

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW,
2002; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

MEMORANDUM OF OBJECTS AND REASONS

This Bill would amend section 15 of the Health Practice Law, 2002 in order to provide that the operator of a health care facility may obtain, as an alternative to malpractice insurance, indemnity cover approved by the Health Practice Commission for registered practitioners employed by the health care facility.

The Bill also seeks to clarify that malpractice insurance, liability insurance, medical indemnity and any other insurance required by the Law shall be obtained from an authorised insurer. The definition of “authorised insurer” has been amended to provide that such an insurer may include any person or organisation approved by the Commission to provide medical or any other type of indemnity cover in the Islands.

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of section 2 of the Health Practice Law, 2002.
3. Amendment of section 15- offences.
4. Savings and validation.

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**A BILL FOR A LAW TO AMEND THE HEALTH PRACTICE LAW,
2002; AND FOR INCIDENTAL AND CONNECTED PURPOSES.**

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Health Practice (Amendment) (No.2) Law, 2004.

Amendment of section
2- interpretation

2. The Health Practice Law, 2002, in this Law referred to as “the principal Law”, is amended in section 2 by repealing the definition of “authorised insurer” and substituting the following-

“authorised insurer” means-

- (a) an insurer licensed under the Insurance Law (2001 Revision) to carry on insurance business within the meaning of that Law; or
- (b) any other person or organisation approved by the Commission to provide medical or any other type of indemnity cover in the Islands;”.

Amendment of section
15- offences

3. The principal Law is amended in section 15 by repealing subsection (2) and substituting the following-

“(2) A person who operates a health care facility shall -

- (a) provide malpractice insurance or indemnity cover approved by the Commission for the registered practitioners employed by the health care facility;
- (b) ensure that the health care facility is covered with adequate liability insurance; and
- (c) ensure that persons who work at the facility under a contract of services with the health care facility have adequate malpractice and other relevant insurance,

and such malpractice insurance, liability insurance, indemnity cover and any other relevant insurance shall be obtained from an authorised insurer.”.

4. (1) Where, as an alternative to providing the malpractice insurance required by section 15 of the principal Law, an operator of a health care facility before the commencement of this new Law, provided instead indemnity cover of any type approved by the Commission, such provision is declared to have been lawfully done and is validated.

Savings and validation

(2) “This new Law” means the principal Law as amended by this Law.

Passed by the Legislative Assembly the day of , 2004

Speaker

Clerk of the Legislative Assembly