Boards/Councils Consideration by PIC Inquiry by Council Appeal channel

Midwives Council

PIC Chairman to clarify the complaint or information received

To examine the complaint or information received as well as the representations of the midwife being complained and decide if there is a prima facie case for a disciplinary inquiry.

To consider the evidence of the complaint as presented by the Secretary and the representations from the respondent midwife or her legal representative. Court of Appeal

#### Chairman of PIC

Council members

Appointed among the

#### Composition of PIC

### (a) 2 registered midwives

(b) 2 who are not midwives

(Out of the 4 PIC members, 2 must be Council members and 1 of the Council members would be appointed by the Council as the PIC Chairman)

#### Composition of the Council

- (a) the Director
- (b) the Supervisor of Midwives, DH

The following persons appointed by the Chief Executive:

- (c) a registered midwife in the public service nominated by DH
- (d) a registered medical practitioner nominated by HKU
- (e) a registered medical practitioner nominated by CUHK
- (f) a registered midwife nominated by HA
- (g) a registered midwife nominated by each

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Boards/Councils Consideration by PIC Inquiry by Council Appeal

hospital declared to be a training school for midwifes

- (h) 3 registered midwives nominated by the Hong Kong Midwives Association
- (i) 2 lay members(The quorum is 7 members)

#### Meeting

#### Meeting

In camera. The defendant usually in public; may appear before the PIC if she prefers exceptional circum

Usually in public; In camera in very exceptional circumstances The legal adviser shall be present at every inquiry.

#### ► Initial screening \_ Consideration by PIC Inquiry by Council Boards/Councils ► Appeal by PIC Chairman channel

#### Nursing Council

To consider if the complaint or information received is frivolous or not proceed further

To examine the complaint or information received as well as the representations of the registered / enrolled decide if there is a prima facie case for a disciplinary inquiry

To consider the evidence of Court of the complaint as presented by the Secretary and the representations from the groundless and should nurse being complained and defendant nurse or his legal representative

Appeal

#### Chairman of PIC

#### Elected among the Council Members May or may not be a registered/enrolled nurse.

#### Composition of PIC

- (a) Chairman: and
- (b) 2 registered nurses nominated by the Hong Kong Nurses Association for handling complaints against registered nurses: or
  - 1 registered nurse and 1 enrolled nurse nominated by the Hong Kong Nurses Association for handling complaints against enrolled nurses.

#### Composition of the Council

- (a) The head of the nursing service in the Department of Health;
- (b) The following members appointed by the Chief Executive:
  - 1registered nurse in the public service nominated by the Director of Health:
  - 6 registered nurses;
  - 1 registered nurse in the psychiatric field;
  - 2 representatives of local tertiary institutions with a nursing programme;
  - 1representative of the Hospital Authority;

- 3 lay persons; and (c) 6 elected members who are registered / enrolled nurses.

(The quorum is 5 members)

#### Meeting

In camera. The complainee may appear before the PIC if he prefers.

#### Meeting

Usually in public. In camera only in very exceptional circumstances. The legal adviser shall be present at every inquiry.

#### Boards/Councils \_\_\_\_\_Initial screening \_\_\_\_\_ by PIC Chairman

#### Consideration by PIC

### ► Inquiry by Board ———Appeal

channel

Medical Laboratory Technologists Board Occupational Therapists Board Radiographers Board

To consider whether statutory declaration is required To screen if complaint is frivolous or groundless

To consider if there is a prima facie case for a disciplinary inquiry, after taking into account any representation from the respondent

To consider case as presented Court of by the Secretary and the Appeal respondent or his legal representative

Optometrists Board Physiotherapists Board

whether statutory

To consider declaration is required

#### PIC Chairman

A member of the Board nominated by the Board and appointed by the Chairman of the Board

#### Composition of PIC

- A Chairman
- 2 members, not being Board members and nominated by professional associations and are appointed by the Chairman of the Board

#### Composition of the Board

- A Chairman from members of the SMP Council, other than a member appointed under section 3(1)(d)(iv) of the SMP Ordinance (i.e. member of the profession)
- 2 registered medical practitioners, one nominated by the HKMA
- 1 person specially qualified to advise the Board on professional education
- 5 to 8 persons from members of the profession

(6 members shall form a quorum)

#### Meeting

In camera

#### Meeting

Usually in public, in camera only in very exceptional circumstances

Boards/Councils

Initial screening

Consideration by PIC

Inquiry by

Inquiry Committee

Channel

Chiropractors Council

Preliminary Investigation Inquiry Committee Committee (PIC)

Court of Appeal

- To consider whether statutory declaration is required
- To screen if
  complaint is
  frivolous or
  groundless and
  should not proceed
  further or if there is
  a prima facie case,
  make a
  recommendation to
  the Council to refer
  the complaint to an
  Inquiry Committee

#### Composition of PIC

- 2 members of the
Council, 1 shall be
Council member
appointed under
section 3(2)(b) of the
Chiropractors
Registration
Ordinance (CRO), i.e.
non-chiropractor

## Composition of the Inquiry Committee

To consider case as

respondent or his legal

presented by the Secretary and the

representative

- Council Chairman be a member and as the Chairman of the Inquiry Committee
- Not less than 3 Council members including a member appointed under section 3(2)(b) of the CRO, i.e. non-chiropractor

(Composition of Council: a public officer, 5 chiropractors and 4 non-chiropractors)

#### Meeting

- In camera

#### $\underline{Meeting}$

In public or in camera

#### Boards/ Councils

## ► Consideration by the Pharmacy and Poisons Board

# ► <u>Inquiry by</u> <u>Disciplinary Committee</u>

### ► Appeal channel

Pharmacy and Poisons Board To examine the complaint or information To consider the evidence of the received and decide if:

complaint as presented by the

- (a) a Disciplinary Committee should be appointed to inquire into the conduct of the complained; or
- (b) a verbal caution should be given to the complained; or
- (c) the complaint case should be dismissed

To consider the evidence of the complaint as presented by the Secretary and the representations from the defendant or his legal representative

Court of First Instance

#### Composition of the Board

- (a) the Director of Health (Chairman);
- (b) the Government Chemist;
- (c) the Chief Pharmacist of the Department of Health

The following persons appointed by the Chief Executive:

- (d) one medical officer in the Department of Health;
- (e) one legally qualified person appointed by the Chief Executive to act as the legal adviser to the Board:
- (f) one person qualified in pharmacology who is on the full time teaching staff of the University of Hong Kong;
- (g) one persons qualified in pharmacology who is on the full time teaching staff of the Chinese University of Hong Kong;

#### Composition of the Committee

- (a) the medical officer in the Department of Health appointed by the Chief Executive to the Board (Chairman)
- (b) two registered pharmacists (not being public officers) nominated by the Pharmaceutical Society of Hong Kong and appointed by the Board
- (c) one legal adviser appointed by the Chief Executive

Boards/
Councils

Consideration by the Pharmacy and Poisons Board

Inquiry by Disciplinary Committee channel

- (h) three registered pharmacists (not being public officers) nominated by the Pharmaceutical Society of Hong Kong; and
- (i) one registered medical practitioner (not being a public officer) nominated by the Hong Kong Medical Association.

(The quorum is five)

#### Meeting

case.

Close-door meeting; the medical officer in the Department of Health, who shall be the Chairman of the Disciplinary Committee if so appointed by the Board, will leave the meeting

when the Board discusses the relevant

#### Meeting

Usually in public.

#### INTRODUCTION

Established under the Chinese Medicine Ordinance (CAp.549), the Chinese Medicine Practitioners Board (PB) of the Chinese Medicine Council is responsible for conducting inquiry proceedings in respect of the conduct and discipline of registered Chinese medicine practitioners (CMP) in accordance with Cap.549 and CMPs (Discipline) Regulation. The Disciplinary Committee of CMPs (DC) under PB assists the board in exercising this function.

#### Procedures for handling complaints against registered CMPs

DC receives a complaint or information alleging or showing that a registered CMP -

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment;
- (b) has been found guilty in Hong Kong or elsewhere of misconduct in any professional respect;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of his registration qualified to be registered;
- (e) has breached a condition or conditions imposed by PB on his practice of Chinese medicine;
- (f) has failed to disclose a conviction in Hong Kong or elsewhere of an offence punishable with imprisonment or a record of misconduct in any professional respect to the Registrar of CMPs.

DC conducts preliminary investigation into the complaint or information received

DC refers to PB cases for which an inquiry is recommended to be held

PB conducts inquiry

- at least 5 members of PB, including 1 lay person are to attend inquiry;
- CMP concerned may examine witnesses, give evidence and call witnesses on his behalf. He may be represented by legal representative.

PB makes decision and where appropriate, may make a disciplinary order against the CMP concerned which may include -

- (a) order that the name of the registered CMP concerned be removed from the Register of CMPs;
- (b) order that the name of the registered CMP concerned be removed from the Register of CMPs for such period as PB may think fit and that the name be subsequently restored to the Register upon the expiry of such period;
- (c) make any such order as in para.(a) and (b) but suspend its application, subject to such conditions as PB thinks fit, for a period, or periods in aggregate, not exceeding 3 years;
- (d) order that the registered CMP concerned be reprimanded;
- (e) make any such order as in para.(a) and (b) and further order that such order takes effect upon its publication in the Gazette if PB is satisfied that it is necessary for the protection of the public to do so; or
- (f) order that a warning letter be served on the registered CMP concerned.

If the CMP concerned is aggrieved by PB's decision, he may appeal to the Court of Appeal within 1 month from the date of service of PB's order.

#### Note:

The Disciplinary Committee of Chinese Medicine Practitioners (DC) shall consist of the following members, each of whom shall be nominated by the Practitioners Board and appointed by the Chinese Medicine Council of Hong Kong -

- (a) a Chairman who shall be a member of the Practitioners Board;
- (b) a Deputy Chairman who shall be a member of the Practitioners Board;
- (c) 4 Chinese medicine practitioners; and
- (d) 2 persons who shall be lay members of the Practitioners Board.