

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

25 ta' Ottubru, 2013

ATT Nru. XI tal-2013

ATT li jirregola min hu intitolat għal, u l-kwalità ta', s-servizzi tas-saħħa f'Malta, li jikkonsolida u jirriforma l-istrutturi tal-Gvern u l-entitajiet responsabbli għas-saħħa u li jipprovdi għad-drittijiet tal-pazjenti.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'ligi dan li ġej:-

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TAQSIMA I

Dispożizzjonijiet Ġenerali

Titolu fil-qosor
u bidu fis-seħh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2013 dwar is-Saħħa.

(2) Dan l-Att għandu jidhol fis-seħħ fid-data li l-Ministru jistabbilixxi b'avviz fil-Gazzetta, u dati differenti jistgħu jiġu stabbiliti għal dispożizzjonijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra -

"informazzjoni medika" tfisser id-dokumentazzjoni kollha li jkun fiha *data*, valutazzjonijiet u informazzjoni ta' kull tip dwar il-qagħda tal-pazjent u l-iżvilupp kliniku matul il-proċess tal-kura;

"Kumitat Konsultattiv" tfisser il-Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa stabbilit bl-artikolu 22;

"Kunsill" tfisser il-Kunsill tas-Saħħa stabbilit bl-artikolu 16;

"Ministru" tfisser il-Ministru responsabbli għas-Saħħa, u "Ministeru" għandha tiftiehem skont hekk;

"pazjent" tfisser persuna li qed tirċievi jew irċeviet, attenzjoni, kura jew trattament mediku, kemm f'ambjent ta' kura tas-saħħa jew xort'oħra;

"persuna assicurata" tfisser kull persuna inkluża fil-lista stabbilita b'regolamenti maħruġa taħt dan l-Att;

Kap. 318.

"qraba" tfisser qraba kif definita fl-artikolu 30 tal-Att dwar is-Sigurtà Soċjali, iżda wkoll kull persuna li jkollha relazzjoni personali mill-qrib mal-pazjent;

Kap. 460.

"Stat Membru" tfisser Stat firmatarju tat-Trattat kif definit bl-Att dwar l-Unjoni Ewropea.

Skop.

3. L-għan ewlieni ta' dan l-Att huwa li jistabbilixxi u jassigura sistema tas-saħħa mibnija fuq il-prinċipji ta' ekwità, aċċessibilità, kwalità u sostenibilità billi jirregola min hu intitolat għal, u l-kwalità ta', is-servizzi tas-saħħa f'Malta, li jikkonsolida u jirrifirma l-istrutturi u l-entitajiet tal-Gvern responsabbli għas-saħħa, u li jipprovdi għad-drittijiet tal-pazjenti.

TAQSIMA II

Dipartiment għall-Politika tas-Saħha

4. (1) Għandu jigi stabbilit Dipartiment għall-Politika tas-Saħha li l-missjoni tiegħu għandha tkun, b'mod ġenerali sabiex jaġixxi bħala l-konsulent ewlieni tal-Ministru dwar il-kwistjonijiet kollha relatati mal-politika tas-saħha tal-Gvern, u b'mod partikolari li jagħti pariri lill-Ministru dwar l-iżvilupp ta' politika u l-kordinazzjoni ta' pjani strateġiċi, dwar it-tfassil u l-implimentazzjoni ta' pjanijiet ta' azzjoni, u dwar l-evalwazzjoni tar-riżultati sabiex ikunu assigurati s-sostenibbiltà tas-saħha pubblika u tas-servizzi tas-saħha.

Dipartiment
għall-Politika
tas-Saħha.

(2) Il-Kap ta' dan id-Dipartiment għandu jkun l-Uffiċjal Mediku Ewlieni tal-Gvern.

5. Id-Dipartiment għall-Politika tas-Saħha għandu, b'mod ġenerali, jeżerċita dawk il-funzjonijiet u jaqdi dawk id-dmirijiet u responsabbiltajiet li joħorgu mil-liġi, u b'mod partikolari, dawk il-funzjonijiet u dmirijiet li l-Ministru jista', minn żmien għal żmien, jistabbilixxi b'regolamenti.

Funzjonijiet u
dmirijiet tad-
Dipartiment.

TAQSIMA III

Dipartiment għas-Servizzi tas-Saħha

6. (1) Għandu jigi stabbilit Dipartiment għas-Servizzi tas-Saħha li l-missjoni tiegħu għandha tkun li jassigura l-operat u l-għoti ta' servizz tas-saħha effettiv u effiċjenti, b'emfazi fuq sistemi ta' tmexxija kliniċi u korporattivi, fuq l-għoti tas-servizz u fuq l-evalwazzjoni kontinwa tal-kwalità, f'qafas stabbilit ta' deċentralizzazzjoni u awtonomija kkontrollati u li jinvolvi s-sehem tal-persuni li jagħmlu użu mill-istess servizz.

Dipartiment
għas-Servizzi
tas-Saħha.

(2) Il-Kap ta' dan id-Dipartiment għandu jkun Direttur Ġenerali.

7. Id-Dipartiment għas-Servizzi tas-Saħha għandu, b'mod ġenerali, jeżerċita dawk il-funzjonijiet u jaqdi dawk id-dmirijiet u responsabbiltajiet li joħorgu mil-liġi, u b'mod partikolari, dawk il-funzjonijiet u dmirijiet li l-Ministru jista', minn żmien għal żmien, jistabbilixxi b'regolamenti.

Funzjonijiet u
dmirijiet tad-
Dipartiment.

TAQSIMA IV

Dipartiment għar-Regolamentazzjoni tas-Saħha

Dipartiment
għar-
Regolamentaz-
zjoni tas-Saħha.

8. (1) Għandu jiġi stabbilit Dipartiment għar-Regolamentazzjoni tas-Saħha li l-missjoni tiegħu għandha tkun li jħares is-saħha pubblika, joħroġ liċenzi, jissorvelja u jispezzjona l-għoti tas-servizzi tas-saħha bil-ħsieb li tkun assigurata l-kwalità u s-sigurtà tagħhom, li jirrakkomanda l-*standards* li għandhom jintlaħqu minn dawk li joffru servizzi tas-saħha u li jagħti pariri lill-Ministru dwar kwistjonijiet li jikkoncernaw is-saħha pubblika.

(2) Il-Kap ta' dan id-Dipartiment għandu jkun is-Suprintendent tas-Saħha Pubblika.

Funzjonijiet u
dmirijiet tad-
Dipartiment.

9. Id-Dipartiment għar-Regolamentazzjoni tas-Saħha għandu, b'mod ġenerali, jeżerċita dawk il-funzjonijiet u jaqdi dawk id-dmirijiet u responsabbiltajiet li joħroġu mil-liġi, u b'mod partikolari, dawk il-funzjonijiet u dmirijiet li l-Ministru jista', minn żmien għal żmien, jistabbilixxi b'regolamenti.

TAQSIMA V

Dispożizzjonijiet komuni għad-Dipartimenti kollha

Hatra ta'
Kapijiet u
Direttur
Ġenerali.

10. Il-Kapijiet u d-Direttur Ġenerali jinhatru mill-Prim Ministru għall-perjodu ta' tliet snin li jista' jiġi mġedded għall-perjodu jew perjodi ulterjuri skont il-każ, wara sejha pubblika, taht l-artikolu 92 tal-Kostituzzjoni ta' Malta, u taht dawk il-pattijiet, kundizzjonijiet, funzjonijiet u dmirijiet kif stabbilit fl-ittri rispettivi tal-hatra.

Rappreżentanza
legali.

11. Ir-rappreżentanza legali u ġuridika tad-Dipartimenti għandha tkun vestita fil-Kapijiet u d-Direttur Ġenerali rispettivi, jew f'xi persuna jew persuni oħra mahtura sabiex jaġixxu f'isimhom.

Il-Kapijiet u
Direttur
Ġenerali jkunu
responsabbli
għall-uffiċjali,
eċc.

12. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, it-tmexxija eżekuttiva, l-amministrazzjoni, u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tad-Dipartimenti għandhom ikunu r-responsabbiltà tal-Kapijiet u d-Direttur Ġenerali.

Skambju ta'
informazzjoni
bejn id-
Dipartimenti.

13. (1) Kull Dipartiment jista' jitlob, jiġbor u jivverifika kull informazzjoni, *data* u statistika, skont kif ikun meħtieġ għall-qadi tal-funzjonijiet tiegħu.

(2) Dipartiment għandu jkollu aċċess għal kull informazzjoni li jista' jkollhom Dipartimenti oħrajn, jew entitajiet oħra stabbiliti bi, jew taht dan l-Att.

(3) Direttorat jista' jitlob kull tagħrif minn pazjenti, qraba, persunal u professjonisti u mingħand dawk kollha li jipprovdu servizzi tas-saħħa, kemm pubbliċi u privati, u dan għandu jingħatalu f'kazijiet ta' emerġenza, għal raġunijiet ta' saħħa pubblika u sabiex tkun salvagwardjata l-ħajja tal-pazjent jew ta' terzi. Fil-kazijiet kollha l-oħra l-kunsens informat tal-pazjent huwa meħtieġ.

(4) Kull Dipartiment għandu jkollu aċċess għal statistika u tagħrif iehor ta' natura ekonomika u soċjali kif meħtieġ biex ikun jista' jwettaq il-funzjonijiet tiegħu skont dan l-Att.

(5) Is-subartikoli kollha preċedenti ta' dan l-artikolu għandhom ikunu lkoll bla ħsara għal kull ligi dwar il-protezzjoni ta' *data* fis-seħħ f'Malta.

14. Id-Dipartimenti għandhom, bla ħsara għall-funzjonijiet tagħhom, jirrispettaw id-diversità tal-entitajiet, tas-servizzi u tal-programmi tas-saħħa tagħhom, u jiddjalogaw u jikkollaboraw ma' entitajiet, istituzzjonijiet u aġenziji oħra, kemm pubbliċi u privati, lokali u barranin, dwar politika, inizjattivi u proġetti sabiex jiżguraw li s-sistema kollha fil-pajjiż topera b'mod effettiv.

Rispett għad-diversità ta' istituzzjonijiet tas-Saħħa.

15. (1) Għandu jigi stabbilit Bord, li jkun magħruf bħala l-Bord dwar il-Politika u Strategija fis-Saħħa, presjedut mill-Ministru, biex jiddiskuti u jevalwa l-politika, l-istrateġija u d-direzzjoni u l-iżviluppi fil-qasam tas-saħħa u jissorvelja u jsegwi l-implimentazzjoni tal-politika u tal-istrateġija tas-saħħa adottata mill-Gvern.

Bord dwar il-Politika u Strategija fis-Saħħa.

(2) Il-Bord għandu jkun kompost kif previst fl-Iskeda A, u l-Ministru jista' b'regolamenti jemenda l-imsemmija Skeda, u jipprovdi għal kull materja oħra jew proċedura li jidhirlu meħtieġa għall-aħjar twettiq tal-funzjonijiet tal-Bord.

TAQSIMA VI

Kunsill tas-Saħħa

16. (1) Għandu jigi stabbilit Kunsill tas-Saħħa.

Twaqqif u kompożizzjoni tal-Kunsill tas-Saħħa.

(2) Il-Kunsill għandu jkun kompost kif previst fl-Iskeda B, u l-Ministru jista' b'regolamenti jemenda l-imsemmija Skeda, u jipprovdi għal kull materja oħra jew proċedura li jidhirlu meħtieġa għall-aħjar twettiq tal-funzjonijiet tal-Kunsill.

17. (1) Hu dmir tal-Kunsill tas-Saħħa li jagħti, meta msejjaħ mill-Ministru, il-parir tiegħu fuq hwejjeġ li jaffettwaw dak kollu li għandu x'jaqsam mas-saħħa f'Malta.

Dmirijiet tal-Kunsill.

(2) Bla ħsara għall-ġeneralità ta' dak hawn fuq imsemmi, b'mod partikolari hu d-dmir tal-Kunsill li jagħti l-parir tiegħu fuq dak kollu li l-liġi tipprovdi li dwaru għandu jkun mitlub il-parir tal-Kunsill.

Setgħat tal-Kunsill.

18. (1) Il-Kunsill għadnu jkollu s-setgħa li jaħtar sotto-kumitati u li jdaħħal fihom membri li mhumiex membri tal-imsemmi Kunsill meta jkun qed jiddiskuti materji speċifiċi fuq l-aġenda tiegħu.

(2) Il-Kunsill tas-Saħħa jista' wkoll jirrakkomanda dawk il-miżuri, inkjesti jew investigazzjonijiet xjentifiċi li, fil-fehma tiegħu, huma utili fl-interess tas-saħħa pubblika.

Laqgħat tal-Kunsill u *quorum*.

19. Il-Kunsill ma jista' jittratta ebda materja jekk ma jkunx hemm preżenti mill-anqas ħames membri:

Iżda, jekk il-Kunsill jiġi msejjaħ biex jikkunsidra xi kwistjoni li fuqha l-parir tiegħu jkun meħtieġ b'mod urġenti mill-Ministru, il-Kunsill jista' jiddeċiedi bil-maġġoranza tal-voti ta' dawk il-membri preżenti.

Setgħa biex il-Ministru jagħmel regolamenti.

20. Bla ħsara għas-setgħat tal-Ministru li jagħmel regolamenti taħt l-artikolu 31 biex jagħti seħħ lil kull dispożizzjoni ta' dan l-Att, il-Ministru jista' jagħmel, ibiddel jew iħassar regolamenti dwar it-tmexxija xierqa tal-affarijiet tal-Kunsill.

TAQSIMA VII

Benefiċċji tas-Saħħa u min hu intitolat għalihom

Benefiċċji tas-saħħa.

21. Il-Ministru għandu, wara li jikkunsidra l-parir tal-Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa imwaqqaf bl-artikolu 23, jistabbilixxi dawk il-benefiċċji tas-saħħa li għandhom ikunu provduti direttament jew indirettament mis-sistema pubblika tas-servizzi tas-saħħa.

Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa.

22. (1) Għandu jkun stabbilit Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa.

(2) Il-Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa jista' jwaqqaf sotto-kumitati sabiex jittrattaw kategoriji ta' benefiċċji differenti u speċifiċi kif jidhirlu xieraq. Bla ħsara għall-ġeneralità ta' dak imsemmi hawn fuq, il-Kumitat Konsultattiv dwar Lista Formularja tal-Gvern stabbilit bir-Regolamenti dwar Prodotti Mediċinali Disponibbli fis-Servizzi tas-Saħħa tal-Gvern għandu jitqies bħala wiehed minn dawk is-sotto-kumitati.

L.S. 458.31

(3) Il-Kumitat Konsultattiv għandu jkun kompost kif previst fl-Iskeda Ċ, u l-Ministru jista' b'regolamenti jemenda l-imsemmija

Skeda, u jipprovdi għal kull materja oħra jew proċedura li jidhirlu meħtieġ għall-aħjar twettiq tal-funzjonijiet tal-Kumitat Konsultattiv.

(4) Il-Kumitat Konsultattiv għandu jiltaqa' kemm-il darba jkun meħtieġ u għandu jirregola l-proċeduri tiegħu:

Izda f'każijiet ta' trattament urġenti u vitali, l-Uffiċjal Mediku Ewlieni tal-Gvern jista' jawtorizza l-għoti ta' tali benefiċċju tas-saħħa u minnufih fl-ewwel opportunità possibbli jagħti rendikont ta' dan lill-Ministru u lill-Kumitat Konsultattiv.

(5) Il-Kumitat Konsultattiv għandu jzomm id-dritt li jagħti l-parir lill-Ministru sabiex jirrestringi kull forma ta' benefiċċju abbażi ta' protokoll.

23. (1) Il-Kumitat Konsultattiv għandu jirrakkomanda l-benefiċċji tas-saħħa li għandhom ikunu provduti direttament jew indirettament mis-sistema pubblika tal-kura tas-saħħa u għandu jzomm lista li tkun aċċessibbli għall-pubbliku u aġġornata b'mod regolari, ta' dawn il-benefiċċji.

Setgħat tal-Kumitat.

(2) Waqt li jkun qiegħed iħejji din il-lista, il-Kumitat Konsultattiv għandu jibbaża l-kunsiderazzjoni ewlenija tiegħu fuq l-impatt tal-benefiċċju fuq il-pazjent u sekondarjament għandu jkun ukoll gwidat b'dan li ġej:

- (a) evidenza internazzjonali;
- (b) kunsiderazzjonijiet dwar it-teknoloġija fis-saħħa;
- (ċ) konsultazzjoni mal-partijiet interessati;
- (d) il-kapaċità fis-sistema tas-saħħa pubblika;
- (e) kunsiderazzjonijiet soċjali u epidemjoloġiċi;
- (f) kemm jiswew il-benefiċċji u kemm huma sostenibbli.

24. (1) Bla ħsara għal kull dispozizzjoni oħra fil-liġi, persuna assicurata biss tista' tikkwalifika għall-benefiċċji tas-saħħa b'xejn li huma provduti minn, jew għan-nom ta', is-sistema pubblika tas-saħħa.

Min hu intitolat għall-benefiċċji tas-saħħa.

(2) Il-Ministru għandu, minn żmien għal żmien, permezz ta' regolamenti taħt dan l-Att, jistabbilixxi min għandu jkun meqjus bħala persuna assicurata għall-finijiet ta' dan l-artikolu.

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Tariffi għal kura fis-sistema pubblika tas-saħħa.

25. (1) Għandu jiġi stabbilit Reġistru, li jinżamm mis-Segretarju Permanenti fil-Ministeru tas-Saħħa, li fih jinkludi il-benefiċċji, servizzi, interventi, u trattamenti kollha provduti mis-sistema pubblika tas-saħħa, u l-ispiza u, jew it-tariffi ma' kull tali benefiċċju, servizz, intervent u trattament. Dan ir-Reġistru għandu jkun agġornat kull sena, jew qabel, skont kif jistabbilixxi l-Ministru minn żmien għal żmien.

(2) L-informazzjoni kollha msemmija fis-subartikolu (1) hawn fuq, għandha tkun aċċesibbli għall-pubbliku.

(3) Bla ħsara għal ebda liġi jew regolamenti oħra, dawn it-tariffi u, jew in-nefqu, għandhom jiġu meqjusa bħala l-ghola rimbors possibbli fil-każ li persuna tagħzel xi forma ta' kura tas-saħħa transkonfini taħt xi forma ta' ftehim li Malta tista' tkun parti minnu, irrispettivament mit-tariffi u, jew nefqu, attwali li persuna tkun hallset għal tali kura tas-saħħa transkonfini.

(4) Kull persuna li ma titqiesx persuna assicurata skont dan l-Att għandha tħallas it-tariffi u, jew in-nefqu, kollha għall-benefiċċji, servizzi, interventi, u trattamenti skont kif jirriżultaw mir-reġistru stabbilit taħt is-subartikolu (1).

(5) Bla ħsara għas-subartikolu (4), jew għal kull liġi jew regolament ieħor, il-Ministru jista' japprova li t-tariffa jew in-nefqa, kollha kemm hi jew parti minnha, li hija dovuta minn xi persuna, li ma tkunx persuna assicurata, f'każijiet eċċezzjonali u, jew għal raġunijiet umanitarji, tista' tiġi rinunzjata.

Tariffi għal kura tas-saħħa privata.

26. Bla ħsara għal ebda liġi jew regolamenti oħra fis-seħħ li jittrattaw il-protezzjoni tal-konsumatur, dawk kollha li jipprovdu servizzi tal-kura tas-saħħa fil-privat huma obbligati li japplikaw l-istess skali ta' tariffi għas-servizzi offruti minnhom lill-pazjenti, indipendentement mill-Istat Membru li ġejjin minnu l-istess pazjenti, sakemm dawn ikunu f'sitwazzjonijiet mediċi komparabbli.

TAQSIMA VIII

Drittijiet u Sigurtà tal-Pazjenti

Drittijiet tal-pazjenti.

27. Huwa d-dritt ta' kull pazjent illi:

(a) jirċievi kura tas-saħħa skond id-dispożizzjonijiet ta' dan l-Att;

(b) jirċievi informazzjoni dwar l-istat ta' saħħtu u dwar is-servizzi tas-saħħa u trattamenti li jista' jkollu aċċess għalihom;

(c) jiġi mogħti informazzjoni ċara minn qabel dwar l-għażliet ta' trattament li jista' jkollu aċċess għalihom u li jkun involut fid-diskussjonijiet u d-deċiżjonijiet dwar it-trattament li ser jingħata;

(d) jkollu aċċess għall-informazzjoni medika dwaru skont l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*, sakemm dan ma jkunx ta' detriment għall-benesseri tiegħu; Kap. 440.

(e) jkollu d-*data* medika tiegħu proċessata skont l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*; Kap. 440.

(f) jirrifjuta kwalunkwe trattament offrut lilu, sakemm tali rifjut ikun akkumpanjat minn firma tal-istess pazjent;

(g) jkun eżaminat u mogħti t-trattament mingħajr dewmien żejjed jew bla bżonn;

(h) jippreżenta lment dwar is-servizz li jkun irċieva u li jkun infurmat fi żmien raġjonevoli bir-riżultat tal-investigazzjoni dwar l-istess ilment;

(i) jappella minn kull deċiżjoni meħuda taht dan l-Att quddiem it-Tribunal ta' Reviżjoni Amministrattiva imwaqqaf bl-Att dwar il-Ġustizzja Amministrattiva u kull regolament magħmul tahtu. Kap. 490.

28. Bla ħsara għal ebda dispożizzjoni taht dan l-Att, jew xi liġi oħra, filwaqt li dawk li jipprovdu s-servizzi tas-saħħa huma mistennija li jipprovdu servizz bażat fuq ir-rispett lejn id-dinjità umana, dawk li jirċievu s-servizz għandhom jagħmlu użu minnu b'mod responsabbli filwaqt li juru r-rispett xieraq lejn il-professjonisti, lejn il-ħaddiema u lejn il-propjetà. Responsabbiltà tal-pazjenti.

29. (1) Il-Ministru għandu, fi żmien sentejn mid-dħul fis-seħħ ta' din it-Taqsima ta' dan l-Att, jippubblika dokument li għandu jkun imsejjah iċ-*Charter* tad-Drittijiet u r-Responsabbiltajiet tal-Pazjenti. *Charter* tad-Drittijiet u r-Responsabbiltajiet tal-pazjenti.

(2) Dan iċ-*Charter* għandu jistabbilixxi sommarju tad-drittijiet u r-responsabbiltajiet tal-pazjenti u persuni oħra fis-seħħ fil-mument tal-pubblikazzjoni.

(3) Dan iċ-*Charter* għandu jkun aġġornat b'mod regolari sabiex jirrifletti x-xejriet u l-materji tal-mument.

TAQSIMA IX

Dispożizzjonijiet oħra

Setgħat tal-Ministru li jagħmel regolamenti.

30. Il-Ministru jista', bla hsara għad-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti biex jagħti seħħ lil kull dispożizzjoni ta' dan l-Att, jew biex jirregola jew xort'oħra jipprovdi dwar kull haġa għar-rigward tal-funzjonijiet u l-attivitajiet li jaffettwaw il-kura tas-saħħa skont dan l-Att, u jista' b'mod partikolari, imma mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, jagħmel regolamenti għal kull għan minn dawn li ġejjin:

(a) sabiex jirregola kull haġa li għandha x'taqsam ma', jew li hi incidentali għat-twettiq tal-funzjonijiet jew għat-thaddim u l-amministrazzjoni ta' entitajiet tal-kura tas-saħħa;

(b) biex jippreskrivi dak it-tagħrif, rapporti u reżokonti li għandhom jintbagħtu lill-Ministru jew lid-Diretturi Ġenerali mill-Principali u, jew mill-Kapijiet Eżekuttivi, u minn dawk l-uffiċjali u persuni l-oħra li għandhom x'jaqsmu mal-kura tas-saħħa skont mal-Ministru jidhirlu meħtieġ li jitlob, u b'dak il-mod, f'dik il-forma, f'dak iż-żmien, u fuq dawk is-sugġetti li hu jista' jispeċifika fir-regolamenti;

(c) biex jistabbilixxi kull dritt u, jew hłas li jistgħu jkollhom jingabru minn jew taħt dan l-Att, jew għal xi servizz mogħti konformi mad-dispożizzjonijiet ta' dan l-Att;

(d) biex jipprovdi dwar kull formola jew proċedura li jistgħu jkun meħtieġa jew spedjenti u li dwarhom ma jkun hemm ebda proċedura speċifika f'dan l-Att;

(e) biex jistabbilixxi regoli li bihom il-Gvern jista' jirratifika u jagħti seħħ lil kull konvenzjoni internazzjonali li tirrigwarda s-saħħa u li tkun diġà ratifikata mill-Gvern ta' Malta; jew biex ikun hemm konformità ma' kull obbligu internazzjonali tal-Gvern ta' Malta jew mad-Direttivi tal-Unjoni Ewropea dwar xi materja jew qasam li għandu x'jaqsmu mas-saħħa;

(f) biex jistabbilixxi l-funzjonijiet u d-dmirijiet tad-direttorati u d-dipartimenti stabbiliti bi, jew taħt, dan l-Att;

(g) sabiex jassigura l-għoti tas-servizzi tas-saħħa fi proċess shiħ u kontinwu matul il-ħajja, billi jistabbilixxi dawk l-entitajiet tas-saħħa b'mod li jkun meħtieġ minn żmien għal żmien fil-Gżejjer Maltin u, biex jistabbilixxi, meta ma jkunx xort'oħra provdut f'dan l-Att, jew f'xi Att ieħor, statuti u regoli

li jirregolaw il-missjoni, skop, funzjonijiet, setgħat u dmirijiet, il-kontabilità finanzjarja jew xort'oħra, u kull proċedura oħra li għandhom ilkoll jiġu segwiti, imwettqa u osservati minn xi entità hekk imwaqqfa b'dan l-Att jew taħtu;

(h) biex jistabbilixxi, meta ma jkunx xort'oħra provdut f'dan l-Att, jew f'xi Att ieħor, statuti u regoli li jirregolaw il-missjoni, skop, funzjonijiet, setgħat u dmirijiet, il-kontabilità finanzjarja jew xort'oħra, u kull proċedura oħra li għandhom ilkoll jiġu segwiti, imwettqa u osservati minn xi Kunsill, Kumitat jew Bord imwaqqfin b'dan l-Att jew taħtu;

(i) biex, bla ħsara wkoll għad-dispożizzjonijiet ta' kull ligi oħra, jagħti lil persuna li thoss ruhha aggravata minn xi deċiżjoni ta' xi entità, xi korp jew organizzazzjoni mwaqqfa taħt dan l-Att, mezz u proċeduri biex jew twassal l-ilmenti u l-aggravju tagħha dwar, jew tikkontesta jew tappella minn, dik id-deċiżjoni quddiem it-Tribunal ta' Reviżjoni Amministrattiva imwaqqaf bl-Att dwar il-Ġustizzja Amministrattiva, u biex Kap. 490. tikseb sodisfazzjon jekk tingħata raġun;

(j) biex jistabbilixxi kull haġa li għandha jew li tista' tiġi stabbilita taħt dan l-Att u biex jipprovdi dwar kull haġa oħra kif jidhirlu xieraq;

(k) biex jistabbilixxi l-pieni għal kull kontravvenzjoni jew ksur ta' kull dispożizzjoni ta' kull regolament magħmul taħt dan l-Att, jew għal nuqqas ta' tharis ta' xi dispożizzjoni bħal dik jew ta' xi hteġa magħmula taħtha:

Izda regolamenti magħmulin taħt dan l-artikolu jistgħu jiddisponu b'mod differenti għal skopijiet jew ċirkostanzi differenti, għal klassijiet jew tipi ta' entitajiet differenti, u għal klassijiet ta' pazjenti differenti;

(l) biex jistabbilixxi l-qafas nazzjonali dwar il-politika tas-saħħa għal dawk li joffru servizzi tas-saħħa, kemm pubbliċi kif wkoll privati, u jkun id-dmir ta' dawk kollha li joffru tali servizzi li jimplimentaw din il-politika skont il-potenzjal u l-htigiet differenti tal-pazjenti li jattendu għandhom;

(m) biex jistabbilixxi dawk l-eċċezzjonijiet possibbli għal kull dispożizzjoni f'kull ligi, fl-aħjar interess tas-saħħa f'Malta;

(n) sabiex jirregola kull haġa li għandha x'taqsam mal-assigurazzjoni fil-qasam tas-saħħa;

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(o) sabiex jirregola kull haġa li għandha x'taqsam mad-drittijiet u s-sigurtà tal-pazjent;

(p) sabiex jirregola kull haġa li għandha x'taqsam mal-liċenzjar konness mal-ġhoti ta' servizzi tas-saħħa.

Thassir u
riżerva.
Kap. 94.

31. (1) B'effett mid-dhul fis-seħħ ta' dan l-Att, id-dispożizzjonijiet tal-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa għandhom jiġu mhassra. Sabiex ikun evitat kull dubbju, partijiet minn dik l-Ordinanza jistgħu jkunu mhassra f'dati differenti skont id-dati tad-dhul fis-seħħ tal-partijiet jew artikoli

SKEDA A

[Artikolu 15(2)]

Il-Bord dwar il-Politika u Strateġija fis-Saħħa għandu jkun kompost kif ġej:

- (a) il-Ministru, bħala President;
- (b) is-Segretarju Permanent fil-Ministeru, bħala Viċi-President;
- (ċ) it-tliet Direttur Ġeneral tad-Direttorati mwaqqfa taħt dan l-Att;
- (d) il-kontrollur finanzjarju fil-Ministeru, u fin-nuqqas tiegħu, l-oghla uffiċjal responsabbli mill-finanzi tal-Ministeru;
- (e) konsulent tal-Ministru;
- (f) kull uffiċjal ieħor li l-Ministru jidhirlu, minn żmien għal żmien, xieraq li jappunta fuq dan il-Bord; u
- (g) uffiċjal maħtur mill-Ministru biex jaġixxi ta' Segretarju.

SKEDA B

[Artikolu 16(2)]

(1) Il-Kunsill tas-Saħħa għandu jkun kompost kif ġej:

- (a) il-Ministru, bħala President;
- (b) is-Segretarju Permanent fil-Ministeru, bħala Viċi-President;
- (ċ) l-uffiċjal legali tal-Ministeru;
- (d) is-Suprintendent tas-Saħħa Pubblika;
- (e) persuna li tirrappreżenta l-professjonisti fil-kura tas-saħħa;
- (f) speċjalista fis-Saħħa Pubblika;
- (g) persuna li tirrappreżenta lil dawk li jipprovdu servizzi tas-saħħa privati;
- (h) persuna nominata mill-assoċjazzjonijiet li jirrappreżentaw il-pazjenti;

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(i) espert trejdjunjonistiku fil-qasam tas-saħħa;

(j) membru tal-istaff akkademiku fix-Xjenzi Mediċi tal-Università ta' Malta; u

(k) uffiċjal mahtur mill-Ministru biex jaġixxi ta' segretarju.

(2) Il-membri msemmin fil-paragrafu (1)(e), (f), (g), (h), (i) u (j) ikunu nominati mill-Ministru għal dak iż-żmien li l-Ministru, minn żmien għal żmien, jiddeċidi.

SKEDA Ċ

[Artikolu 22(3)]

(1) Il-Kumitat Konsultattiv dwar il-Benefiċċji tas-Saħħa għandu jkun kompost kif ġej:

(a) is-Segretarju Permanent fil-Ministeru, bħala President;

(b) l-Uffiċjal Mediku Ewlieni tal-Gvern bħala Viċi-President;

(ċ) il-*Lead Chairperson* tal-Kumitat taċ-*Chairpersons*;

(d) infermier;

(e) spiżjar;

(f) professjonist mill-*allied healthcare*;

(g) persuna li għandha l-*warrant* biex tipprattika ta' avukat f'Malta bħala rappreżentant tal-Ministeru;

(h) rappreżentant tal-Ministru responsabbli għall-Finanzi;

(i) rappreżentant tad-Dipartiment responsabbli mill-Protezzjoni tal-Konsumatur; u

(j) uffiċjal mahtur mill-Ministru biex jaġixxi ta' segretarju.

(2) Il-membri msemmin fil-paragrafu (1)(d), (e), (f), (g), (h), (i) u (j) ikunu nominati mill-Ministru għal dak iż-żmien li l-Ministru, minn żmien għal żmien, jiddeċidi.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 66 tat-23 ta' Ottubru, 2013.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

25th October, 2013

ACT No. XI of 2013

AN ACT to regulate the entitlement to, and the quality of, healthcare services in Malta, to consolidate and reform the Government structures and entities responsible for Health and to provide for the rights of patients.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

ARRANGEMENT OF ACT

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PART I

General Provisions

- 1.** (1) The short title of this Act is the Health Act, 2013. Short title and commencement.
- (2) The provisions of this Act shall come into force on such date as the Minister may establish by notice in the Gazette, and different dates may be established for different provisions of this Act.
- 2.** In this Act, unless the context otherwise requires - Interpretation.
- "Advisory Committee" means the Advisory Committee on Healthcare Benefits established by article 22;
- "Council" means the Council of Health established under article 16;
- "insured person" means a person included in the list established by regulations made under this Act;
- "medical records" means all the documents containing data, assessments and information of any kind on a patient's situation and clinical development throughout the care process;
- "Member State" means a State party to the Treaty as defined by the European Union Act; Cap. 460
- "Minister" means the Minister responsible for Health, and "Ministry" shall be construed accordingly;
- "patient" means a person who is receiving, or has received, medical attention, care, or treatment, whether in a healthcare setting or otherwise;
- "relatives" means relatives as defined under article 30 of the Social Security Act, but also every person who maintains a close personal relationship with the patient. Cap. 318.
- 3.** This Act intends to establish and ensure a health system Scope. based on the principles of equity, accessibility, quality and sustainability by regulating the entitlement to, and the quality of, healthcare services in Malta, consolidating and reforming the Government structures and entities responsible for health and by providing for the rights of patients.

PART II

Department for Policy in Health

Department for
Policy in
Health.

4. (1) There shall be established a Department for Policy in Health whose mission shall be, in general, to act as the chief adviser to the Minister on all matters related to the Government's health policies and particularly to advise the Minister on the development of policy and co-ordination of strategic plans, on the design and implementation of action plans, and on the evaluation of outcomes in order to contribute to the sustainability of public health and health care services.

(2) The Head of this Department shall be the Chief Medical Officer to Government.

Functions and
duties of the
Department.

5. The Department for Policy in Health shall in general exercise those functions and fulfil all the duties and responsibilities emanating from law, and in particular, those functions and duties which the Minister may, from time to time, establish by regulations.

PART III

Department for Healthcare Services

Department for
Health Services.

6. (1) There shall be established a Department for Healthcare Services whose mission shall be to ensure the effective and efficient operation and delivery of healthcare services with an emphasis on clinical and corporate governance, service delivery and quality review within an established framework of controlled decentralization and autonomy involving user participation.

(2) The Head of this Department shall be a Director General.

Functions of the
Department.

7. The Department for Healthcare Services shall in general exercise those functions and fulfil all the duties and responsibilities emanating from law, and in particular, those functions and duties which the Minister may, from time to time, establish by regulations.

PART IV

Department for Health Regulation

Department for
Health
Regulation.

8. (1) There shall be established a Department for Health Regulation whose mission shall be to safeguard public health, licence, monitor and inspect the provision of healthcare services in order to ensure their quality and safety, and to recommend the standards to be met by healthcare providers and advice the Minister on matters relating to public health.

(2) The Head of this Department shall be the Superintendent of Public Health.

9. The Department for Health Regulation shall in general exercise those functions and fulfil all the duties and responsibilities emanating from law, and in particular, those functions and duties which the Minister may, from time to time, establish by regulations.

Functions of the Department.

PART V

Provisions Common for all Departments

10. The Heads and Director General shall be appointed by the Prime Minister for a period of three years which may be renewed for a further period or periods, after a call for applications under article 92 of the Constitution of Malta, and under such terms, conditions, functions and responsibilities as may be stated in the respective letter of appointment.

Appointment of Heads and Director General.

11. The legal and juridical representation of the Departments shall be vested in the respective Heads and Director General, or in any other person appointed and acting on their behalf.

Juridical representation.

12. Without prejudice to the provisions of this Act, the executive management, the administration and the administrative control of the officers and employees of the Departments shall be the responsibility of the Heads and Director General.

Heads and Director General to be responsible for officers, etc.

13. (1) Every Department may request, collect and verify any information, data and statistics, as may be required for the performance of its functions.

Exchange of information between the Departments.

(2) A Department shall have access to all information which another Department or other entity, established by or under this Act.

(3) A Department may request all information from patients, relatives, personnel, and professionals, and from public and private healthcare providers, and such data shall be given to it in cases of emergency, for reasons of public health and to safeguard the vital interest of the patient or a third person. In all other cases the informed consent of the patient shall be required.

(4) Every Department shall have access to other statistics and data of an economic and social nature as required in order that it may perform its functions according to this Act.

(5) The preceding sub-articles of this article shall be without prejudice to any data protection legislation in force in Malta.

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Respect for the diversity of health institutions.

14. Without prejudice, and subject to, their functions, the Departments shall respect the diversity of healthcare entities, services and programmes, and dialogue and collaborate with other entities, institutions and agencies, both public and private, local and foreign, about policies, initiatives and projects in order to ensure that the whole system operates effectively within the country.

Health Policy and Strategy Board.

15. (1) There shall be established a Board to be known as the Health Policy and Strategy Board, presided by the Minister, to discuss and evaluate the policy, strategy developments and direction in the health sector and to monitor and follow the implementation of the health policy and strategy adopted by the Government.

(2) The Board shall be composed as provided for in Schedule A, and the Minister may by regulations amend the said Schedule, and provide for any other matter or procedure he may deem necessary for the better implementation of the functions of the Board.

PART VI

Council of Health

Establishment and composition of Council of Health.

16. (1) There shall be established a Council of Health.

(2) The Council shall be composed as provided for in Schedule B, and the Minister may by regulations amend the said Schedule, and provide for any other matter or procedure he may deem necessary for the better implementation of the functions of the Council.

Duties of the Council of Health.

17. (1) It shall be the duty of the Council to, whenever so requested, advise Government on any matter affecting all matters related to health in Malta.

(2) Without prejudice to the generality of the above, it shall be the duty of the Council, in particular, to advise on any matter with regards to which the law provides that the advice of the Council shall be sought.

Powers of the Council.

18. (1) The Council shall have the power to appoint sub-committees and to co-opt thereon members who are not members of the said Council when discussing specific items on its agenda.

(2) The Council shall also have the power to recommend any such measures, enquiries or scientific investigations as, in its opinion, are useful in the interests of the public health.

Meetings of the Council and quorum.

19. It shall not be lawful for the Council to transact any business unless there are at least five of its members present:

Provided that, if the Council is convened to consider any matter upon which its advice is urgently required by the Minister, the Council may decide by a majority of the members present.

20. Without prejudice to the powers of the Minister under article 31 to make regulations to give effect to any of the provisions of this Act, the Minister may make, vary or revoke regulations for the proper conduct of the business of the Council.

Power of the Minister to make regulations.

PART VII

Healthcare Benefits and Entitlement

21. The Minister shall establish the healthcare benefits that are to be provided directly or indirectly by the public healthcare system, after considering the advice of the Advisory Committee on Healthcare Benefits established in article 23.

Healthcare benefits.

22. (1) There shall be established an Advisory Committee on Healthcare Benefits.

Advisory Committee on Healthcare Benefits.

(2) The Advisory Committee on Healthcare Benefits may set up sub-committees to deal with different and specific categories of benefits as it may deem necessary. Without prejudice to the generality of the foregoing, the Government Formulary List Advisory Committee established by the Availability of Medicinal Products within the Government Health Services Regulations shall be deemed to be one of the aforementioned sub-committees.

S.L. 458.31

(3) The Advisory Committee shall be composed as provided for in Schedule C, and the Minister may by regulations amend the said Schedule, and provide for any other matter or procedure he may deem necessary for the better implementation of the functions of the Advisory Committee.

(4) The Advisory Committee shall meet as often as necessary and shall regulate its own procedures:

Provided that in the case of urgent vitally necessary treatment, the Chief Medical Officer may authorise the provision of such healthcare benefits and duly report to the Minister and the Advisory Committee at the first available opportunity.

(5) The Advisory Committee shall retain the right to advise the Minister to restrict any form of entitlement on the basis of protocols.

23. (1) It shall be the duty of the Committee to recommend

Powers of the Committee.

the healthcare benefits to be provided directly or indirectly by the public healthcare system and to maintain a publicly accessible list of such benefits regularly updated.

(2) In formulating the list, the Committee shall primarily base its consideration on the impact of such benefits on the patient and subsequently shall be guided by the following:

- (a) international evidence;
- (b) health technology assessments;
- (c) consultation with relevant stakeholders;
- (d) capacity within the public health system;
- (e) social and epidemiological considerations;
- (f) affordability and sustainability.

Entitlement to free healthcare benefits.

24. (1) Without prejudice to any other provision of any other law, only an insured person may qualify for free healthcare benefits provided by, or on behalf of, the public healthcare system.

(2) The Minister shall, from time to time, determine through regulations made under this Act who shall be deemed to be an insured person for the purposes of this article.

Public healthcare fees.

25. (1) There shall be established a Register, to be kept by the Permanent Secretary of the Ministry for Health, which shall include all the benefits, services, interventions and treatments provided by the public healthcare system, and the cost and, or fees corresponding to each such benefit, service, intervention and treatment. This register shall be updated on an annual basis, or before, as the Minister may from time to time determine.

(2) All the information referred to in sub-article (1) shall be made publicly available.

(3) Without prejudice to any other law or regulations, the established fees and, or costs, shall be construed as the maximum reimbursement possible should a person opt for any form of cross-border healthcare under any form of agreement which Malta may be a party to, irrespective of the actual fees and, or cost incurred in pursuance of such cross-border healthcare.

(4) Any person, not being an insured person as defined under this Act, shall be subjected to pay the full fees and, or costs for

benefits, services, interventions or treatments as they result from the register established in sub-article (1).

(5) Without prejudice to sub-article (4) or to any other law or regulation, the Minister may approve for the partial, or full, waiver of fees and, or costs due by any person, not being an insured person, in exceptional circumstances and, or on humanitarian grounds.

26. Without prejudice to any other law or regulations relating to consumer protection in force at any time, all private healthcare providers shall be obliged to apply the same scale of fees for the services offered by them to patients, independently of the Member State of which these patients are nationals, in so far as these are in comparable medical situations.

Healthcare fees
levied by
private
healthcare.

PART VIII

Patients' Rights and Safety

27. It shall be the right of every patient:

Patients rights.

(a) to receive healthcare in accordance with the provisions of this Act;

(b) to receive information concerning the state of his health and the health services and treatments available;

(c) to be provided in advance with clear information on the treatment options available and to be involved in discussions and decisions about the treatment to be given;

(d) to access his medical records in accordance with the Data Protection Act, provided this is not to the detriment of his overall wellbeing;

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(e) to have his medical data processed in conformity with the Data Protection Act;

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(f) to refuse treatment that is offered to him, provided such refusal is endorsed by his signature;

(g) to be seen and treated without excessive or undue delay;

(h) to file a complaint about services received and be informed of the outcome of the investigation of his complaint in a timely manner;

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Cap. 490. (i) to appeal in respect of any decision taken under this Act to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.

Patients' responsibilities. **28.** Without prejudice to anything provided in this Act and, or any other law, whilst health care providers are expected to provide services based on the respect for human dignity, users are expected to make use of the services available in a responsible manner and to show respect to professionals, employees and also for the property.

Charter of Patients' Rights and Responsibilities. **29.** (1) The Minister shall, within two years of the coming into force of this Part, publish a document to be known as the Charter of Patient Rights and Responsibilities.

(2) The Charter shall set out a summary of the rights and responsibilities of patients and other relevant persons as existing at the time of publication.

(3) The Charter shall be updated on a regular basis to reflect contemporary trends and issues.

PART IX

Miscellaneous

Powers of the Minister. **30.** The Minister may, subject to the provisions of this Act, make regulations to give effect to any provisions of this Act or to regulate or otherwise provide about anything in respect of the functions and the activities which affect the provision of healthcare, and may in particular, but without prejudice to the generality of the aforesaid, make regulations for any of the following purposes:

(a) to regulate any matter connected with, or incidental to, the implementation of the functions, operation and administration of all healthcare entities;

(b) to prescribe such data, reports and statements of accounts which have to be sent to the Minister and to the Directors General by the Principals and, or the Chief Executive Officers, and such other officers and persons relating to healthcare as the Minister may deem necessary to request, and in such manner, form, time and on such subjects as he may specify in the regulations;

(c) to establish any fee and, or payment which may be due by, or under this Act, or for any service given in compliance with the provisions of this Act;

(d) to provide about any form or procedure which may be required or expedient, and about which there would be no specific procedure in this Act;

(e) to establish rules by means of which the Government may ratify and give effect to international conventions relating to health and which have already been ratified by the Government of Malta; or in order to achieve compliance with any international obligation pertaining to the Government of Malta or with European Union Directives on any matter or area concerning health;

(f) to establish the functions and duties of the directorates and departments established by, or through this Act;

(g) in order to ensure the provision of health services in a full and continuous process throughout life, to establish those healthcare entities in such manner as it may from time to time appear to be necessary in the Maltese Islands and, unless otherwise provided in this Act or in any other law, to establish also statutes and rules to regulate the mission, scope, functions, powers and duties, financial accountability or otherwise, and any other procedure which has to be followed, performed or observed by any entity so established by or under this Act;

(h) to establish, unless otherwise provided in this Act or in any other law, statutes and rules to regulate the mission, scope, functions, powers and duties, financial accountability or otherwise, and any other procedure which has to be followed, performed or observed by any Council, Committee or Board established by or under this Act;

(i) to afford, subject also to the provisions of any other law, to a person aggrieved by the decision of any entity, body or organisation established by or under this Act, means and procedures either to lodge his complaints and aggravation about a decision or to contest or appeal from such a decision to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder, and to be satisfied if that aggravation is upheld; Cap. 490.

(j) to establish anything which is due to be, or may be established under this Act, and to provide on any other matter as may be deemed to be appropriate;

(k) to establish the fines for any contravention or breach

of any provision of any regulation made under this Act, or for non-compliance with any provision or any requirement imposed under such provision:

Provided that any regulations made under this paragraph may provide differently for different aims or circumstances, for different classes or types of entities, and for different classes of patients;

(l) to establish the framework of the national health policy for public and private healthcare providers, and it shall be the duty of all such providers to implement this policy according to the potential and the various needs of patients attending thereat;

(m) to establish, in the paramount interest of health in Malta, any possible exceptions to any provision contained in any law;

(n) to regulate any matter related to indemnity insurance in the healthcare sector;

(o) to regulate any matter connected with patients rights and safety;

(p) to regulate any matter related to the licensing connected with the provision of healthcare services.

Repeal and
saving.
Cap. 94.

31. (1) With effect from the coming into force of this Act, the provisions of the Department of Health (Constitution) Ordinance shall be repealed. For the avoidance of doubt, parts of that Ordinance may be repealed at different dates on the coming into force of a corresponding Part or Article of this Act.

(2) Any regulations or orders made under the provisions of the said Ordinance and still in force on the commencement of this Act, or the relevant Part or article, shall, until provision is made by or in virtue of this act, continue to remain in force and have effect as if made under this Act.

(3) Any licence, permission or other authorisation granted under any provision of the aforesaid Ordinance shall continue to have effect as if it were a licence, permission or other authorisation granted under the authority of this Act.

SCHEDULE A

[Article 15(2)]

The Health Policy and Strategy Board shall be composed as follows:

- (a) the Minister, as Chairman;
- (b) the Permanent Secretary in the Ministry, as Deputy Chairman;
- (c) the three Directors General established under this Act, *ex officio*;
- (d) the financial controller of the Ministry, and in his absence, the highest ranking officer responsible for the financial administration of the Ministry;
- (e) a Minister's consultant;
- (f) any other officer who the Minister may deem, from time to time, fit to appoint on this Board; and
- (g) an officer appointed by the Minister to act as secretary.

SCHEDULE B

[Article 16(2)]

(1) The Council of Health shall be composed as follows:

- (a) the Minister, as Chairman;
- (b) the Permanent Secretary in the Ministry, as Deputy Chairman;
- (c) the legal officer of the Ministry;
- (d) the Superintendent of Public Health;
- (e) a person representing the healthcare professionals;
- (f) a specialist in public health medicine;
- (g) a person representing private healthcare providers;
- (h) a person nominated by associations representing the patients;
- (i) trade-unionism expert in health matters;

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(j) a member of the academic staff on Health Sciences of the University of Malta; and

(k) an officer appointed by the Minister to act as secretary.

(2) The members referred to in paragraph (1)(e), (f), (g), (h), (i) and (j) shall be appointed by the Minister for such term as the Minister shall, from time to time, decide.

SCHEDULE C

[Article 22(3)]

(1) The Advisory Committee on Healthcare Benefits shall be composed as follows:

(a) the Permanent Secretary in the Ministry, as Chairman;

(b) the Chief Medical Officer to Government, as Deputy Chairman;

(c) the Lead Chairperson of the Chairpersons Committee;

(d) a nurse;

(e) a pharmacist;

(f) an allied healthcare professional;

(g) a person who has the warrant to practice as advocate in Malta representing the Ministry;

(h) a representative of the Minister responsible for Finance;

(i) a representative of the Consumer Protection Department; and

(j) an officer appointed by the Minister to act as secretary.

(2) The members referred to in paragraph (1)(d),(e), (f), (g), (h), (i) and (j) shall be appointed by the Minister for such term as the Minister shall, from time to time, decide.

Passed by the House of Representatives at Sitting No. 66 of the 23rd October, 2013.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives