

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,902, 17 ta' Novembru, 2017
Taqsimha C

Nru. 15

17. 11. 2017

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Falzon, M.P., Ministru għall-Familja, Drittijiet tat-Tfal u Solidarjetà Soċjali, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Novembru, 2017.

A BILL introduced by the Honourable Michael Falzon, M.P., Minister for the Family, Children's Rights and Social Solidarity, and read the First time at the Sitting of the 13 November, 2017.

ATT biex jipprovdi dwar ir-regolamentazzjoni tal-professjoni tal-psikoterapija, u biex jipprovdi għal hwejjeg konnessi magħha jew li huma ancillari għaliha.

AN ACT to make provision for the regulation of the psychotherapy profession and to provide for matters connected therewith or ancillary thereto.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi dwar ir-regolamentazzjoni tal-professjoni tal-psikoterapija, u biex jipprovdi għal hwejjeġ konnessi magħha jew li huma anċillari għaliha.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa b'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2017 dwar il-Professjoni tal-Psikoterapija. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jibda fis-seħh f'dik id-data li l-Ministru responsabbli għall-professjoni tal-psikoterapija jista' jistabbilixxi b'avviż fil-Gazzetta u jistgħu jkunu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. (1) F'dan l-Att, kemm il-darba r-rabta tal-kliem ma teħtieġ xort'oħra: Tifsir.

"Assoċjazzjoni tal-Psikoterapisti" tfisser assoċjazzjoni ta' psikoterapisti stabbilita' skont l-artikolu 12;

"Bord" tfisser il-Bord dwar il-Professjoni tal-Psikoterapija f'Malta stabbilit bl-artikolu 4;

"ECTS" tfisser *European Credit Transfer System*;

"istituzzjoni ta' edukazzjoni oġhla" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent ta' Kwalifiki ta' Edukazzjoni Oġhla fir-Regjun tal-Ewropa; L.S. 451.02

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"jipprattika" dwar il-professjoni tal-psikoterapija, tinkludi:

(a) li tittiehed jew li tiġi segwita l-professjoni tal-psikoterapija; u

(b) l-użu, waqt li l-professjoni tkun b'hekk qed tiġi segwita, tat-titolu professjonali "Psikoterapista Registrat", jew tal-ittri li jindikaw dak it-titolu "R.Psych", segwit mill-modalità studjat minn persuna li jkollha fil-pussess tagħha *warrant* biex tipprattika l-professjoni ta' psikoterapista;

L.S. 451.02 "kwalifika ta' edukazzjoni oġhla" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent ta' Kwalifiki ta' Edukazzjoni Oġhla fir-Regjun tal-Ewropa;

L.S. 451.03 "kwalifiki professjonali" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

L.S. 451.03 "migrant" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

"Ministru" tfisser il-Ministru responsabbli għall-professjoni tal-psikoterapija;

"Organizzazzjoni Umbrella Nazzjonali" tfisser organizzazzjoni tal-psikoterapija, li jkollha l-ikbar ammont ta' psikoterapisti bħala membri tagħha u li tirrifletti l-aktar firxa wiesgħa ta' modalitajiet ta' psikoterapija;

"perjodu ta' adattament" tfisser perjodu li matulu persuna tista' teżerċita l-professjoni ta' psikoterapija f'Malta taħt is-superviżjoni ta' psikoterapista supervisorju registrat, liema perjodu jista' jinkludi l-provvediment ta' dak it-taħriġ addizzjonali lil dik il-persuna, kif jista' jkun meħtieġ mill-Bord u fi tmiem dak il-perjodu jista' jsir test ta' kapaċità;

"preskritt" tfisser preskritt b'regolamenti magħmula mill-Ministru taħt dan l-Att;

"professjoni" sakemm ma jkunx indikat xort'oħra tfisser il-professjoni tal-psikoterapija;

"psikoterapija" tfisser interventi terapewtiċi, jew trattamenti komprensivi, deliberati u pjannati, li jingħataw fuq il-baži ta' taħriġ generali u speċjalizzat, ta' disturbi psiko-soċjali, psiko-somatiċi u disturbi ta' mġieba, jew stati ta' sofferenza w uġiġħ psikoloġiku,

permezz ta' metodi xjentifiċi, billi jkun hemm interazzjoni bejn persuna waħda, jew iktar, li jieħdu dan it-trattament, u wiehed jew iktar psikoterapisti, bl-għan li jgħinu fl-indirizzar ta' attitudnijiet li jwasslu għall-bidla u jippromwovu l-maturità, l-iżvilupp u s-saħħa tal-persuna trattata;

"psikoterapista reġistrat" tfisser persuna li tkun ingħatat *warrant* taħt dan l-Att sabiex tipprattika l-professjoni ta' psikoterapija u reġistrata fir-reġistru uffiċjali ta' psikoterapisti miżmum mill-Bord;

"taħriġ f'modalità speċifika tal-psikoterapija" tfisser taħriġ, li jkun jikkonsisti f'taħriġ teoretiku u kif ukoll prattiku, f'xi modalità psikoterapewtika li tista' tkun waħda milli ġejjin:

- (a) psiko-analiżi jew psiko-dinamika;
- (b) *cognitive/behavioural psychotherapy*;
- (c) psikoterapija sistemika jew psikoterapija tal-familja;
- (d) psikoterapija umanistika;
- (e) *hypno*-psikoterapija; jew
- (f) psikoterapija integrattiva;

"taħriġ prattiku" tfisser taħriġ ta' mhux inqas minn sitt mitt (600) siegħa li jkun jikkonsisti f'esperjenza psikoterapewtika personali u taħriġ prattiku taħt superviżjoni kontinwa f'ambjent ta' saħħa mentali jew psiko-soċjali jew fit-tnejn;

"taħriġ teoretiku" tfisser taħriġ ta' mhux inqas minn tmien mitt (800) siegħa għal perjodu kontinwu ta' mhux inqas minn erba' snin li jkun jikkonsisti f'taħriġ dwar principji bażiċi tal-psikoterapija u teoriji tal-personalità; principji bażiċi ta' metodoloġija f'dak li hu riċerka u xjenza; principji etiċi fil-prattika u fl-istrutturi legali u soċjali rilevanti; teoriji tal-iżvilupp tal-personalità u patoloġija; u metodi u teknika tal-psikoterapija;

"test ta' kapacità" tfisser test tal-għarfien, il-ħiliet u l-kompetenzi professjonali tal-applikant bl-għan li jivvaluta l-abilità tiegħu li jeżerċita l-professjoni tal-psikoterapija;

"*warrant*" tfisser *warrant* maħruġ taħt l-artikolu 3.

3. (1) Ebda persuna m'għandha turi ruħha li tkun psikoterapista, jew li twettaq xogħol ta' psikoterapija għal rimunerazzjoni, jew turi ruħha li tkun professjonalment kwalifikata biex hekk tagħmel, jew *Warrant.*

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tassumi t-titolu, jew l-ittri li jindikaw it-titolu ta' psikoterapista registrat, kemm-il darba ma tkunx id-detentur ta' *warrant* maħruġ taħt dan l-Att:

Iżda persuni li jwettqu xogħol ta' psikoloġija u medicina, li jipprattikaw *counselling*, jistgħu jagħmlu inteventi terapewtiċi:

Iżda wkoll li dawn il-persuni ma jistgħux juru ruħhom li jkunu psikoterapisti kif provdut f'dan l-Att.

(2) Sakemm ma jkunx hekk speċifikat fil-*warrant*, il-*warrant* ma jintitolax lid-detentur tiegħu li jipprattika l-professjoni tal-psikoterapija bi speċjalizzazzjoni.

Kap. 451

(3) Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u r-regolamenti magħmula taħtu, persuna tikkwalifika għal *warrant* jekk dik il-persuna:-

(a) tkun ċittadina Maltija jew ċittadina tal-Unjoni Ewropeja, jew xort'oħra tkun intitolata jew awtorizzata biex taħdem f'Malta;

(b) tkun ta' kondotta tajba u jkollha karattru morali tajjeb;

(c) jkollha kapacià sħiħa legali;

(d) tkun kisbet grad ta' baċellerat f'xi xjenza umana jew xjenza soċjali maħruġ minn istituzzjoni ta' edukazzjoni oġġla li l-Ministru jista', fuq parir tal-Bord, jispeċifika f'regolamenti; u

(e) tkun kisbet, b'sodisfazzjon tal-Bord, taħriġ f'modalità speċifika tal-psikoterapija għal żmien ta' mhux inqas minn tlitt elef (3,000) siegħa, jew l-ekwivalenti tagħhom ta' mija u għoxrin (120) ECTS, li jkun ekwivalenti għal grad ta' *Master*, maħruġ minn istituzzjoni ta' edukazzjoni għola.

(4) Il-Ministru jista' jippreskrivi, minflok xi waħda mill-ħtiġijiet minimi stabbiliti taħt id-dispożizzjonijiet ta' qabel ta' dan is-subartikolu, ħtiġijiet minimi oħra skont xi trattati jew ftehim internazzjonali jew multinazzjonali li Malta tkun parti fihom jew skont id-dispożizzjonijiet ta' xi leġislazzjoni li tidhol fis-seħħ bis-saħħa ta' xi trattati jew ftehim bħal dawk.

Kap. 451

(5) Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u regolamenti magħmula taħt l-istess Att, meta t-tul tat-taħriġ li jkun iwassal għal kwalifika professjonali jkun inqas minn dak imsemmi fil-paragrafu (e) tas-subartikolu (3), il-Bord jista' jitlob lill-applikant biex jagħmel perjodu

ta' adattament li ma jkunx itwal mid-doppju tad-differenza. Il-Bord jista' wkoll jissottometti lill-applikant għal test ta' kapaċità.

4. (1) Għandu jkun hemm Bord li jkun magħruf bhala l-Bord dwar il-Psikoterapija f'Malta li jkun magħmul kif ġej:

Bord dwar il-professjoni tal-psikoterapija f'Malta.

(a) erba' membri maħtura mill-Ministru li minnhom:

(i) wieħed ikun *Chairperson*, li jkun kiseb *warrant* mill-Bord u jkollu mill-inqas sitt snin esperjenza fil-prattika tal-psikoterapija;

(ii) wieħed ikun jeżercita l-professjoni tal-psikoterapija, u jkun kiseb *warrant* mill-Bord;

(iii) wieħed ikun avukat li jkollu mill-inqas ħames (5) snin esperjenza li jinħatar bhala *viċi-chairperson*;

(b) żewġ membri eletti minn fost psikoterapisti li jkollhom *warrant* f'elezzjoni li titmexxa mill-Bord:

Iżda, fil-każ tat-twaqqif tal-ewwel Bord, il-psikoterapisti msemmija f'dan il-paragrafu għandhom jiġu eletti mil-Organizzazzjoni Umbrella Nazzjonali;

(c) psikoterapista wieħed nominat minn fost l-istaff akkademiku permanenti responsabbli għall-edukazzjoni u t-taħriġ tal-psikoterapija fl-Università ta' Malta;

(d) psikoterapista wieħed nominat minn fost l-istaff li jipprovdi taħriġ fil-psikoterapija fil-*Gestalt Psychotherapy Training Institution* Malta;

(e) psikoterapista wieħed nominat minn fost l-istaff li jipprovdi taħriġ fil-psikoterapija fl-*Institute of Family Therapy* Malta; u

(f) psikoterapista wieħed nominat minn fost l-istaff ta' kull istituzzjoni ta' edukazzjoni għola f'Malta li tipprovdi taħriġ fil-psikoterapija.

(2) Fil-każ tat-twaqqif tal-ewwel Bord wara d-dhul fis-seħh ta' dan l-Att, kull referenza f'dan l-artikolu għal psikoterapisti li jiffurmaw parti minn dan il-Bord għandha tinftiehem li qed tirreferi għal dawk kollha li jkunu eligibbli għall-*warrant* taht dan l-Att.

(3) In-nomini u l-elezzjonijiet magħmula skont il-paragrafi (b), (c), (d), (e) u (f) tas-subartikolu (1) għandhom, għall-ewwel darba,

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isiru fi żmien ġimagħtejn minn talba bil-miktub magħmula għal hekk mill-Ministru u, għal kull nomina jew elezzjoni sussegwenti, fi żmien xahar minn meta tinħoloq xi vakanza jew, meta l-vakanza tirriżulta minhabba li jkun ser jiskadi ż-żmien tal-kariga, fi żmien xahar qabel dik l-iskandenza. Fin-nuqqas ta' nomina jew elezzjoni bħal dik, il-Ministru għandu jagħmel il-ħatra hu minn fost psikoterapisti li jkollhom *warrant*.

(4) Il-membri tal-Bord għandhom jibqgħu fil-kariga għal żmien sentejn u wara li jispiċċa dak iż-żmien ikunu eliġibbli biex jergħu jkunu membri tal-Bord:

Iżda l-ebda persuna ma tista' isservi bħala membru tal-Bord għal iktar minn tlett perjodi konsekkuttivi.

(5) Fil-każ li xi membru tal-Bord ibattal il-kariga tiegħu qabel ma jispiċċa ż-żmien tal-ħatra, il-persuna maħtura minfloku għandha tinħatar għaž-żmien li jifdal tal-ħatra oriġinali.

(6) In-numru ta' membri preżenti meħtieġ biex ikun hemm *quorum* ikun ta' erbgħa:

Iżda, dejjem jekk ikun hemm *quorum*, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(7) Il-Ministru għandu jagħzel persuna biex tagħmilha ta' segretarju tal-Bord, iżda s-segretarju ma jkollux vot.

(8) Iċ-*Chairperson* tal-Bord ikollu vot oriġinali u, fil-każ ta' voti indaq, ikollu vot ieħor deċiżiv.

(9) Ir-rappreżentanza ġuridika tal-Bord għandha tkun vestita solidalment fiċ-*Chairperson* u s-Segretarju tal-Bord:

Iżda l-Bord jista' jahtar lil xi wieħed jew aktar mill-membri tal-Bord l-oħra biex jidhru f'isem u għal Bord fi proċedimenti ġudizzjarji kif ukoll f'kull att, kuntratt, strument jew dokument ieħor ikun liema jkun.

(10) Mingħajr preġudizzju għad-dispożizzjonijiet ta' qabel dan, u għal dak li jista' jiġi preskritt taħt dan l-Att, jew xi liġi jew regolament ieħor, il-Bord jista' jirregola l-proċeduri tiegħu stess.

(11) Il-Bord għandu jiltaqa' kull meta jkun meħtieġ, iżda f'ebda każ inqas spiss minn darba kull tliet xhur. Il-laqgħat tal-Bord għandhom jissejju miċ-*Chairperson*, jew fuq inizjattiva tiegħu stess, jew fuq talba bil-miktub ta' mhux inqas minn żewġ membri tal-Bord l-oħra. Fit-tieni każ, iċ-*Chairperson* għandu jsejjaħ laqgħa sa mhux iktar

tard minn ġimghatejn mid-data li fiha tkun saret din it-talba.

(12) Fit-twettiq ta' dmirijietu skont dan l-Att, il-Bord jista' jikkonsulta ma' kull persuna li jidhirlu xierqa. Għal dan il-għan, il-Bord jista' jistieden lil kull persuna bħal dik biex tattendi l-laqgħat tal-Bord.

(13) Il-Bord għandu jżomm kopja vera u korettta tal-proċedimenti tiegħu kollha u l-Bord għandu jagħti kull informazzjoni mitluba mill-Ministru fi żmien raġonevoli.

5. (1) Bla ħsara għas-setgħat u għall-funzjonijiet oħra li huma mogħtija, jew li jistgħu jkunu mogħtija, lill-Bord minn dan l-Att, jew xi liġi jew regolament ieħor, is-segħat u l-funzjonijiet tal-Bord huma li jirregola l-prattika u l-eligibilità għall-prattikata tal-professjoni tal-psikoterapija f'Malta, u partikolarment biex:

Funzjonijiet tal-Bord.

(a) jistabbilixxi *standards* ta' psikoterapija, jivvaluta *standards* ta' psikoterapija eżistenti u jiżviluppa *standards* godda ta' żvilupp professjonali kontinwu fil- psikoterapija u *standards* oħra kif jista' jkun meħtieġ;

(b) iqis, jipproċessa u jagħmel rakkomandazzjonijiet lill-Ministru dwar applikazzjonijiet għall-*warrant* biex tkun prattikata l-professjoni tal-psikoterapija f'Malta, kif ukoll għall-ekwivalenza u għarfien ta' kwalifiki fil-psikoterapija wieħed ikun jirrapreżenta istitut ta' taħrig tal-psikoterapija lokali;

(ċ) iżomm reġistru tal-psikoterapisti b'*warrant*;

(d) iżomm reġistru tas-soċjetajiet ta' psikoterapisti;

(e) iżomm reġistru tal-assoċazzjonijiet ta' psikoterapisti u dak it-tagħrif li jista' jkun meħtieġ dwarhom u l-membri tagħha;

(f) jinvestiga allegazzjonijiet ta' mġieba professjonali, ħażina, negligenza qawwija jew inkompetenza minn psikoterapisti;

(g) jagħmel rakkomandazzjonijiet lill-Ministru biex jagħmel regolamenti dwar l-impjeg ta' persuni li, minkejja li jkollhom kwalifiki ta' edukazzjoni oġhla u kwalifiki professjonali, ma jkunux jikkwalifikaw għal *warrant* taħt dan l-Att;

(h) jagħmel rakkomandazzjonijiet lill-Ministru dwar il-Kodiċi tal-Etika wara li jkun għamel konsultazzjonijiet mal-

assoċazzjonijiet;

(i) jagħmel rakkomandazzjonijiet lill-Ministru kif jista' jkun meħtieġ;

(j) jaqdi dawk il-funzjonijiet l-oħra kollha li joħorġu minn dan l-Att, jew minn xi liġi jew regolament ieħor, jew dawk il-funzjonijiet li jistgħu jkunu delegati lilu mill-Ministru.

(2) Il-Bord għandu, sa mhux aktar tard minn tliet xhur wara l-aħhar ta' kull sena annwali, jippubblika fil-Gazzetta, lista ta' persuni li fil-31 ta' Diċembru ta' dik is-sena, kienu reġistrati fir-reġistru uffiċjali tal-psikoterapisti, u lista tas-soċjetajiet reġistrati fir-reġistru uffiċjali tas-soċjetajiet tal-psikoterapisti.

(3) Il-Bord għandu jagħmel u jippubblika rapport annwali dwar l-attivitajiet tiegħu ġenerali.

Applikazzjoni
għall-warrant.

6. (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni ta' psikoterapija f'Malta għandha tagħmel applikazzjoni lill-Bord.

(2) Jekk il-Bord ikun sodisfatt li l-applikant jissodisfa l-ħtiġiet minimi stabbiliti taħt dan l-Att, dan għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*.

(3) Meta, wara l-perjodu ta' adattament skont kif ikun meħtieġ, il-Bord ikun sodisfatt li l-applikant ikun temm b'suċċess it-taħriġ tiegħu, il-Bord għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*.

(4) Għall-fini tas-subartikolu ta' qabel dan, il-Bord jista' jissottometti lill-applikant għal test ta' kapaċità.

(5) *Warrant* maħruġ mill-Ministru taħt dan l-Att jista' jkun maħruġ sugġett għal dawk il-limitazzjonijiet jew kundizzjonijiet kif il-Bord jista' jirrakomanda f'xi każ partikolari. Dak il-*warrant* jista' wkoll jinkludi dawk il-kundizzjonijiet speċjali u dik l-awtorizzazzjoni għal prattika f'oqsma speċjalizzati ta' psikoterapija għal dawk il-perjodi speċifiċi skont kif il-Bord jista' jirrakomanda skont id-dispożizzjonijiet ta' dan l-Att u kull regolamenti magħmulin taħtu.

(6) *Warrant* maħruġ taħt dan l-Att ikompli fis-seħħ kemm -il darba d-detentur tal-*warrant* jissodisfa, kull tliet snin, lill-Bord li jkun għamel dak il-programm, jew programmi, ta' żvilupp professjonali kontinwu, skont kif jista' jkun preskritt.

(7) L-assoċjazzjonijiet tal-psikoterapisti għandhom jiġbru u

jżommu l-informazzjoni kollha relatata mal-programm, jew programmi, ta' żvilupp professjonali kontinwu fuq bażi annwali.

7. Il-Bord għandu jikkunsidra u jagħmel ir-rakkomandazzjonijiet tiegħu dwar applikazzjoni għal *warrant* għall-eżerċizzju tal-professjoni ta' psikoterapija malajr kemm jista' jkun raġonevolment prattikabli imma f'ebda każ aktar tard minn erba' xhur minn meta jirċievi l-applikazzjoni flimkien mal-informazzjoni u d-dokumentazzjoni kollha rilevanti b'sostenn tal-applikazzjoni. Meta jagħmel ir-rakkomandazzjonijiet tiegħu lill-Ministru, il-Bord għandu fl-istess ħin jinnotifika lill-applikant bir-rakkomandazzjonijiet tiegħu, flimkien mar-raġunijiet li fuqhom dawn kienu bbażati.

Rakkomandazzjonijiet għall-ħruġ ta' *warrants*.

8. (1) Ebda persuna ma tikkwalifika li tirċievi jew żżomm *warrant*, skont dan l-Att, jekk dik il-persuna tkun instabet haġta minn xi qorti kompetenti, ta' xi delitt li għalih hemm piena ta' iktar minn sena prigunerija.

Telfien ta' *warrant*.

(2) Meta persuna tiflew il-*warrant* skont is-subartikolu ta' qabel dan, avviż ta' dak it-telfien ta' *warrant* għandu jingħata mill-Ministru fil-Gazzetta u dan it-tagħrif għandu jkun notifikat lill-persuna li tkun tilfet il-*warrant* mill-Bord kemm il-darba dik il-persuna ma tkunx giet interdotta bis-sentenza nnifisha.

(3) Il-Ministru jista', f'kull żmien, fuq ir-rakkomandazzjonijiet tal-Bord, jerga' jagħti lura l-*warrant* lil persuna li tkun tilfitu skont is-subartikolu (1).

9. (1) Il-Bord jista' jistabbilixxi kumitat sabiex jistħarreg' dwar kull allegazzjoni ta' mgħiba professjonali hażina, negliġenza qawwija jew inkompetenza dwar psikoterapista.

Kumitat ta' investigazzjoni.

(2) Għall-finijiet ta' dan l-artikolu l-frażijiet "mgħieba professjonali hażina", "negliġenza qawwija", jew "inkompetenza", jinkludu dawn li ġejjin:

(a) li jinkiseb *warrant* b'mod qarrieqi, jew frodulenti, jew xort' oħra juri ruħu bħala psikoterapista mingħajr il-*warrant* meħtieġ;

(b) il-ksur ta' tal-Kodiċi tal-Etika stabbilit taħt dan l-Att;

(ċ) in-nuqqas ta' tharis ta' regolamenti dwar *standards* jew prattika professjonali;

(d) in-nuqqas ta' tharis ta' xi kundizzjoni mqieghda fil-*warrant* mahruġ taħt dan l-Att;

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(e) l-użu ta' interventi terapewtiċi, jew il-wiri ta' kompetenza professjonali li dwarha l-persuna ma tkunx kwalifikata, jew li ma tkunx awtorizzata li tipprattika skont il-*warrant* tagħha;

(f) imgieba b'mod li tkun ta' hsara jew ta' detriment għall-professjoni tal-psikoterapija;

(e) l-ghoti ta' informazzjoni mhux korretta, wiri ta' nuqqas ta' hila jew ġudizzju fil-prattika tal-psikoterapija jew fit-twettiq ta' dmirijiet jew obbligi fil-prattika tal-psikoterapija.

(3) Kull detentur ta' *warrant* li jkun sugġett għal xi investigazzjoni għandu jingħata l-opportunità kollha biex jagħmel id-difiża tiegħu u jgħib provi favur tiegħu u għal dan il-għan jista' jkun rappreżentat minn avukat jew minn xi persuna oħra li jagħzel hu.

(4) Meta tingħalaq l-investigazzjoni il-kumitat għandu jiddeciedi jekk ikunx hemm jew ma jkunx hemm raġunijiet biżżejjed biex id-detentur ta' *warrant* jinsab ħati ta' mgieba professjonali ħażina, negligenza qawwija jew inkompetenza. Fl-ewwel każ, il-kumitat għandu jagħmel rapport dwar id-deċiżjoni tiegħu u jibgħat lid-detentur tal-*warrant* quddiem il-Bord flimkien mar-rakkomandazzjonijiet tiegħu għall-impożizzjoni ta' penali u, fit-tieni każ, jirrakkomanda li m'għandhomx jittieħdu proċedimenti ulterjuri.

(5) Il-penali imsemmija fis-subartikolu ta' qabel dan tista' tinkludi waħda jew iktar minn dawn li ġejjin:

(a) is-sospensjoni jew ir-revoka tal-*warrant* taht dawk il-kundizzjonijiet li jistgħu jkunu rakkomandati;

(b) is-sospensjoni jew ir-revoka tar-registrazzjoni ta' soċjetà ta' psikoterapisti;

(c) l-impożizzjoni ta' xi kundizzjoni mal-*warrant*;

(d) ċanfira;

(e) ħlas li jkopri l-ispejjeż tal-investigazzjoni;

(f) ordni li xi drittijiet li jintalbu għal servizzi mogħtija mill-persuna misjuba ħatja ma jithallsux, jitnaqqsu jew jithallsu lura;

(g) kull penali oħra li hi, jew tista' tkun, preskritta mill-Bord, jew minn dan l-Att, jew minn xi liġi jew regolamenti oħra.

(6) Mar-revoka tal-*warrant*, il-Bord għandu jaqta' isem dik il-persuna minn fuq ir-registru uffiċjali tal-psikoterapisti. Ir-revoka ta' kull *warrant* għandha tiġi ppublikata fil-Gazzetta.

(7) Għall-finijiet ta' dan l-artikolu, is-setgħat li huma, jew li jistgħu jingħataw, lill-membri tal-kumitat għandhom ikunu daww previsti taħt l-Att dwar l-Inkjesti u l-kumitat għandu jmxexxi l-investigazzjonijiet skont kif previst fl-istess Att.

10. (1) Id-detentur ta' *warrant* li jhoss ruħu aggravat Appelli. b'deċiżjoni tal-Bord jista' jappella quddiem il-Qorti tal-Appell fil-kompetenza tagħha fi żmien wieħed u għoxrin jum minn meta avvizz tad-deċiżjoni jkun ingħata lill-Ministru u notifikat lid-detentur tal-*warrant*.

(2) Il-*warrant* għandu jiġi sospiż jew revokat biss wara li l-Qorti tal-Appell tikkonferma d-deċiżjoni tal-Bord.

(3) Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu lir-Registru tal-Qorti dwar appelli magħmula taħt dan l-artikolu:

Izda sakemm jiġu preskrittu dawn id-drittijiet, għandhom japplikaw *mutatis mutandis* id-drittijiet imsemmija fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12

(4) Il-Bord imsemmi fl-artikolu 29 tal-Kodiċi ta' Organizzazzjoni Kap. 12 u Proċedura Ċivili għandu jagħmel regolamenti li jistabbilixxu l-forma ta' daww l-appelli u hwejjeġ li għandhom x'jaqsmu ma dan.

11. Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord, u wara li ssir talba għalhekk mill-persuna li tkun tilfet il-*warrant*, jagħti lura lil dik il-persuna l-*warrant* kemm-il darba dik il-persuna tissodisfa l-htigijiet skont ma jistgħu jkunu ġew preskritti. Meta l-*warrant* jingħata lura, isem il-persuna li hekk tkun hadet lura l-*warrant* għandu jkun reġistrat mill-ġdid fir-registru uffiċjali tal-psikoterapisti. Twarrib ta' sospensjoni jew thassir.

12. (1) Kull assoċjazzjoni ta' psikoterapisti tista' tagħmel Assoċjazzjoni ta' psikoterapisti. applikazzjoni lill-Bord biex tkun reġistrata bhala assoċjazzjoni ta' psikoterapisti għall-finijiet ta' dan l-Att.

(2) Assoċjazzjoni ta' psikoterapisti tikkwalifika biex tkun reġistrata bhala assoċjazzjoni ta' psikoterapisti taħt dan l-artikolu jekk iġġib prova lill-Bord li mill-inqas għaxar membri tagħha jkunu reġistrati bhala psikoterapisti b'*warrant* u li tikkonforma ruħha ma daww il-kundizzjonijiet l-oħra li jistgħu jiġu preskrittu mill-Bord minn żmien għal żmien. Assoċjazzjoni ta' psikoterapisti għandha tissottometti flimkien mal-applikazzjoni tagħha lista tal-membri u dak

it-tagħrif ieħor li l-Bord jista' jeħtieġ sabiex jipproċessa l-applikazzjoni.

(3) Il-Bord ikollu s-setgħa li jeħtieġ lil kull assoċjazzjoni reġistrata taħt dan l-artikolu tagħti dawk ir-records u dak it-tagħrif dwar l-assocjazzjoni u l-membri tagħha kif jista' jkun meħtieġ minn żmien għal żmien.

Soċjetà ta' psikoterapisti.

13. (1) Żewġ detenturi ta' *warrant* jew iktar jistgħu jiffurmaw soċjetà ċivili, f'dan l-Att imsejha "soċjetà ta' psikoterapisti", li jkollha bħala skop waħdieni l-prattika tal-professjoni tal-psikoterapija u dawk is-setgħat kollha relattivi biex jintlaħaq l-iskop ta' din is-soċjetà.

(2) Ebda persuna, barra minn detentur ta' *warrant* tal-psikoterapija, ma' tista' tissieheb f'soċjetà ta' psikoterapisti.

(3) Kull soċjetà ta' psikoterapisti, iffurmata skont dan l-artikolu, għandha dawk id-drittijiet kollha, illi jistgħu jiġu preskritti, biex dik is-soċjetà tkun tista' tiġi reġistrata mill-Bord fir-reġistru ta' soċjetajiet ta' psikoterapisti u, ma dik ir-reġistrazzjoni, il-persuni li jkunu jiffurmaw parti mis-soċjetà jkunu awtorizzati, kemm -il darba dik is-soċjetà tibqa hekk reġistrata, jaġixxu f'isem u għan-nom tas-soċjetà u dik is-soċjetà ikollha l-jedd li tuża l-isem "Psikoterapisti" bħala parti minn isimha.

(4) Kull soċjetà ta' psikoterapisti, reġistrata skont dan l-artikolu, għandha tipprovdi lill-Bord dak it-tagħrif kif jista' jkun meħtieġ minn żmien għal żmien mill-Bord jew kif jista' jiġi preskrit, u għandha tagħti avviż lill-Bord dwar kull tibdil rilevanti f'kull tagħrif li jkun ingħata lill-Bord sa mhux iktar tard minn hmistax -il jum mid-data li fiha jkun sar dak it-tibdil.

Dispożizzjonijiet li japplikaw biss għal soċjetà ta' psikoterapisti.

14. Minkejja d-dispożizzjonijiet ta' xi liġi oħra, jew ta' xi ftehim ieħor kuntrarju, id-dispożizzjonijiet li ġejjin għandhom japplikaw biss għal soċjetà ta' psikoterapisti, u mhux għal membri ta' assoċjazzjoni ta' psikoterapisti skont l-artikolu 12:

(a) kull għemil, jew haġa, li tista' ssir minn detentur ta' *warrant* tista' ssir minn wieħed jew iżjed mill-persuni li jiffurmaw parti mis-soċjetà f'isem is-soċjetà; u kull għemil jew haġa li ssir f'isem is-soċjetà għandha ssir minn persuna li tiffirma parti minn dik is-soċjetà jew minn aktar; u

(b) meta xi haġa ssir jew tonqos milli ssir minn persuna waqt li tkun tiffirma parti minn soċjetà ta' psikoterapisti, ir-responsabilitajiet u l-obbligi ta' dik il-persuna li jirriżultaw m'għandhomx jieqfu, dwar dik il-persuna, minhabba f'li din tkun irtirat, mietet, jew għal xi raġuni oħra li minhabba fiha ma tibqax tiffirma parti minn dik is-soċjetà.

15. Id-dispożizzjonijiet tal-artikolu 9, 10 u 11 għandhom japplikaw għas-soċjetajiet ta' psikoterapisti kif japplikaw għal psikoterapisti individwali. Applikabilità tal-artikolu 9 sa 11.

16. (1) Kull persuna li, sabiex tikseb *warrant* jew xi reġistrazzjoni taħt id-dispożizzjonijiet ta' dan l-Att, xjentement tagħti xi tagħrif hażin jew xort'ohra tagixxi b'mod qarrieqi jew bi frodi, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elfejn u ħames mitt euro (€2,500) jew priġunerija għal mhux iżjed minn tnax-il xahar jew dik il-multa u priġunerija flimkien. Reati.

(2) Kull persuna, li tinsab hatja ta' xi reat ieħor imsemmi taħt dan l-Att, tehel, meta tinsab hatja, multa ta' mhux inqas minn elf u ħames mitt (€1,500) euro u mhux iżjed minn ħamest elef (€5,000) euro, jew priġunerija ta' mhux iżjed minn tliet xhur, jew dik il-multa u priġunerija flimkien, u fil-każ ta' reat kontinwu, multa ta' ħmistax-il euro (€15) għal kull jum li matulu jkompli r-reat.

(3) Kull persuna li, waqt li ma tkunx detentur ta' *warrant* maħrug taħt dan l-Att:

- (a) tipprattika l-professjoni tal-psikoterapija; jew
- (b) tagħmel użu minn xi titolu professjonali ta' psikoterapista jew tal-ittri li jindikaw dak it-titolu; jew
- (ċ) tagħmilha ta' psikoterapista; jew taħdem bhala psikoterapista;
- (d) tkun hatja ta' reat taħt dan l-Att.

(4) Kull persuna li tagħmel użu mill-kelma "Psikoterapsiti" dwar soċjetà ta' psikoterapisti, meta dik is-soċjetà ma tkunx registrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod tkun tagħmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' psikoterapisti, tkun hatja ta' reat taħt dan l-Att.

(5) Għall-finijiet tas-subartikoli (3) u (4), l-użu fuq xi biljett, karta tal-ittri, tabella, kartellun, pjanċa, reklam jew mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, jew permezz ta' mezzi elettronici tal-kliem "Psikoterapista" jew "Psikoterapista Reġistrat" dwar isem, jew tal-isem "Soċjetà ta' Psikoterapisti" jew "Psikoterapisti" dwar soċjetà ta' psikoterapisti li ma tkunx registrata, jista' jitqies prova biżżejjed tat-tagħrif ta' dak l-użu minn kull persuna li f'isimha, jew f'isem is-soċjetà, jkunu ntużaw l-imsemmija kliem, kemm-il darba dik il-persuna ma tagħtix prova li hi ma kienetx taf u ma setgħatx, b'diligenza raġonevoli, issir taf b'dak l-għemil, u li meta saret taf għamlet dak kollu li setgħat tagħmel sabiex iżzomm milli

jkompli jsir dak l-għemil.

(6) Għall-finijiet ta' dan l-artikolu, persuna ma titqiesx li tkun qed tikser xi dispożizzjonijiet ta' dan l-Att jekk dik il-persuna tipprattika xogħol ta' psikoterapija waqt perjodu ta' adattament, jew meta tkun qed tagħmel taħriġ, taħt is-superviżjoni xierqa ta' superviżur reġistrat u skont dawk ir-regolamenti li jistgħu jiġu preskitti.

(7) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (6), l-ebda persuna, jew organizzazzjoni, m'għandha timpjega xi persuna, barra minn psikoterapista reġistrat, għall-fini tal-prattika tal-professjoni tal-psikoterapija.

(8) Id-dispożizzjonijiet ta' dan l-Att li jistabbilixxu reati, ikunu bla ħsara għad dispożizzjonijiet ta' kull liġi oħra li jistabbilixxu reati u pieni dwar l-istess atti, jew ommissjonijiet, u m'għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oghla taħt xi liġi oħra.

Vjolenza u theddid.

17. Kull min bi vjolenza jew b'theddid iġieghel psikoterapista, li jkun ufficjal pubbliku, li jagħmel jew ma jagħmilx xi haġa li għandha x'taqsam mal-kariga tiegħu, jeħel, meta jinsab ħati, il-piena ta' prigunerija ta' mhux inqas minn sena u mhux aktar minn ħames snin u multa ta' mhux anqas minn erbat elef (€4,000) euro u mhux iżjed minn għaxart elef (€10,000) euro.

Setgħat biex isiru regolamenti.

18. Il-Ministru jista', wara konsultazzjoni mal-Bord, jagħmel regolamenti biex jagħti effett aħjar lil kull dispożizzjoni ta' dan l-Att u, b'mod ġenerali, biex jirregola l-professjoni tal-psikoterapija u, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, dawn ir-regolamenti jistgħu, b'mod partikolari, jinkludu dispożizzjonijiet dwar:

(a) it-twaqqif ta' *standards*, proċeduri u dmirijiet fl-eżerċizzju tal-professjoni tal-psikoterapija u prattiċi oħra li għandhom ikunu mħarsa minn psikoterapisti, jew b'mod ġenerali, jew f'oqsma ta' attività partikolari;

(b) l-imġieba professjonali u l-kodiċi ta' etika ta' psikoterapisti u l-livelli ta' kompetenza u integrità li għandhom jinżammu fil-professjoni tal-psikoterapisti;

(ċ) il-ħtiġiet dwar l-iżvilupp kontinwu tal-professjoni biex ikun jista' jinżamm *warrant*;

(d) ix-xogħol li jista' jsir, u s-servizzi li jistgħu jingħataw, skont il-*warrant*, u l-pattijiet u l-kundizzjonijiet li jistgħu jkun marbuta ma' dak il-*warrant*;

(e) id-drittijiet li jistgħu jingħabru mill-Bord

b'konnessjoni mal-ħruġ ta' *warrant*, ma reġistrazzjonijiet taħt dan l-Att, u ma' kull xogħol ieħor li jista' jsir mill-Bord skont id-dispożizzjonijiet ta' dan l-Att;

(f) id-drittijiet li jistgħu jingabru mill-psikoterapisti għas-servizzi professjonali tagħhom;

(g) il-proċeduri li għandhom ikunu segwiti f'kazijiet ta' mgieba professjonali hażina;

(h) l-impjeg ta' persuni li, minkejja li jkollhom minkejja li jkollhom kwalifiki ta' edukazzjoni oġhla u kwalifiki professjonali, ma jikkwalifikawx għall-*warrant* taħt dan l-Att, u li qed jahdmu taħt is-supervizjoni ta' psikoterapista reġistrat f'dawk l-istabbilimenti, jew aġenziji, kif jista' jkun preskritt;

(i) kull proċedura oħra li tista' tkun adottata mill-Bord;

(j) kull haġa oħra li tkun meħtieġa, jew awtorizzata, minn dan l-Att li tiġi preskritta;

(k) il-pieni, il-penalitajiet u l-konsegwenzi u l-effetti oħra li persuna tista' teħel f'każ ta' xi kontravenzjoni, jew nuqqas ta' tħaris ta' xi dispożizzjoni ta', jew ta' xi regolament taħt, dan l-Att;

(l) il-multi amministrattivi li jistgħu jiġu mposti mill-Bord.

19. (1) Migrant li, fid-data tad-dhul fis-seħħ ta' dan l-Att, ikollu kwalifiki ta' edukazzjoni oġhla u kwalifiki professjonali fil-psikoterapija, li jagħmilha eliġibbli għall-*warrant* biex tipprattika l-professjoni tal-psikoterapija fil-pajjiż fejn fih tkun inħarġet il-kwalifika professjonali, għandha titqies li tissodisfa d-dispożizzjonijiet tal-artikolu 3(3)(e).

Migranti li fid-data tad-dhul fis-seħħ ta' dan l-Att ikollhom kwalifiki fil-psikoterapija.

(2) Għall-finijiet tas-subartikolu ta' qabel dan, kull taħriġ magħmul mil-migrant bejn id-data li fiha jkun irċieva l-imsemmija kwalifiki, u d-data tad-dhul fis-seħħ ta' dan l-Att, jitqies li sar bħala taħriġ taħt is-supervizjoni ta' psikoterapista reġistrat:

Izda l-Bord jista' tissottometti lil dik il-persuna għal perjodu ta' adattament u test ta' kapacità.

20. Minkejja kull dispożizzjoni oħra ta' dan l-Att, persuna li tissodisfa lill-Bord li qabel id-dhul fis-seħħ ta' dan l-Att:

Riservi oħra.

(a) jkollha Ċertifikat Ewropew ta' Psikoterapija; jew

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(b) tkun reġistrata mal-Kunsill għall-Professjonijiet Kumplimentari għall-Medicina bħala psikoterapista; jew

(ċ) tkun ilha f'impjeg bħala psikoterapista f'xi dipartiment, aġenzija jew entità tal-Gvern għal perjodu ta' mhux inqas minn tnax -il sena bħala psikoterapista,

għandha titqies li tissodisfa l-htigiet tal-artikolu 3(3)(e):

Iżda l-Bord jista' tissottometti lil dik il-persuna għal perjodu ta' adattament u test ta' kapacità.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex tiġi regolamentata l-professjoni tal-psikoterapija.

A BILL
entitled

AN ACT to make provision for the regulation of the psychotherapy profession and to provide for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. (1) The short title of this Act is the Psychotherapy Profession Act. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for the profession of psychotherapy may, by notice in the Gazette, establish, and different dates may be so established for different provisions and for different purposes of this Act.

2. In this Act, unless the context otherwise requires: Interpretation.

"ability test" means a test, the purpose of which is to assess the person's ability for him to be able to practice the psychotherapy profession in Malta as required by the Board under the provisions of this Act;

"adaptation period" means a period during which a person may exercise the profession of psychotherapy in Malta, under the supervision of a registered psychotherapy supervisor, which period may include the provision of such further training to such person, as may be required by the Board, at the end of which an ability test shall be held;

"aptitude test" means a test of the professional knowledge, skills and competences of the applicant, with the aim of assessing the ability

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of the applicant to pursue the psychotherapy profession;

"association of psychotherapists" means an association established in terms of article 12;

"the Board" means the Board of the Psychotherapy Profession in Malta established by article 4;

"ECTS" means European Credit Transfer System;

S.L. 451.02 "higher education institution" shall have the same meaning as assigned to it by article 2 of the Mutual Recognition of Higher Education Qualifications in the European Union Regulations;

S.L. 451.02 "higher education qualification" shall have the same meaning as assigned to it by article 2 of the Mutual Recognition of Higher Education Qualifications in the European Union Regulations;

S.L. 451.03 "migrant" shall have the same meaning as assigned to it by article 2 of the Recognition of Professional Qualifications Regulations;

"Minister" means the Minister responsible for the psychotherapy profession;

"National Umbrella Organisation" means an organisation of psychotherapists having the largest membership and reflecting the broadest range of psychotherapeutic approaches;

"practical training" means training of not less than six hundred (600) hours consisting of personal psychotherapeutic experience and practical training under continuous supervision in a mental health or psycho-social facility or in both;

"practise" in relation to the psychotherapy profession, includes:

(a) the taking up or pursuit of the profession of psychotherapy; and

(b) the right to use, in the course of such pursuit, the professional title of "Registered Psychotherapist" or the designatory letters "R.Psych", followed by the modality studied, by a person having in his possession a warrant to practise the psychotherapy profession;

"profession" unless otherwise indicated, means the psychotherapy profession;

S.L. 451.03 "professional qualifications" shall have the same meaning as assigned to it by article 2 of the Recognition of Professional

Qualifications Regulations;

"psychotherapy" means the comprehensive, deliberate, and planned treatment, or therapeutic intervention, given on the basis of general and special psychosocial, psychosomatic and behavioural disturbances, or states of suffering, training, by means of scientific psychotherapeutic methods, through an interaction between one or more persons being treated, and one or more psychotherapists, with the aim of relieving disturbing attitudes that lead to change, and to promote the maturation, development and health of the treated person;

"theoretical training" means training of not less than eight hundred (800) hours for a continuous period of not less than four (4) years consisting of training in basic principles of psychotherapy and personality theories; basic methodological principles of research and science; ethical practice and the relevant social and legal framework; theories of personality development and pathology; and psychotherapeutic methods and techniques;

"training in a specific psychotherapeutic modality" means training, which consists of theoretical and practical training, in a psychotherapeutic modality, which may be in one of the following:

- (a) psychoanalytic/ psychodynamic;
- (b) cognitive/behavioural psychotherapy;
- (c) systemic/ family psychotherapy;
- (d) humanistic psychotherapy;
- (e) hypno-psychotherapy;
- (f) integrative psychotherapy;

"warrant" means a warrant issued under article 3;

3. (1) No person can hold himself out to be a psychotherapist, or perform psychotherapy work against remuneration, or hold himself out to be professionally qualified to do so, or assume the title or designation of registered psychotherapist, unless he is the holder of a warrant issued under this Act: Warrant.

Provided that persons performing psychological and medical work, who practice counselling, may make therapeutic interventions:

Provided further that such persons may not hold themselves out to be psychotherapists as provided in this Act.

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(2) Unless otherwise specified in the warrant, the warrant shall not entitle the holder thereof to practise the psychotherapy profession with specialisation.

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(3) Without prejudice to the provisions of the Mutual Recognition of Qualifications Act and the regulations made thereunder, a person shall qualify to obtain a warrant if such person:-

(a) is a citizen of Malta or a citizen of the EU, or is otherwise entitled or authorised to work in Malta;

(b) is of good conduct and good moral character;

(c) has full legal capacity;

(d) has obtained a bachelor's degree in a human or social science issued by a higher education institution, which the Minister may, on the advice of the Board, specify in regulations; and

(e) has obtained, to the satisfaction of the Board, training in a specific psychotherapeutic modality for a period of not less than three thousand (3,000) hours, or its equivalent of one hundred and twenty (120) ECTS, which is equivalent to a Master's degree issued by a higher education institution.

(4) The Minister may prescribe, in place of the minimum requirements established under the preceding provisions of this sub-article, other minimum requirements in terms of international or multinational treaties entered into by Malta, or with the provisions of any legislation brought into force by virtue of any such treaty or agreement.

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(5) Without prejudice to the provisions of the Mutual Recognition of Qualifications Act and the regulations made thereunder, where the duration of the training leading to a professional qualification is less than that, which is mentioned in paragraph (e) of sub-article (3), the Board may require the applicant to undertake an adaptation period not exceeding twice the shortfall. The Board may also submit the applicant to an ability test.

Board for the
psychotherapy
profession in
Malta.

4. (1) There shall be a Board, to be known as the Board for the Psychotherapy Profession in Malta, which shall be composed as follows:

(a) four members appointed by the Minister of which:

(i) one person shall be a Chairperson having

obtained a warrant from the Board and has at least six (6) years experience in the practice of psychotherapy;

(ii) two persons who exercise the psychotherapy profession, and who have obtained a warrant from the Board;

(iii) one person shall be an advocate with at least five (5) years experience who shall be appointed as vice-chairperson;

(b) two members elected from amongst psychotherapists, having a warrant, in an election conducted by the Board:

Provided that, in the event of the setting up of the first Board, the psychotherapists referred to in this paragraph shall be elected by the National Umbrella Organization:

(c) one psychotherapist nominated from amongst the permanent academic staff for psychotherapy education and training at the University of Malta;

(d) one psychotherapist nominated from amongst the staff providing training in psychotherapy at the Gestalt Psychotherapy Training Institute Malta;

(e) one psychotherapist from the staff providing training in psychotherapy at the Institute of Family Therapy Malta; and

(f) one psychotherapist from the staff of any other higher education institution in Malta providing training in psychotherapy.

(2) In the event of the setting up of the first Board after the coming into force of this Act, any reference in this article to psychotherapists forming part of such Board shall be understood as referring to persons eligible to the warrant in accordance with this Act.

(3) The nominations and elections made in terms of paragraph (b), (c), (d), (e) and (f) of sub-article (1) shall, for the first time, be made within two weeks from the date on which a request in writing is made for that purpose by the Minister and, for any subsequent nomination or election, within one month from the date on which the vacancy arises or, when the vacancy arises due to the expiry of the term of office, within one month prior to the said expiration. In the absence of any such nomination or election, the Minister shall himself make the appointment from amongst psychotherapists having a warrant.

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(4) The members of the Board shall hold office for a term of two years and shall, on the expiration of that term, be eligible to be reappointed:

Provided that no person shall serve as member of the Board for more than three consecutive terms.

(5) In the event that a member of the Board vacates his office before prior to the expiration of his term of office, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(6) The number of members present required to form a quorum shall be four:

Provided that, subject to the presence of a quorum, the Board may act notwithstanding any vacancy amongst its members.

(7) The Minister shall designate a person to act as secretary to the Board, but such secretary shall not have a vote.

(8) The Chairperson shall have an original vote and, in the case of equality of votes, a casting vote.

(9) The legal representation of the Board shall jointly vest in the Chairman and the Secretary to the Board:

Provided that he Board may designate any one or more of the other members of the Board, to appear in the name and on behalf of the Board in any judicial proceedings and to sign for and on its behalf any other act, contract, instrument or other document whatsoever.

(10) Without prejudice to the foregoing provisions, and to that which may be prescribed under this Act, or other law or regulation, the Board may regulate its own procedures.

(11) The Board shall meet as often as necessary, but in no case less frequently than once every three months. The meetings of the Board shall be summoned by the Chairperson either on his own initiative, or on the request in writing of not less than two of the other members of the Board. In the second case, the Chairperson shall summon a meeting not later than two weeks from the date on which the request has been made.

(12) In the exercise of its functions under this Act, the Board may consult with any person as it deems appropriate. For this purpose, the Board may invite such persons to attend the meetings of the Board.

(13) The Board shall keep true and correct copies of the records of its proceedings and the Board shall give to the Minister any information as he may require within a reasonable period of time.

5. (1) Without prejudice to the other powers and functions given, or may be given, by this Act, or any other law or regulations, the powers and functions of the Board are to regulate the practice and eligibility to practice the psychotherapy profession in Malta, and in particular to:

Functions of the Board.

(a) establish psychotherapy standards, assess existing psychotherapy standards and develop new standards of continuous professional development in psychotherapy and such other standards as may be necessary;

(b) consider, process and make recommendations to the Minister regarding applications for warrants to practice the psychotherapy profession in Malta, and also for equivalence and recognition of qualifications in psychotherapy;

(c) keep a register of psychotherapists with a warrant;

(d) keep a register of societies of psychotherapists;

(e) keep a register of associations of psychotherapists and such information as may be required in relation thereto and to its members;

(f) investigate allegations of professional misconduct, gross negligence or incompetence of psychotherapists;

(g) make recommendations to the Minister to prescribe regulations in relation to the employment of persons who, although having higher education qualifications and professional qualifications, do not qualify for a warrant under this Act;

(h) make recommendations to the Minister on the Code of Ethics following consultations with the associations of psychotherapists;

(i) make recommendations to the Minister as may be necessary;

(j) perform such other functions that arise under this Act, or any other law or regulation, or as may be delegated to it by the Minister.

(2) The Board shall, not later than three months after the end of

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each year, publish in the Gazette a list of persons who, until the 31st December of the previous year, were registered in the official register of psychotherapists and a list of societies registered in the official register of societies of psychotherapists.

(3) The Board shall draw up and publish an annual report concerning its general operations.

Application for
warrant.

6. (1) Any person seeking to obtain a warrant to practise the psychotherapy profession in Malta shall make an application to the Board.

(2) If the Board is satisfied that the applicant satisfies the minimum requirements established under this Act, it shall make a recommendation to the Minister for the issue of a warrant.

(3) Where, following an adaptation period where necessary, the Board is satisfied that the applicant has successfully completed his training, the Board shall make a recommendation to the Minister for the issue of a warrant.

(4) For the purposes of the foregoing sub-article, the Board may submit the applicant to an aptitude test.

(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case. Such warrant shall include such special conditions and such authorisation to practice in areas of specialised psychotherapy for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made thereunder.

(6) A warrant issued under this Act shall continue to have effect, provided that the warrant holder shall, every three years, prove to the satisfaction of the Board that he has carried out such programme, or programmes, of continuing professional development as may be prescribed.

(7) The associations of psychotherapists shall collect and keep all the information relating to the programme, or programmes, of continuing professional development on an annual basis.

Recom-
mendations for
the issue of a
warrant.

7. The Board shall consider and make its recommendations on an application for a warrant to practise the profession of psychotherapy as soon as is reasonably practicable, but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board

shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based.

8. (1) A person shall not be qualified to obtain or retain a warrant, in terms of this Act, if he has been convicted by any competent court for any crime liable to imprisonment for a term exceeding one year. Loss of warrant.

(2) Where a person loses his warrant in terms of the preceding sub-article, notice of such loss shall be given by the Minister in the Gazette and such information shall be notified by the Board to the person losing the warrant, unless such person has been interdicted by the judgement itself.

(3) The Minister may, at any time, on the recommendation of the Board, reinstate a person who has lost his warrant in terms of sub-article (1).

9. (1) The Board may set up a committee to inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a psychotherapist. Committee of Inquiry.

(2) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", shall include the following:

(a) the obtaining of a warrant in a deceitful or fraudulent manner, or otherwise purporting to be a psychotherapist without the required warrant;

(b) the contravention of the Code of Ethics established under this Act;

(c) the failure to observe any regulations regarding professional standards or practice;

(d) the failure to observe any conditions attached to the warrant issued under this Act;

(e) the use of therapeutic interventions, or the assumption of a professional competence for which the person is not qualified or is not authorised to practise in terms of his warrant;

(f) acting in any manner that may be detrimental to the psychotherapy profession;

(g) giving incorrect information or displaying lack of

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skill or judgment in the practice of the psychotherapy profession or in the performance of any duties or obligations in the psychotherapy practice.

(3) Every holder of a warrant, who is the subject of an investigation, shall have the opportunity to make his defence and bring evidence in his favour, and for this purpose, that person may be represented by an advocate or by any other person of his choice.

(4) On the conclusion of the investigation, the committee shall decide whether there are or not sufficient grounds to find the holder of a warrant guilty of professional misconduct, gross negligence or incompetence. In the first case, the committee shall make a report of its decision and shall commit the holder of the warrant for inquiry by the Board, together with its recommendations to impose a penalty, and, in the second case, recommend that no further proceedings should be undertaken.

(5) The penalties mentioned in the preceeding sub-article may include the following:

(a) the suspension or the revocation of such warrant, subject to such conditions as may be recommended;

(b) the suspension or the revocation of the registration of the society of psychotherapists;

(c) the imposition of conditions attached to the warrant;

(d) a reprimand;

(e) a payment to cover the costs of the investigation;

(f) an order for the waiver, reduction or refund of any fees charged for services rendered by the person found guilty;

(g) any other penalties that may be prescribed.

(6) Upon revocation of the warrant, the Board shall strike off the name of the holder of that warrant from the register of psychotherapists. The revocation of any warrant shall be published in the Gazette.

(7) For the purposes of this article, the powers vested, or the powers which may be vested, in the members of the committee, shall be those provided under the Inquiries Act and the committee shall conduct the investigations as provided for in the said Act.

10. (1) The holder of a warrant who feels aggrieved by a decision of the Board may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date on which notice of the decision has been given to the Minister and notified to the holder of the warrant by registered post. Appeals.

(2) The warrant shall be suspended or revoked only when the Court of Appeal confirms the decision of the Board.

(3) The Minister responsible for justice may make regulations prescribing the fees to be paid to the Registry of the Court on appeals made under this article:

Provided that until such fees have been prescribed, the fees referred to in the Code of Organization and Civil Procedure shall, *mutatis mutandis*, apply. Cap. 12.

(4) The Board referred to in article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and matters relating thereto. Cap. 12.

11. The Minister may, on the recommendation of the Board, and following a request to that effect by the person who has lost the warrant, return the warrant to that person if such person satisfies the requirements that may have been prescribed. Where the warrant has been returned, the name of the person who received the warrant shall be registered again in the official register of psychotherapists. Removal of suspension or cancellation.

12. (1) Any association of psychotherapists may make an application to the Board to be registered as an association of psychotherapists for the purposes of this Act. Association of psychotherapists.

(2) An association of psychotherapists shall be qualified to be registered as an association of psychotherapists under this article if it proves to the Board that at least ten of its members are registered as psychotherapists with a warrant and that it conforms to such other conditions as may be prescribed from time to time. An association of psychotherapists shall submit together with its application a list of its members and any such other information as the Board may require to process the application.

(3) The Board shall have the power to require any association of psychotherapists registered under this article to produce such records and information about the association and its members as may be required from time to time.

13. (1) Two or more holders of a psychotherapy warrant may form a civil partnership, in this Act referred to as "society of psychotherapists", having for its exclusive objective the practice of the Society of psychotherapists.

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psychotherapy profession and having all such relative powers for the attainment of that objective.

(2) No person, other than the holders of a psychotherapy warrant, may form part of a society of psychotherapists.

(3) Any society of psychotherapists, formed under this article, shall pay all such fees, as may be prescribed, so that such society may be registered in the register of societies of psychotherapists and, upon such registration, the persons forming part of that society shall, until it is so registered, be authorised to act in the name and on behalf of the society and that society shall be entitled to use the designation "Psychotherapists" as part of its name.

(4) Every society of psychotherapists, registered in terms of this article, shall provide to the Board such information as the Board may from time to time require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information, which has been given to the Board, within fifteen days from the date on which such change has occurred.

Provisions
solely
applicable to
societies of
psychotherapists
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14. Notwithstanding the provisions of any other law, or any other agreement to the contrary, the following provisions shall apply solely to a society of psychotherapists, and not to members of an association of psychotherapists in terms of article 12:

(a) any act or thing that may be done by a holder of a warrant may be done by one or more of the persons that form part of the society on behalf of such society; and any act or thing done on behalf of the society shall be done by one person forming part of that society or more; and

(b) where any thing done or omitted to be done by a person whilst forming part of a society of psychotherapists, the resulting responsibilities and liabilities of that person shall not cease on the ground that the person has retired or died, or for any other reason on the ground of which the person no longer forms part of the society.

Applicability of
articles 9 to 11.

15. The provisions of articles 9, 10 and 11 shall apply to the societies of psychotherapists as they apply to individual psychotherapists.

Offences.

16. (1) Any person who, for the purpose of obtaining a warrant, or a registration under the provisions of this Act, knowingly gives any false information, or otherwise acts in a deceitful, or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and five hundred

(€2,500) euro or to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence against this Act shall be liable on conviction to a fine (*multa*) of not less than one thousand and five hundred (€1,500), and not more than five thousand (€5,000) euro, or to imprisonment of not more than three months, or to both such fine and imprisonment, and in the case of a continuous offence, to a fine (*multa*) of fifteen (€15) euro for each day during which the offence continues.

(3) Any person who, not being the holder of a warrant issued under this Act:

- (a) practices the profession of psychotherapy; or
- (b) makes use of any professional title of psychotherapist, or the designatory letters thereof; or
- (c) purports to be a psychotherapist; or
- (d) performs the work of a psychotherapist,

shall be guilty of an offence against this article.

(4) Any person who uses the words "Psychotherapists" in relation to a partnership of psychotherapists, where such partnership is not registered in accordance with the provisions of this Act, or in any manner makes use of a name deceitfully implying the existence of a society of psychotherapists registered as aforesaid, shall be guilty of an offence against this Act.

(5) For the purposes of sub-articles (3) and (4), the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words "Psychotherapist", "Registered Psychotherapist" in relation to a name, or "Society of Psychotherapists" or "Psychotherapists" in relation to a society, shall be sufficient evidence of the knowledge of such use by any person in relation to whose name, or society, the said words are used, unless such person proves that the use of such words was made without his knowledge, and that upon becoming aware of the use he took adequate steps to prevent the continuation of such act.

(6) For the purpose of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practicing psychotherapy during an adaptation period, or when in training, under the appropriate supervision of a registered psychotherapist, and subject to such regulations as may be prescribed.

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(7) Subject to the provisions of sub-article (6), no person, or organisation, shall employ a person, other than a registered psychotherapist, for the purpose of practising the profession of psychotherapy.

(8) The provisions of this Act establishing offences, shall be without prejudice to the provisions of any other law establishing offences, and punishments in respect of the same acts, or omissions, shall not, in particular, affect the application of any higher punishment under any other law.

Violence and threats.

17. Whosoever, by violence or threats, compels a psychotherapist, who is a public officer, to do, or not to do, any act appertaining to his office, shall, on conviction, be liable to the punishment of imprisonment for a term of not less than one year and not more than five years and to a fine (*multa*) of not less than four thousand (€4,000) euro and not more than ten thousand (€10,000) euro.

Power to make regulations.

18. The Minister may, following consultation with the Board, make regulations to give better effect to any of the provisions of this Act, and generally to regulate the psychotherapy profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to:

(a) the establishment of standards, procedures and duties in the exercise of the psychotherapy profession and practices to be followed by psychotherapists, either generally or in particular fields of activity;

(b) the professional conduct and the Code of Ethics of psychotherapists and standards of competency and integrity to be kept in the psychotherapy profession;

(c) the requirements in relation to continuing professional development for the maintenance of a warrant;

(d) the work which may be performed and the services which may be provided in terms of a warrant, and the terms and conditions which can be attached to such warrant;

(e) the fees that may be charged by the Board in relation to applications for the issue of warrants, the making of any registration under this Act, and any other operations that may be carried out by the Board in accordance with the provisions of this Act;

(f) the fees that may be charged by psychotherapists for their professional services;

(g) the procedures to be followed in cases of professional misconduct;

(h) the employment of persons who, although in possession of higher education qualifications and professional qualifications, do not qualify for a warrant under this Act, and who are working under the supervision of a registered psychotherapist in such establishments, or agencies, as may be prescribed;

(i) any other procedure that may be adopted by the Board;

(j) any matter that may be required, or is authorized, by this Act to be prescribed;

(k) the punishments, the penalties and the consequences and the effects to which a person may become liable in the event of any contravention against, or non-compliance with, any provision of, or any regulations made under, this Act;

(l) the administrative fines that may be imposed by the Board.

19. (1) A migrant who, on the coming into force of this Act, has higher education qualifications and professional qualifications, which make him eligible for a warrant to practice the profession of psychotherapy in the country where the qualifications have been obtained, shall be deemed to satisfy the provisions of article 3(3)(e). Migrants who, on the coming into force of this Act, have qualifications in psychotherapy.

(2) For the purposes of the foregoing sub-article, any training undertaken by a migrant between the date of receipt of the mentioned qualifications and the date of the entry into force of this Act, shall be deemed to be training undertaken under the supervision of registered psychotherapist:

Provided that the Board may submit that person to an adaptation period and an aptitude test.

20. (1) Notwithstanding any other provisions of this Act, any person who, before the coming into force of this Act, satisfies the Board that he: Other savings.

(a) has a European Certificate of Psychotherapy; or

(b) was registered with the Council for the Professions Complementary to Medicine as a psychotherapist; or

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(c) was employed with a Government department, agency or entity, for a period of not less than twelve years as a psychotherapist,

shall be deemed to satisfy the provisions of article 3(3)(e):

Provided that the Board may submit that person to an adaptation period and an aptitude test.

Objects and Reasons

The objects and reasons of this Bill are to regulate the psychotherapy profession.

