

## **CONSOLIDATED STATUTORY AUTHORITY & RESPONSIBILITY MATRIX (2026)**

**In general, Under section 5 of the main Health Council Act, the Council's principal functions are:**

- (a) to ensure the provision of essential health services and to promote and maintain the good health of the residents of Bermuda;
- (b) to exercise regulatory responsibilities with respect to health services and to ensure that health services are provided to the highest standards;
- (c) to regulate health service providers by monitoring licensing and certification, establishing fees in respect of the standard health benefit, and establishing standards and codes of practice;
- (ca) to regulate the importation of high risk health technology into Bermuda and to further regulate such technology through registration and monitoring;
- (d) to regulate health professionals by monitoring licensing, certification, standards and codes of practice;
- (da) to perform the administrative functions relating to the registers for, and registration and re-registration of, health professionals that are conferred on the Council by this Act and by any other provision relating to health professionals including the collection of fees, and matters connected thereto;
- (e) to licence health insurers;
- (f) to identify and publish goals for the health care system, to coordinate and integrate the provision of health services, and make recommendations to the Minister on the prioritisation of initiatives with respect to health services;
- (g) to licence health service providers, and to establish, maintain and publish a register of licensed health service providers;
- (ga) to perform the functions assigned to it under the Residential Care Homes and Nursing Homes Act 1999;
- (h) to regulate the price at which drugs are sold to the public;
- (i) to establish and promote wellness programmes;
- (j) to conduct research, collect, evaluate and disseminate to the public information on the incidence of illness and other relevant information necessary to support objective decision making with respect to public health and the optimal use of resources; and
- (k) to advise the Minister on any matter related to health services that may be referred to the Council by the Minister.

## I. CONSTITUTIONAL STATUS & CORE PURPOSE

Category	Legal Basis	Nature	Practical Meaning
<b>Establishment as Body Corporate</b>	s.3 Health Council Act	Structural	May sue & be sued; independent statutory body
<b>General Purpose</b>	s.4	Mandatory mandate	Regulate, coordinate & enhance delivery of health services
<b>Paramountcy Clause</b>	s.4(2)	Hierarchical authority	Prevails over inconsistent Acts re: health service providers
<b>Enter into contracts and do all things necessary for the performance of its functions</b>	s.3(3)	Express corporate power	Execute agreements, MOUs, procurement arrangements, and operational contracts

## II. SYSTEM-LEVEL POWERS & DUTIES

Function	Legal Basis	Type	Practical Scope
<b>Ensure essential health services</b>	s.5(1)(a)	Proactive duty	Continuity of services; respond to systemic threats
<b>Exercise regulatory responsibilities</b>	s.5(1)(b)	Mandatory	Oversight of standards & compliance
<b>Identify &amp; publish system goals</b>	s.5(1)(g)	Strategic duty	Long-term planning (UHC, equity, integration)
<b>Coordinate &amp; integrate services</b>	s.5(1)(g)	Structural duty	Avoid fragmentation
<b>Advise Minister</b>	s.5(1)(k)	Mandatory advisory function	Independent policy advice

### III. LICENSING & REGISTRAR FUNCTIONS

#### A. Health Service Providers

Function	Legal Basis	Type	Practical Scope
<b>Serve as Registrar</b>	Licensing Regs	Mandatory	Maintain provider register
<b>License providers</b>	s.13	Mandatory	Approval of clinics, pharmacies, labs, etc.
<b>Inspect premises</b>	s.14	Enforcement tool	Entry at reasonable times
<b>Attach licence conditions</b>	s.15 Regs	Regulatory	Public interest safeguards
<b>Impose restrictions</b>	Licensing Regs	Enforcement	Necessary in interest of clients
<b>Revoke licence</b>	Licensing Regs	Enforcement	Breach-based
<b>Civil penalties</b>	s.16F	Enforcement	Proportionate sanctions

#### B. Health Insurers

Function	Legal Basis	Type	Practical Scope
<b>Serve as Registrar</b>	HIA s.28	Mandatory	Maintain insurer registry
<b>License insurers</b>	HIA s.28	Mandatory	Fit & proper test
<b>Impose licence conditions</b>	s.28(4)	Regulatory	Operational safeguards
<b>Suspend/revoke licence</b>	s.29A	Enforcement	Public interest or breach
<b>Require documents &amp; answers</b>	s.28(5)	Investigatory	Broad information power
<b>Impose penalties</b>	Claims Regs	Enforcement	\$500 per contravention

### C. Statutory Board Registrar & Secretariat Functions

Function	Legal / Structural Basis	Nature of Role	Practical Scope
<b>Serve as Registrar for Statutory Professional Boards</b>	Various professional Acts (e.g., Dental, Pharmacy, Allied Health statutes)	Administrative statutory function	Maintain practitioner registers; process applications; issue certificates; record status changes
<b>Provide Secretariat Support to Statutory Boards</b>	Structural arrangement under health governance framework	Operational support role	Agenda preparation; meeting coordination; minutes; regulatory documentation
<b>Maintain Professional Registers</b>	Professional Acts	Mandatory administrative duty	Maintain accurate public registers of licensed professionals
<b>Process Practitioner Applications</b>	Professional Acts	Ongoing	Verify documentation; coordinate board review; communicate decisions
<b>Publish Register Status</b>	Transparency obligation	Public accountability	Ensure register is publicly accessible and current
<b>Maintain Records &amp; Archives</b>	Administrative law requirement	Governance safeguard	Preserve regulatory records
<b>Support Board Governance Compliance</b>	Good governance principles	Oversight support	Ensure boards operate within statutory authority
<b>Facilitate Fitness-to-Practice Processes (Administrative)</b>	Professional Acts	Procedural support	Manage documentation, hearings logistics (decision rests with Board)

**D. Public Health Act & Transferred CMO Functions**

<b>Function</b>	<b>Legal Basis</b>	<b>Type</b>	<b>Practical Scope</b>
<b>Maintain register of maternity homes</b>	Public Health Act 1949 (as amended by CMO Transfer Act 2018)	Mandatory statutory duty	Maintain official register
<b>Maintain register of diagnostic facilities</b>	Public Health Act 1949 (as amended)	Mandatory statutory duty	Maintain official register
<b>Maintain register of hospitals</b>	Public Health Act 1949 (as amended)	Mandatory statutory duty	Maintain official register
<b>Establish &amp; maintain register of clinical laboratories</b>	Public Health (Clinical Laboratories) Regs 2002 (as amended)	Mandatory statutory duty	Maintain laboratory registry
<b>Maintain register under Diagnostic Facilities (Mammography) Regs</b>	As amended by 2018 Act	Mandatory statutory duty	Maintain mammography facility registry

**IV. DATA, REPORTING & SYSTEM INTELLIGENCE**

Function	Legal Basis	Type	Practical Scope
<b>Require returns (providers &amp; insurers)</b>	s.5(2)	Mandatory	Utilization & cost data
<b>Failure to comply = offence</b>	s.5(4)	Enforcement	\$20,000 fine
<b>Claims reporting oversight</b>	Claims Regs	Continuous	Detailed claims data
<b>Collect &amp; analyze system data</b>	Combined powers	Ongoing duty	Identify trends & cost drivers
<b>Prepare National Health Accounts</b>	s.5(1)(g) implied	Structural duty	Publish health financing flows
<b>Maintain confidentiality</b>	s.18	Legal obligation	Protect sensitive data

**V. FINANCIAL & ECONOMIC REGULATION**

Function	Legal Basis	Type	Practical Scope
<b>Regulate price of drugs sold to public</b>	s.5(1)(i)	Direct authority	Public price control
<b>Establish SHB fees</b>	s.15	Mandatory	Via regulation
<b>Monitor SHB expenditure</b>	s.15	Ongoing	Fee review & actuarial defensibility
<b>License fee-setting authority</b>	Insurer Regs	Revenue power	Regulatory fees
<b>Monitor approved scheme security</b>	HIA s.26	Prudential duty	Insurer solvency oversight
<b>Recover civil debts</b>	Claims Regs	Enforcement	Court-recoverable
<b>Participate in procurement negotiations for formulary medical products</b>	Drug Formulary Regs 2021, Reg. 13	Express statutory authority	Negotiate bulk or reduced-rate purchasing arrangements for formulary medicines in cooperation with Government and market stakeholders

## VI. HIGH-RISK HEALTH TECHNOLOGY (HRHT)

Function	Legal Basis	Type	Practical Scope
<b>Regulate importation</b>	Part IIIA	Mandatory if threshold met	Permit required
<b>Register technology</b>	s.16B	Continuous	Maintain registry
<b>Suspend/cancel registration</b>	HRHT regime	Enforcement	Safety & compliance

## VII. ENFORCEMENT & LEGAL TOOLS

Tool	Legal Basis	Practical Scope
<b>Civil penalties</b>	s.16F	Administrative enforcement
<b>Criminal offences</b>	Various	Prosecution capacity
<b>Bring proceedings</b>	HIA s.35	Legal action authority
<b>Recover hospital costs</b>	ss.36–37	Financial recovery
<b>Immunity for good faith action</b>	s.17	Protection of officers
<b>Procedural fairness obligation</b>	Administrative law	Notice, reasons, proportionality

**VIII. GOVERNANCE & CORPORATE RESPONSIBILITIES**

Function	Legal Basis	Nature
<b>Budget approval</b>	s.10A	Mandatory
<b>Funds of Council</b>	s.10B	Financial stewardship
<b>Annual reporting</b>	ss.11–12	Mandatory public reporting
<b>Maintain internal controls</b>	Governance principles	Continuous duty
<b>Establish committees for such purposes as the Council sees fit</b>	s.6	Express governance authority
<b>Give effect to general policy directions issued by the Minister</b>	s.7	Statutory obligation

**IX. CONTINUOUS SYSTEM STEWARDSHIP RESPONSIBILITIES - (Implied but Structurally Required)**

Function	Why It Exists
<b>Essential service continuity monitoring</b>	s.5(1)(a) proactive obligation
<b>Market structure surveillance</b>	Licensing + insurer oversight visibility
<b>System risk monitoring</b>	Data collection authority implies analysis duty
<b>Public transparency during disruption</b>	Reporting + statutory mandate
<b>Regulatory guidance issuance</b>	Necessary for fair implementation
<b>Consistent enforcement</b>	Avoid arbitrariness & judicial review exposure

**X. LIMITS ON AUTHORITY**

<b>Limitation</b>	<b>Reason</b>
<b>Cannot act outside s.5 functions</b>	Statutory limitation
<b>Ministerial direction cannot expand powers</b>	s.7 = policy only
<b>Cannot override private contracts absent breach</b>	No adjudication power
<b>Cannot suspend reimbursement without statutory hook</b>	Must rely on HIA powers
<b>Must apply procedural fairness</b>	Judicial review risk