



## EDUCATION REGULATION

### REGULATION NUMBER (5) OF 2013

#### STATEMENT

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## Part One Preliminary and Key Provisions

### 1 Title

This Regulation is to be referred to as the DHCC Education Regulation No. (5) of 2013 (the "Education Regulation").

### 2 Issue of Regulation

This Education Regulation is issued in accordance with the Law.

### 3 Repeal of Regulation

This Education Regulation repeals and replaces the DHCC Education Regulation No. (5) of 2008.

### 4 Hierarchy

(1) If there is any conflict between the provisions of this Education Regulation and the Governing Regulation, the provisions of the Governing Regulation shall prevail.

(2) In the event of any inconsistency between an earlier version of a Regulation and an amended version of the same Regulation, the most recently amended version of the Regulation shall prevail.

### 5 Commencement

This Education Regulation comes into force on the date of its issuance by the Chairperson.

### 6 Background

The vision of DHCC is to be the internationally recognized location of choice for quality Healthcare Services and an integrated center of excellence for clinical and wellness services, medical education and research. To assist in achieving this vision, there needs to be a strong and transparent governance framework relating to the regulation of Education Programs within the DHCC. No Entity or person may conducting Education Programs within DHCC without an Education Permit issued in accordance with this Education Regulation and the applicable Rules, Standards and Policies.

### 7 Purpose

The purpose of this Education Regulation is to:

(a) govern all Entities and Approved Education Operators conducting or intending to conduct Education Programs in the DHCC; and

(b) set out the framework under which Education Programs may be carried out within DHCC.

### 8 Requirement to comply with Regulation

All Entities intending to conduct or conducting Education Programs in DHCC shall comply with all of the applicable requirements of this Regulation and the applicable Rules, Standards and Policies.

### 9 Amendment of Regulation

The Chairperson may, from time to time, approve amendments to this Education Regulation in accordance with the provisions of the Governing Regulation.

### 10 Provision of services in accordance with Regulations

(1) No person or Entity may operate as an Approved Education Operator conducting Education Programs within DHCC unless it is an Entity and has obtained and

maintains an Education Permit in accordance with this Education Regulation and the applicable Rules, Standards and Policies.

- (2) No person or Entity may provide Education Programs within DHCC except in accordance with this Education Regulation and any other applicable Regulations, Rules, Standards and Policies.
- (3) Failure to comply with subsections (1) or (2) may result in:
  - (a) a Penalty being imposed as provided by the Regulations;
  - (b) the imposing of conditions, suspension, revocation, refusal to renew, or termination of the Approved Education Operator's Education Permit within DHCC as provided by the applicable Regulations; or
  - (c) eviction of the person or Entity operating within DHCC without a License

#### **11 Education Regulation to be read in conjunction with other Regulations**

This Education Regulation shall be read in conjunction with the following Regulations and any amendments to such Regulations:

- (1) Commercial Services Licensing Regulation;
- (2) Company Regulation;
- (3) Complementary and Alternative Medicine Professionals Regulation;
- (4) Governing Regulation;
- (5) Health Data Protection Regulation;
- (6) Healthcare Operators Regulation;
- (7) Healthcare Professionals Regulation;
- (8) Medical Liability Regulation;
- (9) Research Regulation; and
- (10) Any other Regulation approved by the Chairperson under the Law.

#### **12 Responsibility for administration of Regulations**

The DHCC Board of Directors and the Executive Body of the DHCA are responsible for ensuring proper administration of this Education Regulation and any Rules, Standards and Policies made under this Education Regulation.

#### **13 Savings and Transitional Provisions**

- (1) Every person and Entity who is licensed under the repealed DHCC Education Regulation No. (5) of 2008 immediately before the date upon which this present Education Regulation comes into force shall upon that date be deemed to be licensed under the provisions of this Education Regulation.
- (2) This Education Regulation shall not apply to any investigation, inquiry, review, appeal or other similar proceedings commenced before the date upon which this present Education Regulation comes into force and the repealed DHCC Education Regulation No. (5) of 2008 shall continue to apply to that investigation, inquiry, review, appeal or proceedings as if this Education Regulation has not been enacted.
- (3) Where on the date upon which this present Education Regulation comes into force, any investigation, inquiry, review, appeal or other similar proceedings is in process, the relevant committee or panel carrying out that investigation, inquiry, review, appeal or proceedings shall continue to exist to complete the investigation, inquiry, review, appeal or other similar proceedings and may make such order, ruling or direction as it could have made under the powers of the repealed DHCC Education Regulation No. (5) of 2008.



A person who was appointed as a member of any Agency, committee or panel before the date upon which this present Education Regulation comes into force, and whose term has not expired by that date, shall continue to be a member of such Agency, committee or panel until the expiry of his term.

## Part Two Interpretation

### 14 Definitions

Capitalized terms not defined in this Education Regulation shall have the meanings ascribed to them in the Governing Regulation.

Words in the singular include the plural and words in the plural include the singular.

Unless it is specifically stated otherwise in another Regulation, or unless the context otherwise requires,

**Academic and Research Council** means the Academic and Research Council established under Part Five of the Governing Regulation;

**Accreditation** means a process of evaluation and review performed by an independent third party of peers to ensure quality and standards of Approved Education Operators and Approved Education Programs;

**Agency** or **Agencies** means each or any of the boards, councils, registries and similar Entities established under the Governing Regulation and includes the Appeals Board, Central Governance Board, Licensing Board, Planning Council, Quality Council, Academic and Research Council, Professionals Council, Registry of Companies and CPQ;

**Appeals Board** means the Appeals Board as established by Part Six of the Governing Regulation;

**Applicant** means an Entity as defined in the specific Regulations that submits an Application;

**Application** means the application for a License, a Provisional Approval Letter, or a Miscellaneous Permit made under the specific Regulations;

**Approved Continuing Healthcare Education Program**, means a Continuing Healthcare Education Program that has been approved by the Registry of Companies;

**Approved Continuing Medical Education Program**, means a Continuing Medical Education Program that has been approved by the Registry of Companies;

**Approved Degree Granting Healthcare Program** means a Degree Granting Healthcare Program that has been approved by the Registry of Companies;

**Approved Education Operator** means an Entity holding an Education Permit duly issued by the Registry of Companies in accordance with this Education Regulation and the applicable Rules, Standards and Policies;

**Approved Education Program** means an Education Program that has been approved by the Registry of Companies;

**Approved High School Education Program** means a High School Education Program that has been approved by the Registry of Companies;

**Approved Non-Degree Granting Healthcare Program** means a Non-Degree Granting Healthcare Program that has been approved by the Registry of Companies;

**Approved Post-Graduate Healthcare Education Program** means a Post-Graduate Healthcare Education Program that has been approved by the Registry of Companies;

**Approved Post-Graduate Medical Education Program** means a Post-Graduate Medical Education Program that has been approved by the Academic and Research Council;

**Approved Pre-School Education Program** means a Pre-School Education Program that has been approved by the Registry of Companies;

**Approved Professional Indemnity Insurance** means professional indemnity insurance that shall be obtained and maintained by a Licensee under this Education Regulation in accordance with the applicable Regulations, Rules, Standards and Policies;

**Approved Research Operator** means an Entity holding a Research Permit duly issued by the Registry of Companies in accordance with the Research Regulation and the applicable Rules, Standards and Policies;

**Associated Person** means, with regard to an Applicant, any other person, including an Entity, that is Closely Linked with such Applicant;

**Branch** means the branch of a company or any other Entity or body formed outside DHCC under the laws and regulations applicable in its place of incorporation and authorized to conduct business through this branch inside DHCC;

**Building Regulations** means those laws, regulations, rules or standards of general applicability to the design, construction and safety of buildings in DHCC, whether clinical in nature or not, enforced in DHCC from time to time;

**Business Category** means a line of clinical business, as determined in accordance with Schedule One of the Healthcare Operators Regulation in at least one of which a Licensed Healthcare Operator engages in DHCC;

**Central Governance Board** means the Central Governance Board established under Part Five of the Governing Regulation;

**Certificate** means, for purposes of this Regulation, a certification bestowed upon a student after completion of extended training;

**Chairperson** means the Chairperson of the DHCA appointed under Article (8) of the Law;

**Clinical Activity** means a Healthcare Service that falls within a Business Category;

**Clinical Affairs Department** means the department set up within CPQ to monitor and improve the quality of Healthcare Services within DHCC, and to oversee the accreditation processes of healthcare institutions within DHCC.

**Clinical Operating Permit** means the authorization issued by the Registry of Companies to a healthcare operator allowing it to conduct one or more Clinical Activities;

**Clinical Supervision** means oversight and direction by a Licensed Healthcare Professional of Healthcare Services provided by a Trainee or Undergraduate;

**Clinical Training Review Committee** means the Clinical Training Review Committee established under section 29;

**Closely Linked** with reference to the relationship between a person and an Applicant, means that such person:

- (1) directly or indirectly, is a Controller of such an Applicant;
- (2) directly or indirectly, is controlled by such an Applicant;
- (3) directly or indirectly, is under common control with such an Applicant; or
- (4) is a person in accordance with whose directions or instructions the directors of the Applicant are accustomed to act;

**Commercial Services** means services provided by a Licensed Commercial Company;

**Commercial Services Licensing Regulation** means the DHCC Commercial Services Licensing Regulation No. (9) of 2013, as in force from time to time;

**Commercial Source** means a person or entity other than a Licensed Healthcare Operator or Approved Education Operator that provides Commercial Support to a Continuing Healthcare Education Program, but does not include the following:

- (1) a non-profit organization;

- (2) a government organization; or
- (3) a non-health care related Entity;

**Commercial Support** means financial, or in-kind, contributions given by a Commercial Source that is used to pay all or part of the costs of a Continuing Healthcare Education Program;

**Commissioning** means the process of verifying and documenting that the Provisional Approval Letter Holder and all of its systems and assemblies are planned, designed, installed, tested, operated and maintained to meet the required Standards so that a License may be granted;

**Committee** means the committee established under this Education Regulation;

**Company Regulation** means the DHCC Company Regulation No. (8) of 2013, as in force from time to time;

**Complementary and Alternative Medicine** means a diverse group of medical and healthcare therapies and systems that may be separate from or integrated with conventional medical therapies. A common factor shared with all Complementary and Alternative therapies is a holistic and individualistic approach to health and healing, an appreciation of the whole human being, comprising of physical, emotional, mental and spiritual dimensions. Complementary and Alternative Medicine may include ayurveda, homeopathy, naturopathy, osteopathy, traditional Chinese medicine, and others;

**Complementary and Alternative Medicine Professionals Regulation** means the DHCC Complementary and Alternative Medicine Professionals Regulation No. (3) of 2013, as in force from time to time;

**Continuing Medical Education Program** means a program of continuing education for Licensed Healthcare Professionals;

**Continuing Healthcare Education Program**, means a program of continuing education for Licensed Healthcare Professionals but does not include a Continuing Medical Education Program;

**Continuing Professional Development Accreditation Committee** means the committee established under section 29;

**Controller**, with reference to the relationship between a person and an Applicant, means a person who, either alone or with any of its Associated Persons:

- (a) holds more than 50 percent (%) of the economic interests in the Applicant or of another person of which the Applicant is a subsidiary company;
- (b) is entitled to exercise, or control the exercise of, more than 50 percent (%) of the voting power of the Applicant or of another person of which the Applicant is a subsidiary company; or
- (c) is able to exercise significant influence over the management of the Applicant or of another person of which the Applicant is a subsidiary company, with such influence being manifested by such indicia as the Controller being a person in accordance with whose directions or instructions the directors of the Applicant are accustomed to act;

**CPQ** means the Center for Healthcare Planning and Quality established by Part Four of the Governing Regulation;

**CPU** means the Customer Protection Unit, a department set up within CPQ to manage and investigate complaints against Licensees as set out in Part Eight of the Governing Regulation and other applicable Regulation;

**Degree Granting Healthcare Program** means an Education Program that refers to the period of didactic and if appropriate clinical experience in a healthcare setting culminating in certification, certificate, diploma or degree;

**Design and Construction Guidelines** means, as of the applicable time, (1) the then most current edition of the American Institute of Architects' Guidelines for Design and Construction of Hospital and Health Care Facilities, (2) DHCC Healthcare Facility Projects – The Planning, Design and Construction Guidelines and such other guidelines of general professional acceptance that apply to specific Business Categories, provided that any such additional guidelines have been specifically identified as applicable by the Registry of Companies and adequate advance notice is provided that such guidelines may no longer be applicable;

**DHCA** means the Dubai Healthcare City Authority established under Article (4) of the Law, and comprises the Chairperson, the DHCC Board of Directors and the Executive Body;

**DHCC** means the Dubai Healthcare City established in the Emirate of Dubai under Resolution No. (9) of 2003;

**DHCC Board of Directors** means the board established under Article (10) of the Law;

**Education Permit** means the authorization issued by the Academic and Research Council to an educational operator under this Education Regulation and the applicable Rules and Policies allowing it to conduct one or more Education Programs in DHCC;

**Education Program** means a program to educate or train persons in one or more areas, including a:

- (1) Post-Graduate Medical Education Program;
- (2) Post-Graduate Healthcare Education Program;
- (3) Continuing Medical Education Program;
- (4) Continuing Healthcare Education Program;
- (5) Degree Granting Healthcare Program;
- (6) Non-Degree Granting Healthcare Program;
- (7) High School Education Program; and
- (8) Pre-School Education Program.

**Education Review Committee** means the Education Review Committee established under section 26;

**Effective Date** means the date upon which a Provisional Approval Letter or a License becomes effective;

**Electronic Record** means a record generated, communicated, received or stored by electronic, magnetic, optical or other means in an information system or for transmission from one information system to another;

**Electronic Signature** means any letters, characters, numbers or other symbols in digital form attached to or logically associated with an Electronic Record, and executed or adopted with the intention of authenticating or approving the Electronic Record;

**Entity** means an organization, institution or corporation other than a natural person;

**Entity with a Commercial Interest** means any Entity producing goods or services associated with the provision of Healthcare Services and as such are not eligible to apply for an Education Permit to provide Continuing Healthcare Education Programs;

**Enduring Materials** means durable materials used in support of Continuing Healthcare Education Programs that are intended for repeated use, including but not limited to information contained in written materials, videotapes, monographs and CD Rom;

**Executive Body** means the Executive Body of the DHCA established under Article (12) of the Law and is presently known as Dubai Healthcare City Regulatory Authority (“**DHCR**”);

**Facilities Committee** means the committee set up under the purview of the Registry of Companies to carry out the day-to-day administrative functions of the Registry of Companies;

**Faculty** means any individuals who have received a formal appointment by the Dean of an Approved Education Operator, to teach Trainees and Undergraduates;

**Fitness to Practice Panel** means the Fitness to Practice Panel established by Part Eight of the Governing Regulation;

**Fit and Proper Person** is a determination made under the Governing Regulation or any other applicable Regulation with respect to a natural person who is to serve as a Controller, director, Associated Person or Manager with regard to an Entity, with such determination being made by consideration of such person's probity, competence and soundness of judgment for fulfilling the responsibilities of the particular position, the diligence with which he is fulfilling or likely to fulfil those responsibilities and whether the interests of patients, vendors, investors, or the Agencies are, or are likely to be, in any way negatively impacted by his holding such position;

**Governing Regulation** means the DHCC Governing Regulation No. (1) of 2013, as in force from time to time;

**Guidance** means information developed by the DHCA or an Agency to assist the reader in understanding the Regulations, Rules, Policies or Standards for which such Agency has responsibility, but which is not binding;

**Health Data Protection Regulation** means the DHCC Health Data Protection Regulation No. (7) of 2013, as in force from time to time;

**Health Safety and Environment Regulations** means those laws, regulations, rules or standards of general applicability to the health, safety and environment of buildings in DHCC, whether clinical in nature or not, enforced in DHCC from time to time;

**Healthcare Operators Regulation** means the DHCC Healthcare Operators Regulation No. (4) of 2013, as in force from time to time;

**Healthcare Professionals Regulation** means the DHCC Healthcare Professionals Regulation No. (2) of 2013, as in force from time to time;

**Healthcare Services** means the healthcare and medical services provided by Licensed Healthcare Professionals, Licensed Complementary and Alternative Medicine Professionals and Licensed Healthcare Operators, and includes, but is not limited to, diagnosis, treatment, advice, service or goods provided in respect of the physical or mental health of a person;

**High School Education Program** means any high school education for children provided by qualified teachers and professionals, culminating in certification, certificate or diploma;

**Home Jurisdiction** means the jurisdiction outside of DHCC in which the Parent of a Branch has been incorporated, established or formed;

**Institution** means a Major Participating Institution or an Other Participating Institution;

**Institutional Requirements** means the requirements issued by the Academic and Research Council that apply to Approved Education Operators and Institutions offering residency training programs and house-officer training programs;

**Institutional Review** means the process undertaken by a body approved by the Academic and Research Council to determine whether an Approved Post-Graduate Medical Education Program is in substantial compliance with the applicable Program Requirements;

**Institutional Review Committee** means the Institutional Review Committee established under section 29;

**Law** means Dubai Healthcare City Law No. (9) of 2011, issued by the Ruler of Dubai, establishing Dubai Healthcare City Authority, and any amendments or variations to that Law;

**License** means a license issued by the Licensing Board with regard to healthcare professionals and Complementary and Alternative Medicine professionals or a license or permit issued by the Registry of Companies with regard to commercial companies, including Clinical Operating Permits, Non-Clinical Operating Permits, Research Permits and Education Permits;

**Licensed Commercial Company** means a company registered under the Company Regulation and licensed under the Commercial Services Licensing Regulation to provide Commercial Services within DHCC;

**Licensed Complementary and Alternative Medicine Professional** means a natural person engaged in the provision of Complementary and Alternative Medicine holding a License duly issued by the Licensing Board in accordance with the Complementary and Alternative Medicine Professionals Regulation and the applicable Rules, Standards and Policies;

**Licensed Healthcare Operator** means a hospital, clinic, laboratory, pharmacy or other Entity providing Healthcare Services in DHCC, holding a Clinical Operating Permit duly issued by the Registry of Companies in accordance with the Healthcare Operators Regulation and the applicable Rules, Standards and Policies;

**Licensed Healthcare Professional** means a natural person engaged in a healthcare profession holding a License duly issued by the Licensing Board in accordance with the Healthcare Professionals Regulation and the applicable Rules, Standards and Policies;

**Licensee** means a Licensed Healthcare Professional, a Licensed Complementary and Alternative Medicine Professional, a Licensed Healthcare Operator, an Approved Education Operator, an Approved Research Operator, a Licensed Commercial Company, or a Non-Clinical Operating Permit Holder;

**Licensing Board** means the Licensing Board as established by Part Six of the Governing Regulation;

**Location** means the site within DHCC, including the physical facility or facilities associated therewith, at which a Licensed Healthcare Operator, an Approved Education Operator, an Approved Research Operator, or a Non-Clinical Operating Permit Holder conducts or proposes to conduct activities under its License;

**Major Participating Institution** means an institution approved by the Academic and Research Council as a location to which, under an affiliation agreement with the Approved Education Operator, Trainees or Undergraduates rotate as part of the course requirements of an Approved Education Program, and which requires an Education Permit;

**Manager** means the person who is appointed by a Licensee or Miscellaneous Permit Holder to be its principal representative in all dealings with external parties and authorities;

**Medical Liability Regulation** means the DHCC Medical Liability Regulation, Regulation No. (5) of 2005, as in force from time to time;

**Miscellaneous Permit** means the authorization issued by the Registry of Companies to an Entity or a person allowing it to conduct one or more activities that is not a Healthcare Service, research activity, or education activity on a short-term basis;

**Miscellaneous Permit Holder** means a person or Entity holding a Miscellaneous Permit;

**Non-Clinical Operating Permit** means the authorization issued by the Registry of Companies to a Licensed Commercial Company allowing it to conduct one or more activities

that are not Healthcare Services, research activities, or education activities, and includes a public health permit;

**Non-Clinical Operating Permit Holder** means an Entity holding a Non-Clinical Operating Permit;

**Non-Degree Granting Healthcare Program** means an Educational Program that refers to the period of didactic and if appropriate clinical experience in a healthcare setting which does not culminate in certification, certificate, diploma or degree, and includes a residency training program and a house-officer training program;

**Other Participating Institution** means an Institution to which, under an affiliation agreement with the Approved Education Operator, Trainees or Undergraduates rotate as part of the course requirements of an Approved Education Program for at least one month, but which does not require an Education Permit;

**Parent** means, with respect to a Branch, an Entity that has been legally formed outside DHCC, under the applicable law of the jurisdiction of formation, of which the Branch is a division, provided that a Branch is not a legal Entity separate from the Parent;

**Participant** means a person who is participating in an Approved Continuing Healthcare Education Program or an Approved Continuing Medical Education Program;

**Penalty** means the penalty imposed on a Licensee in accordance with the applicable Regulations;

**Planning Council** means the Planning Council as established by Part Five of the Governing Regulation;

**Professionals Council** means the Professionals Council as established by Part Five of the Governing Regulation;

**Policy** means a defined course of action determined by the DHCA and adopted in accordance with the provisions of the Governing Regulation, on the position, strategy or standing on a subject that shall be followed by those identified within the policy;

**Post-Graduate Healthcare Education Program** means the period of didactic and clinical training in a healthcare specialty that follows the completion of a recognized undergraduate healthcare education program and which prepares the Trainee for the independent practice of a healthcare specialty, but does not include a Post-Graduate Medical Education Program;

**Post-Graduate Medical Education Program** means the period of didactic and clinical training in a medical specialty that follows the completion of a recognized undergraduate medical education program and which prepares the Trainee for the independent practice of a medical specialty;

**Pre-School Education Program** means any non-compulsory pre-school education for children provided by qualified teachers and professionals with the primary objective of promoting structured educational experiences based on learning through play and social interaction;

**Program Director** means a Licensed Healthcare Professional who is designated by an Institution to organize and oversee its Approved Education Programs, including its Approved Post-Graduate Medical Education Programs and Approved Post-Graduate Healthcare Education Programs;

**Program Requirements** means those requirements applicable to residency training programs and house-officer training programs issued from time to time by the Academic and Research Council;

**Provisional Approval Letter** means the approval issued to an Entity by the Registry of Companies to enable that Entity to:

- (1) commence the activities required to meet the requirements of the Commissioning; and

(2) obtain a License in accordance with the specific Regulations;

**Provisional Approval Letter Holder** means an Entity holding a Provisional Approval Letter;

**Quality Council** means the Quality Council as established by Part Five of the Governing Regulation;

**Regulation** means any regulation approved by the Chairperson under the Law, including any amendments to any such regulation;

**Registry of Companies** means the Registry of Companies established by Part Seven of the Governing Regulation;

**Research Permit** means the authorization issued by the Registry of Companies to an Entity under the Research Regulation and the applicable Rules, Standards and Policies allowing it to conduct one or more research activities in DHCC;

**Research Regulation** means the DHCC Research Regulation No. (6) of 2013, as in force from time to time;

**Renewal Application** means an application to renew a License under the specific Regulation;

**Renewal Date** is the date as provided in the specific Regulations by which a Licensee shall renew its License, to enable it to continue operating within DHCC;

**Rules** mean the rules approved by the Chairperson or DHCC Board of Directors as provided for under this Governing Regulation and any other Regulation, and include the rules as in force from time to time;

**Sponsoring Institution** means the Entity that assumes the ultimate financial responsibility for an Approved Post-Graduate Medical Education Program;

**Standard** means a specification that defines materials, methods, processes or practices and that is used to provide a basis for determining consistent and acceptable minimum levels of quality, performance, safety and reliability;

**Student** means a person who is participating in a High School Education Program or Pre-School Education Program;

**Teaching Facility** means a Licensed Healthcare Operator's facility within DHCC where Healthcare Services are provided in conjunction with the undertaking of Education Programs and is designated as a Teaching Facility by the Academic and Research Council;

**Trainee** means a person who is participating in an Approved Post-Graduate Medical Education Program, an Approved Post-Graduate Healthcare Education Program or an Approved Non-Degree Granting Healthcare Program;

**Transitional Year Program** means a one-year educational experience forming part of a Post-Graduate Medical Education Program, which is structured to provide a program of multiple clinical disciplines and is designed to facilitate the choice of and preparation for a specialty in a specialty practice;

**UAE** means the United Arab Emirates;

**Undergraduate** means a person who is participating in a Degree Granting Healthcare Program;

**Zoning Regulations** means those laws, regulations, rules or standards of general applicability to zoning and the use of real estate enforced in DHCC from time to time.

## 15 Regulations include amendments

References in this Education Regulation, or any other Regulations, to the Regulations are to be read as references to any of such Regulations as in force from time to time.

## 16 Headings

The headings used in this Education Regulation are included for convenience of reference only and shall be ignored in the construction or interpretation of this Education Regulation.

## 17 Time periods

References in Regulations to time periods are to be construed in accordance with the Gregorian calendar. Whenever Regulations refer to a period of time, such period shall include every calendar day, except that:

- (1) when the last day of the period falls on a Friday or a Saturday, the period shall end instead on the next Sunday; and
- (2) when the last day of the period falls on a UAE or Dubai public holiday, the period shall end instead on the next day that is not a UAE or Dubai public holiday.

## 18 Gender

Pronouns indicating male gender are used to refer to persons of both genders.

## 19 Documents in languages other than English

A person who wishes to submit an original document, a photocopy or an electronic version of a document written in a language other than English shall also submit a notarized translation into English of such document prepared by a legal translation service acceptable to the officer, employee or agent providing the DHCA Services to whom the document is submitted.

## 20 Documents in writing

- (1) Unless otherwise specifically stated, references in the Regulations to any requirement for a document or notice to be submitted to the Registry of Companies, the Licensing Board or any other Agency in writing shall be satisfied if such document or notice is submitted in the form of an Electronic Record.
- (2) Unless otherwise specifically stated, references in the Regulations to any requirement for a signature on any document or notice to be submitted to the Registry of Companies, the Licensing Board, or any other Agency is to be construed as being satisfied by an Electronic Signature that may be proved in a manner satisfactory to the Registry of Companies.

## 21 Meaning of Person

Unless the context otherwise requires, any reference in the Regulations to a "person" includes a reference to a natural person, and to a body corporate, limited liability company, association or partnership and to the legal or personal representatives, legal successors and lawful assigns of any such person.

## 22 Reference to sections

Unless otherwise specifically stated, references in a Regulation to a section and subsection means the section and subsection of that Regulation.

## Part Three Powers and Responsibilities

### 23 Powers and responsibilities of Academic and Research Council

The Academic and Research Council shall have the following powers and responsibilities, including the:

- (1) the development of an education strategy for DHCC and the overall planning for Education Programs within DHCC;
- (2) development and approval of Standards for providing education activities or enhancement of the quality of Education Programs in the DHCC;
- (3) establishment of procedures for implementing and communicating these Standards to Approved Education Operators and Applicants intended to be licensed as Approved Education Operators;
- (4) review or arrange for a review of Education Programs and, if appropriate, grant in-principle approvals for Education Programs;
- (5) oversight of the provision of Education Programs by Approved Education Operators within the DHCC;
- (6) coordination and integration of the planning for and implementation of Education Programs;
- (7) developing and implementing criteria and processes for Accreditation of Education Programs, including but not limited to Degree Granting Healthcare Programs and Post Graduate Medical Education Programs;
- (8) arrangement for the undertaking of a periodic review of Approved Education Operators;
- (9) reviewing and approval of membership of the Committees; and
- (10) the power to obtain such information from Entities and Approved Education Operators as it reasonably requires in order to perform its functions, and to facilitate the performance of its functions under this Education Regulation and the other applicable Regulations, Rules, Standards and Policies.

### 24 Academic and Research Council may delegate certain powers and responsibilities

The Academic and Research Council may delegate any of its powers and responsibilities to the:

- (1) relevant Committee; or
- (2) any authorised officer.

### 25 Academic and Research Council may prescribe requirements

- (1) The Academic and Research Council may, from time to time, set conditions, requirements and criteria on the eligibility of Applicants.
- (2) The Academic and Research Council may, from time to time, issue Standards setting out the requirements for each type of Education Program.
- (3) Each Approved Education Operator providing the relevant type of Education Program shall comply with the applicable requirements set out by the Academic and Research Council.

### 26 Establishment and powers of Education Review Committee

The Academic and Research Council shall establish the Education Review Committee to:

- (1) oversee the Committees established under section 29;
- (2) review the Education Programs submitted by Entities under this Education Regulation, and the applicable Rules, Standards and Policies;
- (3) review the Education Programs and consider if further information is required from the Approved Education Operator or if any modification of the Education Program is required;
- (4) make recommendations to the Academic and Research Council as to whether in-principle approval should be granted for the Education Programs;
- (5) coordinate and integrate the planning for and implementation of education activities within DHCC;
- (6) monitor Approved Education Programs carried out by Approved Education Operators, including undertaking or arranging for the undertaking of periodic reviews of Approved Education Operators;
- (7) ensure ongoing regulatory compliance and adherence to the Approved Education Programs, and the applicable Rules, Standards and Policies; and
- (8) develop Standards, subject to the approval of the Academic and Research Council, that enhance the quality of education activities within DHCC and establishment of procedures for implementing and communicating these Standards.

#### **27 Composition of Education Review Committee**

The primary guiding principle for appointing members to the Education Review Committee is to ensure that the Committee has the appropriate expertise, skills, knowledge and perspectives to plan, coordinate and review education activities within DHCC.

#### **28 Appointment of Education Review Committee members**

Members of the Education Review Committee shall be appointed in accordance with the provisions of Schedule One of this Education Regulation.

#### **29 Establishment of Committees**

The Academic and Research Council may establish Committees it considers necessary to assist the Academic and Research Council in performing its responsibilities and determined to be appropriate, including, but not limited to, the following Committees:

- (1) Institutional Review Committee;
- (2) Clinical Training Review Committee; and
- (3) Continuing Professional Development Accreditation Committee.

#### **30 Purpose of Institutional Review Committee**

The purpose of the Institutional Review Committee is to:

- (1) propose specific requirements for an Approved Education Operator, and subsequently to propose revisions to such requirements from time to time;
- (2) propose Institutional Requirements for an Institution, and subsequently to propose revisions to such requirements from time to time;
- (3) recommend to the Academic and Research Council improvements in applicable Rules, Standards and Policies for approving an Application for an Education Permit; and
- (4) provide any other advice or assistance to the Academic and Research Council as the Academic and Research Council may request from time to time.

### **31 Purpose of Clinical Training Review Committee**

The purpose of the Clinical Training Review Committee is to:

- (1) propose Program Requirements for residency training programs and house-officer training programs, and subsequently to propose revisions to any such Program Requirements;
- (2) give consideration to the Accreditation requirements of Approved Education Operators;
- (3) review Approved Post-Graduate Medical Education Programs and Approved Non-Degree Granting Healthcare Programs to determine whether they are in compliance with the applicable Institutional Requirements and Program Requirements for the specialty and subspecialty;
- (4) recommend to the Academic and Research Council improvements in applicable Rules, Standards and Policies for approving Post-Graduate Medical Education Programs and Non-Degree Granting Healthcare Programs to be carried out by Approved Education Operators; and
- (5) provide any other advice or assistance to the Academic and Research Council as the Academic and Research Council may request from time to time.

### **32 Purpose of Continuing Professional Development Committee**

The purpose of the Continuing Professional Development Committee is to:

- (1) propose requirements for Continuing Healthcare Education Programs and Continuing Medical Education Programs;
- (2) oversee and review Approved Continuing Medical Education Programs and Approved Continuing Healthcare Education Programs to determine whether they are in compliance with the applicable Rules, Standards and Policies;
- (3) recommend to the Academic and Research Council improvements in applicable Rules, Standards and Policies for approving Continuing Medical Education Programs and Continuing Healthcare Education Programs to be carried out by Approved Education Operators; and
- (4) provide any other advice or assistance to the Academic and Research Council as the Academic and Research Council requests from time to time.

### **33 Committees may seek advice**

In fulfilling their responsibilities under this Education Regulation the Committees may seek advice from any source it considers appropriate.

### **34 Other provisions relating to Committees**

- (1) Other provisions relating to the Committees carrying out their functions are set out in Schedule One of this Education Regulation.
- (2) In relation to new Committees to be established, the Academic and Research Council may adopt the provisions set out in Schedule One of this Education Regulation.

### **35 Powers and Responsibilities of other Committees**

The Institutional Review Committee and the Clinical Training Review Committee and any other Committee established under section 29 shall have the powers and responsibilities as stated in the Regulations and Rules, Standards and Policies, subject to the approval of the Academic and Research Council.



**36 Composition of other Committees**

- (1) The primary guiding principle for appointing members to any Committee established under section 29 is to ensure that the Committee has the appropriate expertise, skills, knowledge and perspectives to review the relevant type of educational activity within the purview of the Committee.
- (2) The Academic and Research Council shall determine the appropriate composition of the Committee. Members of any Committee established under section 29 shall be appointed in accordance with the provisions of Schedule One of this Education Regulation.

## Part Four

### General Provisions relating to Provisional Approval Letters and Approved Education Operators

#### 37 Eligibility

- (1) Only an Entity which is registered or intending to be registered under the Company Regulation and the Commercial Services Licensing Regulation may submit an Application for a Provisional Approval Letter.
- (2) The Entity submitting an Application for a Provisional Approval Letter or an Education Permit under this Education Regulation shall be the eventual Approved Education Operator conducting the Education Programs for which the said Applications are filed.

#### 38 Licensed Healthcare Operator may apply for Provisional Approval Letter

At any time during the term of a Licensed Healthcare Operator's License, the Licensed Healthcare Operator may apply for a Provisional Approval Letter under this Education Regulation.

#### 39 Requirements

- (1) Only an Entity which is registered under the Company Regulation and the Commercial Services Licensing Regulation may become a Provisional Approval Letter Holder.
- (2) No person may obtain an Education Permit unless it is an Entity and has first obtained a Provisional Approval Letter, in accordance with this Education Regulation and the applicable Rules, Standards and Policies.
- (3) No person may obtain an Education Permit or a Provisional Approval Letter unless he has been granted the relevant in-principle approvals from the Clinical Affairs Department, Licensing Board and the Academic and Research Council.

#### 40 Provisional Approval Letter Holder not entitled to carry out Education Programs

A Provisional Approval Letter Holder is not entitled to carry out any Education Programs within DHCC under the authority of the Provisional Approval Letter.

#### 41 Requirement for Provisional Approval Letter Holders and Approved Education Operators to comply with Regulations

Both Provisional Approval Letter Holders and Approved Education Operators shall comply with all of the applicable requirements of this Education Regulation and any other applicable Regulations, Rules, Standards, and Policies.

#### 42 Responsibilities of Provisional Approval Letter Holders

Each Provisional Approval Letter Holder shall ensure that when undertaking the design and construction of its facilities under its Provisional Approval Letter, that the Location at which it proposes to carry out the Education Programs, upon issuance of an Education Permit, complies with all applicable provisions of the:

- (1) Building Regulations and Zoning Regulations;
- (2) Design and Construction Guidelines;
- (3) Health Safety and Environment Regulations; and
- (4) the applicable Rules, Standards and Policies.

**43 Responsibilities of Approved Education Operators**

Each Approved Education Operator shall ensure that all Locations at which it carries out Education Programs, shall at all times comply with all applicable provisions of the:

- (1) Building Regulations and Zoning Regulations;
- (2) Design and Construction Guidelines;
- (3) Health, Safety and Environment Regulations; and
- (4) The applicable Rules, Standards and Policies.

**44 Exceptions from requirement to hold an Education Permit**

- (1) A person or Entity who owns or leases land in DHCC or any building in DHCC in which an Education Program is conducted or intended to be conducted, but does not himself conduct or manage such Education Program on that land or in that building, shall not be required to obtain a Provisional Approval Letter or an Education Permit under this Education Regulation.
- (2) In such cases the person or Entity shall provide information to the Registry of Companies about:
  - (a) the Education Programs that the building is to be used for, and
  - (b) the Manager or operator of the Education Programs.

**45 Jurisdiction of Approved Education Operator**

- (1) An Approved Education Operator is only licensed to provide within DHCC those Education Programs for which its Education Permit has been issued.
- (2) Except as specifically provided in this Education Regulation, any Approved Education Operator intending to provide services outside of DHCC shall be solely responsible for meeting any standards or other requirements of that other jurisdiction.

**46 No assignment or transfer of Provisional Approval Letter or Education Permit**

- (1) Neither a Provisional Approval Letter Holder nor an Approved Education Operator may transfer or assign its Provisional Approval Letter or Education Permit.
- (2) For the avoidance of doubt, where there is a change of Controller this shall be considered to be an assignment or transfer and subject to subsection (1).

**47 Compliance with requirements of Agencies**

Each Approved Education Operator shall comply with all requirements that any of the Agencies may from time to time establish regarding data requirements, and shall ensure that each employee that it engages shall also comply with such requirements.

**48 Exemption from certain requirements**

- (1) The Registry of Companies, upon the recommendation of the relevant Agency, may provide a waiver (in such terms and conditions as it deems appropriate) to an Applicant, a Provisional Approval Letter Holder or an Approved Education Operator for the otherwise applicable requirements of the:
  - (a) Building Regulations; or
  - (b) Design and Construction Guidelines,insofar as this is permitted under the applicable laws.
- (2) Such a waiver may only be granted if the Registry of Companies, together with the relevant Agency, both agree that:
  - (a) doing so is in the public interest;



- (b) requiring compliance with the particular requirements would create undue hardship on the Applicant; and
- (c) granting such waiver or waivers would not impair or endanger the health, safety or welfare of any person, including any research subject.

**49 Fees**

The ROC shall publish from time to time the applicable fees that are to accompany all Applications, Renewal Applications and other submissions to the Registry of Companies provided for under this Education Regulation.

## Part Five Provisions relating to Provisional Approval Letters

### 50 Fee to be paid at time Application for a Provisional Approval Letter is submitted

The Applicant shall pay the applicable fee at the time the Application for a Provisional Approval Letter is submitted to the Registry of Companies.

### 51 Withdrawal of Application for Provisional Approval Letter

- (1) An Applicant may withdraw his Application at any time.
- (2) The Registry of Companies shall retain a record of the Applicant's withdrawal of the Application together with a copy of all the information provided by the Applicant or otherwise obtained during the course of consideration of the Application up until the time the Application is withdrawn.
- (3) Any fee submitted shall not be refunded.

### 52 Role of Applicant's Manager in Application process

The Applicant's Manager shall be the first point of contact with regard to any matters that arise during the Application process.

### 53 Form of Application for Provisional Approval Letter

- (1) An Applicant shall submit an Application for a Provisional Approval Letter in the form and manner as may be required by the Registry of Companies.
- (2) An Application for a Provisional Approval Letter shall be considered only if it meets the following requirements:
  - (a) it is in English;
  - (b) it is typewritten or written in a legible manner;
  - (c) all data, information, and signatures required under this Education Regulation and the applicable Rules, Standards and Policies are supplied; and
  - (d) the applicable fee is submitted.

### 54 Information to be provided with Application for Provisional Approval Letter

The Applicant shall provide together with the completed application form:

- (1) documentation indicating that the Applicant is registered to carry on business or is intending to be registered in DHCC under the Company Regulation and the Commercial Services Licensing Regulation;
- (2) a description of the Education Program for which the Applicant is seeking an Education Permit;
- (3) sufficient documentation, satisfactory to the Registry of Companies, that the Applicant and the Education Program have obtained the relevant minimum Accreditation as determined by the Academic and Research Council from time to time;
- (4) Applications for Licenses to be granted to healthcare professionals comprising the key personnel of the Applicant, as may be stipulated by the Registry of Companies from time to time
- (5) details of all Controllers, directors and Associated Persons relating to the Applicant;
- (6) details of the Manager who is appointed by the Applicant to be the principal representative in dealings with the Registry of Companies;

- (7) the intended Location or Locations of where the Education Program is to be carried out, including, unless otherwise agreed by the Registry of Companies, evidence of the Applicant's legal right to the use of each such Location;
- (8) sufficient documentation, to the satisfaction of the Registry of Companies, that the Applicant is capable of satisfying all requirements established under this Education Regulation and the applicable Rules, Standards and Policies;
- (9) a written declaration that the Applicant shall promptly notify the Registry of Companies of any modifications or changes to the information or documentation contained in its Application that occur subsequent to the filing; and
- (10) any such other information or particulars, and verified in such manner, as the Registry of Companies may require.

#### 55 Declaration by Applicant

The Application shall be accompanied by:

- (a) a written declaration confirming the accuracy of the statements included in the Application and any accompanying documents; and
- (b) an authorization for the Registry of Companies to verify the accuracy of any information provided and to conduct reference checks with any Entity or authority that the Applicant has had dealings with, and, subject to the Governing Regulation, to share such information and documentation with any party as the Registry of Companies considers necessary for purposes of such verification or checks.

#### 56 Provision of incomplete information

- (1) It is the responsibility of the Entity making the Application to submit a completed application form and to ensure the accuracy of all information provided
- (2) In the case of incomplete Applications, the Registry of Companies shall notify the Entity identifying the information that has not been provided and the timeframe within which the Application may be resubmitted.
- (3) The Registry of Companies shall specify a reasonable period of time within which the Application may be resubmitted with the required information.
- (4) The Entity shall not be required to pay an additional fee for resubmitting the Application within the specified timeframe.
- (5) If the Application is not submitted within the time specified, the Application shall be considered to be withdrawn and the Applicant shall need to submit a new Application together with the applicable fee.

#### 57 Requirement to provide further information in Application for Provisional Approval Letter

- (1) At any time after an Application is submitted to the Registry of Companies and before action on it is taken, the Registry of Companies and/or any relevant Agency may, by written notice to the Applicant and/or relevant party, require the provision of such additional information or documents as the Registry of Companies and/or any relevant Agency deems reasonable and necessary to review the Application, in such form and within such time period as required.
- (2) Such additional information may include:-
  - (a) financial information regarding the Applicant and any Associated Person or Controller of the Applicant sufficient to assess the Applicant's financial capability to undertake the Education Program or programs proposed;
  - (b) details of all Controllers, directors and Associated Persons relating to the Applicant.
- (3) Subsection (1) also applies to any person who is:

- (a) identified in the Application as a director, Controller or Manager of the Applicant;
- (b) identified in the Application as being intended to be a director, Controller or Manager of the Applicant; or
- (c) identified as the key personnel of the Applicant as may be stipulated by the Registry of Companies from time to time.

**58 Failure to provide further information in Application for Provisional Approval Letter**

- (1) If the Applicant fails to comply with the requirement to provide further information or resubmit the Application in accordance with sections 56(2) or 57, the Registry of Companies may consider the Application withdrawn on the basis of insufficient information.
- (2) If the Registry of Companies considers an Application withdrawn in accordance with subsection (1) on the basis of insufficient information, the Registry of Companies shall notify the Applicant and any fee paid by the Applicant shall not be refunded to the Applicant.

**59 All information to be provided before Application for Provisional Approval Letter reviewed**

- (1) An Application shall not be considered complete until all information required under this Education Regulation has been submitted to the Registry of Companies.
- (2) The Registry of Companies shall not review an Application until it has determined that the Application is complete based on the requirements set out in this Education Regulation and any applicable Rules, Standards and Policies.

**60 Requirement to notify changes in Application for Provisional Approval Letter**

- (1) At any time during the review of an Application and prior to the Registry of Companies issuing a Provisional Approval Letter, the Applicant shall promptly notify the Registry of Companies of any modification or change to the information or documentation contained in its Application.
- (2) Failure of an Applicant to notify the Registry of Companies of any such changes in accordance with subsection (1) shall result in the Application being considered incomplete and withdrawn in accordance with section 56.
- (3) If the notification of changes is received after the Registry of Companies has completed its review of the Application, the Applicant shall pay the applicable fee before the Registry of Companies undertakes a further review of the revised Application.

**61 Information from other sources**

At any time during the process of reviewing an Application, the Registry of Companies may inquire of the DHCA as to the information that the DHCA holds with regard to the capability of the Applicant to provide the Education Program or programs proposed in the Application.

## Part Six

### Review Of Applications For Provisional Approval Letters

#### 62 Evaluation of facilities by Registry of Companies

In preparation for a review of the Application for a Provisional Approval Letter, the Registry of Companies may arrange for an on-site evaluation of the Entity's facilities.

#### 63 Consideration of Education Program by Education Review Committee and/or relevant Committee

- (1) The Education Program and all relevant information shall be forwarded to the Education Review Committee and/or the relevant Committee for its review.
- (2) The Education Review Committee and/or the relevant Committee may:
  - (a) seek further information from the Applicant in relation to the Education Program;
  - (b) invite the Manager to attend such meeting of the relevant Committee to provide further information to assist the Education Review Committee and/or the relevant Committee in its deliberations.

#### 64 Grant of in-principle approval by Academic and Research Council

- (1) The Academic and Research Council may grant in-principle approval of the Education Program based on the Education Review Committee's and the relevant Committee's review of the Education Program and all relevant information.
- (2) The decision of the Academic and Research Council on the grant of in-principle approval in relation to the Education Program shall be final.

#### 65 Matters Registry of Companies takes into account

In considering an Application, the Registry of Companies may take into account any matters relating to:

- (1) the need to protect the public and the reputation of DHCC, Dubai and UAE;
- (2) any other factors identified in the applicable Regulations and Rules, Standards and Policies as appropriate to consider;
- (3) any person who is or will be employed by or associated with the Applicant for the purposes of any of the Applicant's Education Programs if an Education Permit is issued to the Applicant;
- (4) any person that is an Associated Person, director, Controller or proposed Manager of the Applicant;
- (5) the financial resources available to the Applicant to undertake and maintain the proposed Education Program or programs;
- (6) in the case of an Applicant that is a Branch, the length of time the Branch's Parent has been conducting education activities prior to the Branch submitting its Application under the Education Regulation;
- (7) the likelihood that the Applicant shall be capable of complying with the requirements of this Education Regulation and the applicable Rules, Standards and Policies; and
- (8) the proposed name of the facility.

#### 66 Action on Application for Provisional Approval Letter

Upon the completion of its review, the Registry of Companies may:

- (1) approve the Application;

- (2) approve the Application subject to conditions or restrictions as it considers necessary and proper to be included in the Provisional Approval Letter; or
- (3) deny the Application.

**67 Approval of Application for Provisional Approval Letter by the Registry of Companies**

The Registry of Companies shall not approve an Application unless it determines that:

- (1) the Applicant satisfies all relevant criteria contained in this Education Regulation and the applicable Rules, Standards and Policies with regard to the type of Education Programs the Applicant proposes to undertake;
- (2) the Applicant shall ensure that all personnel who are intended to carry out the proposed type of Education Programs shall possess the qualifications and experience to conduct the Education Programs;
- (3) any Licensed Healthcare Professionals and Licensed Complementary and Alternative Medicine Professionals identified to be the key personnel employed or engaged by the Applicant to conduct the Education Programs possess the competence to conduct the Education Programs proposed in the Application;
- (4) all Controllers, directors, Associated Persons and Managers identified in the Application are Fit and Proper Persons;
- (5) the Applicant and the Education Program have obtained the relevant minimum Accreditation as determined by the Academic and Research Council;
- (6) in-principle approval has been granted by the Clinical Affairs Department;
- (7) in-principle approval has been granted by the Licensing Board; and
- (8) in-principle approval has been granted by the Academic and Research Council.

**68 Grounds for denying Application for Provisional Approval Letter**

The Registry of Companies may deny an Application if it determines that:

- (a) any statements, information or documents submitted by the Applicant are false, misleading or deceptive, or are likely to mislead or deceive;
- (b) there has been a modification or change in the circumstances relating to the information or documentation contained in the Application subsequent to its filing and the Applicant has failed to notify the Academic and Research Council of any such modification or change in a timely manner;
- (c) the Applicant has failed to satisfy any of the requirements in section 67; or
- (d) the Registry of Companies is not satisfied that the Applicant will comply with the provisions of this Education Regulation and the applicable Rules, Standards and Policies, if it were to hold an Education Permit.

**69 Applicant to be notified of Registry of Companies' decision**

- (1) The Registry of Companies shall notify the Applicant of its decision to:
  - (a) approve the Application and issue the Provisional Approval Letter;
  - (b) impose conditions or restrictions on the issue of such Provisional Approval Letter; or
  - (c) deny an Application for a Provisional Approval Letter.
- (2) The Registry of Companies shall also notify the Applicant of:
  - (a) the details of the Education Programs covered by the Provisional Approval Letter and any conditions or restrictions imposed; and
  - (b) the Effective Date.

**70 No right of appeal of decision of Registry of Companies**

The Applicant has no right to seek an appeal of the Registry of Companies' decision to deny an Application or to impose conditions or restrictions on the Provisional Approval Letter.

**71 Restriction on submitting new Application for Provisional Approval Letter**

If the Registry of Companies denies an Application, unless otherwise agreed by the Registry of Companies, the Applicant may not file a new Application for a Provisional Approval Letter to provide the same Education Program or Education Programs as those proposed in the denied Application for a period of 6 months or such period as may be determined by the Registry of Companies following the Applicant's receipt of notice from the Registry of Companies under section 69.

**72 Details contained in Provisional Approval Letter**

A Provisional Approval Letter shall contain the following details:

- (1) the name of the Provisional Approval Letter Holder;
- (2) the name and Location where the Education Programs are intended to be conducted;
- (3) the Effective Date of the Provisional Approval Letter;
- (4) the term of the Provisional Approval Letter;
- (5) the name of the Provisional Approval Letter Holder's Manager;
- (6) the Education Program proposed to be undertaken under an Education Permit; and
- (7) such other matters, including but not limited to any terms, any conditions or restrictions included in the Provisional Approval Letter, as may be specified by the Registry of Companies.

**73 Term of Provisional Approval Letter**

Subject to the provisions of the applicable Rules, Standards and Policies or any terms, conditions or restrictions imposed by the Registry of Companies, a Provisional Approval Letter shall be valid for a period of 2 years or such further term as may be extended under section 82.

**74 Abandonment of Education Programs**

- (1) Unless otherwise agreed to by the Registry of Companies, a Provisional Approval Letter Holder shall be deemed to have abandoned its intent to implement one or more Education Programs encompassed by its Provisional Approval Letter if the Provisional Approval Letter Holder does not commence, within 6 months of receipt of the notice from the Registry of Companies under section 69, steps necessary for the eventual filing of an Application for an Education Permit.
- (2) The Registry of Companies shall make arrangements for the Applicant to be notified in writing of its decision regarding:
  - (a) the revised scope of the Education Programs covered by the Provisional Approval Letter due to abandonment of one or more Education Programs; or
  - (b) the withdrawal of the Provisional Approval Letter due to abandonment of all Education Programs.

**75 Restriction on submitting new Application for Provisional Approval Letter following abandonment**

If the Applicant is deemed to have abandoned one or more Education Programs under section 74, the Applicant may not file a new Application for a Provisional Approval Letter to provide the same Education Program or Programs for a period of 6 months following its



receipt of notice from the Registry of Companies under section 74(2) unless agreed otherwise by the Registry of Companies.

## Part Seven Obligations of Provisional Approval Letter Holders

### 76 Conditions imposed to ensure progress

Following issuance of its Provisional Approval Letter, each Provisional Approval Letter Holder shall:

- (1) make good faith efforts and continuing progress toward filing an Application for an Education Permit;
- (2) report to the Registry of Companies on its actions and continuing progress every 3 months or as requested by the Registry of Companies;
- (3) comply with all terms, conditions and restrictions imposed on its Provisional Approval Letter.

### 77 Requirement to notify the Registry of Companies of modifications to an Application

The Provisional Approval Letter Holder shall promptly notify the Registry of Companies of any modification or change to the information or documentation contained in its Application for the Provisional Approval Letter.

### 78 Requirement to notify of changes in personnel

The Provisional Approval Letter Holder shall promptly notify the Registry of Companies of any changes as to the identity of all those persons who shall be Associated Persons, Controllers and directors during the term of the Provisional Approval Letter.

### 79 Modification or changes to Provisional Approval Letter Holders which are Branches

When the Registry of Companies issues a Provisional Approval Letter to an Applicant that is a Branch, that Branch shall notify the Registry of Companies in writing of any modification or change to the licensure, registration or equivalent authorization that it reported in its Application, together with the date of the occurrence of such modification or change, by no later than 20 days following any such modification or change.

### 80 Continuation of legal existence of Parent in Home Jurisdiction

During the term of the Provisional Approval Letter and prior to its Application for an Education Permit, the Provisional Approval Letter Holder shall provide the Registry of Companies on each anniversary of the Provisional Approval Letter's Effective Date, a certificate issued by the relevant authority in the Parent's Home Jurisdiction that proves the continuation of the legal existence of the Parent in the Home Jurisdiction and the validity of its licensure, registration or equivalent authorization with such authority.

### 81 Request for extension of term of Provisional Approval Letter

- (1) A Provisional Approval Letter Holder may request in writing for the Registry of Companies to extend the term of the Provisional Approval Letter.
- (2) The request shall specify the:
  - (a) period of time for the extension of the Provisional Approval Letter;
  - (b) outstanding requirements to be completed; and
  - (c) details of any circumstances beyond the reasonable control of the Provisional Approval Letter Holder which have presented a substantial obstacle to the timely completion of the steps needed to make an Application for an Education Permit.
- (3) Any such request shall be made no later than 60 days prior to the expiration of the Provisional Approval Letter, and submitted together with the applicable fee.

**82 Extension of term of Provisional Approval Letter**

- (1) Where the Provisional Approval Letter Holder makes such a request under section 81, and the Provisional Approval Letter Holder has made substantial progress during the term of its Provisional Approval Letter towards converting its Provisional Approval Letter to an Education Permit, the Registry of Companies may extend the time for such Provisional Approval Letter Holder to file its Application for an Education Permit.
- (2) In considering the request under section 81, the Registry of Companies may take into account any advice provided to the Registry of Companies by the Facilities Committee regarding the progress of the Provisional Approval Letter Holder.

**83 Period of extension**

The Registry of Companies shall consider the request to extend the term of the Provisional Approval Letter no later than 30 days prior to the expiration of the Provisional Approval Letter and may extend the term for a further period of up to 2 years.

**84 Notification of decision regarding request for extension of term**

The Registry of Companies shall notify the Applicant in writing of its decision regarding the request for the extension of the term of the Provisional Approval Letter including:

- (1) whether the request is granted;
- (2) whether the request is denied and the reasons for denying the request; and
- (3) the expiry date of the Provisional Approval Letter.

**85 No right of appeal of decision of Registry of Companies**

The Applicant has no right to seek an appeal of the Registry of Companies' decision to deny the request for an extension of the term of the Provisional Approval Letter.

**86 Failure to apply for Education Permit during term of Provisional Approval Letter**

If a Provisional Approval Letter Holder fails to apply for an Education Permit prior to the expiration of its Provisional Approval Letter, such Provisional Approval Letter shall automatically terminate on the expiry date specified in the Provisional Approval Letter.



## Part Eight Revocation and Suspension of Provisional Approval Letter

### 87 Grounds for suspension or revocation of Provisional Approval Letter

The Registry of Companies may suspend or revoke a Provisional Approval Letter on the grounds that the Provisional Approval Letter Holder has breached its obligations as set out in Part Seven of this Education Regulation or on the same grounds on which the Registry of Companies could have denied an Application for a Provisional Approval Letter under section 68.

### 88 Opportunity to rectify breach

Prior to suspending or revoking the Provisional Approval Letter, the Registry of Companies shall give the Provisional Approval Letter Holder an opportunity to rectify the breach within a period of time stipulated by the Registry of Companies.

### 89 Provisional Approval Letter Holder to be notified of suspension or revocation

The Registry of Companies shall notify the Applicant in writing of:

- (1) its decision to suspend or revoke the Provisional Approval Letter;
- (2) the reasons for its decision; and
- (3) in the case of suspension, any requirements that the Provisional Approval Letter Holder shall meet before the suspension shall be lifted.

### 90 No right of appeal from decision of Registry of Companies

The Applicant has no right to seek an appeal of the Registry of Companies' decision to suspend or revoke the Provisional Approval Letter.

### 91 Lifting of suspension

- (1) Where the Provisional Approval Letter has been suspended subject to the meeting of certain requirements, the Provisional Approval Letter Holder may request the Registry of Companies to lift the suspension when those requirements have been met.
- (2) The Registry of Companies may request any information it considers necessary from the Provisional Approval Letter Holder to enable it to consider the request to lift the suspension.

## Part Nine Provisions relating to Applications for Education Permits

### 92 Requirements to become an Approved Education Operator

For a Provisional Approval Letter Holder to convert its Provisional Approval Letter to an Education Permit it shall:

- (1) complete the Commissioning as determined by the Registry of Companies from time to time; and
- (2) have been granted the relevant in-principle approvals from the Clinical Affairs Department, the Licensing Board and the Academic and Research Council.

### 93 Provisional Approval Letter Holder responsible for submitting Application for Education Permit

The Provisional Approval Letter Holder is responsible for submitting the Application for an Education Permit to the Registry of Companies within the term of the Provisional Approval Letter together with the applicable fee.

### 94 Information to be provided with Application for Education Permit

- (1) The Application for an Education Permit shall contain such information as the Registry of Companies may reasonably require, consistent with the provisions of this Education Regulation and the applicable Rules, Standards and Policies.
- (2) Each Provisional Approval Letter Holder making an Application for an Education Permit shall specify in its application the Education Program that it proposes to carry on, if different from the information contained in its Application for a Provisional Approval Letter.

### 95 Preparation for Commissioning

In preparation for Commissioning, the Provisional Approval Letter Holder shall develop policies and procedures for the provision of the Education Program or Programs included in its Provisional Approval Letter in accordance with the applicable Rules, Standards and Policies.

### 96 Commissioning

- (1) A Provisional Approval Letter Holder shall undergo the Commissioning to ensure that it complies with the applicable Rules, Standards and Policies, and any other standards that an Agency specifies are required to be met prior to issuing an Education Permit.
- (2) Following the submission of an Application for an Education Permit, the Registry of Companies shall undertake, or arrange for the undertaking of the Commissioning which shall include, but is not limited to:
  - (a) a review of the final versions of all of the Provisional Approval Letter Holder's written policies then required to be in place;
  - (b) a comprehensive on-site inspection and/or assessment of the Location at which the Provisional Approval Letter Holder proposes to carry out its Education Program;
  - (c) the review of information that supports the conclusion that the Provisional Approval Letter Holder shall be able to satisfy all provisions of this Education Regulation, and the applicable Rules, Standards and Policies; and

(d) the provision of documented evidence that the Provisional Approval Letter Holder has received all licenses and other approvals required under the applicable Building Regulations and Zoning Regulations

(3) In undertaking the Commissioning, the Registry of Companies shall also determine if the Controllers, directors and Associated Persons of the Provisional Approval Letter Holder, as well as any Managers identified by the Provisional Approval Letter Holder, are all Fit and Proper Persons.

(4) On completion of the Commissioning, the Registry of Companies shall provide the Provisional Approval Letter Holder with a report on the preparedness of the Provisional Approval Letter Holder to carry out the Education Programs.

**97 Requirement to provide further information towards Application for Education Permit**

The Provisional Approval Letter Holder shall provide any such other information as the Registry of Companies may reasonably request within the timeframe specified by the Registry of Companies, in preparation for the Registry of Companies to review the Application for an Education Permit.

**98 Review of Application for Education Permit by the Registry of Companies**

(1) The Registry of Companies shall consider the Application together with the report on the Commissioning and the in-principle approvals from the Clinical Affairs Department, Licensing Board and Academic and Research Council, if any.

(2) In considering the information provided under subsection (1), the Registry of Companies shall take into account any applicable Regulations, Rules, Standards and Policies.

**99 Action on Application for Education Permit**

Upon review, the Registry of Companies may:

- (1) approve the Application for an Education Permit;
- (2) approve the Application for an Education Permit subject to conditions or restrictions as it deems necessary and proper to be included in the Education Permit; or
- (3) deny the Application for an Education Permit.

**100 Approval of Application for Education Permit**

The Registry of Companies shall not approve an Application unless it determines that:

- (1) the Applicant satisfies all relevant criteria contained in this Education Regulation and applicable Rules, Standards and Policies with regard to the type of Education Programs the Applicant proposes to undertake;
- (2) the Applicant has completed or is capable of completing all of the steps required by this Education Regulation and the applicable Rules, Standards and Policies to convert its Provisional Approval Letter to an Education Permit;
- (3) the Applicant has employed or engaged, or made arrangements to employ or engage Licensed Healthcare Professionals and others who possess the qualifications and experience to implement the Education Programs proposed in the Application;
- (4) all Controllers, directors, Associated Persons and Managers identified in the Application are Fit and Proper Persons;
- (5) there is a need for the Education Program within DHCC contemplated in the Application;
- (6) no facts have been found that would constitute grounds for the Registry of Companies to deny the Application;

- (7) in-principle approval has been granted by the Clinical Affairs Department;
- (8) in-principle approval has been granted by the Licensing Board; and
- (9) in-principle approval has been granted by the Academic and Research Council.

**101 Grounds for denying Application for Education Permit**

The Registry of Companies may deny an Application if it determines, based on credible evidence, that:

- (1) any statements, information or documents submitted by the Applicant are false, misleading or deceptive or are likely to mislead or deceive;
- (2) there has been a modification or change in the circumstances relating to the information or documentation contained in the Application subsequent to its filing and the Applicant has failed to notify the Registry of Companies of any such modification or change in a timely manner;
- (3) the Applicant has failed to satisfy any of the requirements in section 100; or
- (4) the Registry of Companies is not satisfied that the Applicant shall comply with the provisions of this Education Regulation and the applicable Rules, Standards and Policies, if it were to hold an Education Permit.

**102 Applicant to be notified of Registry of Companies' decision**

The Registry of Companies shall notify the Applicant of its decision to:

- (1) approve the Application and issue the Education Permit;
- (2) impose conditions or restrictions on the issue of such Education Permits; or
- (3) deny the Application.

**103 No right of appeal of the Registry of Companies' decision**

The Applicant has no right to seek an appeal of the Registry of Companies' decision to deny an Application or to impose conditions or restrictions on the Education Permit.

**104 Details contained on the Education Permit**

An Education Permit shall contain the following details:

- (a) the name of the Approved Education Operator;
- (b) the Effective Date of the Education Permit;
- (c) the term of the Education Permit;
- (d) the name of the Approved Education Operator's Manager;
- (e) the Education Program or Programs the Approved Education Operator intends to conduct; and
- (f) such other matters, including any terms, conditions or restrictions included in the Education Permit, as may be specified by the Registry of Companies.

**105 Display of Education Permit**

An Approved Education Operator shall at all times prominently post a copy of its Education Permit at each of its facilities, in such a manner that the Education Permit is visible to persons participating in the Education Programs at such facilities.

**106 Term of Education Permit**

- (1) The term of the Education Permit shall be specified in accordance with this Education Regulation and applicable Rules, Standards and Policies except to the extent limited by a condition or restriction imposed on the Education Permit by the Registry of Companies.

- (2) Unless otherwise provided in a specific Rule, Standard or Policy or as required by the Registry of Companies:
- (a) the term of the initial Education Permit issued to a Licensed Healthcare Operator shall be 2 years thereafter, expiring on the anniversary date of its issue;
  - (b) each Approved Education Operator shall renew its Education Permit in accordance with the provisions of Part Nineteen of this Education Regulation on the expiration of the initial term and then every 2 years, effective in each case as of the anniversary date of the initial issue of the Education Permit; and
  - (c) each second anniversary date shall be the Renewal Date.

**107 Details of Education Permit and Approved Education Programs to be recorded on Register**

At the time the Education Permit is issued, the details of the Approved Education Operator, the Approved Education Programs and the Education Permit, including any conditions or restrictions being included in the Education Permit, shall be added to the Academic and Research Council's Register in accordance with the Governing Regulation.



## Part Ten Obligations and Roles of Approved Education Operators

### 108 Compliance with Regulations

Each Approved Education Operator shall comply with all applicable requirements of this Education Regulations, and all other applicable Regulations, Rules, Standards and Policies.

### 109 Change of name, address and other details

- (1) An Approved Education Operator shall ensure that the information contained in the register is up to date and shall notify the Registry of Companies of any changes as soon as practicable after the date of change.
- (2) The Registry of Companies may require the Approved Education Operator to provide evidence to support any such change.

### 110 No addition or change of Education Programs

- (1) No Approved Education Operator may conduct an Education Program not encompassed within its already issued Education Permit or substantially change an Approved Education Program without first obtaining the Academic and Research Council's approval.
- (2) Where an Approved Education Operator intends to change the Education Programs that have been approved within its Education Permit, the Approved Education Operator shall submit a new Application for an Education Permit before it is able to provide such Education Programs.

### 111 Approved Education Operators required to obtain and maintain Accreditation

All Approved Education Operators shall obtain Accreditation by an accreditation organization approved by the Academic and Research Council within such time as may be stipulated, and maintain such Accreditation throughout the term of its Education Permit.

### 112 Restrictions on Approved Education Operators

No Approved Education Operator may, without first obtaining the Registry of Companies' approval:

- (1) substantially modify the physical facilities at its Location; or
- (2) acquire major capital equipment.

### 113 Requirements for Clinical Rotation Experiences for Healthcare Professionals

The Approved Education Operator shall prepare written agreements or letters of affiliation with all healthcare operators and Licensed Healthcare Operators where such healthcare operators and Licensed Healthcare Operators shall be involved in the provision of an Approved Education Program.

### 114 Clinical Instructors within DHCC

All clinical instructors who have clinical supervision responsibilities within any Licensed Healthcare Operator's facility shall be a Licensed Healthcare Professional.

### 115 Records management

Each Approved Education Operator shall comply with the applicable Rules, Standards and Policies with regard to the recording and retention of information about the Trainees, Undergraduates, Participants and Students.

**116 Cooperation with regard to on-site assessment**

- (1) The Approved Education Operator is required to comply with any reasonable requirements identified by the Clinical Affairs Department in the notice under subsection (2) related to an on-site assessment.
- (2) The Clinical Affairs Department may at any time during the term of a Education Permit, serve the Approved Education Operator a written notice to undertake an on-site assessment which includes:
  - (a) an on-site assessment of the Location that is subject to the Education Permit and the manner in which the Approved Education Operator is conducting the Approved Education Program or Programs for which it has received its Education Permit;
  - (b) a review of all of the Approved Education Operator's policies and procedures then in effect, to ensure that they remain in compliance with the requirements of this Research Regulation and all other applicable Regulations, Rules and Standards and Policies.

**117 Provision of information**

Each Approved Education Operator that is a Branch shall:

- (1) provide the Registry of Companies, on each anniversary of the issuance of the Branch's Education Permit, a certificate issued by the Home Jurisdiction of the Parent that proves the continuation of the legal existence in such Jurisdiction of the Parent and the validity of its licensure, registration or equivalent authorization with such authority; and
- (2) notify the Registry of Companies in writing of any modification or change to its Parent's licensure, registration or equivalent authorization that it reported in its Application for an Education Permit, together with the date of the occurrence of such modification or change, no later than 20 days following any such modification or change.

**118 Notification of termination of Education Programs**

- (1) An Approved Education Operator shall promptly notify the Registry of Companies if it decides not to proceed with the implementation of any of the Approved Education Programs for which its Education Permit has been issued;
- (2) Immediately upon the submission of a notification required by subsection (1), the Education Permit issued to such Approved Education Operator shall become null and void as it relates to any such Approved Education Program and the Registry of Companies may issue a revised Education Permit.

**119 Notification of changes to business**

In addition to the information that an Approved Education Operator is otherwise required to provide under this Education Regulation or any other applicable Rules, Standards or Policies, each Approved Education Operator shall provide notice to the Registry of Companies of the occurrence of any of the following:

- (1) changes in the nature of any other business it carries on in conjunction with any of its Approved Education Programs;
- (2) any proposal of the Approved Education Operator to alter the nature or extent of any other business that it carries on;
- (3) changes to its Manager, Controllers, directors and Associated Persons; and
- (4) changes to the facility and medical equipments, if applicable, requiring design approvals and fit-out permits to be issued in accordance with the Design and Construction Guidelines.

## Part Eleven

### Provisions relating to Post-Graduate Medical Education Programs

#### 120 Provisions only applicable to Post-Graduate Medical Education Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide Post-Graduate Medical Education Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

#### 121 Compliance with Rules, Standards and Policies

Any Application for an Education Permit to provide a Post-Graduate Medical Education Program shall comply with the applicable Rules, Standards and Policies.

#### 122 Pre-requisite for providing a Post-Graduate Medical Education Program

An education provider shall complete the Accreditation requirements as may be stipulated by the Academic and Research Council from time to time, before it may apply for an Education Permit to provide a Post-Graduate Medical Education Program.

#### 123 Post-Graduate Medical Education Committee

- (1) Each Approved Education Operator shall have an organized administrative system, which includes a Post-Graduate Medical Education Committee in accordance with the applicable Rules, Standards and Policies.
- (2) The Post-Graduate Medical Education Committee has responsibility for:
  - (a) monitoring and advising on all aspects of Post-Graduate Medical Education Programs;
  - (b) monitoring compliance with all applicable Regulations, Rules, Standards and Policies, and permitting the Academic and Research Council or its designee to also monitor its compliance;
  - (c) establishing and carrying out an internal review process that includes an assessment by a designated review committee(s) of each Post-Graduate Medical Education Program. Any such internal review shall be conducted prior to approval of any request for providing an Approved Education Program after a temporary cessation of that Approved Education Program under section 215; and
  - (d) ensuring that sufficient resources, including staff, space, equipment, supplies and time, are provided to allow for effective provision and oversight of the Post-Graduate Medical Education Programs.

#### 124 Composition of Post-Graduate Medical Education Committee

The Post-Graduate Medical Education Committee shall include at least the following:

- (1) Trainees nominated by their peers;
- (2) appropriate Program Directors;
- (3) administrators; and
- (4) other members of the Faculty.

#### 125 Provision of reports to Academic and Research Council

Written reports from all such reviews by the Post-Graduate Medical Education Committee shall be provided to the Academic and Research Council upon request.

**126 Internal Review of Approved Post-Graduate Medical Education Program**

Each Approved Education Operator shall undertake internal review of its Post-Graduate Medical Education programs in accordance with the applicable Rules, Standards and Policies.

**127 Responsibilities of Approved Education Operator**

Each Approved Education Operator shall have in place current agreements with all Major Participating Institutions which provide that:

- (1) the Approved Education Operator retains responsibility for the quality of the Approved Post-Graduate Medical Education Program even when Trainee education occurs at a Major Participating Institution or an Other Participating Institution for part of the Approved Post-Graduate Medical Education Program; and
- (2) the Approved Education Operator shall ensure that each of its Approved Post-Graduate Medical Education Programs has established appropriate arrangements with all Major Participating Institutions and Other Participating Institutions to ensure compliance with all applicable Program Requirements.

**128 Requirements to be satisfied for Institutions**

Subject to section 129, each Institution is required to be a Licensed Healthcare Operator and meet the DHCA accreditation requirements as set out in the Healthcare Operator's Regulations and applicable Rules, Standards and Policies.

**129 Where an Institution does not satisfy the requirements**

If the Institution does not meet the requirements of section 131:

- (1) it shall provide the Academic and Research Council with a satisfactory explanation of why it does not meet the requirements of section 131; and
- (2) the Academic and Research Council may determine if the Post-Graduate Medical Education Program is able to be provided by that Institution.

**130 Review of a Post-Graduate Medical Education Program**

The Academic and Research Council may periodically review the provision of an Approved Post-Graduate Medical Education Program under this Part of this Education Regulation.

**131 Approved Post-Graduate Medical Education Program requirements**

The Academic and Research Council may stipulate from time to time, requirements for Post-Graduate Medical Education Programs, including requirements relating to:-

- (1) the policy and criteria for the recruitment, appointment and selection of Trainees;
- (2) the specific knowledge, skills, attitudes and educational experiences required in order for participating Trainees to demonstrate various skills;
- (3) the terms and conditions for the appointment of Trainees;
- (4) the level and extent of supervision required for Trainees;
- (5) the submission of written evaluations from the Trainees; and
- (6) any matter relating generally to the safety and welfare of the Trainees and their ability to fulfil the Approved Post-Graduate Medical Education Program.

**132 Written agreement of appointment to be provided**

- (1) Each Approved Education Operator shall ensure that Trainees are provided with a written agreement of appointment outlining the terms and conditions of their appointment, which agreement shall include such matters as may be stipulated by the Academic and Research Council from time to time.

- (2) The Approved Education Operator shall not require Trainees to sign a non-competition guarantee.

**133 Clinical Supervision and participation**

- (1) Each Approved Education Operator providing Approved Post-Graduate Medical Education Programs shall ensure appropriate Clinical Supervision for all Trainees participating in the programs.
- (2) Each Approved Education Operator shall ensure that Trainees participate in educational and professional activities in accordance with the requirements of the Approved Post-Graduate Medical Education Program.

**134 Written evaluations**

Each Approved Education Operator shall ensure that each Trainee submits to the Program Director written evaluations of the Faculty and of such Trainee's educational experiences at least once a year.

**135 Reduction in size of Approved Post-Graduate Medical Education Program**

- (1) Each Approved Education Operator shall have a written policy that addresses the procedures for the reduction in size of its Approved Post-Graduate Medical Education Program.
- (2) Any such change of the Approved Post-Graduate Medical Education Program shall be done in accordance with the applicable Rules, Standards and Policies.

**136 Approved Education Operator may provide a Transitional Year Program**

- (1) Each Approved Education Operator providing an Approved Post-Graduate Medical Education Program may, with the approval of the Academic and Research Council, offer a Transitional Year Program as part of its Education Programs.
- (2) A Transitional Year Program shall not constitute an Approved Post-Graduate Medical Education Program.

**137 Responsibilities of Sponsoring Institution**

- (1) Each Sponsoring Institution shall provide all Post-Graduate Medical Education Trainees with a minimal level of financial support and benefits to ensure that the Trainee is able to fulfil the responsibilities of each Approved Post-Graduate Medical Education Program in which he participates.
- (2) The Sponsoring Institution may enter into arrangements with an Institution to provide the Post-Graduate Medical Education Trainee with financial support and benefits.
- (3) Notwithstanding subsection (2), the Sponsoring Institution retains the ultimate financial responsibility for the Approved Post-Graduate Medical Education Program.



## Part Twelve Provisions Related to Postgraduate Healthcare Programs

### 138 Applicability of provisions of Part Eleven of Education Regulation

The provisions of Part Eleven of this Education Regulation shall apply to education providers which propose to provide and Approved Education Operators which provide Post-Graduate Healthcare Programs, with the necessary modifications as may be stipulated by the Academic and Research Council from time to time.



## Part Thirteen

### Provisions Relating to Continuing Medical Education Programs

#### 139 Provisions only applicable to Continuing Medical Education Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide Continuing Medical Education Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

#### 140 Compliance with Rules, Standards and Policies

Any Application for an Education Permit to provide a Continuing Medical Education Program shall comply with the applicable Rules, Standards and Policies.

#### 141 Pre-requisite for providing a Continuing Medical Education Program

An education provider shall complete the Accreditation requirements as may be stipulated by the Academic and Research Council from time to time, before it may apply for an Education Permit to provide a Continuing Medical Education Program.

#### 142 Approved Continuing Medical Education Program requirements

The Academic and Research Council may stipulate from time to time, requirements for Continuing Medical Education Programs, including but not limited to requirements relating to:-

- (1) The classification of Continuing Medical Education Programs based on their objectives;
- (2) The type and form of Commercial Support allowed, and the conditions or restrictions on such Commercial Support;
- (3) The use of commercial exhibits in conjunction with a Continuing Medical Education Program;
- (4) The use of volunteers in the provision of Continuing Medical Education Programs, and safeguards to be implemented;
- (5) The “off-label use” of a product; and
- (6) The continual review of Enduring Materials to ensure that they are current and accurate.

#### 143 Application to provide Continuing Medical Education Programs

The Academic and Research Council shall review the Continuing Medical Education Program proposed to be offered by each Applicant and may recommend modifications to the Applicant before the Application is considered by the Registry of Companies.

#### 144 Ongoing review of Approved Continuing Medical Education Program

The Academic and Research Council may periodically review the provision of an Approved Continuing Medical Education Program.

#### 145 Obligations of Approved Education Operators providing Approved Continuing Medical Education Programs

- (1) All Approved Education Operators are responsible for validating the clinical content of the Approved Continuing Medical Education Programs they provide.
- (2) All recommendations involving the delivery of Healthcare Services by healthcare professionals and Complementary and Alternative Medicine professionals made

in the course of a Continuing Medical Education Program shall be based on evidence that is accepted within the respective professions as adequate justification for indications and contraindications in Healthcare Services provided to patients.

- (3) All scientific research referred to, reported or used in an Approved Continuing Medical Education Program in support or justification of any recommendations relating to patient care shall conform to the generally accepted standards of experimental design, data collection and analysis within the relevant profession.

#### **146 Evaluation to be provided to the Academic and Research Council**

Each Approved Education Operator providing an Approved Continuing Medical Education Program shall submit to the Academic and Research Council an evaluation of the effectiveness of its program within such period of time as may be stipulated from time to time.

#### **147 Commercial Support of a Continuing Medical Education Program**

- (1) The Approved Education Operator providing an Approved Continuing Medical Education Program may accept Commercial Support but all such Commercial Support shall comply with the relevant Standards in force from time to time.
- (2) The Approved Education Operator shall maintain control of the program's educational content and disclose to the Participants all financial relationships, or the absence of any, between any Commercial Source and the Approved Education Operator or any presenters in the program.

#### **148 Commercial Exhibits**

An Approved Education Operator providing an Approved Continuing Medical Education Program shall not allow arrangements for commercial exhibits in conjunction with the Approved Continuing Medical Education Program to influence the planning of or interfere with the presentation of the program.

#### **149 No endorsement**

When any commercial product is displayed in conjunction with an Approved Continuing Medical Education Program, the Approved Education Operator shall ensure that Participants in the program are advised that the Academic and Research Council's issuance of an Education Permit for the Program is not intended to be or to imply an endorsement by the Academic and Research Council of any particular commercial product.

#### **150 Presentation of research**

An Approved Education Operator providing an Approved Continuing Medical Education Program shall ensure that research conducted by a commercial company that is presented as part of such a program shall be presented with scientific objectivity.

#### **151 Volunteers Involved in Continuing Medical Education Programs**

- (1) The responsibility for the involvement of volunteers used in any Approved Continuing Medical Education Program lies with the Program Director designated by the Approved Education Operator.
- (2) The Continuing Medical Education Program shall specify if volunteers are to be involved in a Continuing Medical Education Program and shall include the applicable safeguards to protect any such volunteers.

#### **152 Off label use of a product**

An Approved Education Operator providing an Approved Continuing Medical Education Program shall ensure that Participants in any such program are informed if a presentation refers to use of a product that is not approved for such use by appropriate regulatory bodies ("off-label use of a product").



**153 Review of Enduring Materials by Academic and Research Council**

The Academic and Research Council shall review and approve, prior to its use with Participants, all Enduring Materials that are to be used in conjunction with an Approved Continuing Medical Education Program.

**154 Review of Enduring Materials by Approved Education Operator**

- (1) The Approved Education Operator shall review the Enduring Materials used in an Approved Continuing Medical Education Program at regular intervals stipulated by the Academic and Research Council from time to time, to ensure that its content is current and accurate.
- (2) The Approved Education Operator shall submit any revised version of the Enduring Materials to the Academic and Research Council for approval.
- (3) The date of each such review shall be included with the Enduring Materials, along with the original date of publication.

**155 Enduring Materials shall comply with requirements**

All Enduring Materials whether created before or during the time an Approved Continuing Medical Education Program is being provided, shall individually comply with all of the provisions of this Education Regulation and any applicable Rules, Standards, and Policies.

**156 Continuing Medical Education Program Materials**

All Continuing Medical Education Program Materials and their usage by an Approved Education Operator shall comply with this Education Regulation and any applicable Rules, Standards, and Policies.



## Part Fourteen Provisions Related to Continuing Healthcare Education Programs

### 157 Applicability of provisions of Part Thirteen of Education Regulation

The provisions of Part Thirteen of this Education Regulation shall apply to education providers which propose to provide and Approved Education Operators which provide Continuing Healthcare Education Programs, with the necessary modifications as may be stipulated by the Academic and Research Council from time to time.



## Part Fifteen Provisions Related to Degree Granting Healthcare Programs

### 158 Provisions only applicable to Degree Granting Healthcare Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide Degree Granting Healthcare Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

### 159 Compliance with Rules, Standards and Policies

Any Application for an Education Permit to provide a Degree Granting Healthcare Program shall comply with the applicable Rules, Standards and Policies.

### 160 Pre-requisite for providing a Degree Granting Healthcare Program

An education provider shall complete the Accreditation requirements as may be stipulated by the Academic and Research Council from time to time, before it may apply for an Education Permit to provide a Degree Granting Healthcare Program.

### 161 Obligations of Approved Education Operators of Degree Granting Healthcare Programs

All Approved Education Operators which have Approved Degree Granting Healthcare Programs are subject to Accreditation and on-going review as may be required from time to time.



## Part Sixteen

### Provisions Related to Non-Degree Granting Healthcare Programs

#### 162 Provisions only applicable to Approved Non-Degree Granting Healthcare Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide Non-Degree Granting Healthcare Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

#### 163 Compliance with Rules, Standards and Policies

Any Application for an Education Permit to provide a Non-Degree Granting Healthcare Program shall comply with the applicable Rules, Standards and Policies.

#### 164 Pre-requisite for providing a Non-Degree Granting Healthcare Program

An education provider shall complete the Accreditation requirements as may be stipulated by the Academic and Research Council from time to time before it may apply for an Education Permit to provide a Non-Degree Granting Healthcare Program.

#### 165 Obligations of Approved Education Operators of Non-Degree Granting Healthcare Programs

All Approved Education Operators which have Approved Non-Degree Granting Healthcare Programs are subject to Accreditation and on-going review as may be required from time to time.

#### 166 Issuance of requirements

The Academic and Research Council may from time to time, stipulate Institutional Requirements that are applicable to Institutions, and other requirements that are applicable to Approved Education Operators.



## Part Seventeen Provisions Related to High School Education Programs

### 167 Provisions only applicable to Approved High School Education Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide High School Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

### 168 Compliance with Rules, Standards and Policies

Any Application for an Education Permit to provide a High School Education Program shall comply with the applicable Rules, Standards and Policies.



## Part Eighteen Provisions Related to Pre-School Education Programs

### 169 Provisions only applicable to Approved Pre-School Education Program

- (1) The provisions of this Part of this Education Regulation are only applicable to education providers which propose to provide and Approved Education Operators which provide Pre-School Education Programs.
- (2) The provisions of this Part of this Education Regulation do not in any way exclude, limit or restrict the applicability of the other provisions of this Education Regulation.

### 170 Compliance with Rules, Standards and Policies

Any Application for an Education Permit for a Pre-School Education Program shall comply with the applicable Rules, Standards and Policies.

## Part Nineteen Renewal of Education Permit

### 171 Renewal of Education Permits

- (1) Each Approved Education Operator shall renew its Education Permit once every 2 years, effective as of the anniversary of the issuance of its Education Permit unless the term of the Education Permit specifies otherwise.
- (2) Each date on which an Approved Education Operator's Education Permit is to be renewed is the "Renewal Date".

### 172 Submission of Renewal Application

- (1) An Approved Education Operator shall submit to the Registry of Companies a completed Renewal Application and the applicable fee no later than 60 days prior to each Renewal Date.
- (2) The Registry of Companies may, at its discretion, allow a Renewal Application to be filed later than the date provided for in subsection (1) but any such extension shall be for no greater than 60 days.
- (3) Any extension granted under this section is subject to any Penalty that may be imposed by the Registry of Companies pursuant to section 180.

### 173 Information to be provided with Renewal Application

The Renewal Application shall include such information as the Registry of Companies determines is reasonable and appropriate relating to the Education Permit and associated Education Programs, including, but not limited to, the details of the following:

- (1) Education Programs undertaken during the term of the Education Permit;
- (2) criminal charges or civil proceedings instituted against the Approved Education Operator;
- (3) evidence that the Approved Education Operator's Approved Professional Indemnity Insurance, if applicable, remains in effect and may reasonably be expected to be in effect for the renewal period of the Education Permit; and
- (4) any other information that the Registry of Companies requires.

### 174 Registry of Companies to review the Renewal Application

- (1) The Registry of Companies shall review the Renewal Application at its next scheduled meeting provided that such meeting is more than 7 days after receipt of the Renewal Application.
- (2) If the next scheduled meeting of the Registry of Companies is less than 7 days after receipt of the Renewal Application, the Renewal Application shall be considered at the meeting following the next meeting.

### 175 Notification of Registry of Companies' decision

The Registry of Companies shall notify the Approved Education Operator in writing of its decision to:

- (1) approve the Renewal Application;
- (2) impose conditions or restrictions on an Education Permit; or
- (3) deny the Renewal Application.

**176 No right of appeal of decision of Registry of Companies**

The Approved Education Operator has no right to seek an appeal of the Registry of Companies' decision to deny the Renewal Application or place conditions or restrictions on the Education Permit.

**177 Request for extension of term of Education Permit**

- (1) If an Approved Education Operator is unable to file a Renewal Application for its Education Permit in accordance with section 172, the Approved Education Operator may request in writing for the Registry of Companies to extend the term of its Education Permit.
- (2) The request shall specify:
  - (a) the period of time for the extension of the term of the Education Permit; and
  - (b) the reasons for the extension of the term of the Education Permit.
- (3) Any such request shall be made no later than 14 days prior to the Renewal Date together with the applicable fee.

**178 Extension of term of Education Permit**

- (1) The Registry of Companies shall consider the request to extend the term of the Education Permit and may, at its discretion, extend the term of the Education Permit for a period not exceeding 30 days.
- (2) The Registry of Companies shall notify the Approved Education Operator of its decision in writing prior to the expiry of the term of the Education Permit.
- (3) Any extension granted under this section is subject to any Penalty that may be imposed by the Registry of Companies pursuant to section 180.
- (4) The Approved Education Operator shall not have a right of appeal from a decision of the Registry of Companies under this section.

**179 Failure to file a Renewal Application**

If an Approved Education Operator fails to file a Renewal Application for its Education Permit in accordance with section 172 or within any extended term granted in accordance with section 178, its Education Permit shall automatically terminate upon the expiry of its term or extended term, as the case may be, and the Approved Education Operator shall immediately cease providing any or all Education Programs under the Education Permit.

**180 Penalty for late filing of Renewal Application**

If an Approved Education Operator files a Renewal Application for its Education Permit later than what is permitted in this Part of this Education Regulation, the Registry of Companies may impose the applicable Penalty for the delay in filing.

## Part Twenty

### Actions by Education Review Committee and Clinical Affairs Department

#### 181 Non-compliance following on-site assessment

- (1) Subject to section 183, the Clinical Affairs Department, following an on-site assessment under section 116, shall notify the Approved Education Operator if it finds non-compliance with the requirements of the:
  - (a) Approved Education Operator's Education Permit;
  - (b) any of the applicable requirements of this Education Regulation, or
  - (c) any other applicable Regulations, Rules, Standards and Policies.
- (2) Where an Approved Education Operator is found to be non-compliant under subsection (1), it shall:
  - (a) if required by the Clinical Affairs Department, file a plan of correction to rectify the breaches and implement this plan within such period of time as the Clinical Affairs Department may require; and
  - (b) in any case, comply with any requirements as directed by the Clinical Affairs Department to rectify the breaches within such period of time as the Clinical Affairs Department may require.
- (3) The Education Review Committee may at any time, direct the Clinical Affairs Department to take action under this section if, following the receipt of any report under section 125, it finds non-compliance with the requirements of the:
  - (a) Approved Education Operator's Education Permit;
  - (b) any of the applicable requirements of this Education Regulation; or
  - (c) any other applicable Regulations, Rules, Standards and Policies.

#### 182 Further on-site assessment

The Clinical Affairs Department shall undertake, or arrange to be undertaken, a further on-site assessment to monitor the rectification of the breaches.

#### 183 Notification to CPU of failure to rectify breaches

If the Approved Education Operator fails to comply with section 181(2) or if the Clinical Affairs Department is not satisfied that the breaches have been rectified, the Clinical Affairs Department may notify CPU.

#### 184 Notification to CPU of serious and imminent risk

- (1) If, following an on-site assessment under section 116, the Education Review Committee or the Clinical Affairs Department identifies a serious and imminent risk to the health or safety of its employees or the public, the Education Review Committee or Clinical Affairs Department shall notify CPU immediately.
- (2) The Education Review Committee or Clinical Affairs Department may include, in its notification to the CPU, a request for an immediate interim restriction or suspension to be imposed on the Education Permit, or if applicable, the relevant Approved Education Program under the Education Permit, if they consider that there is reasonable cause to believe that it is necessary because:
  - (a) action or inaction by such Approved Education Operator poses a serious and imminent risk to the health or safety of its employees or the public;



- (b) the on-site assessment undertaken by the Clinical Affairs Department under section 116 indicates a serious and imminent risk to the health or safety of its employees or the public; or
- (c) the Approved Education Operator no longer has Approved Professional Indemnity Insurance, if applicable, in effect.

## Part Twenty-One Revocation and Suspension of an Education Permit

### 185 CPU to act on information from Education Review Committee or Clinical Affairs Department

- (1) Where the CPU has received a notification from the Education Review Committee or Clinical Affairs Department pursuant to sections 183 or 184, CPU shall act in accordance with the provisions of this Part of this Education Regulation.
- (2) For purposes of this Part, any such notification shall be referred to as a complaint from the Education Review Committee or Clinical Affairs Department.

### 186 Initial assessment

- (1) After receipt of a complaint, the CPU shall carry out an initial assessment.
- (2) The CPU shall as soon as reasonably practicable send a copy of the complaint to the Approved Education Operator concerned and require him to submit his written explanation to the complaint within a stipulated time.
- (3) At any time, the CPU may refer a complaint for mediation in accordance with section 187.
- (4) At any time, the CPQ may investigate and/or take steps to obtain further information as it deems necessary pursuant to its powers as provided for in sections 136 to 143 of the Governing Regulation.
- (5) After its initial assessment, CPU may refer the complaint to a Fitness to Practice Panel for review.
- (6) Upon making its decision on its course of action, the CPU shall as soon as reasonably practicable, serve a written notification to the Approved Education Operator and the complainant, and in the case of the Approved Education Operator, provide it with a copy of the complaint.

### 187 Mediation

- (1) Where the CPU has referred the matter for mediation, the CPU shall notify the Approved Education Operator and the complainant.
- (2) Both the Approved Education Operator and the complainant must consent to the mediation before the mediation can proceed.
- (3) Upon obtaining such consent from the Approved Education Operator and the complainant, the CPU shall appoint a mediator to carry out the mediation.
- (4) If no such consent has been obtained from:
  - (a) the Approved Education Operator, the CPU shall refer the matter to the Fitness to Practice Panel; or
  - (b) the complainant, the CPU may dismiss the complaint.
- (5) Upon the conclusion of mediation, the mediator shall submit a report to the CPU, including the terms of any amicable resolution of the matter reached.
- (6) In the event that the complainant and/or the Manager of the Approved Education Operator refused or failed without reasonable cause to attend the mediation, the mediator may recommend the following:
  - (a) refer the matter to Fitness to Practice Panel; or
  - (b) dismiss the complaint.

- (7) In the event that there is no amicable resolution of the matter, the CPU may, after consideration of the report submitted by the mediator, make the following orders:
- (a) dismiss the complaint; or
  - (b) refer the matter to the Fitness to Practice Panel.

**188 Interim restriction or suspension**

- (1) Where the CPU has received a request from the Institutional Review Committee or Clinical Affairs Department pursuant to section 184(2) to impose an immediate interim restriction or suspension on the Education Permit, or if applicable, the relevant Approved Education Program under the Education Permit, the CPU shall inform the chairperson of the Complaints Panel immediately.
- (2) The chairperson of the Complaints Panel shall review the complaint to determine whether an immediate interim restriction or suspension should be made.
- (3) The chairperson of the Complaints Panel may be assisted by a legal assessor in his review of the complaint.
- (4) The chairperson of the Complaints Panel shall provide the Approved Education Operator with a copy of the complaint and request it to provide its explanation as to whether an immediate interim restriction or suspension should be made, either in writing or at a hearing. If the Manager of the Approved Education Operator is called upon to attend a hearing, he shall attend the hearing alone, unless the chairperson of the Complaints Panel allows otherwise.
- (5) The chairperson of the Complaints Panel may impose an interim restriction or suspension on the Education Permit.
- (6) The chairperson of the Complaints Panel shall immediately serve a written notification of its decision under subsection (5) above to the Approved Education Operator, and such decision shall take effect from the date of receipt of such notification.
- (7) Such interim restriction or suspension shall remain in place until directed otherwise by the Fitness to Practice Panel following the completion of the review by the Fitness to Practice Panel.
- (8) For the avoidance of doubt, Part Nineteen of this Education Regulation shall continue to apply to an Approved Education Operator whose Education Permit is the subject of an interim restriction or suspension imposed by the chairperson of the Complaints Panel pursuant to subsection (5).

**189 Referral to Fitness to Practice Panel**

- (1) Where the CPU has made its decision to refer the complaint to the Fitness to Practice Panel, the chairperson of the Complaints Panel shall appoint a Fitness to Practice Panel in accordance with section 135 of the Governing Regulation.
- (2) The Fitness to Practice Panel shall review the complaint against the Approved Education Operator to determine whether an order to impose conditions, suspend or revoke the Education Permit should be made.

**190 Obtaining legal advice**

The Fitness to Practice Panel may obtain legal advice from a legal assessor to assist in its review.

**191 Preparation for Fitness to Practice Panel's review**

- (1) The Fitness to Practice Panel may, at any time before its review commences, require:
  - (a) the Approved Education Operator to provide any additional information; or

- (b) the Manager of the Approved Education Operator to meet with a member of the Fitness to Practice Panel to identify and clarify the nature of the issues that shall be considered or determined during the review.
- (2) The Fitness to Practice Panel shall provide the Approved Education Operator with Guidance concerning the conduct of the review prior to the commencement of the review.

#### 192 Notification of Fitness to Practice Panel's hearing

When a Fitness to Practice hearing is to be held, the Fitness to Practice Panel shall:

- (1) within 3 days following its appointment, serve a notice on the Approved Education Operator that states:
  - (a) the nature of the hearing and of any allegations made against the Approved Education Operator or the issues that have been identified;
  - (b) the time and place of the hearing;
  - (c) that the Approved Education Operator has the right to make submissions at the hearing, through the Manager and/or counsel; and
  - (d) that the hearing shall be held in private unless required otherwise by the Fitness to Practice Panel.
- (2) fix a time and place for the hearing to be held, which time shall be no earlier than 21 days and no later than 45 days following notification to the Approved Education Operator under subsection 1 above.

#### 193 Procedures for hearing

- (1) At the Fitness to Practice Panel hearing:
  - (a) the Fitness to Practice Panel shall hear and determine the matter before it;
  - (b) the Approved Education Operator is entitled to be present, by way of the Manager and/or legal counsel, to make submissions, to call witnesses and to undertake cross-examination; and
  - (c) the proceedings are to be closed to the public unless the Fitness to Practice Panel determines otherwise.
- (2) Subject to the other provisions of this section and any relevant Standards and Policies, the Fitness to Practice Panel:
  - (a) may regulate its own procedure;
  - (b) shall conduct the proceedings with as little formality and technicality as the requirements of this Education Regulation and the proper consideration of the matter reasonably permit;
  - (c) is not bound by rules of evidence but may inform itself in any way that is reasonable; and
  - (d) is bound by the rules of natural justice.

#### 194 Decision of Fitness to Practice Panel

- (1) At the conclusion of the review, the Fitness to Practice Panel may:
  - (a) impose conditions or restrictions on an Approved Education Operator's Education Permit;
  - (b) suspend the Education Permit for a period stipulated by the Fitness to Practice Panel;
  - (c) revoke the Education Permit;

- (d) remove or modify conditions or restrictions previously included in an Approved Education Operator's Education Permit;
  - (e) impose a Penalty in accordance with the schedule of prescribed fines issued by the Registry of Companies from time to time; or
  - (f) take no further action.
- (2) Further to subsection (1), the Fitness to Practice Panel may order the Approved Education Operator concerned to pay such sums as it thinks fit in respect of costs and expenses of and incidental to any proceedings before the Fitness to Practice Panel, and where applicable, the chairperson of the Complaints Panel. Such costs and expenses shall include:-
- (a) the costs and expenses of any legal assessor appointed to assist the Fitness to Practice Panel in its review;
  - (b) such reasonable expenses as the Fitness to Practice Panel may pay to witnesses; and
  - (c) such reasonable expenses as are necessary for the conduct of proceedings before the Fitness to Practice Panel and the chairperson of the Complaints Panel.

**195 Grounds for imposing conditions or restrictions, suspending or revoking an Education Permit**

- (1) Grounds for the Fitness to Practice Panel imposing conditions or restrictions, suspending or revoking an Education Permit in full or in part include, but are not limited to, where the Approved Education Operator:
- (a) has substantially contravened a provision of this Education Regulation, any other applicable Regulations, Rules, Standards or Policies or the conditions or restrictions included in its Education Permit;
  - (b) has failed to satisfy a material obligation to which it is subject to by virtue of this Education Regulation, any other applicable Regulations, Rules, Standards or Policies or the terms, conditions or restrictions included in its Education Permit or no longer meets the relevant applicable criteria under which its Education Permit was granted;
  - (c) has repeatedly failed to correct deficiencies identified to it by the Education Review Committee or the Clinical Affairs Department, upon the Education Review Committee's or the Clinical Affairs Department's periodic review, even if individually any one such deficiency would not by itself constitute grounds for revocation of an Education Permit;
  - (d) no longer holds a License to carry on a business in DHCC under the Company Regulations;
  - (e) in the case of an Approved Education Operator that is a Branch, its Parent no longer has the right to carry on a business in its Home Jurisdiction;
  - (f) has failed to maintain Approved Professional Indemnity Insurance, if applicable;
  - (g) has furnished fraudulent, misleading, deceptive or inaccurate information to the Registry of Companies or the Academic and Research Council under or for the purposes of any provision of this Education Regulation, any other applicable Regulations, Rules, Standards or Policies;
  - (h) has not commenced one or more of the Approved Education Programs for which its Education Permit was granted within such period as may reasonably have been specified by the Registry of Companies;

- (i) has not completed implementing all of the Education Programs for which its Education Permit was granted within 6 months following the issuance of the Education Permit, unless otherwise agreed by the Registry of Companies;
  - (j) has not paid any applicable fee, including any Penalty , due and payable in respect of an Education Permit, or has not paid any other amounts due to the Academic and Research Council;
  - (k) has ceased to provide any Approved Education Program without written notice for which its Education Permit was granted;
  - (l) is carrying on, purportedly under its Education Permit, education activities different from that for which its Education Permit was granted;
  - (m) has assigned the benefit and control of the Education Program or Programs of the Approved Education Operator to a third party.
- (2) The Fitness to Practice Panel may also impose conditions or restrictions on, suspend or revoke an Education Permit:
- (a) on the order of a court or tribunal having jurisdiction in DHCC; or
  - (b) on any other ground that the applicable Rules, Standards and Policies may specify as a proper and reasonable ground for the imposition of conditions or restrictions, suspension or revocation of an Education Permit.

**196 Approved Education Operator to be notified of Fitness to Practice Panel's decision**

- (1) The Fitness to Practice Panel shall notify the Approved Education Operator in writing of its decision.
- (2) The Fitness to Practice Panel shall also provide the Approved Education Operator with:
  - (a) a written statement of reasons for its decision; and
  - (b) details of its right to seek an appeal of the decision.

**197 Right of appeal of decision of Fitness to Practice Panel**

- (1) The Approved Education Operator has the right to seek an appeal of the Fitness to Practice Panel's decision.
- (2) Any appeal shall be carried out in accordance with Part Twenty-Two of this Education Regulation.

**198 Registry of Companies may suspend or revoke Education Permit in summary manner**

- (1) The Registry of Companies may suspend or revoke an Education Permit of an Approved Education Operator in a summary manner where —
  - (a) the Licence(s) of Licensed Healthcare Professional(s) who are identified to be key personnel of the Approved Education Operator have been revoked or suspended; or
  - (b) the Approved Education Operator is not covered by the applicable insurance in accordance with section 217 while conducting Approved Education Programs.
- (2) Before suspending or revoking the Education Permit under subsection (1), the Registry of Companies shall —
  - (a) give to the Approved Education Operator notice in writing of its intention to do so; and



- (b) in such notice, call upon the Approved Education Operator to show cause within such time as may be specified in the notice as to why its Education Permit should not be suspended or revoked.
- (3) If the Approved Education Operator —
- (a) fails to show cause within the period of time given to him or such extended period of time as the Registry of Companies may allow; or
- (b) fails to show sufficient cause, as to why the Education Permit should not be suspended or revoked,
- the Registry of Companies shall give notice in writing to the Approved Education Operator of the date from which the suspension or revocation of the Education Permit is to take effect and where applicable, the period of suspension.
- (4) Sections 205 and 206 of this Education Regulation shall apply in the same manner as if the Education Permit was suspended or revoked by the decision of the Fitness to Practice Panel as set out in Part Twenty-One of this Education Regulation.

## Part Twenty-Two Appeal Process

### 199 Appeal against decision of Fitness to Practice Panel

Where a right of appeal against a decision of the Fitness to Practice Panel has been provided in this Education Regulation, the appeal process shall follow the provisions of this Part of this Education Regulation.

### 200 Fitness to Practice Panel's orders shall not take effect pending appeal

Unless otherwise ordered by the Fitness to Practice Panel, where the Approved Education Operator has filed an appeal against the Fitness to Practice Panel's orders, the orders shall not take effect until the conclusion of the appeal and the Appeals Board has made a decision under section 203.

### 201 Right to provide further information upon appeal

- (1) Where the Approved Education Operator files an appeal against the Fitness to Practice Panel's decision, the Approved Education Operator shall provide the Appeals Board with:
  - (a) a written notification of its intention to appeal the relevant decision;
  - (b) a written response to the statement of reasons set out in the notification; and
  - (c) such additional and supplemental information as it deems appropriate.
- (2) The information provided in subsection (1) above shall be provided to the Appeals Board within 30 days of receipt of the notification under section 196.

### 202 No right to be heard

- (1) The Approved Education Operator has no right to be heard by the Appeals Board, unless his attendance has been requested by the Appeals Board under subsection (2).
- (2) The Appeals Board may invite the Approved Education Operator to attend the meeting of the Appeals Board where the matter is to be considered.

### 203 Decision of Appeals Board

- (1) Following consideration of the matter together with the further information provided under section 201, the Appeals Board shall either:
  - (a) impose conditions or restrictions on a Approved Education Operator's Education Permit;
  - (b) suspend the Education Permit for a period of time stipulated by the Fitness to Practice Panel;
  - (c) revoke the Education Permit;
  - (d) remove or modify conditions or restrictions previously included on an Approved Education Operator's Education Permit;
  - (e) impose a Penalty in accordance with the schedule of prescribed fines issued by the Registry of Companies from time to time; or
  - (f) take no further action.
- (2) Further to subsection (1), the Appeals Board may order the Approved Education Operator concerned to pay such sums as it thinks fit in respect of costs and expenses of and incidental to any proceedings before the Appeals Board. Such costs and expenses shall include:-



- (a) the costs and expenses of any legal assessor appointed to assist the Appeals Board in its review;
  - (b) such reasonable expenses as the Appeals Board may pay to witnesses; and
  - (c) such reasonable expenses as are necessary for the conduct of proceedings before the Appeals Board.
- (3) The Appeals Board shall make its decision by a majority vote.

**204 No right of appeal**

The Applicant has no right to seek an appeal of the Appeals Board's decision.



## Part Twenty-Three Termination of Approved Education Programs

### 205 Actions following refusal to renew or revocation of Education Permit

- (1) Following a decision by the Fitness to Practice Panel or the Appeals Board to revoke the Approved Education Operator's Education Permit, or a decision of the chairperson of the Complaints Panel to impose an interim restriction or suspension on the Approved Education Operator's Clinical Operating Permit, the Registry of Companies shall determine the duration of an orderly wind down period for the Approved Education Programs provided by the Approved Education Operator under the Education Permit.
- (2) In determining the duration of an orderly wind down period, the Approved Education Operator shall give due consideration to, among other relevant factors, the need for proper notice to Trainees, Undergraduates, Participants and Students.
- (3) Where the Approved Education Operator has obtained a license to operate outside of DHCC in compliance with section 45(2), it shall notify the relevant authority of the revocation, refusal to renew, or the interim suspension or revocation of its Education Permit.
- (4) In the situation described in subsection (3), the Registry of Companies may also disclose the revocation, refusal to renew, or the interim suspension or revocation of the Approved Education Operator's Education Permit to the relevant authority.
- (5) The obligations in this section shall take effect upon the expiry of the 30 day period provided for the notification of an appeal to the Appeals Board.

### 206 Ceasing activities

Upon the completion of the orderly winding down of the Approved Education Operator's Approved Education Programs, the affected Approved Education Operator shall immediately cease providing all Approved Education Programs under its Education Permit and shall no longer be entitled to refer to itself as an Approved Education Operator.



## Part Twenty-Four Voluntary Termination of Education Programs

### 207 Written notice to be provided

An Approved Education Operator may, at any time, provide written notice to the Registry of Companies that it intends to cease providing one or more Approved Education Programs under its Education Permit as of a date or dates specified in the notice.

### 208 Information to be provided

The Approved Education Operator shall include with the written notice a plan for the orderly winding down of the Education Program or Programs that it proposes to cease providing including the date that the Operator expects to complete the winding down of the Education Program.

### 209 Advice from Registry of Companies, other Agencies and CPQ

The Registry of Companies may seek the advice of the other Agencies with regard to the voluntary termination of Education Programs on a permanent and temporary basis and in particular the adequacy of the plan submitted under section 208.

### 210 Sufficient time required to wind down Education Programs

The date or dates specified in a notice provided under section 207 shall be sufficient to provide such time as is reasonable for the Approved Education Operator to provide for the orderly winding down of each Education Activity identified in such notice. The Registry of Companies may consult with the Academic and Research Council and the Education Review Committee as to the sufficiency of such time required.

### 211 Registry of Companies may require extension of time

The Registry of Companies may require that any date specified in a notice under section 207 be extended if following a review of the information provided under section 208, it determines that more time is required in order to ensure that the affected Education Programs are terminated in an orderly fashion.

### 212 CPQ may direct winding down

If the Registry of Companies considers a plan submitted under section 208 insufficient, or otherwise determines that the affected Approved Education Operator is not itself able to adequately arrange for the orderly closure of any of the affected Education Programs, it may direct CPQ or an organization appointed by CPQ to enter the Location at which the Approved Education Operator has been conducting such Education Programs solely to provide for an orderly winding down of all such Education Programs.

### 213 Registry of Companies may require continuation of an Education Activity

The Registry of Companies may, by written notice to the Approved Education Operator, require the Operator to continue to the Education Program it proposes to cease, for such reasonable time as the Registry of Companies specifies, if it reasonably determines that the Trainees, Undergraduates, Participants and Students participating in the Education Program shall otherwise be adversely affected by the Approved Education Operator's actions.

### 214 Termination of Education Permit

Upon the date specified in the notice under section 207 or any other date that may be stipulated by the Registry of Companies, the Education Permit shall be terminated and the Registry of Companies shall issue a revised Education Permit if necessary.



**215 Notice to temporarily cease provision of Approved Education Programs**

- (1) An Approved Education Operator may temporarily cease the provision of one or more Approved Education Programs upon the approval of the Registry of Companies.
- (2) The Approved Education Operator shall provide written notice to the Registry of Companies:
  - (a) at least 30 days prior to the cessation of each Approved Education Program to which it refers, unless such cessation must occur urgently, in which case such notice shall be provided as close as possible prior to the cessation of the Approved Education Program;
  - (b) specifying the period of time during which the Approved Education Operator shall cease providing the Approved Education Program, which period shall be no longer than 6 months without the approval of the Registry of Companies; and
  - (c) specifying the steps to be taken by the Approved Education Operator to make arrangements for the continued training of Trainees, Undergraduates, Participants and Students enrolled in its Approved Education Programs as of the time such notice is given.

**216 Approval of Academic and Research Council required**

- (1) The Registry of Companies shall consult with the Academic and Research Council before approving the temporary cessation of any Approved Education Program.
- (2) The Academic and Research Council may place such conditions as it deems appropriate on its approval for the temporary cessation of any Approved Education Program.

## Part Twenty-Five Approved Professional Indemnity Insurance

### 217 Requirement to have insurance

- (1) An Approved Education Operator may not conduct any Education Programs unless it is covered by the required Approved Professional Indemnity Insurance, public liability insurance and/or any other form of insurance, where applicable.
- (2) Such insurance under subsection (1) is to be obtained and maintained in such amounts and on such terms and conditions as the Central Governance Board may reasonably specify from time to time and/or as required under other applicable laws, Regulations, Rules, Standards or Policies in force from time to time in DHCC.

### 218 Approval by CPQ of insurers

- (1) Such insurance is to be obtained from carriers that have been approved by CPQ based on CPQ's assessment of their financial solvency and other characteristics that CPQ deems reasonable and relevant to assuring the ability of such carriers to meet their obligations under policies issued for Approved Education Operators in DHCC.
- (2) A list of such approved carriers shall be published by CPQ from time to time.

### 219 Professional Indemnity Insurance required in addition to other insurance

The Approved Professional Indemnity Insurance, if applicable, shall be in addition to any other insurance that the Approved Education Operator is required to obtain and maintain under other applicable laws, Regulations, Rules, Standards or Policies in force from time to time in DHCC.

### 220 Restriction on granting Education Permit

The Registry of Companies:

- (1) shall not issue an Education Permit to a Provisional Approval Letter Holder unless it is satisfied that the Provisional Approval Letter Holder will, while conducting an Education Program, be covered by Approved Professional Indemnity Insurance, if applicable; and
- (2) may revoke, suspend or refuse to renew the Education Permit of a Approved Education Operator if it is satisfied that the Approved Education Operator is not covered by Approved Professional Indemnity Insurance, if applicable, while conducting an Approved Education Program.

## Schedule One: Provisions relating to Committees

### 1 Appointment of Members of Committee

The Academic and Research Council shall appoint the members of the Committee.

### 2 Appointment of chair of Committee

The Academic and Research Council shall appoint the chairperson of the Committee.

### 3 Term of appointment

(1) Of the initial appointees to the Committee, the Academic and Research Council shall appoint:

- (a) half the members to a term of 2 years each; and
- (b) half the members to a term of 3 years each, including the chairperson.

(2) In the case that there are an uneven number of members to be appointed, the majority of members shall be appointed for the term of 2 years.

### 4 Reappointment of members

A member is eligible to be reappointed to the Academic and Research Council unless he has held office for 6 consecutive years. In such an event, the member shall not be reappointed immediately unless the Executive Body consents in writing to his reappointment and holding office for more than 6 consecutive years, provided that such reappointment shall only be for one further term.

### 5 Resignation of members

A member of the Committee may resign from office by tendering a signed written notice to the Academic and Research Council.

### 6 Vacation of office

A member of the Committee ceases to be a member of the Committee if the Committee is de-established by amendment to this Education Regulation.

### 7 Removal from office

(1) The Academic and Research Council may remove a member with just cause by giving written notice to the member. Such written notice shall include the date on which the removal takes effect, which shall not be an earlier date than the date on the notice which is received.

(2) The notice shall also state the reasons for removal.

(3) Just cause includes misconduct, inability to perform the functions required of the member, neglect of duty, and breach of any of the collective duties of the Agency or the individual duties of the member.

### 8 No compensation for loss of membership

A member of the Committee is not entitled to any compensation or benefit relating to his ceasing (for any reason) to hold office as a member of the Committee.

### 9 Appointment of secretary to Committee

The Academic and Research Council shall appoint a person who is not a member of the Committee to serve as secretary to the Committee. The secretary shall serve such term as the Academic and Research Council shall determine and may be removed by the Academic and Research Council at any time.

## 10 Role of secretary

The secretary shall prepare and maintain adequate documentation of Committee activities, including, but not limited to:

- (1) The maintenance of a written record of all Committee meetings and of all actions taken by it, and any decisions and any recommendations made;
- (2) The maintenance of records of the Committee's continuing review of an Approved Education Program;
- (3) at the direction of the chairperson of the Committee, distributing the agenda for each meeting no less than 5 business days prior to such meeting and distribute the Applications to be reviewed no less than 7 business days prior to such meeting;
- (4) maintaining responsibility for ensuring that the minutes of each meeting are distributed to the members of the Committee within 3 business days following each meeting;
- (5) maintaining a list of all Committee member details and qualifications;
- (6) maintaining a register of member interests as disclosed under clause 16;
- (7) ensuring availability of written procedures for the Committee; and
- (8) any such additional duties as the Academic and Research Council may from time to time prescribe.

## 11 Retention of information

All Committee's records including but not limited to:

- (1) written procedures;
- (2) membership lists;
- (3) lists of occupations/affiliations of members;
- (4) submitted documents;
- (5) minutes of meetings; and
- (6) correspondence,

shall be retained for at least 5 years.

## 12 Meeting procedure

The Committee shall adopt standard operating procedures to govern its conduct consistent with the provisions of the Governing Regulation, Schedule One clause 14, including:

- (1) it shall meet as required and as determined by the Academic and Research Council , at such times and places as the Academic and Research Council may designate;
- (2) all meetings shall occur with the physical presence of all participating members; provided, however, that meetings may take place via teleconference or such other means as determined by the Committee that allow all of the members to participate in the meeting at the same time;
- (3) a majority of the members of the Committee then in office shall constitute a quorum for the transaction of all business, however; a lay person member shall be present; and
- (4) only Committee members who participate in the review and discussion of a matter shall be entitled to vote on such matter.

**13 Training of members**

Each Committee member shall complete a training program approved by the Academic and Research Council before beginning his term, and shall be required to complete a refresher course every 2 years as long as he remains a Committee member.

**14 Participation of other persons**

- (1) The Committee may invite persons who are not members of the Committee to participate in Committee meetings when they have expertise in special areas to review Protocols.
- (2) No such invited participant shall be entitled to vote as a member of the Committee.

**15 Disclosure of interests**

- (1) A member of the Committee who is interested in a transaction shall, as soon as is reasonably practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the Committee.
- (2) Subject to clause 17 of this Schedule, a member of the Committee who makes a disclosure under this clause shall not:
  - (a) take part, after the disclosure, in any deliberation or decision of the Agency relating to the transaction; or
  - (b) be included in the quorum when a vote on the decision is to be taken; or
  - (c) sign any document in relation to the entry into a transaction or the initiation of the transaction.

**16 Disclosure of interest shall be recorded**

The disclosure shall be recorded in the minutes of the next meeting of the Agency and entered into the interest register maintained by the Secretary.

**17 Member may be permitted to participate in deliberations**

- (1) A member who makes a disclosure under clause 15 may take part in any deliberation (but not in any decision) of the Agency relating to the transaction concerned if a majority of the other members of the Agency permits the member to do so.
- (2) If the member is permitted to take part in the deliberation, the Agency minutes shall record:
  - (a) The permission and the majority's reason for giving it; and
  - (b) What the members says in any deliberation at the meeting relating to the transaction concerned.
- (3) Any relevant change to the member's circumstances affecting a matter disclosed is entered in to the register of interests as soon as practicable after the change occurs.

**18 Meaning of transaction**

- (1) The provisions of the Governing Regulation, Schedule One, clauses 19, 20 and 21 apply to interpreting the meaning of a transaction.
- (2) In addition, only those Committee members who are independent of a proposed Education Program may participate in the discussion and vote on such proposed Education Program.