



OVERSEAS TREATMENT ACT, 2018

(Act 5 of 2018)

I assent

A handwritten signature in black ink, appearing to read "Danny Faure".

Danny Faure
President

23rd July, 2018



AN ACT to provide a framework for the highly specialised overseas diagnosis and treatment programme for the citizens of Seychelles and matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1.(1) This Act may be cited as the Overseas Treatment Act, 2018 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
commencement
and application

(2) Subject to subsection (3), this Act shall apply to citizens of Seychelles who are domiciled in Seychelles.

(3) The Board may in exceptional circumstances consider applications from citizens of Seychelles who are not domiciled in Seychelles.

Interpretation

2. In this Act unless the context otherwise requires —

“Board” means the Overseas Diagnosis and Treatment Board established under section 5;

“Manager” means the Manager appointed under section 3;

“Member” means a member of the Board;

“Minister” means the Minister responsible for Health;

“Overseas diagnosis and treatment” means medical diagnosis, treatment or follow up, outside of Seychelles;

“Patients” means persons seeking or undergoing overseas diagnosis and treatment under this Act;

“prescribed” means prescribed by regulations made under this Act;

“specialist” means a medical practitioner or dentist appointed as a specialist according to the scheme of service for medical practitioners and dentists who is employed in the health service of the Government services or a medical practitioner or dentist of equivalent qualification invited by the Manager of the Overseas Diagnosis and Treatment Unit to give an opinion on a matter;

“Unit” means the Overseas Diagnosis and Treatment Unit established under section 3.

PART II - OVERSEAS DIAGNOSIS AND TREATMENT UNIT

3.(1) The Minister shall establish an Overseas Diagnosis and Treatment Unit within the Health Care Agency.

Overseas
Treatment and
Coordination
Unit

(2) The Chief Executive Officer of the Health Care Agency shall appoint a Manager who shall be the head of the Unit.

(3) The Manager shall report to the Chief Executive Officer of the Health Care Agency.

(4) The Chief Executive Officer of the Health Care Agency shall appoint a Deputy Manager and such number of other staff as may be necessary for the functions of the Unit.

4. The responsibilities and functions of the Unit are to—

Functions
of the Unit

- (a) plan, organise and provide logistical support to patients approved by the Board to get overseas diagnosis and treatment;
- (b) liaise with overseas hospitals to obtain earliest appointments or admission dates;
- (c) respond to the queries made by members of the public about the overseas diagnosis and treatment programme;
- (d) explain the policies and procedures of the overseas diagnosis and treatment programme to patients or their relatives;
- (e) process and submit the requests or references for overseas diagnosis and treatment to the Board;
- (f) make travel and accommodation arrangements;
- (g) make necessary transport arrangements;
- (h) obtain updates on patients and the progress of their treatment and recuperation;

- (i) keep records of further follow ups and visits of patients;
- (j) provide formal responses to all matters relating to approval or otherwise of applications for refund; and
- (k) keep full and up-to-date records and statistics relating to the overseas diagnosis and treatment.

PART III - OVERSEAS DIAGNOSIS AND TREATMENT BOARD

Overseas
Diagnosis and
Treatment
Board

5.(1) The Minister shall establish an Overseas Diagnosis and Treatment Board consisting of a Chairperson, Deputy Chairperson and 5 other Members.

(2) The Minister shall appoint the Chairperson, Deputy Chairperson and Members of the Board and the appointments shall be notified in the Gazette.

(3) The Chairperson, Deputy Chairperson and 4 members of the Board shall all be specialists working in the Government Hospitals in Seychelles and one Member shall be a person with medical background.

(4) The Minister may determine the remuneration payable to the Chairperson, Deputy Chairperson and Members of the Board subject to applicable Government guidelines.

(5) The Chairperson, Deputy Chairperson and members of the Board shall hold office for a term of 5 years and shall be eligible for reappointment.

(6) The Board may co-opt such expert as it deems necessary for the purpose of determining a request for overseas diagnosis and treatment.

Functions
of the Board

6. The functions of the Overseas Diagnosis and Treatment Board are to—

- (a) propose policies and criteria, including the nature and type of conditions for which diagnosis and treatment overseas may be considered keeping in view the medical conditions, financial constraints and relevant regulations;
- (b) evaluate and determine the requests for overseas diagnosis and treatment;
- (c) make suggestions regarding established treatment or investigations provided overseas in centres of reference;
- (d) review the progress of the overseas treatment and recommend continuing the treatment in Seychelles in appropriate cases;
- (e) evaluate all referral forms of patients who shall be recommended for further treatment or diagnosis overseas;
- (f) determine which patients shall be sent overseas for diagnosis or treatment;
- (g) make recommendations to the Minister for introduction of new services in the health care system so as to reduce the need for overseas treatment;
- (h) make recommendations on policies or guidelines relating to the requirement, if any, of providing escort of medical or non-medical personnel to patients sent overseas for diagnosis or treatment; and
- (i) make recommendations on policies or guidelines to be followed in considering the applications for refund.

Meetings of
the Board and
quorum

7.(1) The Board shall meet not less than once a week.

(2) The Chairperson or, in his or her absence, the Deputy Chairperson shall preside over the meetings of the Board.

(3) In the absence of both the Chairperson and the Deputy Chairperson at a meeting of the Board, the members present may elect among themselves one of the members present to preside at that meeting.

(4) Three members including the Chairperson or the person presiding shall constitute the quorum for a meeting.

(5) Where the urgency of a case requires an immediate decision the documentation of that case may be circulated to all members in a manner that is confidential and practical for taking a decision.

(6) A decision of the Board shall be on a case by case basis.

(7) The Board shall provide the reasons for its decisions in writing.

(8) A person aggrieved by the decision of the Board may appeal to the Appeals Committee.

Access to
overseas
treatment and
diagnosis

8.(1) A person shall be eligible to have access to overseas treatment and diagnosis services on fulfilling the following—

- (a) the person shall be referred to a government health care facility and shall be under the care of a local specialist employed in the health service of the government although for a brief period;

- (b) the person shall have received all possible treatment, undergone all possible investigations locally and exhausted all options except when it is not medically judicious to do so;
- (c) the specialist who was taking care of the person has filled in and forwarded a referral form for consideration by the Overseas Diagnosis and Treatment Board;
- (d) the specialist referred in paragraph (c) has furnished a detailed medical summary by attaching it to the referral form;
- (e) the specialist in charge of the referring specialty has endorsed the referral form;
- (f) the referral form and medical summary have been reviewed by the Board; and
- (g) the Board has taken a decision to send the person overseas for diagnosis or treatment.

(2) For the purpose of Section 8(1)(c), specialist shall include a specialist not employed in the health service of the government.

PART IV - APPEALS COMMITTEE

9.(1) There shall be an Appeals Committee, appointed by the Minister, consisting of a Chairperson and 2 other members who shall be specialists working in the Government Hospitals in Seychelles.

Appeal
Committees

(2) The Appeals Committee may co-opt any expert as may be considered necessary in deciding an Appeal.

(3) A member of the Appeals Committee shall be unbiased and shall have appropriate health care or

management qualifications and experience to evaluate the issues under consideration in Appeal.

(4) Any member of an Appeals Committee with a conflict of interest in a particular case shall notify the Minister in writing and the Minister shall appoint a substitute for that member.

(5) The procedure for submitting an appeal and the manner of its disposal shall be such as may be prescribed.

(6) The Minister may appoint a Secretary to the Appeals Committee who shall be responsible to receive, process and submit the appeals received for the consideration of the Appeals Committee.

(7) The Appeals Committee shall provide the reasons for its decisions in writing.

(8) The Chairperson and members of the Appeals Committee shall hold office for a term of 5 years and shall be eligible for reappointment.

PART V - MISCELLANEOUS PROVISIONS

10.(1) Where a person needs to be transferred overseas urgently for diagnosis or treatment, the specialist concerned shall contact the Chairperson of the Board for the urgent approval of the Chairperson and at least one other member.

(2) Where a decision under subsection (1) has been brought to the notice of the Manager, he or she shall make immediate arrangements to transfer the person overseas for diagnosis or treatment.

(3) The Chairperson and the member involved in the decision referred to in subsection (1) shall record their reasoning for the decision within forty eight hours of their decision and forward the same to the Manager for filing.

Emergency
transfer
after office
hours

11. If the proper procedure for referral to the Board has been followed and overseas diagnosis or treatment has been approved, the patients shall not be required to pay for diagnosis or treatment or transportation to the place of diagnosis or treatment.

Payment for diagnosis or treatment

12.(1) Subject to subsections (2) to (4) a person who opts to undergo overseas diagnosis or treatment on his or her own initiative without prior approval shall not be eligible for refund of the expenses incurred for overseas diagnosis or treatment.

Refund for diagnosis or treatment

(2) A refund of expenses may be made if—

- (a) a person has fallen ill overseas necessitating urgent treatment;
- (b) a person who had travelled overseas for a second opinion and diagnosed with a disease which was not diagnosed in Seychelles but needed urgent treatment;
- (c) a person opted to undergo routine medical checkup overseas and got diagnosed with a disease that needed urgent treatment; and
- (d) the application for refund has been approved by the Board.

(3) A refund of expenses may be made if it is proved that the Board committed an error of judgement in determining not to send the person for overseas diagnosis or treatment.

(4) For the purpose of subsection (3) "error of judgement" means a wrong or erroneous decision by the Board involving misdiagnosis or incomplete diagnosis of a patient's condition of health or performing a wrong procedure or a mistaken assessment of the patient's overall medical condition

regarding the need for a specialised overseas diagnosis or treatment.

Accommodation
and transport for
diagnosis or
treatment

13. Accommodation and transport facilities to a person approved for overseas diagnosis and treatment shall be in such manner as may be prescribed.

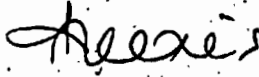
Regulations

14.(1) The Minister may make regulations for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), the regulations may provide for —

- (a) the form and manner of submitting an appeal;
- (b) the grounds of appeal;
- (c) the procedure to be followed by the Appeals Committee;
- (d) the form and manner in which claim for refund has to be submitted;
- (e) accommodation and transport facilities to patients approved for overseas diagnosis or treatment in Seychelles and the country of diagnosis or treatment;
- (f) the manner in which escort facilities are to be provided to patients approved for overseas diagnosis or treatment;
- (g) the form and manner of submitting an application for refund, its consideration and disposal; or
- (h) the exceptional circumstances applicable under Section 1(3).

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13th June, 2018.



Ms. Jutta Alexis
Clerk to the National Assembly