proceeding to dispense it.

Duty of a  
pharmacist  
when  
excessive  
dose of  
poison  
prescribed.

(2) Where any pharmacist is of the opinion that excessive numbers of poisons, narcotics or psychotropic substances are being continually prescribed by a medical or dental practitioner to a person, the pharmacist shall report the matter to the Director of Health Services, who shall initiate such necessary action as he considers necessary.

Label on container of proprietary medicine.

**65.** No patent or proprietary medicine shall be sold unless the box, bottle, wrapper, or cover in which that medicine is contained is distinctly labeled with the proportion of alcohol, if any, and of any of the substances or any of the preparations, derivatives, or salts of those substances, if any, mentioned in Parts I and II of Schedule 8, contained in the medicine.

Schedule 8

Substances deemed to be narcotic psychotropic. Schedule 10

**66.** (1) The several substances named in Schedule 10 are deemed to be narcotic and substances and psychotropic substances, as respectively provided in Parts I and II of that Schedule.

(2) The Minister, acting after consultation with the Director of Health Services may, by Order, amend Schedule 10 by adding any substance thereto, by deleting any substance therefrom and by altering or modifying the description of any substance mentioned therein.

(3) An Order made under subsection (2) shall be laid before the Legislative Council.

Prohibition of sale of narcotic and psychotropic substances.

**67.** (1) No person shall sell any narcotic or psychotropic substances to any person unless prescribed by a medical practitioner registered in the Virgin Islands.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or both.

Prohibition of sale of unfit medicine or drugs.

**68.** (1) No person having or keeping open any shop for the sale of drugs or medicines shall sell or offer for sale any drug or medicines or which is stale, unwholesome, adulterated or otherwise unfit for use.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or both.

Inspection of drugs and books, etc.

**69.** (1) It shall be lawful for the Director of Health Services or any person who, in his opinion, is qualified and authorised by him in writing

- (a) to enter the shop or store of any person registered as a pharmacist, or in which a person registered as a pharmacist under this Act is employed, for the purpose of inspecting the medicines, drugs, poisons or narcotic and psychotropic substances therein, and the sale of poisons book and such other books or records;
- (b) to request such pharmacist to furnish written information as may be necessary to ascertain whether the provisions of this Act are being complied with; and
- (c) to seize any medicines, drugs, poisons or narcotic and psychotropic substances appearing to have been expired or to be stale, unwholesome, adulterated or otherwise unfit for use.

(2) Any medicine, drug, poison or narcotic or psychotropic substance seized pursuant to subsection (1) shall be submitted as soon as practicable to two registered medical practitioners for examination and, if in their opinion, the same has expired or is stale, unwholesome, adulterated or otherwise unfit for use, it shall be destroyed, without compensation to the owner.

(3) It shall be lawful for the Director of Health Services or any person who, in his opinion, is qualified and authorised by him in writing to enter any shop or store to ensure that prescription drugs are not being sold over the counter, and to seize any such drugs found to be held as evidence of contravention of this Act.

(4) A person who obstructs or hinders the Director of Health Services or other person authorised by him in writing to perform any duty under this section commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.

## PART IV

### GENERAL

Exemptions.

**70.** Nothing in this Act shall operate so as to prohibit

- (a) a wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business;
- (b) a person from selling from a permanent place of business, and otherwise than in compliance with a prescription given by a registered medical practitioner, or a registered optician, spectacles kept in stock in a state ready for use;

Cap. 192

- (c) a registered medical practitioner from compounding, dispensing or selling medicines by retail; or

Appeals.

- (d) a nurse registered under the Nurses, Midwives and Assistant Nurses Registration Act from dispensing or selling by retail, under the direction of a medical or dental practitioner, any medicines.

**71.** (1) Subject to subsection (4), any person who is aggrieved by the refusal of the Medical and Dental Council or the Allied Health Professional Council to approve his registration under this Act, or by its decision to censure him or direct the suspension of his registration or cause his name to be removed from the appropriate register may, within three months of the receipt by him of a notice of such decision or action by the Registrar, appeal against such decision or action to the High Court, and the appeal shall be to a judge in chambers.

(2) The appropriate Council may, pending an appeal under subsection (1) by any person aggrieved by its decision, suspend the operation of any such decision until the determination of the appeal.

(3) The judge may,

- (a) on hearing an appeal against refusal to approve registration, dismiss the appeal, or allow the appeal and direct the appropriate Council to approve the registration;
- (b) on hearing an appeal other than an appeal against refusal to approve registration,

- (i) dismiss the appeal and confirm the decision of the appropriate Council;
- (ii) allow the appeal and set aside the decision of the appropriate Council;
- (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the appropriate Council is made be re-conducted by the appropriate Council; or
- (iv) set aside the penalty imposed by the appropriate Council and impose in substitution therefor such other penalty as he thinks fit.

(4) No appeal may be made under this section against refusal of an application for registration in a case in which the registration is conditional upon the applicant satisfying the appropriate Council that he is qualified to be registered.

**72.** (1) Any person who is aggrieved by a conduct of a medical or dental practitioner, or an allied health practitioner in the practice of his profession in relation to such person may lodge a written complaint with the Registrar.

Lodging of complaints.

(2) Where a person lodges a complaint under subsection (1), he shall

- (a) indicate the name and address of the practitioner against whom the complaint is lodged;
- (b) specify the conduct by which he is aggrieved and when such conduct took place;
- (c) provide such other evidence as may be material to his complaint, including the name of any witness or any record that he or any other person may possess.

(3) The Registrar, upon receipt of a written complaint, shall forward the complaint to the appropriate Council which shall, if of the opinion that the complaint relates to a case of professional misconduct, act accordingly under section 19 or 50, as the case may be.

(4) Notwithstanding subsection (3), where the appropriate Council, after due consideration of a complaint

pursuant to this section, forms the opinion that the complaint relates to a case of professional misconduct but then the complaint is frivolous, vexatious and without merit, it may dismiss the complaint without any formal hearing on the question of professional misconduct.

(5) No fee shall be payable in respect of any complaint lodged under this section.

(6) Nothing contained in this section shall be construed as preventing a person from instituting legal action against a medical or dental practitioner, or an allied health practitioner.

Recovery of unpaid registration fees.

**73.** Any registration fee payable under this Act which remains unpaid after one month from the date on which such fee becomes payable may be recovered as a civil debt due to the Crown before a Magistrate.

Exemption and payment of fees into Consolidated Fund.

**74.** (1) A medical or dental practitioner who is employed by the Government shall not pay the fees prescribed in this Act so long as he remains in the employment of the Government.

(2) All fees collected under this Act shall be paid into the Consolidated Fund.

Expenses.

**75.** Any expenses incurred by the Medical and Dental Council, and the Allied Health Professionals Council in the performance of their respective functions under this Act and the regulations shall be defrayed out of monies voted for the purpose by the Legislative Council.

Exemption from liability.

**76.** Nothing done by any member of the Medical and Dental Council, and the Allied Health Professionals Council or the Secretary or any person acting under the authority of either of them shall, if such thing was done *bona fide* for the purpose of executing any of the provisions of this Act, the Rules or the Regulations, subject such person to any action, liability, claim or demand.

Penalties.

**77.** A person who fails to comply with any of the requirements of this Act or of any Rule, Order or Regulation made thereunder, or does anything contrary to the provisions of this Act commits an offence and, in cases where a penalty is not specifically imposed by this Act, is liable on conviction to a fine not exceeding one thousand dollars.

Regulations.

**78.** (1) The Minister may make Regulations for the purposes of carrying out the provisions of this Act, and in particular,

- (a) for providing a scheme of malpractice insurance coverage;
- (b) for requiring the annual registration of medical, dental and Allied Health Practitioners and prescribing the fees payable thereto;
- (c) for providing a scheme of continuing education and re-certification for all medical, dental and Allied Health Practitioners;
- (d) for controlling and regulating the possession and sale of poisons;
- (e) for regulating the possession and sale of drugs, and narcotic and psychotropic substances;
- (f) for fixing the quantities of drugs, poisons and narcotic and psychotropic substances in any shop or place where articles of food are sold or exposed for sale;
- (g) for prohibiting or subjecting to conditions the possession and sale of drugs, poisons and narcotic or psychotropic substances in any shop or place where articles of food are sold or exposed for sale;
- (h) for prescribing the marks which wholesale or retail dealers shall place on vessels or cases containing drugs, poisons and narcotic or psychotropic substances in the ordinary course of wholesale or retail dealing;
- (i) for prescribing the books to be kept and entries to be made therein by wholesale or retail dealers when dealing wholesale or retail with drugs, poisons and narcotic or psychotropic substances; and
- (j) for every other purpose which may be deemed necessary for controlling or regulating the possession and sale of drugs, poisons and narcotic or psychotropic substances.



Schedules 2,  
3,  
4, 6, 7 and 9.

(2) The Minister may, by Order published in the *Gazette*, amend Schedules 2, 3, 4, 6, 7 and 9, provided that any amendment to Part II of Schedule 4 shall be made after consultation with the relevant Council.

Repeal and  
savings.  
Cap. 183

**79.** (1) The Medical Act, 1938 is repealed.

(2) Notwithstanding the repeal of the Medical Act, 1938, every Regulation or Rule made there under shall, if it is in force prior to the commencement of this Act and is not inconsistent with this Act, be deemed to be a Regulation or Rule made under this Act, and may be amended, replaced or rescinded, by any Regulation or Rule made under this Act.

**CONSTITUTION OF THE MEDICAL AND DENTAL  
COUNCIL**

1. Subject to paragraph 3 (3), the Medical and Dental Council shall consist of the following persons:

- (a) the Director of Health Services, *ex officio*;
- (b) two medical practitioners and one dental practitioner appointed by the Minister; and
- (c) one member appointed by the Minister on the recommendation of the Medical and Dental Association.

2. The Council may

- (a) appoint such committees composed of members of the Council and medical or dental practitioners not being members of the Council, for the proper carrying out of its functions; and
- (b) delegate to such committees any functions it considers necessary.

3. (1) Members of the Council, other than the Director of Health Services, shall hold office for three years but are eligible for re-appointment.

(2) Notwithstanding sub-paragraph (1), no member other than the Director of Health Services shall hold office for more than two consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.

(3) In the case of the first Council constituted after the coming into operation of this Act, one of the persons appointed by the Minister under paragraph 1 (b) and the person appointed by the Minister under paragraph 1 (c) shall be appointed for a period of two years, and thereafter appointments shall be made in the manner otherwise provided by this Schedule.

(4) The Chairman of the Council shall,

- (a) on the advice of the members, be appointed by the Minister from among the members of the Council; and

(b) preside at all meetings of the Council and, in his absence, the Council may elect one of the members present to act as Chairman for the purpose of that meeting.

(5) Three members of the Council shall form a quorum.

(6) In the conduct of its business, the Council shall determine its own rules of procedure.

**SCHEDULE 2**  
**THE MEDICAL ACT**

[Sections 9(6)  
and 10(4)]

Virgin Islands

No. ....

**Certificate of Registration**

It is hereby certified that .....  
of .....  
has been duly registered as entitled to practise as a .....  
..... in the Virgin Islands under  
the provisions of the Medical Act, 2000.

Terms and conditions of registration: .....  
.....  
.....  
.....

Dated the            day of            ,    .

.....  
Registrar

**SCHEDULE 3**  
**REGISTRATION FEES**

[Sections 10(3)  
and 12]

Medical or Dental Practitioner ..... \$100.00  
For each additional qualification ..... \$25.00

**PART I****ALLIED HEALTH PROFESSIONS****DIETITIAN**

A person who provides dietary counselling to patients and makes assessments of patients' overall nutritional status, as well as appropriate recommendations to physicians and other Allied Health Professions.

**PHARMACIST**

A person who compounds and dispenses medicines on the prescription of a registered medical or dental practitioner and provides advice to patients and practitioners on the proper use of prescription and non-prescription medications.

**CHIROPRACTOR**

A person who is concerned with the relationship between structure (primarily the spine) and function (primarily co-ordinated by the nervous system) of the human body and uses that relationship to affect the restoration and preservation of health, mainly through manipulation of the spine.

**MEDICAL LABORATORY TECHNOLOGIST**

A person who performs laboratory services including Phlebotomy and tests of the various disciplines of laboratory services including, Hematology, Chemical Pathology, Bacteriology, Serology, Histopathology, Parasitology and Blood Banking.

**OPTICIAN**

A person who practices the art of sight testing by the use of tests lens, spectacles, trial frames and other necessary equipment that may be used to refract or to measure visual acuity.

**PHYSIOTHERAPIST**

A person who treats medical, neurological, and orthopedic conditions on the request of a registered medical practitioner by using physical techniques such as massage, heat and ultrasound.

**PODIATRIST**

A person who specializes in the study and care of the foot including its anatomy, pathology and medical and surgical treatments.

**PSYCHOLOGIST**

A person who has been trained to administer psychological tests and to provide counselling for clients who are experiencing problems with daily living.

**ENVIRONMENTAL HEALTH INSPECTOR**

A person who has been trained to monitor the environment and to control those factors which may have a deleterious effect on human physical development, health and survival.

**IMAGING TECHNOLOGIST**

A person who specializes in the use of X-ray and other imaging techniques and modalities to obtain diagnostic medical images for the management of diseases.

**NATUROPATHIST**

A person who is trained in a therapeutic system that employs the use of natural forces, such as light, heat, air, water and massage and does not prescribe drugs.

**PART II**

[Section 41(2)]

**QUALIFICATION REQUIREMENTS FOR  
REGISTRATION AS AN ALLIED HEALTH  
PRACTITIONER**

The following persons are entitled to be registered as Allied Health Practitioners under this Act:

- (a) a person who, having undergone a prescribed course of study in any profession specified in Part I of this Schedule, is in actual practice in the Virgin Islands at the commencement of this Act;
- (b) a person who shows to the satisfaction of the Council that he is of good character and otherwise fulfils the conditions prescribed by this Act, and who
  - (i) holds a degree, diploma or licence from any university, college or other institution, which is authorized to offer training in that particular discipline of Allied Health Professionals; or
  - (ii) holds a certificate from the membership of a recognized society of health, as furnishing sufficient guarantee that the holder possesses the requisite knowledge and skill for the efficient practice as an allied health practitioner.

**CONSTITUTION OF THE ALLIED HEALTH  
PROFESSIONALS COUNCIL**

1. Subject to paragraph 3(3), the Council shall consist of the following persons:

- (a) the Director of Health Services, *ex officio*;
- (b) one medical practitioner appointed by the Minister; and
- (c) four Allied Health Professionals appointed by the Minister.

2. The Council may

- (a) appoint such committees composed of members of the Council, and Allied Health Professionals not being members of the Council, for the proper carrying out of its functions; and
- (b) delegate to such committees any functions it considers necessary.

3. (1) Members of the Council, other than the Director of Health Services, shall hold office for three years but are eligible for re-appointment.

(2) Notwithstanding paragraph (1), no member other than the Director of Health Services, shall hold office for more than two consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.

(3) In the case of the first Council constituted after the coming into operation of this Act, the person appointed by the Minister under paragraph 1 (b) and two of the persons appointed by the Minister under paragraph 1 (c) shall be appointed for a period of two years, and thereafter appointments shall be made in the manner otherwise provided by this Schedule.

(4) The Chairman of the Council shall,

- (a) on the advice of the members, be appointed by the Minister from among the members of the Council; and
- (b) preside at all meetings of the Council and, in his absence, the Council may elect one of the

members present to act as Chairman for the purpose of that meeting.

(5) Three members of the Council shall form a quorum.

(6) In the conduct of its business, the Council shall determine its own rules of procedure.

## **SCHEDULE 6**

[Sections 40(6)  
and 41(3) ]

### **ALLIED HEALTH PROFESSIONALS COUNCIL**

#### **VIRGIN ISLANDS**

No:.....

#### **Certificate of Registration**

It is hereby certified that .....  
of .....is registered as an Allied Health  
Practitioner in the Virgin Islands in accordance with the  
provisions of the Medical Act, 2000.

CATEGORY

TERMS OF REGISTRATION

Dated this                      day of                      ,                      .

.....  
Registrar



**SCHEDULE 7**

[Sections 41(2)  
and 43]

**REGISTRATION FEE**

For Allied Health Practitioners.....\$75.00

For each Additional Qualification.....\$20.00

**SCHEDULE 8**

[Sections 59, 61(1)  
and 65]

**SUBSTANCES DEEMED TO BE POISONS**

**PART I**

**ARSENIC**, and its preparations, except preparations for use exclusively in agriculture, or horticulture for the destruction of insects, fungi, or bacteria, or as a sheep wash or sheep dip, if the preparations are

- (a) contained in a closed package or vessel distinctly labelled with a notice of the special purpose for which the preparation is intended;
- (b) sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor; and
- (c) purchased for the purpose of the trade or profession of such person, firm or body corporate.

**ACONITE**, Aconitine and their preparations.

**ALKALOIDS**, all poisonous alkaloids not specifically named in this Schedule and their salts, and all poisonous derivatives of alkaloids.

**ATROPINE**, and its salts, and their preparations.

**BELLADONNA**, and all preparations or admixtures (except belladonna plasters) containing 1 or more per cent of belladonna alkaloids.

**CANNABIS**, (the dried flowering or fruiting tops of the pistillate plant of cannabis sativa) and the resins prepared therefrom.

**CANTHARIDES**, and its poisonous derivatives.

**COCOA**, any preparation or admixture of, containing 0.1 or more per cent of cocoa alkaloids.

**CORROSIVE**, sublimate.

**CYANIDE**, of potassium, and all poisonous cyanides and their preparations.

**DIAMORPHINE**, (also known as Heroin) and all preparations or admixtures containing 0.1 per cent of diamorphine.

**DIETHYLBARBITURIC ACID**, and other alkyl, aryl or metallic derivatives of barbituric acid whether described as veronal, propanol, medinal or by any other trade name, mark, designation and all poisonous urethanes and ureides.

**DIGITALIN**, and all other poisonous constituents of Digitalis.

**ECGONINE**, and all preparations or admixtures containing 0.1 per cent of Ecgonine.

**EMETIC TARTAR**, and all preparations or admixtures containing 1 or more per cent emetic tartar.

**ERGOT OR RYE**, and preparations of ergots.

**LEAD**, in combination with Oleic Acid, or other higher fatty acids, whether sold as Diachylon or under any other designation (except machine-spread plasters).

**NUX VOMICA**, and all preparations and admixtures containing 0.2 or more per cent of strychnine.

**OPIUM**, and all preparations or admixtures containing 0.2 or more per cent of morphine.

**PICROTOXIN**.

**PRUSSIC ACID**, and all preparations or admixtures containing 0.1 or more per cent of prussic acid.

**SAVIN**, and its oils, and all preparations or admixtures containing savin or its oil.

**SULPHONAL** and its homologues, whether described as Trional, Tetronal or by any other trade mark or designation.

**STROPHANTHIN**, and all other poisonous constituents of Strophanthus.

**TOBACCO**, any preparations or admixtures containing the poisonous alkaloids of tobacco other than

- (a) tobacco prepared for smoking and snuff; and
- (b) preparations of admixtures of tobacco for use in agriculture or horticulture for the destruction of insects, fungi, and bacteria, if the preparations are
  - (i) contained in a closed package or vessel distinctly labelled with a notice of the special purpose for which the preparation is intended; and
  - (ii) sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor; and
  - (iii) purchased for the purpose of the trade or profession of such person, firm or body corporate.

## **PART II**

**ALMONDS**, essential oil of, unless deprived of prussic acid.

**AMTIMONAL**, wine.

**ATEBRIN**.

**BARIUM**, salts of, except BARIUM SULPHATE.

**CANTHARIDES**, tincture and all resications liquid preparations, or admixtures of.

**CARBOLIC**, acid, and liquid preparations of carbolic acid, and its homologues containing more than 3 per cent of those substances, except preparations for use as sheep wash or for any other purpose in connection with agriculture or horticulture, contained in a closed vessel distinctly labelled with the word "poisonous", the name and address of the seller, and a notice of the special purposes for which the preparations are intended.

**CHLORAL HYDRATE**.

**CHLOROFORM**, and all preparations or admixtures containing more than 20 per cent of chloroform.

**DIGITALIS**.

**MERCURIC IODINE.**

**MERCURIC SULPHOCYANIDE.**

**NITROBENZENE** and its derivatives.

**OXALIC ACID.**

**PLASMOQUIN** (or Plasmochin)

**POPPIES**, all preparations of, excepting red poppy petals and syrup of red poppies (*papaver rhoeas*).

**PRECIPITATE**, white.

**STROPHANTHUS.**

**ZINC CHLORIDE**, and liquid preparations of zinc chloride, except preparations intended to be used for soldering or other purely industrial purpose, provided that they are contained, in closed vessels labelled with the word "poisonous" and bearing the name and address of the seller and a notice of the special purpose for which the preparations are intended.

**SCHEDULE 9**

[Section 61 (1)]

**POISONS BOOK**

Date	Name and address of purchaser	Name and quantity of poison	Purpose for which it is required	Signature	
				of purchaser	Of person introducing purchaser

**PART I****NARCOTIC SUBSTANCES**

Codeine	
Dextropropoxyphene	
Dihydrocodeine	- DF118
Diphenoxylate	- Lomotil
Morphine	
Pethidine	
Pholcodine	

**PART II****PSYCHOTROPIC SUBSTANCES**

Methylphenidate	- Ritalin
Pentazocine	- Fortrac
Alprazolam	
Chlordiazepoxide	- Librium
Clorazepate	
Diazepam	- Valium
Flurazepam	- Dalmane
Lorazepam	- Ativan
Meprobamate	
Nitrazepam	- Mogadon
Phenobarbital	

Passed by the Legislative Council this 31st day of March, 2000.

REUBEN VANTERPOOL,  
Speaker.

OLEANVINE MAYNARD,  
Ag. Clerk of the Legislative Council.