

LAWS OF GUYANA

MINISTRY OF HEALTH ACT

CHAPTER 32:01

Act
6 of 2005

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CHAPTER 32:01

MINISTRY OF HEALTH ACT

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6 of 2005

An Act to continue the Ministry with responsibility for Health and for matters connected therewith.

WHEREAS the protection and promotion of the health of the people of Guyana is a responsibility of the Government and of each individual;

WHEREAS the goal of the health and social services system of Guyana is to contribute to improvement in the quality of life and thereby add to the opportunity for the people of Guyana to live a productive life, free from disease and infirmity, and characterised by physical, mental and social well-being;

WHEREAS health needs and the goals of programmes to meet them must be derived from a population based on

analysis, and health care resources must be targeted to groups of people with defined needs to achieve programme goals;

WHEREAS national priorities must emphasise the promotion and primary care components of health programmes, with concurrent attention given to their secondary and tertiary counterparts;

WHEREAS the Ministry of Health is to deliver and when necessary oversee the delivery of health care throughout Guyana and to effect plans and policies, monitor quality and evaluate outcomes.

[1ST DECEMBER, 2005]

Short title. 1. This Act may be cited as the Ministry of Health Act.

Interpretation. 2. In this Act –

“Chief Medical Officer” means the Chief Medical Officer of the Ministry of Health;

“health facility” means a place in which one or more members of the public, receive health services and includes a health care centre, a health post, a training institution for health professionals, a laboratory, a diagnostic or therapeutic clinic, a nursing home, a place where chronic or extended care services are offered, a hospice, a place where rehabilitation health services are provided, a medical or surgical clinic, an emergency care centre, or any other place that is prescribed;

“health care professionals” means all current health professionals and any other that may be established from time to time regulated by their own peer, body or agency;

“Minister” means the Minister of Health;

“Ministry” means the Ministry of Health;

“National Health Plan” means the National Health Plan, as it exists from time to time;

“Permanent Secretary” means the Permanent Secretary appointed for the Ministry;

“prescribed” means prescribed by the regulations, unless the context otherwise requires;

“regulations” means regulations made under this Act.

Ministry
continued.

3. The department of the public service known as the Ministry of Health is continued.

Functions of
Minister.

4. Subject to the generality of the list of duties assigned and Gazetted, the Minister shall discharge the following functions –

- (a) oversee the delivery of health care services throughout Guyana and promote the physical and mental well-being of its people;
- (b) advise the government in respect of the health of the people;
- (c) establish policies and principles necessary to ensure optimal health for the people;

- (d) ensure that health services are developed and that they are delivered in a comprehensive, consistent, balanced and equitable manner within the financial resources allocated to the Ministry;
- (e) develop and ensure the implementation of the National Health Plan and other action plans and directives, including human and all other resource requirements necessary for assessing, monitoring and implementing such policies and plans, founded on population based needs for health care programmes, services and facilities;
- (f) initiate, promote, conduct and maintain surveys, research programmes and planning studies into any matter relating to health needs of the people as are necessary or advisable;
- (g) obtain information from the Medical Information Systems and statistics for the purposes of the Ministry and disseminate such information within an effective communication network in such manner so as not to disclose the personal information of any person;
- (h) expand and strengthen information, education and communication on health matters;
- (i) encourage and promote technical cooperation with international organisations, the private sector and other non-governmental organizations;

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- (j) develop national standards of care and practice, and provide for planning processes for the development of health care services, including enhanced community participation.
 - (k) establish rules for the development of budgets and for the periodic reporting of fiscal and operational performance as part of a health care financing section within the Ministry;
 - (l) where regional health authorities are established, enter into service agreement with the authorities and review and approve their health plans;
 - (m) approve, after consultation with existing regional health authorities and funding sources global operating budgets and capital budgets of the regional health authorities;
 - (n) establish guidelines for special programmes to be carried out by regional health authorities;
 - (o) facilitate the regulation of the health care professionals in a consistent and coordinated manner in the public interest, that appropriate standards of practice are developed and maintained, that individuals have access to services provided by health care professionals of their choice and that they are treated with sensitivity and respect in their dealings with health care professionals and the councils and bodies that regulate them;

- (p) facilitate the regulation of hospitals and other health facilities in the public and private sectors;
- (q) enter into agreements for the accreditation of health care professionals, hospitals and health facilities to ensure the highest standards of ethical behaviour, medical research and health care;
- (r) facilitate the continuous assessment and monitoring of the performance and compliance through their respective regulatory bodies, wherever they exist, of regional health authorities, hospitals, health facilities and health care professionals in the delivery of health care, treatment and services relative to the National Health Plan and other plans and directives;
- (s) facilitate the assessment and monitoring of the financial performance and value for money of regional health authorities, hospitals, health facilities and health care professionals considerations, where public funds are involved;
- (t) enter into agreements for facilitating the delivery of health care;
- (u) enter into agreements to enhance the promotion of good health, disease prevention and the coordination of primary, secondary and tertiary care components of programmes and government wide health policies and plans at the community, regional, national level and international

level in accordance with the National Health Plan;

- (v) promote programmes for training and education; and
- (w) any other matter relevant to the protection of the health of the people.

Delegation.

5. (1) The Minister shall preside over and have charge of the Ministry and all its functions.

(2) The Minister is responsible for the administration of this Act.

(3) Where, under this Act, or the regulations or any other law, power to make an agreement, or to give an order to take any action, is granted to or vested in the Minister, he may, in writing, delegate that power to the Permanent Secretary, Chief Medical Officer, or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation.

(4) Any agreement or order made, or action taken, by a person empowered to do so under subsection (3) has the same effect as if made and signed or taken by the Minister.

Permanent
Secretary, Chief
Medical
Officer.

6. (1) The Permanent Secretary shall discharge such functions specified in the letter of appointment and such other functions as are assigned to the Permanent Secretary by the Minister.

(2) A Chief Medical Officer shall be appointed and shall be a public service officer.

(3) No person is qualified to be Chief Medical Officer unless he is a registered medical practitioner of at least

five years standing and possesses the qualifications required of the Chief Medical Officer.

(4) The Chief Medical Officer shall –

- (a) keep himself informed in respect of matters related to health issues;
- (b) monitor the health of the people and provide the Ministry of Health with information and analyses on health issues;
- (c) advise the Minister on health issues and on the need for policies and practices respecting those issues;
- (d) interface with public health institutions outside of Guyana;
- (e) in addition to the duties set out in paragraphs (a) to (d), perform such other duties and functions as are assigned to him by the Minister, or as may be prescribed under this Act or the regulations or any other law;
- (f) report in writing on matters referred to in paragraphs (b) and (c), in such manner as may be prescribed, to the Minister.

Protection from liability.

7. (1) No action or other proceeding for damages shall be instituted against the Permanent Secretary, Chief Medical Officer, or any officer or employee of the Ministry or anyone acting under the authority of the Minister, the Permanent Secretary or the Chief Medical Officer for any act done or

omission made in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Grants and financial arrangements.

8. The Government through the Minister may make grants or other financial arrangements for the enhancement of health care to such persons and organisations and on such terms and conditions as may be determined.

Advisory bodies.

9. The Minister may appoint such person or persons to perform such advisory functions as are considered necessary to assist the Minister in the discharge of the Minister's functions and such person or persons may, in addition to advising the Minister, discharge such functions as approved by the Minister, subject to such limitations, conditions and requirements as the Minister may approve.

Annual Report.

10. The Minister, after the end of each year shall prepare an annual report and submit it to the National Assembly if the assembly is sitting; if not, within fifteen days of the commencement of the next sitting.

Regulations.

11. The Minister may make regulations –

- (a) to give effect, if necessary, to the functions and powers set out in section 4; and
- (b) prescribing anything required by this Act to be prescribed.

SUBSIDIARY LEGISLATION

Reg. 9/2008

**MEDICAL RESEARCH INVOLVING HUMAN
SUBJECTS**

made under sections 4 (c),(w) and 11

Citation.

1. These Regulations may be cited as the Medical Research Involving Human Subjects Regulations.

Interpretation.

2. In these Regulations –

“Act “ means the Ministry of Health Act;

“Committee” means the Committee established by the Minister to oversee the compliance with these Regulations;

“ethical principles” means the principles and policies governing medical research involving human subjects, laid down and implemented by the Minister.

Regulation of human subject research.

3. Any person engaged in medical research involving human subjects shall –

- (a) be responsible for protecting the rights and welfare of all human subjects involved in that research which they sponsor or conduct;
- (b) encourage and promote a research atmosphere that safeguards the rights and welfare of human subjects;

[Subsidiary]

Medical Research Involving Human Subjects Regulations

- (c) respect the generally accepted scientific standards with respect to the safeguard, health and integrity of human subjects.
- (d) ensure that before human subjects are involved in research which they sponsor or conduct, proper consideration be given to –
 - (i) the risk to the subjects;
 - (ii) the anticipated benefits to the human subjects and others;
 - (iii) the importance of the knowledge that may reasonably be expected to result from the research;
 - (iv) a consent process;
 - (v) special safeguards, whenever appropriate for protecting human subjects such as children, prisoners, pregnant women, refugees, mentally challenged persons, rural populations and economically or educationally disadvantaged persons who may be vulnerable to coercion or undue influence;
 - (vi) an appropriate administration overview to ensure that the principles referred to in paragraphs (i) to (v) are applied effectively.

Powers of the
Minister.

4. The Minister may –

- (a) lay down and implement the ethical

principles;

- (b) establish the Committee;
- (c) appoint the Chief Medical Officer or other senior medical officer as the chairperson of the Committee;
- (d) prescribe the terms of reference of the Committee so as to enable it to discharge the functions in conformity with the written laws;
- (e) ensure participation in the Committee of the private sector, civic society and any other person or body of persons concerned or affected by the implementation of these regulations.

Reports by the
Committee.

5. (1) the Committee shall submit a report to the Minister regarding its activities for each year within thirty days after the end of each calendar year.

(2) The Committee shall be answerable and accountable to the Minister and shall submit to the Minister any interim report or explanation or statement on any matter as required of it.
