

JAMAICA

No. 13 – 2005

I assent,

[L.S.]

(Sgd.) H.F. Cooke
Governor-General.

April 8, 2005

AN ACT to Amend the Nurses and Midwives Act.

[April 8, 2005]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Nurses and Midwives (Amendment) Act, 2005, and shall be read and construed as one with the Nurses and Midwives Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. Section 2 of the principal Act is amended—

(a) by inserting in the appropriate alphabetical sequence the following—

Amendment of section 2 of principal Act.

“assistant nurse” means a person who, having been admitted to an assistant nursing programme authorized and duly recognized by the appropriate regulatory body, has successfully completed the prescribed programme of studies, has acquired the necessary qualifications and is enrolled and

(2) The Council may, at any time if it thinks just, direct that a licence which has been revoked be reinstated on such conditions as it thinks fit.

(3) The Council shall, as soon as practicable after—

- (a) the licence of any person has been revoked; or
- (b) the reinstatement of any licence which has been revoked,

cause notice of the appropriate fact to be published in the *Gazette*.

(4) Where a licence issued to any person under this Act has been revoked, the Council may, in writing, require such person to return the licence to the Registrar and such person shall comply with that requirement.”

4. Section 15 of the principal Act is amended—

(a) in subsection (1)—

- (i) by deleting from paragraph (a) the words “twenty dollars” and substituting therefor the words “two hundred thousand dollars”;
- (ii) by deleting from paragraph (b) the words “one hundred dollars” and substituting therefor the words “four hundred thousand dollars”;

(b) in subsection (2), by deleting the words “two hundred dollars” and substituting therefor the words “two hundred thousand dollars”;

(c) in subsection (3), by deleting the words “twenty dollars” and substituting therefor the words “fifty thousand dollars”.

4A. Section 16 of the principal Act is amended by inserting next after subsection (2) the following as subsection (3)—

“ (3) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide for the

Amendment
of section 15
of principal
Act.

Amendment
of section 16
of the
principal
Act.

imposition of penalties on summary conviction in a Resident Magistrate's Court not exceeding a fine of one million dollars or imprisonment for a term not exceeding two years or to both such fine and imprisonment”.

5. The provisions of the Nurses and Midwives Regulations, 1966, specified in the first column of the Schedule hereto are amended in the manner specified in the second column thereof.

Amendment
of Nurses and
Midwives
Regulations.

" SCHEDULE (Section 5)

Provisions of Nurses
and Midwives
Regulations, 1966

Amendments

- Regulation 2
1. Delete the definition of "assistant nurse".
 2. Insert in the appropriate alphabetical sequence the following definition—

"licence period" means the period for which a person is licensed;"
 3. Delete the definition of "pupil assistant nurse" and substitute therefor the following—

"pupil assistant nurse" means a person who is for the time being undergoing training with a view to enrolment;"
- Regulation 7
- Insert next after paragraph (3) the following as paragraph (4)—
- " (4) The examination for the general part of the register shall include—
- (a) an examination covering the subjects set out in the syllabus administered by the Council; or
 - (b) an examination approved by the Regional Nursing Body of the Caribbean Community administered by the Nursing Council and in collaboration with the Regional Nursing Body or any other agency approved by the Nursing Council."
- New regulations 13A, 13B and 13C
- Insert next after regulation 13 the following—
- "13A. Every registered nurse who is neither a mental nurse nor a registered midwife shall participate in a continuing education programme during the licence period as follows—
- | | |
|---|----------|
| Education or training relating to the curriculum of study set out in Part I of the First Schedule | 25 hours |
|---|----------|

**Provisions of Nurses
and Midwives
Regulations, 1966**

Amendments

Accounting, computing,
self development, nutrition
and fitness, counselling
or other special learning
activity 5 hours

13B. Every mental nurse who is neither a registered nurse nor a registered midwife shall participate in a continuing education programme during the licence period as follows—

Education or training
relating to the nursing
care of persons suffering
from mental illness 25 hours

Accounting, computing,
self development, nutrition
and fitness, counselling
or other special learning
activity 5 hours

13C. Every mental nurse who is a registered midwife shall participate in a continuing education programme during the licence period as follows—

Education or training
relating to the nursing
care of persons suffering
from mental illness 25 hours

Education or training
relating to the curriculum
of training of a registered
nurse as a midwife set out
in Part I of the Second
Schedule 10 hours

Accounting, computing,
self development, nutrition
and fitness, counselling
or other special learning
activity 5 hours".

Provisions of Nurses
and Midwives
Regulations, 1966

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- | | |
|--|---|
| Regulation 15 | <p>1. Delete paragraph (a) and substitute therefor the following—</p> <p style="padding-left: 40px;">“ (a) to remove from—</p> <p style="padding-left: 80px;">(i) the Register of Licences, the name of any person whose licence is revoked under section 10C (1) of the Act;</p> <p style="padding-left: 80px;">(ii) the Register of Nurses, any name which the Council directs him to remove under section 11 (1) of the Act,</p> <p style="padding-left: 40px;">and to reinstate any such name where the Council so directs under section 10C (2) or 11 (2) of the Act.”.</p> <p>2. Insert in paragraph (b) immediately after the word "Nurses" the words ", or the Register of Licences, as the case may be,".</p> <p>3. Insert in paragraph (c) immediately after the words "mentioned in" the words "the Register of Licences or in".</p> <p>4. Delete paragraph (d) and substitute therefor the following—</p> <p style="padding-left: 40px;">“(d) to make the appropriate note in the Register of Nurses and the Register of Licences when the Council suspends the registration or the licence of a nurse.”.</p> |
| Regulation 17 | Delete the words "nineteen years and six months" and substitute therefor the words "eighteen years". |
| Regulation 20 | Delete from paragraph (2) (a) the words "eighteen months" and "six months" and substitute therefor the words "two years" and "one year" respectively. |
| New regulations
25A, 25B and
25C | <p>Insert next after regulation 25 the following—</p> <p style="padding-left: 40px;">“25A. Every registered midwife who is not a registered nurse shall participate in a continuing</p> |

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education programme during the licence period, consisting of—

Education or training relating to the curriculum of single training for qualification as a midwife set out in Part I of the Second Schedule 25 hours

Accounting, computing, self development, nutrition and fitness, counselling or other special learning activity 5 hours

25B. Every registered midwife who is a registered nurse, but not a mental nurse, shall participate in a continuing education programme during the licence period as follows—

Education or training relating to the curriculum of training of a registered nurse as a midwife set out in Part I of the Second Schedule 25 hours

Education or training relating to the curriculum of study set out in Part I of the First Schedule 10 hours

Accounting, computing, self development, nutrition and fitness, counselling or other special learning activity 5 hours

25C. Every mental nurse who is a registered nurse and a registered midwife shall participate in a continuing education programme during the licence period as follows—

Education or training relating to the nursing care of persons suffering from mental illness 25 hours

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Education or training relating to the curriculum of study set out in Part I of the First Schedule 10 hours

Education or training relating to the curriculum of *Training of a Registered nurse as a Midwife* set out in Part I of the Second Schedule 10 hours

Accounting, computing, self development, nutrition and fitness, counselling or other special learning activity 5 hours

25D. Every mental nurse who is a registered nurse shall participate in a continuing education programme during the licence period as follows—

Education or training relating to the nursing care of persons suffering from mental illness 25 hours

Education or training relating to the curriculum of study set out in Part I of the First Schedule 10 hours

Education or training relating to the curriculum of study set out in Part I of the First Schedule 10 hours

Accounting, computing, self development, nutrition and fitness, counselling or other special learning activity 5 hours".

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- Regulation 27
1. Delete paragraph (a) and substitute therefor the following—
 - “(a) to remove from—
 - (i) the Register of Licences, the name of any person whose licence is revoked under section 10C (1) of the Act;
 - (ii) the Register of Midwives, any name which the Council directs him to remove under section 11 (1) of the Act, .
and to reinstate any such name where the Council so directs under section 10C (2) or 11 (2) of the Act;”.
 2. Insert in paragraph (b) immediately after the word “Midwives” the words “, or the Register of Licences, as the case may be,”.
 3. Insert in paragraph (c) immediately after the words “mentioned in” the words “the Register of Licences or in”.
 4. Delete paragraph (d) and substitute therefor the following—
 - “(d) to make the appropriate note in the Register of Midwives and the Register of Licences when the Council suspends the registration of a midwife.”.
- Regulation 28
1. In paragraph (1)—
 - (a) delete sub-paragraph (b) and substitute therefor the following—
 - “(b) on her own initiative and judgement—
 - (i) to administer oxytocics and analgesics, including narcotics, whether orally, by inhalation, or by intra-muscular injection;

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- (ii) to prescribe dietary supplements such as iron, calcium, vitamins and milk protein supplements;
- (iii) to induce labour by administering oil, enema and bath;
- (iv) to perform episiotomy;
- (v) to suture episiotomy, perineal lacerations of the first and second degrees;
- (vi) to administer venepuncture;
- (vii) to issue contraceptive pills;
- (viii) to give the injectibles;
- (ix) to insert intra-uterine contraceptive devices;
- (x) to fit barrier methods;
- (xi) to administer vaccines;"

(b) delete from sub-paragraph (c) the word "grave".

2. Delete from paragraph (2) (a) (iii) the words "local application or".

New regulation
40A

Insert next after regulation 40 the following—

"40A. Every enrolled assistant nurse shall participate in a continuing education programme during the licence period as follows—

Education or training
relating to the curriculum
for Training of Assistant

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Nurses set out in Part I
of the Third Schedule 25 hours

Accounting, computing,
self development, nutrition
and fitness, counselling
or other special learning
activity 5 hours”.

Regulation 42. 1. Delete paragraph (a) and substitute therefor the following—

Form 4(a) to remove from—
Fourth
Schedule.
Form II.

(i) the Register of Licences,
the name of any person
whose licence is revoked
under section 10C (1) of the
Act;

(ii) the Roll of Assistant
Nurses, any name which the
Council directs him remove
under section 11 (c) of the
Act,

and to reinstate any such name where
the Council so directs under section
10C (2) or 11 (2) of the Act;”.

2. In paragraph (b) insert immediately after the word
“Nurses” the words “or the Register of Licences,
as the case may be,”.

3. In paragraph (c) insert immediately after the words
“mentioned in” the words “the Register of Licences
or in”.

4. Delete paragraph (d) and substitute therefor—

“ (d) to make the appropriate note in the Roll
of Assistant Nurses and the Register of
Licences when the Council suspends
the enrolment of an assistant nurse.”.

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New Part VII. Insert next after regulation 54 the following—

“ PART VII. *Application for Grant and
Renewal of Licence*

55.—(1) Every person who is registered or enrolled prior to the prescribed date shall, within three months after that date, apply to the Registrar for a licence and pay the fee of two thousand dollars.

(2) An application under paragraph (1) shall be in the form specified as Form I in the Fourth Schedule and the licence issued pursuant thereto shall be in the form specified as Form II in that Schedule.

(3) Every person who employs a nurse, a midwife or an enrolled nurse who is not licensed under the Act commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars.

(4) In this regulation “prescribed date” means the date determined by the Council.

56.—(1) Every person who is licensed under the Act shall, not later than thirty days before the date of expiration of that licence—

- (a) apply to the Council for renewal of the licence in the form specified as Form I in the Fourth Schedule;
- (b) satisfy the Council that she has participated in the prescribed continuing education programme; and
- (c) pay the fee of two thousand dollars.

(2) An applicant under paragraph (1) shall be issued with a licence in the form specified as Form II in the Fourth Schedule.

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(3) Any person who practises as a nurse, midwife or assistant nurse after the expiration of the licence period without renewing her licence, commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars for each day on which she so practises.”.

First
Schedule

In Part I insert under the sub-heading “Theory and Practice of Nursing” next after paragraph (e) the following—

- “(f) Disaster preparedness and management.
- (g) Venepuncture.”.

Second
Schedule

1. In Part I—

(a) delete from the heading the words “*Single Training for Qualification as a Midwife*”;

(b) delete the first four paragraphs and substitute therefor the following—

“ *Basic Training for Qualification as a Midwife*

1. The fundamentals of nursing and nursing care
2. Theoretical and practical instruction in basic anatomy and physiology
3. Fundamentals of midwifery
4. Instruction about laws governing midwifery practice

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5. Theoretical and clinical instruction in mid-wifery services in the home and hospital
6. Theoretical and clinical instruction in maternal and child care (normal and abnormal)
7. Theoretical and clinical instruction in human growth and development (normal and abnormal)
8. Theoretical and clinical instruction in the care of the infant and young child
9. Theoretical and clinical instruction in family planning
10. Theoretical and clinical instruction in primary health care
11. Instruction about relevant legislation
12. Theoretical and clinical instruction in epidemiology
13. Theoretical and clinical instruction in disaster preparedness
14. Theoretical and clinical instruction in pharmacology
15. Theoretical and clinical instruction in nutrition

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16. Instruction in sociology
17. Instruction in psychology”;
- (c) delete sub-paragraphs (f), (g) and (h) of the fifth paragraph and substitute therefor the following—
- “(f) spent not less than six weeks in domiciliary services during which time she shall make assessments of the home of not less than five pregnant women as to their suitability for home delivery;
- (g) attended not less than five women during labour carrying out not less than five vaginal examinations in the home of the patient following completion of at least twenty hospital deliveries;
- (h) attended and nursed in the homes of the patients, not less than ten lying-in women and their infants.”;
- (d) delete sub-paragraphs (f), (g) and (h) appearing in the fourth paragraph under the heading "*Training of a Registered Nurse as a Midwife*" and substitute therefor the following—
- “(f) spent not less than six weeks in domiciliary services during which time she shall make assessments of the homes of not less than five pregnant women as to their suitability for home delivery;

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- (g) attended not less than five women during labour carrying out not less than five vaginal examinations in the home of the patient following completion of at least twenty hospital deliveries;
- (h) attended and nursed in the homes of the patients, not less than ten lying-in women and their infants."

2. Insert immediately before the heading "PART II" the following—

“ *FUNCTIONAL NURSING*

- (a) Nursing as a profession, including—
 - (i) ethical and legal practice of nursing;
 - (ii) factors influencing the development of nursing;
 - (iii) professional organizations;
 - (iv) health and health related organizations;
- (b) Basic principles of communication;
- (c) Basic research methodology;
- (d) Administration/management; and
- (e) Principles of teaching, learning and counselling.”.

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New Fourth
Schedule.

1. Insert next after the Third Schedule the following—

“ FOURTH SCHEDULE (Regulation 55)

FORM I

THE NURSES AND MIDWIVES ACT

Application for Grant or Renewal
of Licence

*Registered Nurses/Registered
Midwives/Assistant Nurses*

TO: The Registrar, Nursing Council

NAME IN FULL: _____

MAIDEN NAME: _____

REGISTRATION/ENROLMENT NO. : _____

REGISTRATION/ENROLMENT DATE: _____

EMPLOYMENT ADDRESS: _____

HOME ADDRESS: _____

I hereby apply for the grant or renewal of a
licence to practise as a Nurse/Midwife/
Assistant Nurse.

The fee of _____
is enclosed.

Signature of applicant

Date

For Office Use Only

Documents submitted: _____

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Remarks: _____

Recommendation:

Authorized Officer

Date

FORM II

THE NURSES AND MIDWIVES ACT

Licence

*Registered Nurses/Registered
Midwife/Assistant Nurse*

REGISTRATION/ENROLMENT NO.: _____

We hereby certify that: _____

_____ who was duly admitted to the Register/Roll
as a/an _____

on the _____ day of _____,

pursuant to the Act is hereby issued a
licence and is retained in the Register of the
Nursing Council for the period _____

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having satisfied the conditions set out in the Act and the Regulations thereunder for the issue of a licence.

Dated the day of , 20 .

CHAIRMAN

REGISTRAR

".

Passed in the House of Representatives this 30th day of November, 2004 with three (3) amendments.

MICHAEL PEART
Speaker.

Passed in the Senate this 4th day of March, 2005 with four (4) amendments.

SYRINGA MARSHALL-BURNETT, C.D.
President.

On the 15th day of March, 2005 the House of Representatives agreed to the amendments made by the Senate with one (1) further amendment.

MICHAEL PEART
Speaker.

On the 18th day of March, 2005 the Senate agreed to the amendments made by the House of Representatives.

SYRINGA MARSHALL-BURNETT, C. D.

President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.