VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

Healthcare Practitioners Act No. 34/2012,
as amended by Act No. 43/2014.

SECTION I
General provisions.

Article 1

Objectives and scope.

The objective of this Act is to ensure quality of healthcare and patient safety by means of defining standards of education, knowledge and skill of healthcare practitioners, and their working procedures.

The rights and responsibilities of healthcare practitioners and other healthcare staff are subject to the provisions of this Act, the Patients' Rights Act, the Medical Director of Health and Public Health Act, the Health Records Act and other legislation, as applicable.

Article 2

Definitions.

In this Act the following words shall have these meanings:

1. *Healthcare practitioner*: Person working in health services, licensed by the Medical Director of Health to use to the professional title of an authorised health profession.
2. *Authorised health profession:* Health profession which has been granted legal authorisation under specialist legislation in force at the time when this Act took effect, and regulations issued on the basis of the Professional Titles and Occupational Rights of Healthcare Professions Act, No. 24/1985, and under the provisions of Article 3 of this Act.
3. *Healthcare facility*: An institution where health service is provided.
4. *Health service*: All forms of primary healthcare, medical care, nursing, general and specialised hospital service, transport of patients, medical-aids service, and service from health personnel within and outside healthcare facilities, provided in order to promote health, to prevent, diagnose or treat illness, and to rehabilitate patients.
5. *Patient*: A user of health service.
6. *Treatment*: A test, procedure or other healthcare service rendered by a physician or other healthcare practitioner in order to diagnose, cure, rehabilitate, nurse or care for the patient.
7. *Premises of self-employed healthcare practitioner*: Facilities of self-employed healthcare practitioner, where health services are provided with or without State contribution to costs.

SECTION II
Authorised health professions.

Article 3

Enumeration of authorised health professions.

Authorised health professions under this Act are:

1. [Alcohol and drug addiction counsellors (*Áfengis- og vímuefnaráðgjafar*).][1)]
2. Social workers (*Félagsráðgjafar*).
3. Chiropodists (podiatrists) (*Fótaaðgerðafræðingar).*
4. Radiographers (*Geislafræðingar*).
5. Registered nurses (*Hjúkrunarfræðingar*).
6. Chiropractors (*Hnykkjar/kírópraktorar*).

7. Occupational therapists *(Iðjuþjálfar*).
8. Biomedical scientists (*Lífeindafræðingar*).
9. Midwives (*Ljósmæður*).
10. Pharmacists (*Lyfjafræðingar*).
11. Pharmaceutical technicians (*Lyfjatæknar*).
12. Medical doctors (*Læknar*).
13. Medical secretaries (*Læknaritarar*).
14. Diet cooks (*Matartæknar*).
15. Food scientists (*Matvælafræðingar).*
16. Biologists in the healthcare service (*Náttúrufræðingar í heilbrigðisþjónustu*).
17. Nutritionists (*Næringarfræðingar).*
18. Dieticians (*Næringarráðgjafar).*
19. Administrative dieticians (*Næringarrekstrarfræðingar).*
20. Osteopaths (*Osteópatar).*
21. Psychologists (*Sálfræðingar).*
22. Optometrist (*Sjóntækjafræðingar).*
23. Emergency medical technicians *(Sjúkraflutningamenn).*
24. Licensed practical nurses (*Sjúkraliðar).*
25. Massage therapists (*Sjúkranuddarar).*
26. Physiotherapists (*Sjúkraþjálfarar).*
27. Prosthetists/orthotists (*Stoðtækjafræðingar).*
28. Speech therapists (*Talmeinafræðingar).*
29. Dental hygienists (*Tannfræðingar).*
30. Dentists (*Tannlæknar).*
31. Dental technicians (*Tannsmiðir).*
32. Dental assistants (*Tanntæknar).*
33. Social educators (*Þroskaþjálfar).*

The Minister may, by issuing regulations, bring within the ambit of the Act health professions which are not enumerated in paragraph 1. The professional association of the profession in question shall apply to the Minister for legal authorisation; the Minister must elicit the opinion of the Medical Director of Health with regard to the application.

In determining whether a profession should be brought within the ambit of the Act, the primary factor shall be whether legal authorisation is necessary with respect to the safety and interests of the patient, the patient's need for the service of the relevant profession, the content and objectives of training in the profession, and whether the training has a solid theoretical basis.

[1)] *Act No. 43/2014, Article 1.*

Article 4

Right to use professional title of an authorised health profession.

The right to use the professional title of an authorised health profession under Article 3 and to work as a healthcare practitioner in Iceland is confined to those who have been licensed by the Medical Director of Health.

Article 5

Criteria for granting of a licence.

The Minister shall, after consultation with the Medical Director of Health, the relevant professional association and educational institution in Iceland, issue regulations[1)] on the criteria to be fulfilled for the granting of a licence to use the professional title of an authorised health profession and to work as a healthcare practitioner in Iceland. The regulations shall make provisions *inter alia* for the education and practical training if applicable, required in order for a licence to be granted. They shall also make provision for cases in which the opinion of an educational institution or other body is to be elicited, regarding whether the qualifications of the applicant meet the criteria. Provision may be made in regulations for the field of work of the relevant profession.

In the issuing of regulations under paragraph 1, account shall be taken of obligations undertaken by the Icelandic state with respect to recognition of professional qualifications and skills, in connection with Icelandic membership of the European Economic Area or the European Free Trade Association, or on the basis of other bilateral agreements, *cf.* Article 29.

Provision shall be made in regulations for conditions for granting of a licence to applicants from states with which the Icelandic state has not made an agreement on recognition of professional qualifications and competence. Provision shall be made *inter alia* for the documents which must be submitted, with respect to such matters as qualification and intended employment in Iceland, before an application is considered. Should it not have been demonstrated that the qualification fulfils the criteria stated in the regulations applying to the relevant health profession, provision may be made in regulations for a requirement that applicants from those countries submit to an aptitude test to demonstrate that they possess the knowledge required in healthcare practitioners in the relevant profession. A requirement may also be made for knowledge of the Icelandic language and Icelandic healthcare legislation, as applicable, in cases where such knowledge is deemed necessary to the work, especially with regard to patients' safety and communication with patients. In addition provision may be made in regulations that, before an application for a licence is considered, a certified copy of an application for residence and employment permits, together with a signed contract of employment, must be submitted.

An applicant shall not be granted a licence in a case where criteria are fulfilled for revocation of a licence under the Medical Director of Health and Public Health Act.

A fee may be charged for an aptitude test administered to an applicant for a licence. The fee shall cover the expenses of preparing and administering the test.[2)]

[1)] Regulation No. 1085/2012 (food scientists). Regulation No. 1086/2012 (nutritionists). Regulation No. 1087/2012 (chiropractors). Regulation No. 1088/2012 (social workers). Regulation No. 1089/2012 (midwives). Regulation No. 1090/2012 (pharmacists). Regulation No. 1091/2012 (pharmaceutical technicians). Regulation No. 1104/2012 (medical secretaries). Regulation No. 1105/2012 (radiographers). Regulation No. 1106/2012 (alcohol and drug addiction counsellors), cf. 621/2014. Regulation No. 1107/2012 (chiropodists (podiatrists)). Regulation No. 1108/2012 (administrative dieticians). Regulation No. 1109/2012 (dieticians). Regulation No. 1110/2012 (emergency medical technicians). Regulation No. 1111/2012 (diet cooks). Regulation No. 1120/2012 (social educators). Regulation No. 1121/2012 (dentists). Regulation No. 1122/2012 (dental assistants). Regulation No. 1123/2012 (dental technicians and clinical dental technicians). Regulation No. 1124/2012 (dental hygienists). Regulation No. 1125/2012 (speech therapists). Regulation No. 1126/2012 (prosthetists/orthotists). Regulation No. 1127/2012 (physiotherapists). Regulation No. 1128/2012 (massage therapists). Regulation No. 1129/2012 (optometrists). Regulation No. 1130/2012 (psychologists). Regulation No. 1131/2012 (osteopaths). Regulation No. 1132/2012 (biomedical scientists). Regulation No. 1220/2012 (biologists in the healthcare service). Regulation No. 1221/2012 (occupational therapists). Regulation No. 1222/2012 (medical doctors). Regulation No. 511/2013 (licensed practical nurses). Regulation No. 512/2013 (registered nurses), cf. 684/2013. [2)] Regulation No. 951/2012.

Article 6
Granting of a licence.

The Medical Director of Health grants licences to applicants to use the professional title of an authorised health profession and to work as healthcare practitioners in Iceland, if they fulfil the criteria of this Act and regulations issued on the basis of the Act, and under international treaties to which Iceland is a party, *cf.* Article 29.

The Medical Director of Health may grant a licence to applicants from states which have not made an agreement with the Icelandic state on recognition of professional training and competence, provided that the criteria of this Act, and regulations issued on the basis of the Act, are fulfilled.

Article 7
Right to use the title of specialist.

The right to use the title of specialist (*sérfræðingur*) in an authorised health profession and to practise as such in Iceland is confined to those granted a licence by the Medical Director of Health.

Article 8

Criteria for granting of a specialist licence.

The Minister may make provision in regulations for the legal authorisation of specialties within an authorised health profession, after consultation with the Medical Director of Health, the relevant professional association, and an educational institution in Iceland. In legal authorisation of new specialties, the primary concern shall be the safety and interests of patients. The relevant specialty shall also have a solid theoretical basis, and an equivalent shall exist in a recognised international forum.

Regulations on granting of a specialist licence shall make provision for the criteria to be fulfilled in order for a licence to be granted to use the title of specialist in an authorised health profession and to practise as such in Iceland. The general standard shall be the completion of formal additional study in the relevant speciality. The regulations shall make provision *inter alia* for the specialist training, and practical training if applicable, required for the granting of a specialist licence. In addition provision shall be made for the circumstances in which an opinion shall be elicited from an educational institution or other body regarding whether the applicant meets the criteria for specialist training. Provision may be made for the appointment of special committees to evaluate and comment on applications for specialist licences.

In the issuing of regulations under paragraph 1, account shall be taken of obligations undertaken by the Icelandic state in connection with Icelandic membership of the European Economic Area or the European Free Trade Association, or on the basis of other bilateral treaties, *cf.* Article 29.

[1)] Regulation No. 1088/2012. Regulation No. 1089/2012. Regulation No. 1090/2012. Regulation No. 1121/2012. Regulation No. 1123/2012. Regulation No. 1127/2012. Regulation No. 1130/2012. Regulation No. 1132/2012. Regulation No. 1222/2012. Regulation No. 512/2013, cf. No. 684/2013.

Article 9

Granting of specialist licence.

The Medical Director of Health grants applicants a licence to use the title of specialist within an authorised health profession and to practise as such in Iceland, conditionally upon fulfilment of the criteria stated in this Act, and in regulations issued under the Act and under international agreements to which Iceland is a party, *cf.* Article 29.

Article 10

Unauthorised use of professional title.

A person who does not hold a valid licence from the Medical Director of Health may not use an authorised professional title, nor work as a healthcare practitioner. Nor may he/she administer to a patient treatment which falls within the exclusive field of an authorised health profession, nor give medical or other professional advice.

Monitoring of use of professional titles is subject to the Medical Director of Health and Public Health Act.

Article 11

Temporary licence.

The Medical Director of Health may, if necessary, grant those who have completed the fourth year of study of medicine at the University of Iceland, or comparable studies abroad, a temporary licence to perform specified medical tasks. In such cases the medical student shall work with a physician who holds an unconditional licence.

The Medical Director of Health may grant a temporary licence to healthcare practitioners who have training or qualifications from abroad which are recognised under agreements, *cf.* Article 29, but do not meet the criteria required in Iceland.

The Medical Director of Health may also grant a temporary licence to healthcare practitioners with training or qualifications from a state for which no agreement is in force regarding reciprocal recognition of qualifications.

The holder of a temporary licence under paragraphs 2 and 3 shall work under the authority and supervision of a healthcare practitioner who holds an unconditional licence in the relevant field of

healthcare. Exceptions may be made to this criterion, if special conditions apply in the judgement of the Medical Director of Health.

Article 12

Revocation and re-granting of licence. Right of appeal.

Revocation and surrender, restriction and re-granting of a licence are subject to the provisions of the Medical Director of Health and Public Health Act.

A refusal by the Medical Director of Health to grant a licence under Article 6, a specialist licence under Article 9 and a temporary licence under Article 11 may be appealed to the Minister in accord with the provisions of the Administrative Procedures Act.

SECTION III
Rights and obligations of healthcare practitioners.

Article 13

Professional standards and responsibility.

A healthcare practitioner shall display respect for the patient and perform his/her tasks vigilantly and conscientiously and in accord with the professional standards required at any time.

A healthcare practitioner must be aware of his/her duties and ethical rules, maintain his/her knowledge and professional skill, master innovations in his/her field of work, and familiarise himself/herself with legislation and regulations applying to healthcare practitioners and healthcare services at any time.

A healthcare practitioner is responsible, as applicable, for the diagnosis and treatment of patients who consult him/her. The duty of a healthcare practitioner to impart information to the patient is as provided in the Patients' Rights Act.

A healthcare practitioner shall recognise his/her professional limitations, and seek assistance or refer the patient to another healthcare practitioner as necessary or possible, for instance if he/she judges that he/she cannot provide appropriate healthcare service.

The Minister may make provision in regulations for continuing education of healthcare practitioners.

Article 14

Exemption from professional duty.

A healthcare practitioner may decline to carry out tasks which conflict with his/her religious or ethical convictions, provided that it is ensured that the patient receives the necessary healthcare service.

Article 15

Alcohol and drugs.

A healthcare practitioner may not work while under the influence of alcohol or other mind-altering substances.

Healthcare institutions may, after consultation with the Medical Director of Health, introduce rules prohibiting healthcare practitioners from using alcohol or other substances for a stated period before commencing work. The Medical Director may also issue binding directives in this respect, *cf.* Article 5 of the Medical Director of Health and Public Health Institute Act.

Article 16

Assistants and trainees.

A healthcare practitioner is responsible for assistants and trainees working under his/her management having sufficient competence and knowledge, and receiving the necessary guidance, to carry out tasks which the practitioner allots to them.

The Minister can, after receiving recommendations from the Medical Director of Health, make further provision in regulations for the implementation of this provision.

Article 17

Confidentiality.

Healthcare staff, including trainees and those who are not healthcare practitioners, shall maintain the utmost confidentiality regarding anything of which they become aware in their work about a patient's health, condition, diagnosis, prognosis and treatment, and other personal information. This does not apply where other provisions are made by law, or where reasonable cause exists to breach confidentiality for reasons of urgent necessity.

A physician can be released from the obligation of confidentiality by the consent of a patient, or guardian if applicable.

The duty of confidentiality under this Article does not apply to cases in which the healthcare practitioner is a mandated reporter under other legal provisions. In such cases, the duty of the healthcare practitioner is to notify the relevant authority.

Healthcare practitioners' duty of confidentiality is also subject to the provisions of the Patients' Rights Act, the Medical Records Act and other legislation as applicable.

Article 18

Duty to provide information and to testify.

The duty of a healthcare practitioner to provide information to the Medical Director of Health, *inter alia* with respect to monitoring of healthcare practitioners and health services, and for the purpose of producing health reports, is subject to the provisions of the Medical Director of Health and Public Health Act.

Healthcare practitioners and other healthcare staff must provide the Ministry with necessary information in the administration and resolution of administrative matters. The provisions of Article 17 on confidentiality do not restrict the obligation of healthcare practitioner and other healthcare staff to provide information under this provision.

A healthcare practitioner cannot be required to testify in a civil case against the will of the patient, unless his/her testimony may be deemed crucial to the case, or the case is important for the parties to the case or for society, in both cases in the judgement of a judge. In such cases a healthcare practitioner must give evidence on all he/she knows which he/she believes could conceivably be relevant to the case. Such testimony shall be given *in camera*.

The duty of healthcare practitioners to collaborate with child protection authorities and to provide them with information is subject to the provisions of the Child Protection Act.

Article 19

Certificates, opinions, professional statements and reports.

Healthcare practitioners shall exercise caution, accuracy and objectivity in issuing certificates, opinions, professional statements and reports, and shall only certify that which they know to be true, as necessary in the individual case.

Healthcare practitioners must provide public authorities with certificates regarding patients in their care, when such a certificate is required in the context of the patient's interaction with public authorities.

The Minister may make further provision in regulations for issue of certificates, professional statements and reports.

Article 20

Prescriptions and purchase of pharmaceuticals.

Prescribing of medications by healthcare practitioners and authority to make wholesale purchases of certain specified necessary pharmaceuticals for use in the operation of a healthcare practitioner's professional practice, are subject to the Pharmaceuticals Act and to regulations issued on the basis of that Act.

Article 21

Medical records.

A healthcare practitioner who treats a patient shall maintain medical records as provided in the Medical Records Act and in regulations issued on the basis of that Act.

Article 22

Duty to rescue.

A healthcare practitioner must, if nearby or if called upon, provide the first necessary assistance in cases of sudden and grave cases of illness or injury, in keeping with his/her qualifications and training, unless prevented by some even more serious case, or if he/she would thereby place at risk his/her own life or health or that of others.

Article 23

Moderation.

Healthcare practitioners shall ensure in providing health care and in the performance of their work that patients, health insurance or others meeting the cost of care are spared unnecessary expense or inconvenience.

Article 24

Publicity and advertising.

In publicising and advertising healthcare services, objective standards, the utmost responsibility, accuracy and fairness shall always be maintained.

The Minister makes further provision in regulations for publicity and advertising of healthcare services, which may include e.g. prohibition of certain methods of publicity or advertising.

Article 25

Patient insurance.

Self-employed healthcare practitioners and companies providing healthcare services must take out insurance which meets the criteria of the Patient Insurance Act and of regulations issued on the basis of that Act.

SECTION IV

Various provisions.

Article 26

Age limit.

[A healthcare practitioner within the meaning of this Act may not provide healthcare services at his/her own practice after reaching the age of 75 years. Upon application by the practitioner, however, the Medical Director of Health my grant an exemption from this provision, provided that the criteria of the regulation under paragraph 2 is fulfilled. The first exemption may be granted for up to three years, but after that for one year at a time.

The Minister shall issue regulations[1)] on criteria that needs to be fulfilled to be granted an exemption under paragraph 1. The regulations shall make provisions *inter alia* on the documents and information which shall be attached to an application, such as medical certificate on qualification, information regarding the kind and scale of service provided during the last five years and about the continuing education of healthcare practitioners.

The procedure of the Medical Director of Health may be appealed to the Minister.][2)]

[1)] Regulation No. 620/2014. [2)] Act No. 43/2014, Article 2.

Article 27

Methods of treatment and testing etc.

The Minister may issue regulations determining:

a. that specified methods of testing and treatment shall by administered only by healthcare practitioners or by specified healthcare professions.
b. that a specified method of testing or treatment shall be administered only by healthcare practitioners licensed to do so by Medical Director of Health,
c. that specified testing and treatment methods are prohibited.

Regulations imposing restrictions under paragraph 1 shall be grounded in the interests of the patient, and shall be issued followed receipt of proposals from the Medical Director of Health, and an opinion from the professional association of the relevant authorised health profession.

Article 28

Penalties.

Violations of the provisions of this Act, and of rules issued on the basis of the Act, entail fines or imprisonment for up to three years.

Violations of this Act shall be subject to the Criminal Procedures Act.

Article 29

International agreements.

The Medical Director of Health may issue a licence to use the professional title of an authorised health profession on the basis of a bilateral agreement with another state on recognition of professional qualifications and competence and reciprocal recognition of licences.

The Minister may make further provision in regulations for the criteria to be fulfilled in order for a licence to be granted on the basis of international agreements.

Article 30

Authority to issue regulations.

The Minister may make further provisions in regulations[1)] for the implementation of this Act.

[1)] Regulation No. 1085/2012. Regulation No. 1086/2012. Regulation No. 1087/2012. Regulation No. 1088/2012. Regulation No. 1089/2012. Regulation No. 1090/2012. Regulation No. 1091/2012. Regulation No. 1104/2012. Regulation No. 1105/2012. Regulation No. 1106/2012, cf. 621/2014. Regulation No. 1107/2012. Regulation No. 1108/2012. Regulation No. 1109/2012. Regulation No. 1110/2012. Regulation No. 1111/2012. Regulation No. 1120/2012. Regulation No. 1121/2012. Regulation No. 1122/2012. Regulation No. 1123/2012. Regulation No. 1124/2012. Regulation No. 1125/2012. Regulation No. 1126/2012. Regulation No. 1127/2012. Regulation No. 1128/2012. Regulation No. 1129/2012. Regulation No. 1130/2012. Regulation No. 1131/2012. Regulation No. 1132/2012. Regulation No. 1220/2012. Regulation No. 1221/2012. Regulation No. 1222/2012. Regulation No. 511/2013. Regulation No. 512/2013, cf. 684/2013. Regulation No. 620/2014.

Article 31

Fees.

[The Medical Director of Health may charge a special fee, in addition to the fee under Article 10 of the Treasury Supplementary Revenues Act, No. 88/1991, for any sort of processing and handling of applications for licences and specialist licences, *cf.* Articles 5 and 8. In addition a fee may be charged for translation of documents, assessment of the application of a healthcare practitioner, examination and evaluation of documents, and other administrative costs, due to applications for licences and specialist licences. Provision may be made in regulations for collection of the fee when the application is submitted.][1)]

The Minister issues a tariff[2)] for fees under paragraph 1, after receipt of proposals from the Medical Director of Health. The tariff shall take account of the work required from evaluators and consultation bodies in the processing of applications for licences and specialist licences.

[1)] Act No. 43/2014, Article 3. [2)] Regulation No. 951/2012. Regulation No. 1085/2012. Regulation No. 1086/2012. Regulation No. 1087/2012. Regulation No. 1088/2012. Regulation No. 1089/2012. Regulation No. 1090/2012. Regulation No. 1091/2012. Regulation No. 1104/2012. Regulation No. 1105/2012. Regulation No. 1106/2012, cf. 621/2014. Regulation No. 1107/2012. Regulation No. 1108/2012. Regulation No. 1109/2012. Regulation No. 1110/2012. Regulation No. 1111/2012. Regulation No. 1120/2012. Regulation No. 1121/2012. Regulation No. 1122/2012. Regulation No. 1123/2012. Regulation No. 1124/2012. Regulation No. 1125/2012. Regulation No. 1126/2012. Regulation No. 1127/2012. Regulation No. 1128/2012. Regulation No. 1129/2012. Regulation No. 1130/2012. Regulation No. 1131/2012. Regulation No. 1132/2012. Regulation No. 1220/2012. Regulation No. 1221/2012. Regulation No. 1222/2012. Regulation No. 511/2013. Regulation No. 512/2013, cf. 684/2013.

Article 32

Entry into force.

This Act takes effect on 1 January 2013.

Article 33

Abrogation of legislation.

…

Article 34
Amendments to other Acts.

…

Temporary provision.
Licences issued to assistant pharmacists prior to the entry into force of this Act remain valid.

[*This translation is published for information only.*
The original Icelandic text is published in the Law Gazette.
In case of a possible discrepancy, the original Icelandic text applies.]