

LAWS OF MALAYSIA

ACT 180

MEDICAL ASSISTANTS (REGISTRATION) ACT 1977

Incorporating latest amendment - P.U.(A) 342/2002

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ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

Section 1. Short title, commencement and application.

(1) This Act may be cited as the **Medical Assistants (Registration) Act 1977** and shall come into force on such date or dates as the Minister may appoint by notification in the *Gazette* and the Minister may appoint different dates for different parts of Malaysia.

(2) This Act shall apply throughout Malaysia.

Section 2. Interpretation.

In this Act unless the context otherwise requires—

"appeal" means an appeal made under section 7;

"Board" means the Medical Assistants (Registration) Board established under section 3;

"chief medical assistant" means the person appointed to be the chief medical assistant in the Ministry of Health and includes a person acting temporarily in such capacity;

"Director General" means the Director General of Health Malaysia and includes a person acting temporarily in such capacity;

"employer" includes the Government;

"Government health centre" includes a Government clinic and a Government dispensary for the care, treatment or rehabilitation of patients;

"medical assistant" means any person who is registered under this Act;

"member" means a member of the Board;

"prescribed" means prescribed by regulations made under this Act;

"private clinic" means any premises owned or maintained by a registered medical practitioner for the care, treatment or rehabilitation of private out-patients and includes a private dispensary;

"private hospital" has the meaning assigned thereto in the private hospitals Act 97 [Act 43];

"register" means the register of medical assistants kept and maintained under section 6;

"Registrar" means the Director General while exercising the functions of the registrar of medical assistants under this Act;

"regulations" means regulations made under this Act;

"training centre" means a centre or an institution approved by the Board for the training of persons intending to be registered as medical assistants.

PART II - MEDICAL ASSISTANTS (REGISTRATION) BOARD

Section 3. Establishment and constitution of Medical Assistants (Registration) Board.

(1) There is established a board called the Medical Assistants (Registration) Board which shall be responsible for the registration of persons entitled to be registered as medical assistants and for matters connected therewith.

(2) The Board shall consist of a chairman, a secretary and such other members as the Minister may determine.

(3) The Director General shall be the chairman and the chief medical assistant shall be the secretary.

(4) The members of the Board, other than the chairman and the secretary, shall be appointed for specified terms by the Minister and such members shall be eligible for reappointment.

(5) Notwithstanding subsection (4), the Minister may at any time and without assigning any reason therefor revoke the appointment of a member other than the chairman or the secretary.

Section 4. Meetings of the Board.

(1) The chairman shall preside at all meetings of the Board at which he is present.

(2) In the absence of the chairman from any meeting, the members present shall elect one of their number to be chairman.

(3) The chairman at any meeting shall have an original vote and also, if upon any matter the votes are equally divided, a casting vote.

(4) The Board shall meet at such places and such times as the chairman may appoint and at any

meeting four members shall form a quorum.

Section 5. Acts of the Board to be valid notwithstanding defect in appointment or vacancy.

All acts done by the Board shall, notwithstanding any vacancy Board or that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member thereof, be as valid as if no such vacancy or defect had existed.

PART III - REGISTER OF MEDICAL ASSISTANTS, ENTITLEMENT TO REGISTRATION AND REGISTRATION

Section 6. Register of medical assistants.

(1) For the purposes of this Act there shall be kept a register of medical assistants in such form and containing such particulars as may be prescribed.

(2) The Director General shall be the registrar of medical assistants and he shall be responsible for the maintenance and custody of the register and shall perform such duties in connection therewith as may be prescribed.

Section 7. Only registered persons to be employed as medical assistants.

(1) Subject to subsection (2) and section 8, no person shall be employed as a medical assistant or to perform the duties of a medical assistant (irrespective of the title attached to his office)—

(a) in a Government hospital, Government health centre or other Government institution for the care, treatment or rehabilitation of patients;

(b) in a private hospital, private clinic or other private institution for the care, treatment or rehabilitation of patients; or

(c) by a registered medical practitioner, unless such person is registered under this Act.

(2) Subsection (1) shall not apply—

(a) to persons undergoing training for the purposes of this Act in any of the institutions specified in paragraph (a) of that subsection as may be approved by the Board or in a training centre; and

(b) to persons registered under the Estate Hospital Assistants (Registration) Act 1965 [Act 435] in so far as such persons] are to be employed or are employed in estate hospitals within the meaning of that Act.

(3) A person registered under the Estate Hospital Assistants (Registration) Act 1965 shall not be registered under this Act unless he becomes entitled to be registered under this Act and also ceases to be registered under that Act.

Section 8. Saving provision in respect of persons already employed as medical assistants.

(1) Where a person is in employment contrary to section 7 on the commencement of this Act, such person may continue in his employment for a period not exceeding six years from such commencement after which he shall cease to be so employed unless—

(a) he is sooner registered under this Act; or

(b) he is, by an order of the Minister published in the *Gazette*, exempted from registration under this Act.

(2) Nothing in subsection (1) shall be construed to derogate from the right of an employer to terminate the services of an employee in accordance with the terms and conditions of his employment.

Section 9. Persons entitled to be registered.

(1) Any person who—

(a) passes the prescribed examinations and successfully completes a prescribed course of training in any of the institutions specified in paragraph 7(1) 1(a) (as may be approved by the Board for that purpose or in a training centre; or

(b) satisfies the Board that he has at the commencement of this Act passed any examination sufficient in the opinion of the Board to qualify him to be registered under this Act,

shall, on application made in the prescribed form and on duly complying with all prescribed requirements and furnishing such particulars as may be called for by the Board, be entitled to be registered under this Act.

(2) Notwithstanding subsection (1), the Board may refuse to register any such person if it so deems fit.

(3) Any person aggrieved by a decision of the Board made under subsection (2) may appeal therefrom to the Minister and the appeal shall be made and disposed of as provided in section 17.

Section 10. Entry of name in register and issue of certificate of registration.

(1) The Board shall cause to be entered in the register the name of every person who is entitled to be registered under this Act and whom the Board has not refused to register.

(2) On his name being entered in the register, the Board shall issue to every such person a certificate of registration in the prescribed form on payment of the prescribed fee.

(3) A certificate of registration issued under subsection (2) may contain any conditions and restrictions the Board may deem fit to impose and such conditions and restrictions may be varied by the Board from time to time.

(4) Where a person is registered subject to any conditions and restrictions imposed pursuant to subsection (3), such conditions and restrictions shall be endorsed in his certificate of registration and the certificate so endorsed shall have effect subject to the conditions and restrictions specified therein.

Section 11. Expiry of certificate of registration and renewal thereof.

(1) Subject to subsection 18(1), a certificate of registration shall expire on the 31st day of December of the year in which it is issued but the Board may renew such certificate annually in the prescribed form on payment of the prescribed fee.

(2) An application for renewal of such certificate shall be made not later than the 30th day of September in each year and the Board shall decide thereon and renew or refuse to renew such certificate and shall in either case communicate its decision to the person concerned not later than the 30th day of November in the same year.

(3) In considering an application for the renewal of such certificate, the Board may exercise the same powers in respect thereof as it may exercise in considering an application for registration under this Act.

Section 12. Entries in register and certificates to be under hand of registrar.

Without prejudice to anything that may be done by the registrar in the exercise of his powers under this Act or regulations, all entries in, removals and restorations to the register and all certificates of registration and renewals thereof shall be under the hand of the registrar.

PART IV - PUBLICATION, REMOVAL AND RESTORATION

Section 13. Publication of register and presumptions.

(1) The registrar shall publish annually in the *Gazette*, as soon as practicable after the first day of January and not later than the thirty-first day of March each year, a list containing the names, addresses, qualifications, and dates of qualifications of all persons registered under this Act.

(2) The list published under subsection (1) may contain such further particulars as may be prescribed and the registrar may, if he so deems necessary, publish in the *Gazette* any entry that may from time to time be made in the register under subsection 10(1).

(3) The register shall be a public document within the meaning of the Evidence Act 1950 [Act 56] and the publication of such list shall be *prima facie* evidence that the persons named therein are registered under this Act.

(4) The absence of the name of any person from such list shall be *prima facie* that such person is not registered under this Act.

(5) A certificate under the hand of the registrar that the name of a person has been entered in, removed from or restored to the register shall be conclusive evidence that the person is or is not registered under this Act, as the case may be.

Section 14. Removal of names from register.

(1) The Board may remove from the register the name of any person who—
(a) is proved to the satisfaction of the Board to be deceased;

- (b) has not supplied the Board an address in Malaysia at which he is to be found;
- (c) has failed to renew his certificate of registration;
- (d) is in the opinion of the Board guilty of improper conduct;
- (e) wilfully supplied fraudulent or incorrect particulars or information in his application for registration or under section 19, as the case may be;
- (f) was registered through error as to his qualification for registration;
- (g) is of unsound mind or by reason of some other infirmity is, in the opinion of the Board, not a fit person to remain on the register;
- (h) is an undischarged bankrupt;
- (i) has been found guilty of an offence which, in the opinion of the Board, renders him unfit to remain on the register; or
- (j) has been found guilty of an offence under this Act.

(2) For the purposes of paragraph (1) 1)(b) (b), the Board may proceed to remove from the register the name of any person who fails to respond within one month of the despatch of a registered letter to his last-known address requiring him to furnish such information as the Board may deem fit.

(3) The Board shall not remove from the register the name of a person under any of paragraphs (1) 1)(d) to (j) without giving the person an opportunity to be heard personally or by counsel but where the person fails to avail himself of such opportunity or chooses not to be heard within one month of being notified as provided in subsection (2) of an intention to remove his name from the register, the Board may proceed to so remove his name.

Section 15. Publication of removal of name from register and cancellation of certificate of registration.

(1) The Board shall on removing the name of a person from the register cancel his certificate of registration.

(2) The removal of the name and cancellation of the certificate of registration made under subsection (1) shall be published in the *Gazette* under the hand of the registrar.

Section 16. Publication of restoration of name to the register.

(1) If the Board deems fit in any case so to do it may, either of its own motion or on the application of the person concerned, and shall, on the order of the Minister, restore to the register any name which has been removed and shall in such case issue a fresh certificate of registration to the person concerned.

(2) Any restoration to the register made under subsection (1) shall be published in the *Gazette* under the hand of the registrar.

PART V - APPEALS

Section 17. Appeal to Minister against decision of Board to be final.

(1) Any person aggrieved by any decision made or condition or restriction imposed by the Board may, within one month of the decision being made or condition or restriction being imposed, appeal therefrom to the Minister.

(2) In disposing of an appeal the Minister may confirm, set aside or vary the decision made or condition or restriction imposed by the Board and his order thereon shall be final.

Section 18. Appeal to operate as stay in respect only of renewal of certificate of registration.

(1) Except as provided in subsection (2) an appeal shall not stay the operation of any decision of the Board.

(2) Where the Board refuses to renew a certificate of registration and the person concerned appeals to the Minister under section 17, the validity of such certificate shall be deemed not to expire on the 31st day of December and such person may continue to be employed as a medical assistant until the Minister makes an order under subsection 17(2).

(3) Where the Minister dismisses the appeal, the presumption under subsection (2) shall cease to apply and the person concerned shall, within such time as the Minister may allow, cease to be so employed.

(4) Where the Minister allows the appeal, the Board shall renew the certificate of registration on payment of the prescribed fee and on due compliance with this Act and regulations.

PART VI - GENERAL

Section 19. Board may require information.

(1) The Board may from time to time call for such information as it may require to be furnished by every person whose name is on the register and such person shall furnish the information within one month of being required so to do.

(2) Every person whose name is on the register shall, within three months of any change that may occur in the particulars he has furnished to the Board, notify the Board of the change.

Section 20. Sufficient to require or furnish particulars or information by registered letter.

(1) For the purposes of this Act where any particulars are or information is—

(a) required by the Board; or

(b) furnished by any person,
it shall be sufficient for the Board or the person to require or furnish the particulars or information by registered letter addressed to the Board at its official address or to the person at his last-known address, as the case may be.

(2) Notwithstanding subsection (1), the person may furnish the particulars or information by delivering the same to the Board personally or by his representative.

Section 21. Penalties for unlawful assumption of title of medical assistant, falsification of register and general contravention of the Act.

(1) Every person who—

(a) not being a person registered under this Act claims to be so registered or to be employed as a medical assistant (irrespective of the title attached to his office), uses or claims to be entitled to use any name, title, addition, description, uniform or badge implying that he is or is recognized by law as being so registered, or uses or claims to be entitled to use any title, uniform or badge prescribed for the use of medical assistants; or

(b) with intent to deceive makes use of any certificate of registration which has been issued under this Act to any other person,
is guilty of an offence and is liable on first conviction to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding six months or to both, and on a second or subsequent conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

(2) Any person who—

(a) wilfully makes or causes to be made any false entry in the register;

(b) knowingly furnishes false particulars or information to the Board; or

(c) contravenes any provision of this Act for which no penalty is provided,
is guilty of an offence and is liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

Section 22. Power of Minister to make regulations.

The Minister may make regulations to prescribe anything required by this Act to be prescribed and for the better carrying out of the provisions of this Act and, without prejudice to the generality of this section, the regulations may provide for—

(a) the procedure at meetings and other proceedings of the Board;

(b) the prescription of minimum educational qualifications and other requirements for admission to training centres;

(c) the training of persons intending to be registered as medical assistants and the approval of institutions to be training centres;

(d) the conduct of examinations and matters ancillary thereto or connected therewith;

(e) the fees to be paid for examinations, applications for registration, issue certificates of

registration and renewals thereof;

(f) the fees to be paid to examiners;

(g) the form of application for certificates of registration and renewals thereof and the requirements to be complied with;

(h) the qualifications requisite for registration as medical assistants and the grounds on which registration and renewal thereof may be refused;

(i) the form, maintenance and publication of the register the form of certificates of registration and renewals thereof;

(j) the removal of names from and the restoration of names to the register;

(k) the Board to constitute committees and authorize the delegation to committees of any of the powers of the Board and to regulate the proceedings of committees;

(l) the prescription and the nature of duties to be performed by medical assistants.

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
Act A621	Medical Assistants (Registration) (Amendment) Act 1985	31-05-1985; para 8(a) and 22(a) of first schedule West Malaysia— 14-02-1980; Sabah & Sarawak— 01-11-1980
P.U. (A) 342/2002	Revision of Laws (Rectification of Medical Assistants (Registration) Act 1977) Order 2002.	23-08-2002