

2014

NURSES

ACT

COMMONWEALTH OF DOMINICA

ARRANGEMENT OF SECTIONS

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2014

NURSES

ACT

2014 NURSES ACT
COMMONWEALTH OF DOMINICA

ACT NO. of 2014

BILL

FOR

**AN ACT TO PROVIDE FOR THE CONTINUATION OF
THE NURSING COUNCIL; THE
REGISTRATION AND DISCIPLINE OF
NURSING PROFESSIONALS; AND FOR
RELATED MATTERS.**

(Gazetted , 2014 .)

BE IT ENACTED by the Parliament of the Commonwealth
of Dominica as follows:

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

NURSES ACT 2014.

Interpretation.

2. In this Act –

“Caribbean Community” means the Caribbean Community established by the Treaty;

“CARIFORUM State” means Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Commonwealth of Dominica, the Dominican Republic, Grenada, the Republic of Guyana, the Republic of Haiti, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Suriname or the Republic of Trinidad and Tobago;

“Council” means the Dominica Nursing Council established by section 3;

[“Dominica Nurse Practitioner’s Protocol” means ...]

[“Dominica Nurse Practitioner’s Drug Formulary” means ...]

[“family nurse practitioner” means a nurse practitioner who is licensed to practise as]

CAP. 151.

“former Act” means the Nurses Ordinance;

(CAP. 151, CAP 152)

[“former Acts” means the Midwifery Ordinance and the Nurses Ordinance;]

“former Council” means the General Nursing Council established by the former Act;

“graduate nurse” means a person whose name appears on the roll as a graduate nurse;

“licence” means a licence issued under 33;

“medical practitioner” has the same meaning as in section 2 of the Medical Profession Act 2014;

“Medical Council” means the Dominica Medical Council established under section 3 of the Medical Profession Act 2014;

[“midwife” means a person whose name appears in that part of the Register of Nurses allocated for nurses qualified to practise midwifery;]

“Minister” means the Minister responsible for health;

“nurse” means a person whose name appears in the register;

[“nursing auxiliary” means a person whose name appears on the Roll as a nursing auxiliary;]

“nursing professional” means a nurse, a graduate nurse, a nursing assistant or a nursing auxiliary;

“nursing registration authority” means a body established under the law of another state or territory which has jurisdiction similar to the functions of the Council under this Act;

“nursing assistant” means a person whose name appears on the Roll as a nursing assistant;

“nurse practitioner” means a person who holds a nurse practitioner licence;

“nurse practitioner licence” means a licence issued under section 47;

[“paediatric nurse practitioner” means a nurse practitioner who is licensed to practise as]

“register” means the Register of Nurses required to be kept by the Registrar under section 15;

“regional examination” means the examination, by whatever name called, required by states within the Caribbean Community for the registration of nurses;

“Registrar” means the Registrar referred to in section 6;

“roll” means the Roll required to be kept by the Registrar under section 19;

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed in the Bahamas on 5th July, 2001; and as amended by the Protocol signed at Paramaribo Suriname on 17th February, 2005.

PART II

ADMINISTRATION

Dominica Nursing
Council.
CAP. 152

3. (1) The Nursing Council constituted under section 2 of the Nurses Ordinance is preserved and continues to be a body corporate for the purposes of this Act but is to be known after this section comes into force as the Dominica Nursing Council.

(2) The corporate identity and the rights and obligations of the Council are not affected by the change in name or the repeal of the Nurses Ordinance.

Chap. 3:01.

(3) Section 55 of the Interpretation Act applies to the Council.

Schedule 1.

(4) Schedule 1 applies with respect to the constitution and proceedings of the Council.

Functions of the Council.

4. The Council shall -

(a) regulate the nursing profession;

-
- (b) register or enrol persons [in the nursing profession][as nursing professionals];
 - (c) licence [nursing professionals] to practise nursing;
 - (d) cause the investigation of complaints against nursing professionals;
 - (e) discipline nursing professionals;
 - (f) set standards and guidelines for the governance of the nursing profession;
 - (g) provide professional advice to nursing professionals;
 - (h) make rules prescribing standards of professional etiquette and professional conduct of nursing professionals;
 - (i) perform any other functions conferred on it by this Act.

5. The Council shall advise the Minister on matters relating to –

Council to advise the Minister.

- (a) the provision of nursing care for the sick and injured;
- (b) the provision of midwifery services;
- (c) the establishment of a suitable recruitment and training programme for the maintenance of nursing care and midwifery services; and
- (d) the nursing profession, including the education and training of nurses.]

6. (1) There shall be a Registrar.

Registrar and staff of the Council.

(2) The Registrar shall be appointed by the Council and shall hold office on the terms and conditions that the Council thinks fit.

(3) The Registrar is responsible to the Council for –

- (a) the proper administration of the Council;
- (b) executing the decisions of the Council; and
- (c) carrying out the duties which may be assigned to him by the Council.

(4) The Registrar shall be Secretary to the Council.

Establishment and
appointment of
committees.

7. (1) The Council shall establish –

- (a) an Education and Training Committee;
- (b) a Complaints Committee;
- (c) a Disciplinary Committee.

(2) The Council may appoint other committees as it considers appropriate for any general or special purpose which in the opinion of the Council may be better dealt with or managed by a committee.

Education and Training
Committee.

8. The Education and Training Committee shall examine applications for registration and advise the Council on the adequacy of the qualifications of an applicant for registration and, in the relevant case, the additional qualifications that are required for registration.

(2) The Education and Training Committee shall advise the Council on –

- (a) the standards of nursing education in Dominica;

(b) qualifications which should be necessary for registration and licensing under this Act;

(c) the standard of proficiency which is to be required from candidates at qualifying examinations; and

(d) requirements for continuing professional development of nurses.

(3) The Education and Training Committee shall carry out any other function conferred on it by the Council.

(4) Schedule 2 applies with respect to the Education Committee.

Schedule 2.

9. (1) The Complaints Committee shall consist of [3] nurses who have been registered for at least [10] years, who shall be appointed by the Council annually.

Complaints Committee.

(2) The Council shall appoint one of the members of the Complaints Committee as chairman.

(3) Where a vacancy occurs in the Complaints Committee or where a member is unable to attend meetings of the Committee or to participate in an investigation, the Chairman of the Council may appoint another nurse who meets the requirements of subsection (1) to fill the vacancy or replace the absent member.

(4) The replacement of a member of the Complaints Committee does not invalidate or in any respect affect the validity of an investigation.

(5) The Complaints Committee shall be responsible for the conduct of -

(a) preliminary investigations into any matter concerning -

- (i) the ability of a nursing professional to discharge, competently, his professional responsibilities; or
 - (ii) the professional misconduct of a nursing professional; and
- (b) investigations into any other complaint respecting the conduct of nursing professionals, that is referred to the Committee by the Council.

(6) The Complaints Committee, upon the conclusion of an investigation shall report, in writing, its findings and decision and the reasons for its decision to the Council and -

- (a) in the case of a preliminary investigation, may recommend that –
 - (i) no further investigation shall be carried out; or
 - (ii) the matter be referred, in whole or in part, to the Disciplinary Committee; and
- (b) in any case, other than a preliminary investigation, may direct that –
 - (i) the matter be referred, in whole or in part, to the Disciplinary Committee; or
 - (ii) such other steps, as it considers appropriate in the circumstances, be taken.

Schedule 3.

(7) Schedule 3 applies with respect to the proceedings of the Complaints Committee.

Disciplinary Committee.

10. (1) The Disciplinary Committee shall consist of [3] nurses who have been registered for at least [10] years, who shall be appointed by the Council annually.

(2) The Disciplinary Committee shall –

- (a) hear and determine allegations of professional misconduct or incompetence made in respect of a nursing professional;
- (b) hear and determine other matters referred to it by the Council;
- (c) perform any other duties related to disciplinary matters, as are assigned to it by the Council; and
- (d) on the conclusion of a hearing or an investigation, report in writing, its findings and decision and the reasons for its decision to the Council.

(3) The Disciplinary Committee shall conduct investigations respecting –

- (a) complaints referred to it by the Council; and
- (b) any allegation that a nursing professional has engaged in professional misconduct.

(5) Schedule 4 applies with respect to the proceedings of the Disciplinary Committee. Schedule 4.

11. There shall be a common seal of the Council which shall - Seal.

- (a) be in a form determined by the Council; and
- (b) be kept in custody as directed by the Council; and
- (c) not be used except as authorised by the Council.

PART III**QUALIFICATION FOR REGISTRATION AND
ENROLMENT***Nurses*

Registration of nurses.

12. (1) A person qualifies for registration as a nurse where –

(a) he or she –

(i) has completed the prescribed course of training at a place of training in Dominica or the Caribbean Community recognised by the Council;

(ii) he has passed the required examinations in respect of the training referred to in paragraph (a); and

(iii) he has successfully completed the regional examination required for registration as a nurse; or

(b) he or she holds a diploma, an associate degree, a certificate or any other status or form of recognition granted in a place outside Dominica by a nursing registration authority; and

(c) he has successfully completed the regional examination required for registration as a nurse or any other examination that the Council considers necessary to establish that the applicant possesses satisfactory nursing training and experience;

(d) he satisfies the Council that he –

(i) is medically fit to practise nursing;

(ii) is a fit and proper person to practise nursing in Dominica;

(iii) can read, write, speak and understand the English language;

(iv) is at least 18 years old.

(2) The Council may, with the approval of the Minister, recognize –

(a) any hospital, school or institution as a place of training for the purposes of subsection (1)(a);

(b) any diploma, certificate or any other status or form for the purposes of subsection (1)(a);

13. The Council may register as a specialist nurse a person who qualifies to be registered as a general nurse and who satisfies the Council that he has completed the prescribed training and holds the prescribed qualifications in [midwifery], psychiatric nursing or any other special branch of nursing.

Specialist registration.

14. The Council may register a person temporarily, for a period not exceeding [6][12] months if he satisfies the Council that–

Temporary registration.

(a) he is residing in temporarily in Dominica; and

(b) he holds a diploma, associate degree, a certificate or any other status or form of recognition –

(i) granted in a place outside Dominica by a nursing registration authority; and

(ii) recognised by the Council under section 12(2);
and

(c) he meets the requirements of section 12(1)(d).

Register of nurses.

15. (1) The Council shall keep and maintain a register to be known as the Register of Nurses of every person registered as a nurse in Dominica.

(2) The Council shall cause the following information to be entered on the register, in relation to every person issued with a certificate of registration –

(a) his full name;

(b) date of birth;

(c) personal address;

(d) business address;

(e) the date of his registration;

(f) a description and date of the qualification in respect of which the person is registered;

(g) area of specialty, where applicable;

(h) temporary status, where applicable;

(i) conditions of registration, if any

(j) registration number; and

(k) any other information that the Council considers appropriate.

(3) The Council may divide the Register in Parts as follows –

- (a) General Nurses;
- (b) [Midwives;]
- (c) Psychiatric Nurses;
- (d) Temporary Registrations;
- (e) any other part considered appropriate.

(4) The Registrar shall ensure that the register is at all reasonable times open to inspection by the public.

*Graduate Nurses, Nursing Assistants
and Nursing Auxiliaries*

16. (1) A person qualifies for enrolment as a graduate nurse if he satisfies the Council that –

Enrolment of graduate nurses.

- (a) he –
 - (i) has passed an examination in nursing after 3 years of study at a training institution recognized by the Council under section 12 but has not successfully completed the regional examination required for registration as a nurse; or
 - (ii) holds a qualification referred to in section 12(1)(b) granted in a place outside Dominica if the qualification is recognized by the Council;
- (b) he is a fit and proper person to practise as a graduate nurse; and
- (c) he is [of the prescribed age][at least [XX] years old].

(2) A graduate nurse must work under the supervision of a nurse.

(3) The Council may enrol a person as a graduate nurse for a period not exceeding [18] months.

Enrolment of nursing assistants and nursing auxiliaries.

17. (1) A person qualifies for enrolment as a nursing assistant or nursing auxiliary if he satisfies the Council that –

(a) he –

(i) has completed a course of training approved by the Council and has passed an appropriate examination; or

(ii) has obtained training and qualifications at a place outside Dominica that in the opinion of the Council are equivalent to the training and qualifications referred to in subparagraph (i);

(b) is a fit and proper person to practise as a nursing assistant or nursing auxiliary;

(c) is [of the prescribed age] [at least XX years of age].

Roll of graduate nurses, nursing assistants and nursing auxiliaries.

18. (1) The Council shall maintain a roll of graduate nurses, nursing assistants and nursing auxiliaries.

(2) The Council shall cause the following information to be entered on the roll, in relation to every person issued with a certificate of enrolment –

(a) his full name;

(b) date of birth;

(c) personal address;

- (d) the date of his enrolment;
- (e) a description and date of the qualification in respect of which the person is enrolled;
- (f) conditions of enrolment, if any;
- (g) enrolment number; and
- (h) any other information that the Council considers appropriate.

(3) The Registrar shall ensure that the roll is at all reasonable times open to inspection by the public.

PART IV

GENERAL PROVISIONS WITH RESPECT TO REGISTRATION AND ENROLMENT

19. (1) A person who wishes to be registered or enrolled as a nursing professional in Dominica shall -

Application for
registration.

(a) apply to the Council -

(i) in the case of an application for registration,
in Form 1 set out in Schedule 5;

Schedule 5.

(ii) in the case of an application for enrolment, in
Form 2 set out in Schedule 5;

Schedule 5.

(b) pay the appropriate application fee set out in
Schedule 6; and

Schedule 6.

(c) meet the requirements of this Act.

(2) An application under subsection (1) shall be accompanied by -

- (a) evidence of the qualifications of the applicant;
- (b) proof of identity of the applicant;
- (c) proof that the applicant is a fit and proper person to practice nursing in Dominica;
- (d) a certificate of good standing from the applicant's previous registering body, where applicable; and
- (e) any other information that the Council may require.

(3) A certificate of good standing under subsection (2) (d) shall include information as to –

- (a) the professional conduct of the nursing professional;
- (b) any complaints made by members of the public against the nurse and lodged with the Council.

(4) An applicant under subsection (1) who is seeking temporary registration shall in addition to meeting the requirements for application under subsections (1) and (2), satisfy the Council that he is temporarily in Dominica and would otherwise qualify for registration under this section, by virtue of his qualification to practice nursing in his own country or place.

(5) Where the Council requires further information from an applicant in order to make a decision respecting registration or enrolment, the Council shall promptly, in writing, request the information required to make the decision.

(6) The Council shall make a determination respecting the applicant's qualification for registration or enrolment and notify the applicant, in writing, of that determination –

- (a) within 60 days of the submission to the Council by the applicant of the requested information; or

- (b) immediately after the expiration of 60 days from the date when the request was made, in the case where the information requested by the Council has not been received by the Council.

20. (1) Where an application is made to the Council under section 19 and the Council is satisfied that the applicant meets the relevant requirements specified in section 12 and section 13 or 14 the Council shall, on payment by the applicant of the registration fee, register the applicant and, subject to section 22, issue in respect of the applicant a certificate of registration.

Issue of certificate of registration or enrolment.

(2) Where an application is made to the Council under section 18 and the Council is satisfied that the applicant meets the relevant requirements specified in section 16 or 17 the Council shall, on payment by the applicant of the enrolment fee, enrol the applicant and, subject to section 21, issue in respect of the applicant a certificate of enrolment.

21. A certificate referred to by section 20 must –

Form of certificate of registration or enrolment.

- (a) in the case of a certificate of registration, be in Form 3 set out in Schedule 5;

Schedule 5.

- (b) in the case of a certificate of enrolment, be in Form 4 set out in Schedule 5.

Schedule 5.

(2) A certificate issued under section 20 must specify-

- (a) the name and address of the holder of the certificate;

- (b) the registration or enrolment number of the registered or enrolled person;

- (d) the period of validity of the certificate;

- (e) the conditions, if any, subject to which the person is registered or enrolled.

Conditions of registration.

22. (1) When the Council is of the opinion that in the public interest the registration of a nurse should be restricted or limited the Council may register or enroll an applicant subject to conditions.

(2) Where the Council temporarily registers an applicant the registration may specify -

- (a) the time during which the temporary registration remains in force;
- (b) the area to which it extends;
- (c) the nature and character of the work which may be performed;
- (d) any other terms and conditions that the Council considers expedient to impose.

Refusal of registration or enrolment.

23. (1) Where the Council, having considered an application made under section 19 and any further information received, and having regard to subsection (3) is of the opinion that the application should be refused, the Council shall, subject to subsection (2), notify the applicant in writing of its decision.

(2) In a notice under subsection (1), the Council shall give reasons for the intention to refuse the application and shall inform the applicant of his right to make written representations to the Council under subsection (4).

(3) The Council may refuse to register or enrol an applicant on the following grounds –

- (a) the applicant does not qualify for registration under sections 12, 13 or 14 or enrolment under sections 16 or 17;

- (b) the character of the applicant is such that it would not be in the public interest to allow the applicant to practice as a nursing professional;
- (c) the applicant has a physical or mental condition which significantly impairs his ability to practice as a nursing professional;
- (d) the applicant had previously been registered or enrolled as a nursing professional in another jurisdiction and his registration or enrolment was cancelled on grounds that would justify similar cancellation in Dominica.

(4) An applicant who receives a notice under subsection (2) may make written representations to the Council within 14 days after receipt of the notice.

24. The Council shall cancel the registration or enrolment of a nursing professional where it is satisfied that the nursing professional does not qualify for registration or enrolment or is disqualified from registration by virtue of the circumstances referred to in section 23(3)(b) to (d).

Cancellation of registration or enrolment.

25. (1) In all cases where proof of registration or enrolment is required to be made, the production of a certificate of registration or enrolment showing that the person named in the certificate is duly certified under the hand of the Chairman of the Council is sufficient evidence in all Courts of the registration or enrolment of the person.

Certificate of registration or enrolment prima facie evidence.

(2) The production of the original register or roll shall not be required where a certificate of registration or enrolment under subsection (1) is produced and the certificate shall be accepted without proof that the person signing as the Chairman is the Chairman.

Alteration of register or roll.

26. The Registrar shall –

- (a) alter the register or the roll where there is a change with respect to any of the particulars entered in the register or roll;
- (b) remove from the register or roll the name of any person who is deceased or no longer qualified to practise in Dominica.

Additional qualifications.

27. A nursing professional who obtains qualifications which have been approved by the Council as higher than, or additional to, those qualifications in respect of which the nursing professional is registered is entitled, without payment of any fee, to have the higher or additional qualification entered in the register or roll in substitution for, or in addition to the qualification in respect of which the nursing professional is registered or enrolled.

Publication of lists.

28. (1) The Council shall cause to be published in the *Gazette* [(a) in the month of February of every year, an alphabetical list of persons who have at the 31st January in that year been registered;

(2) A copy of the *Gazette* containing the list referred to in subsection (1)(a) or the name of the person published under subsection (1) is in the absence of proof to the contrary prima facie evidence of the registration of the nurse and of the qualification of the persons and of the non-registration of any person who is not named in the list.

Removal from register or roll.

29. (1) Notwithstanding the provisions of this Act, the Council shall, order the removal from the register or roll the name of a nursing professional under any of the following circumstances:

- (a) if he has been temporarily registered or registered as a specialist nurse and he has contravened or failed to comply with any condition or restriction imposed by the Council;

- (b) if he has obtained registration or enrolment fraudulently or by false statement;
- (c) if his degree or other qualification for registration or enrolment under this Act has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (d) if the registered or enrolled person is deceased.

(2) When the name of any person is removed from the register or roll under subsection (1)(a)(b) or (c), the Council shall, in writing –

- (a) publish a notice to that effect in the *Gazette*; and
- (b) require the person to return to the Council his certificate of registration or enrolment within a stated period of time.

(3) Where the name of a nursing professional has been removed from the register, the nurse shall be required to comply with and satisfy the requirements of section 12 in order that his registration may be restored.

30. A nurse registered under this Act may procure the removal of his name from the Register by making an application to the Council.

Voluntary removal from register.

31. (1) Where a nursing professional whose name has been removed from the register [or roll], has satisfied the Council that –

Restoration of names.

- (a) any conduct that had been the cause of the suspension or cancellation has ceased;
- (b) any fee that was to be paid has been paid in full;
- (c) any condition imposed by the Council to occasion

a restoration of the registration or enrolment has been discharged fully;

- (d) the person has satisfied all of the requirements for registration under this Act,

the Council shall restore, promptly, the name of a nurse to the register [or roll].

(2) Notwithstanding subsection (1), the Council shall not restore the name of a [nurse][nursing professional] to the register [or roll] where the Council is engaged in conducting any other investigation, in respect of the a [nurse][nursing professional], the result of which may be a suspension or cancellation of registration or enrolment.

PART V

LICENCE TO PRACTISE NURSING

Licence required.

32. A person shall not practise as a nurse or hold himself out to be licenced to practice as a nurse unless he holds a licence to practise and complies with this Act, the Regulations and the conditions of his licence.

Application for licence.

33. (1) A person who holds a certificate of registration and who wishes to obtain a licence shall make an application to the Council in Form 5 set out in Schedule 5.

Schedule 5

(2) The Council shall consider an application made under this section and may, subject to this section decide to issue or refuse to issue a licence to the applicant.

(3) In making its decision for the issue of a licence, the Council-

- (a) may investigate the applicant;

- (b) shall have regard to any prescribed post-registration training or continuing education requirements;
- (c) may, if the council is not satisfied that the applicant has satisfied any post registration training requirements, by notice given to the applicant, require the applicant to undergo a written, practical or oral examination within a reasonable time of at least 30 days stated in the notice;
- (d) may, where it requires further information from an applicant in order to make a decision respecting the issue of a licence, promptly, in writing, request the information required.

(4) An application is deemed to have been withdrawn if the applicant fails to comply with a request made under subsection (3)(c) or (d).

34. (1) Where on consideration of an application made to the Council under section 32 the Council is satisfied that the applicant meets the requirements for the issue of a licence the Council shall on payment by the applicant of the licence fee set out in Schedule 6 issue the applicant with a licence in Form 6 set out in Schedule 5.

Issue of licence.

Schedule 6.

Schedule 5.

(2) A licence shall specify –

- (a) the name of the nurse;
- (b) the category of registration;
- (c) the nature and character of nursing practice which may be performed; and
- (d) the conditions of registration and practice.

(3) A licence is not transferable.

Conditions of licence.

35. When the Council is of the opinion that in the public interest the practise of a nurse should be restricted or limited the Council may issue a licence subject to conditions.

Limitations on licence
issued to non-
CARIFORUM national.

36. (1) Where an applicant for a licence is not a national of a CARIFORUM State a licence shall be subject to limitations and conditions that the Council may determine.

(2) Notwithstanding the generality of subsection (1) a licence issued to a person who is not a national of a CARIFORUM State may limit the practice of the nurse to a particular geographical area in Dominica.

Duration of licence.

37. (1) Subject to subsection (2), a licence is valid for a period of [1 year][2years].

(2) Where a person is temporarily registered under this Act a licence issue to him is valid for the period specified in the licence which shall not exceed the period of his registration.

Refusal of licence.

38. (1) Where the council, having considered an application made under section 32 and any further information received, and having regard to subsection (3) is of the opinion that the application should be refused, the Council shall, subject to subsection (2), give notice to the applicant of the Councils' refusal of the application.

(2) In a notice given under subsection (1) the Council shall give reasons for the refusal of the application and shall inform the applicant of his right to appeal under this Act.

(3) The Council may refuse an application made under section 32 on the following grounds –

(a) the applicant failed to pay the licence fee;

(b) the applicant failed to provide any information required by the Council by a date specified by the Council;

(c) the applicant failed to meet any prescribed post registration training requirements.

39. The holder of a licence who has a nursing practice shall display the licence in a place on the premises where he operates which is normally accessible to the public that is not obscured.

Display of licence.

40. (1) The Council may suspend or revoke a licence where the holder –

Suspension or
revocation of licence.

(a) has been convicted for an offence under this Act;
or

(b) fails to comply with the conditions of his registration or licence or Regulations made under this Act in respect to registration or the use of his licence.

(2) Where the Council intends to suspend or revoke a licence under this section, the Council shall give the licensee notice in the prescribed form of its intention to do so and reasonable opportunity to show cause why the licence should not be suspended or revoked.

(3) Where the Council suspends or revokes a licence, the Council shall give the licensee notice in writing of the suspension or revocation of the licence, reasons for the suspension or revocation, and the licensee's right of appeal under Part VI.

(4) Where the name of a nurse has been removed from the register or his registration is suspended, a licence issued to him is deemed to be cancelled and the nurse shall immediately surrender the licence to the Council.

Renewal.

41. (1) An application for the renewal of a licence must be made not later than 90 days before the expiration of the licence in Form 5 set out in Schedule 5.

Schedule 5.

[(2)Where a licence has been revoked under section 40(1) the former holder of the licence shall not apply for reissue of a licence before a period of 6 months has elapsed since the cancellation of the licence.]

(3) An application for the renewal of a licence must be accompanied by –

- (a) the renewal fee set out in Schedule 6;
- (b) evidence of any post registration qualifications or continuing education;
- (c) any other documents or information which the council reasonably requires to decide the application.

Status of licence pending decision regarding application for renewal.

42. Where an application for renewal of a licence is made under section 32 the applicant's licence is deemed to continue in force from the day it would, apart from this section, have expired until –

- (a) in the case where the Council decides to renew the licence, the day the renewed licence is issued;
- (b) in the case where the Council decides to refuse to renew the licence, the day the notice of the decision to refuse to renew the licence is given to the applicant under section 38.

Decision regarding application for renewal.

43. (1) Section 32(3) applies in relation to an application for renewal of a licence.

(2) The Council may refuse to renew a licence on the grounds set out in section 38(3).

PART VI

NURSE PRACTITIONERS

44. A person shall not practise as a nurse practitioner or hold himself out to be licensed to practice as a nurse practitioner unless he holds a licence to practise as a nurse practitioner and complies with this Act, the Regulations and the conditions of his licence.

Nurse practitioner licence required.

45. A person qualifies for a nurse practitioner licence if he –

Qualifications for nurse practitioner licence.

- (a) is registered under this Act;
- (b) has completed a course of training approved by the Medical Council for nurse practitioners;
- (c) has passed the prescribed examinations; and
- (d) is employed by the Government.

46. (1) A person who wishes to obtain a nurse practitioner licence shall make an application to the Medical Council [in the prescribed form][Form 7 set out in Schedule 5].

Application for nurse practitioner licence. Schedule 5.

(2) An application under subsection (1) must be accompanied by –

- (a) evidence of the qualifications of the applicant as a nurse practitioner;
- (b) [proof that the applicant is a fit and proper person to practice as a nurse practitioner;]
- (c) any other information that the Medical Council may require.

Issue of nurse
practitioner licence.

Schedule 6.

Schedule 5.

47. (1) Where on consideration of an application made to the Medical Council under section 46 the Medical Council is satisfied that the applicant meets the requirements for the issue of a nurse practitioner licence the Medical Council shall on payment by the applicant of the nurse practitioner licence fee set out in Schedule 6 issue the applicant with a licence in Form 8 set out in Schedule 5.

(2) A nurse practitioner licence shall specify –

- (a) the name of the nurse practitioner;
- (b) the category of practice authorised;
- (c) the nature and character of nursing practice which may be performed; and
- (d) any conditions of the licence.

(3) A nurse practitioner licence is not transferable.

Duration of nurse
practitioner licence.

48. A nurse practitioner licence is valid for one year and may be renewed annually.

Conditions of licence.
Schedule 7.

49. (1) A family nurse practitioner may be allowed to treat the diseases listed in Schedule 7 in the manner specified in the [Dominica Nurse Practitioner's Protocol].

Schedule 8.

(2) A paediatric nurse practitioner may be allowed to treat the conditions listed in Schedule 8 in the manner specified in the [Dominica Nurse Practitioner's Protocol].

(3) A family nurse practitioner shall not perform duties under subsection (1) unless the family nurse practitioner is under the general supervision of a [registered][licensed] medical practitioner.

Nurse Practitioner
prescriptions.

50. (1) A nurse practitioner may prescribe only the drugs included in the [Dominica Nurse Practitioner's Drug Formulary].

(2) Prescriptions from a nurse practitioner shall be dispensed or made up only at Government institutions by chemists, druggists or pharmacists employed by the Government.

51. The Medical Council shall submit a list of all nurse practitioners to Council and all Government employed chemists, druggists and pharmacists by the first day of February of each year.

List of nurse practitioners.

52. Sections 38, 39, 40 and 41 apply to this Part.

Application of sections 38 to 41.

PART VII

PROFESSIONAL RESPONSIBILITY AND CONDUCT OF NURSING PROFESSIONALS

53. A [nurse][nursing professional] shall in the discharge of his professional responsibilities, conduct himself in a manner that is in accordance with the generally recognised –

Professional responsibility of [nurses][nursing professionals].

- (a) duty and responsibility of a [nurse][nursing professional] to his patient; and
- (b) professional ethics.

54. (1) A nursing professional shall not –

Prohibition of professional misconduct.

- (a) do any act or thing that is contrary to the generally recognised duty and responsibility of a nursing professional to a patient; or
- (b) engage in behaviour that is contrary to professional ethics.

(2) The behaviour referred to in subsection (1) includes –

- (a) immorality or other improper conduct or association with patients;

- (b)* the performance of any professional procedures not authorised by this Act or Rules made under this Act;
- (c)* a wilful or deliberate betrayal of a professional confidence;
- (d)* abandonment of a patient in danger without sufficient cause;
- (e)* knowingly issuing a certificate with respect to birth, stillbirth or immunisation or with respect to any matter relating to health which the nursing professional knows or ought to know is untrue, misleading or otherwise improper;
- (f)* the excessive ingestion of intoxicating liquor or drugs;
- (g)* the impersonation of another nursing professional;
- (h)* falsely holding out to the public directly or indirectly that he is registered or enrolled under this Act;
- (i)* the holding out directly or indirectly by a nurse to the public that he is specially qualified in any particular branch of nursing unless he has taken a special course in that branch of nursing or satisfied the requirements of section 13 and has been registered as a specialist nurse;
- (j)* knowingly practising as a nursing professional, other than in a case of emergency, while suffering from a mental or physical condition or while under the influence of alcohol or drugs to such an extent as to constitute a danger to a patient;

(*k*) dishonesty, negligence, incompetence in the performance of his duties;

(*l*) refusal without lawful excuse or a proper excuse to obey a lawful order given in the course of duty by a person in authority;

(*m*) unkindness to or ill-treatment of patients or, except in self defence or the interest of the patient, the use of excessive force or violence in the performance of duties;

(*n*) the doing or failure to do any act or thing in connection with his professional practice, the doing of which, is, in the opinion of the Council, unprofessional, unethical or discreditable.

(3) For the purposes of subsection 2(*d*), any disclosure which is legally justifiable or required for the treatment of a patient is deemed not to be a wilful or deliberate betrayal of a professional confidence.

55. (1) A nurse shall, prior to-

(*a*) establishing a nursing practice; or

(*b*) making any public announcement or publishing an announcement regarding the establishment of a nursing practice,

inform the Council, in writing, of his intention to establish a nursing practice.

(2) A nurse may publish a notice in any local newspaper announcing his intention to establish a nursing practice.

(3) A notice under subsection (1) shall contain the following particulars in relation to the nurse:

Notice to Council of
establishment of nursing
practice.

- (a) full name;
- (b) qualifications and area of practice of the nurse or specialty, in the case of a specialist nurse;
- (c) business address;
- (d) commencement date of nursing practice;
- (e) telephone number, where one is available; and
- (f) any other information prescribed by the rules.

(4) Where a nurse plans to change the office address of his nursing practice, the nurse shall inform the Secretary of the Council of his intention to change the office address of his nursing practice.

(5) Where a nurse has changed the office address of his nursing practice he may post a sign, in the prescribed manner, outside the premises of the former office for a period of 3 months.

Notice of change of address.

56. A nursing professional shall notify the Council of every change of his permanent address and for the purposes of this Act the last address notified is deemed to be the registered address of the nursing professional.

PART VIII

COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS

Complaints.

57. (1) A person who is aggrieved by the conduct of a nursing professional, may make a written complaint to the Council.

(2) The Council may, on its own motion, lodge a complaint in respect of the conduct of a nursing professional.

(3) Without limiting the generality of subsection (1), a complaint may be made that a nursing professional –

- (a) has been registered by reason of a false or misleading statement or declaration;
- (b) no longer holds or is no longer entitled to hold, a qualification by reason of which the nursing professional was registered;
- (c) does not have the capacity to practise competently;
- (d) is not entitled on other grounds to be registered;
- (e) has committed an act of professional misconduct.

(4) The Council shall apply the complaints procedure set out in Schedule 9 when it receives or makes a complaint.

Schedule 9.

58. (1) The Council may cause the investigation of any matter, however arising, concerning the practice of a nursing professional or the conduct of a nursing professional where it is believed that an investigation is warranted in the public interest and in the interest of maintaining the standards and dignity of the profession.

Investigations.

(2) The Council, of its own motion, may cause the conduct, with or without a preliminary investigation having been conducted -

- (a) a formal hearing into the ability of a nurse to practise nursing or a specialist nurse to practise in the area of nursing in respect of the branch of nursing in respect of which he is registered as a specialist nurse; or
- (b) an informal or formal hearing into the professional conduct of a nursing professional.

(3) The Council shall cause the investigation -

- (a) any representation, allegation or complaint made by a nursing professional respecting the conduct or competence of another nursing professional; or
- (b) any allegation or complaint made, in writing, by a person other than a nursing professional, respecting the matter of professional misconduct,

unless the Council has determined that the allegation is frivolous or vexatious.

(4) The Council may cause the investigation of any allegation or complaint made by any person respecting any matter relating to the provision of nursing services by a nursing professional.

Form and conduct of investigations.

59. (1) An investigation may be in the form of –

- (a) a preliminary investigation;
- (b) a review;
- (c) an informal hearing; or
- (d) a formal hearing.

(2) Subject to subsection (3), an investigation shall be conducted by the Complaints Committee or Disciplinary Committee as is appropriate.

(3) Where the Council determines, with respect to an investigation, that special skill or expertise is required, the Council may appoint a single person or a panel that possesses the requisite skills or expertise to conduct the whole or part of the investigation.

60. (1) Where the Council determines that an investigation, other than an investigation to assess the qualification of an applicant for registration or enrolment, should be carried out in respect of the conduct, capability or competence of a nursing professional, the Council shall refer the matter-

Referral of investigation of [nurse][nursing professional] by Council.

- (a) to the Complaints Committee or the Disciplinary Committee; or
- (b) to a person or panel that is appointed under subsection (3) of section 59.

(2) The Council shall give prompt notice of the referral, in writing, to the nursing professional in respect of whom the investigation is to be conducted.

61. A notice required to be given to a nursing professional under section 60 where a preliminary or other investigation is to be conducted respecting him shall-

Notice of referral of investigation of nursing professional.

- (a) be sent by registered post as soon as possible after the Council decides to refer the complaint to the relevant committee, person or panel to conduct the investigation;
- (b) advise the nursing professional of the nature of the matter to be investigated;
- (c) advise the nursing professional of his right to provide such information as is relevant to the matter;
- (d) advise the nursing professional of the procedures that can be taken in respect of the matter;
- (e) advise of the possibility of the nursing professional

being asked to submit to a medical examination or other specified assessment; and

- (f) where a nursing professional has been asked to undergo a medical examination or assessment referred to in paragraph (e), invite the nursing professional to indicate his willingness to submit to the examination or assessment.

Report respecting investigation.

62. (1) The Committee, panel or person responsible for the conduct of an investigation under this Part shall submit to the Council, not later than 30 days following the conclusion of the investigation, a report, in writing, that includes the findings of the Committee or person, the decision and reasons for the decision and the recommendations or direction of the Committee, panel or person, respecting the matter.

(2) Subject to subsection (3), upon the receipt of a report referred to in subsection (1), the Council shall, promptly, make a determination respecting the matter, taking into account the report submitted and shall take such action as it considers fair and appropriate in the circumstances.

(3) The Council, where it considers it appropriate to do so, may invite the nursing professional to appear before it or to provide in writing any explanation respecting the matter as the Council considers necessary.

(4) Where, in the case of a preliminary investigation, the Council accepts the recommendation of the Complaints Committee that a matter be referred to the Disciplinary Committee, the Council shall –

- (a) inform the nursing professional, in writing, of the conclusion of the preliminary investigation; and
- (b) cause to be served on the nursing professional and

the complainant, if any, in the matter, a copy of the decision and reasons for the decision.

(5) The Council shall, in respect of an investigation other than a preliminary investigation, within 28 days of –

- (a) receiving the report of the Committee, person or panel that conducted the investigation; or
- (b) the conclusion of the matter following an appearance or submission by the nurse referred to in subsection (3),

in writing, notify the nurse, who is the subject of the investigation, of its decision.

(6) In a notice under subsection (5) the Council shall inform the nursing professional –

- (a) that no further action is to be taken by the Council respecting the matter; or
- (b) that the matter is to be referred to the Disciplinary Committee for the conduct of an informal or formal hearing; or
- (c) of the disciplinary measures to be taken by the Council consequent upon the decision.

(7) Where the report of an investigation by the Disciplinary Committee indicates the likelihood that a nursing professional had been or was engaged in conduct that constitutes a criminal offence, the Council shall submit a copy of the report to the Director of Public Prosecutions.

63. Where the Council finds a nursing professional guilty of professional misconduct, the Council may – Disciplinary measures.

- (a) reprimand the nursing professional;

(b) order the suspension of the nursing professional for a period not exceeding [12 months][2 years][3 years];

(c) order the removal of the name of the nursing professional from the register or roll.

Disciplinary measures after conviction.

64. Where a nursing professional has been convicted of an offence involving negligence, professional misconduct, fraud or other dishonesty in the exercise of his calling the Council may, after giving him an opportunity to show cause in writing why disciplinary measures should not be taken against him, take against him any of the measures specified in section 63.

PART IX

APPEALS

Appeal against refusal to register and cancellation of registration or enrolment under section 24.

65. (1) Where –

(a) an applicant is aggrieved by the refusal of the Council to register him as a nursing professional; or

(b) the Council has cancelled the registration or enrolment of a nursing professional in accordance with section 24, the applicant or nursing professional may, within 3 months of the date of the notice of the refusal, appeal to a Judge in chambers against the decision of the Council.

(2) The Judge, at the hearing of the appeal, may –

(a) dismiss the appeal;

(b) on the basis of a finding of procedural irregularity direct that the Council reconsider the application; or

- (c) allow the appeal and direct the Council to register the applicant.

(3) Notwithstanding subsection (1)(a), no appeal shall lie under this section against refusal of an application for registration or enrolment in a case in which the registration or enrolment is conditional upon the applicant's satisfying the Council that he is qualified to be registered or enrolled, or that he is a fit and proper person to practise nursing in Dominica, and the applicant has failed to provide satisfactory evidence in this regard.

66. (1) A nursing professional who is aggrieved by the decision of the Council to-

Appeal against disciplinary measures.

- (a) reprimand him;
- (b) suspend his registration; or
- (c) cancel his registration and cause his name to be removed from the register,

may, within 3 months of the receipt by him of any such notification, in writing, appeal against the decision of the Council to a Judge in chambers.

(2) The Council may, pending the hearing of an appeal, referred to in subsection (1), on the application of the nursing professional, suspend the operation of the decision giving rise to the appeal until the determination of the appeal.

(3) The Judge may at the hearing of any appeal, other than an appeal against refusal of registration,

- (a) dismiss the appeal and confirm the decision of the Council;
- (b) allow the appeal and set aside the decision of the Council;

- (c) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be re-conducted by the Council; or
- (d) set aside the penalty imposed by the Council and impose in substitution for another penalty that the Judge thinks fit;
- (e) make an order for the payment, by the nursing professional, to the Council of the costs of the appeal.

PART X

OFFENCES

Advertisement or
holding out by
unauthorized persons.

67. (1) A person who is not registered [or enrolled] under this Act shall not, either directly or indirectly by advertisement, sign or make a statement of any kind written or oral, alleging or implying or stating that he is or holds himself out as being qualified, able or willing to practice nursing.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of [\$10, 000].

Fraudulent registration.

68. (1) A person shall not -

- (a) procure or attempt to procure registration or a certificate of registration or enrolment as a nursing professional by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;
- (b) wilfully make or cause to be made any false entry in any register or roll maintained under this Act;

(c) forge or alter any certificate of registration or enrolment as a nursing professional issued under this Act;

(d) fraudulently or dishonestly use as genuine any certificate of registration or enrolment as a nursing professional which he knows or has reason to believe is forged or altered; or

(e) buy, sell or fraudulently obtain a certificate of registration or enrolment as a nursing professional issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding [\$10,000][\$15, 000] or to imprisonment for a term not exceeding [2] years or to both.

69. (1) A person shall not make a statement that is false or misleading in a material particular, whether by reason of inclusion or omission of any particular, in any information provided under this Act.

False or misleading statement.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of [\$10, 000] [\$15, 000].

70. (1) A nursing professional whose registration or enrolment is suspended shall not practise nursing or act as a nursing professional during his suspension.

Nursing professional not to practice during suspension from practice.

(2) A nursing professional who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding [\$10,000][\$15,000] or to imprisonment for a term not exceeding [2] years or to both.

PART XI**MISCELLANEOUS**

Notice of conviction.

71. Where a person registered or enrolled under this Act is convicted of an [indictable offence] in Dominica, the Registrar of the High Court in the case of conviction on indictment or the Magistrate in the case of summary conviction, shall as soon as practicable after the conviction, notify the Council of the conviction.

Confidentiality.

72. (1) A member of the Council or a committee established by the Council, the Secretary or any person acting under the authority of any of them shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under this Act and shall not communicate these matters to any other person except-

(a) as may be required in connection with the administration of Parts V and VI or any proceedings under those Parts or rules made under this Act; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) A person to whom subsection (1) applies shall not be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except –

(a) in a proceeding under this Part or under the rules; or

(b) on the order of a Judge of the High Court in a matter before the High Court.

73. A member of the Council or a committee, the Secretary or any person acting under the authority of any of them shall not be liable, in a personal capacity, to any action, liability, claim or demand whatsoever, in respect of anything done or omitted to be done in good faith for the purpose of executing any of the provisions of this Act, Regulations or Rules made under this Act.

Exemption from liability.

[74. (1) The funds and resources of the Council shall consist of –

[Funds of the Council.]

- (a) monies appropriated by Parliament for the purposes of the Council;
- (b) monies paid to the Council in respect of fees due under this Act.

(2) All monies received by the Council or the Registrar shall be paid into the funds of the Council.

(3) The costs and expenses of and incidental to the performance of the functions of the Council, the Education Committee, Complaints Committee, Disciplinary Committee and any other committee appointed by the Council under this Act shall be paid by the Council out of its funds.]

75. (1) The Council, with the approval of the Minister, may make rules for carrying into effect this Act, and, in particular, for any of the following purposes –

Rules.

- (a) the proper conduct of its affairs, including the specification of the time, manner and place of meeting and the proceedings of meetings;
- (b) the determination of professional conduct and general fitness to practise nursing;
- (c) the institution of disciplinary proceedings under this Act;

(*d*) the conduct of examinations and matters relating to the conduct of examinations;

(*e*) the specification of the institutions, courses of study or criteria that must be met to satisfy the requirement for post registration training.

(2) The Council may in rules made under subsection (1) direct that any breach of the rules constitutes professional misconduct.

Amendment of the Schedules.

76. The Minister may, by Order, amend -

(*a*) Schedule 5 and 6 on the recommendation of the Council;

(*b*) Schedules 7 and 8 on the recommendation of the Medical Council.

PART XIII

SAVINGS AND TRANSITIONAL

Subsidiary legislation.

77. Rules and regulations in force under the former Acts shall continue in force until revoked.

Registration of existing nurse [or midwife].

78. (1) The Registrar of the High Court shall, immediately on the date of commencement of this Act cause to be entered in the register the particulars specified in section 15(*a*) to (*l*) of all persons who immediately before that date were registered under the former Acts without application on the part of those persons and without payment of any fee, and pending the entry on the register or roll, those persons are deemed to be [nurse] [or midwife]s][the relevant nursing professional].

[(2) A person who immediately before the date of commencement of the commencement of this Act was employed as a nursing auxiliary is entitled to be enrolled as a nursing auxiliary under this Act.]

79. (1) An application made under the former Act and wholly or partly heard by the Board when this Act comes into force is to be continued and dealt with in all respects as if this Act had not come into force.

Continuance of application.

(2) Registration granted as a result of an application determined under subsection (1) is to be granted on the same terms and conditions that would have applied if this Act had not come into force.

(3) An application under the former Act that has not been wholly or partly heard by the Board when this Act comes into force is to be taken to be an application made under this Act and this Act shall apply accordingly.

80. All proceedings in respect of offences committed or alleged to be committed against the former Act may be commenced or continued as if this Act had not come into force.

Offences.

81. The Midwifery Ordinance [CAP. 151] and the Nurses Registration Ordinance [CAP. 152] are repealed.

Repeal.

SCHEDULE 1

(Section 3)

DOMINICA NURSING COUNCIL

Constitution of the Council.

1. (1) The Council shall consist of [7] members appointed by the Minister as follows -

- (a) The Chairman, who shall be a person who has been a nurse in Dominica for a continuous period of not less than 10 years;
- (b) [3] nurses who have been registered in Dominica

for not less than 5 years, on the nomination of the [Dominica Association of Nurses];

(c) [3] nurses who have been registered in Dominica for not less than 5 years;

(d) the Principal Nursing Officer, who shall be an *ex officio* member;

(e) [a lawyer from the Attorney General's Chambers;][an attorney-at-law who has been admitted to practice law in Dominica for not less than 10 years];

(f) 2 members of the public who do not represent any particular interest or body.

(2) The Minister shall appoint as the Deputy Chairman a nurse referred to in subparagraph (1)(b) or (c).

Tenure.

2. (1) Subject to subparagraph (2), members of the Council, other than the Principal Nursing Officer shall hold office as follows:

(a) the Chairman, for a term of 3 years;

(b) other members, for a term of 2 years.

(2) For the initial period of appointment to the Council, [2] nurses referred to in subparagraph (b) of paragraph 1(1) and [2] medical practitioners referred to in subparagraph (c) of paragraph 1(1) shall be appointed for 3 years.

(3) Members of the Council shall be eligible for re-appointment and, except in respect of the Principal Nursing Officer, shall hold office for not more than 2 consecutive terms,

but such member is eligible for re-appointment after the expiration of one year following the end of the 2 terms.

(4) The Chairman of the Council shall continue to hold office until a new Chairman is appointed or until he is re-appointed Chairman, as the case may be.

Meetings.

3. (1) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Council.

(2) The Council shall –

- (a) meet regularly, at least once in every 3 months;
and
- (b) at such other times as may be necessary or expedient for the transaction of its business.

(3) The Council shall hold meetings at places and times and on days that the Council may determine.

(4) At least 7 days' notice in writing must be given to members of the Council of any meeting of the Council.

Special Meeting.

4. The Chairman shall summon a special meeting of the Council to be held not later than 14 days of the receipt by him of a written request for the purpose, signed by [3] members of the Council.

Quorum.

5. [XX] members of the Council shall constitute a quorum, one of whom must be the Chairman or Deputy Chairman.

Decisions.**6.** Every –

- (a) member of the Council is entitled to vote;
- (b) decision of the Council shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the Chairman or in the Chairman's absence, the Deputy Chairman has a second or casting vote.

Absence without leave.**7.** A member who –

- (a) is absent from Dominica without leave for a period of 6 months or more;
- (b) fails without reasonable excuse to attend 2 consecutive meetings of the Council; or
- (c) for whatever reason fails to attend meetings for a period of 12 months;

ceases to be a member of the Council.

Resignation of Chairman or other members.

8. (1) The Chairman or the Deputy Chairman may resign his respective office by letter addressed to the Minister and the resignation shall take effect from a date notified in the letter, or immediately, where no date has been so notified.

(2) A member may at any time resign his office by letter in writing addressed to the Chairman, and on the date of receipt of the letter, that person ceases to be a member of the Council.

Vacancy.

9. (1) Whenever there is a vacancy in the membership of the Council, it shall be filled in the same manner in which the original appointment was made.

(2) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

Validity of proceedings.

10. The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the appointment of a member of the Council.

Secretary.

11. (1) The Permanent Secretary, Ministry of Health shall appoint a person who is not a member of the Council to perform the functions of Secretary.

(2) The Secretary of the Council shall be the Secretary (*ex officio*), of any Committee established under these Rules.

Minutes.

12. Minutes of the meetings of the Council shall be kept and copies furnished to each member of the Council not later than 14 days after the date on which the meeting was held.

SCHEDULE 2

(Section 8(4))

EDUCATION AND TRAINING COMMITTEE

1. The Education and Training Committee shall consist of a Chairman, who shall be the Chairman of the Council, and the following persons who shall be appointed by the Chairman of the Council:

(a) 2 members of the Council who are registered nurses;

(b) 1 registered nurse who is not a member of the Council and who has been a registered nurse for not less than 10 years;

(c) the Chairman of the Dominica Accreditation Board or the representative of the Chairman.

2. Three members of the Education and Training Committee constitutes a quorum.

3. Where the Chairman is absent from a meeting, the Education and Training Committee shall elect one of its members present to act as Chairman for that meeting.

4. The Education and Training Committee shall meet at times that the Chairman considers that is necessary to meet.

SCHEDULE 3

(Section 9(8))

PROCEEDINGS OF THE COMPLAINTS COMMITTEE

1. Whenever a matter is referred by the Council to the Complaints Committee, the Chairman of the Committee shall promptly notify, in writing, the nursing professional whose conduct or action is the subject of the investigation.

2. The notice referred to in paragraph 1 shall –

(a) identify the matter that is to be investigated;

(b) shall stipulate the right of the nursing professional to submit to the Complaints Committee in writing, any explanation or representation he wishes to

make as well as any document or other information, concerning the matter that he wishes to submit to the Committee;

- (c) shall indicate that any submission must be made by a date not later than 28 days from the date of the notice or such other time as stipulated by the Complaints Committee.

3. The Complaints Committee shall examine all documents and other information relating to the complaint that are submitted to it and shall make every reasonable effort to verify the information and ascertain all the facts that are relevant to a determination of the matter.

4. The Complaints Committee may hear evidence from any person, whether or not the person is a party concerned in the matter.

5. Following a consideration of the information submitted to it, the Committee, where it determines that it is in the best interest of all the parties concerned, may solicit clarifications, in writing, with respect to any statement, representation or other information submitted to the Committee.

6. In the case where the Complaints Committee is conducting an investigation other than a preliminary investigation -

- (a) the Committee may invite each of the parties or both parties concerned in the matter to appear before the Committee to make representations or to answer questions respecting the matter;
- (b) the Committee may, on the request of a party, permit the party to appear before the Committee and is not required to give notice to the other party regarding the appearance but may allow the

other party to have a copy of any statement or representation made to the Committee or an extract of such statement or representation;

- (c) the nursing professional, where he appears before the Committee, has the right to be represented by an attorney-at-law.

7. The Complaints Committee shall report its findings, decision and recommendation to the Council in accordance with section 9(6) of the Act.

SCHEDULE 4

(Section 10 (5))

PROCEEDINGS BEFORE THE DISCIPLINARY COMMITTEE

1. (1) The Council shall serve on the nursing professional against whom disciplinary proceedings are to be instituted a notice of enquiry which shall –

- (a) specify, in the form of a charge, the matters into which the enquiry is to be held; and
- (b) state the time and place at which the enquiry is proposed to be held.

(2) Except with the consent of the nursing professional, an enquiry shall not be fixed for a date earlier than 28 days after the date of the notice of enquiry.

(3) The notice of enquiry shall be served personally or by pre-paid registered post on the nursing professional at the address shown on the Register of Nurses or the Roll or at his last known address if that address differs from that on the Register of Nurses or the Roll.

(4) In any case where there is a complainant, a copy of the notice of enquiry shall be sent to him.

2. Where, after a complaint has been referred to the Disciplinary Committee for investigation, it appears to that Committee that the enquiry should not be held, the Council shall notify the complainant, if any, and the nursing professional of the fact.

3. The nursing professional shall be entitled to receive free copies of, or to be allowed access to, any documentary evidence relied on for the purpose of the enquiry.

4. The nursing professional shall have the right to be represented by an attorney-at-law in any disciplinary proceedings instituted against him.

5. Where the nursing professional does not appear at the date fixed for the hearing of the case, the Disciplinary Committee may, if it is satisfied that a notice of enquiry has been served on the nursing professional, proceed with the enquiry in his absence and the absence of his attorney.

6. Where witnesses are examined by the Disciplinary Committee, the nursing professional shall be given an opportunity of attending and of putting questions to the witnesses in his own behalf; and no documentary evidence shall be used against him unless he has previously been supplied with copies of the documentary evidence or given access thereto.

7. The nursing professional shall be permitted to give evidence, call witnesses and make submissions orally or in writing in his own behalf.

8. The Disciplinary Committee may call additional witnesses and may adjourn the proceedings to another convenient time or place.

9. The testimony of witnesses shall be taken under oath, which the Chairman of the Board is authorised to administer, and there shall be a full right to examine, cross-examine and re-examine witnesses.

10. On the application of -

- (a) any party to the inquiry;
- (b) the Chairman of the Disciplinary Committee; or
- (c) the counsel for the Disciplinary Committee,

the Registrar may issue summons for the purposes of procuring the attendance of witnesses, the giving of testimony and the production of documents before the Disciplinary Committee.

11. The rules of evidence in an inquiry, and the proceedings and penalties in the case of disobedience to any subpoena, shall be the same as in civil cases in the Supreme Court.

12. The Disciplinary Committee shall have the proceedings and the evidence –

- (a) taken in shorthand, transcribed and certified by a professional transcriber; or
- (b) recorded by a sound recording machine, and transcribed and certified by a professional transcriber.

13. It is the duty of the member whose conduct or fitness to practise is being inquired into, to appear at the inquiry, but in the event of non-attendance by that member, the Disciplinary Committee, on proof by an affidavit of the service of notice, may proceed with the inquiry, and without further notice to the member, make a report of its findings and take any other action that it is authorised to take under this Act.

14. Where, having heard the evidence in support of the charges, the Disciplinary Committee is of the opinion that the evidence is insufficient it may dismiss the charges without calling upon the nursing professional for his defence.

15. On the conclusion of the enquiry, the Disciplinary Committee shall submit a report of its findings, decision, reasons for the decision and recommendations to the Council in accordance with section 10(d) of the Act.

SCHEDULE 5

(Section 18(1), 20, 32,
33(1), 45)

FORMS

FORM 1

Application for Registration

FORM 2

Application for Enrolment

FORM 3

Certificate for Registration

FORM 4

Certificate for Enrolment

FORM 5

Application for licence

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FORM 6

Licence

FORM 7

Application for Nurse Practitioner Licence

FORM 8

Nurse Practitioner Licence

SCHEDULE 6

FEES

SCHEDULE 7

(Section 49)

**CONDITIONS THAT MAY BE TREATED BY
PAEDIATRIC NURSE PRACTITIONERS**

EMERGENCY PROBLEMS

Anaphylaxis
Animal Bites and Rabies
Burns
Cardiac or Respiratory Arrest
Drowning
Fever
Fractures
Frostbites
Head Trauma
Pain
Poisons and Overdoses

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Rape
Shock
Snakebite

INFECTIOUS DISEASES

Gonorrhoea
Herpes Simplex
Infectious Mononucleosis
Mumps
Rocky Mountain Spotted Fever
Roseola (Exanthem Subitum)
Rubella (German Measles)
Rubeola (Measles)
Scalatina (Scarlet Fever)
Syphilis
Varicella (Chicken Pox)

SKIN

Acne Vulgaris
Alopecia (Baldness)
Candidiasis (Monilia)
Eczenatos Dermatitis
Fungal Diseases (Dermatophytoses)
Herpes Zoster (Shingles)
Impetigo
Insect Bites
Meurodermatitis
Pediculosis (Lice)
Poison Ivy and Poison Oak
Psoriasis
Pyodermas
Scabies
Seborrheic Dermatitis
Tinea Versicolor
Urticaria
Verrucae (Warts)

EYE, EAR, NOSE AND THROAT

Acute Epiglottitis
Allergic Phinitis
Blepharitis
Blunt Trauma to the eye
Chalazion
Common Cold
Conjunctivitis
Croup
Epistaxis
Foreign body in the eye
Foreign body in the nose
Hoarseness
Inclusion Blenorrhea
Influenza
Otitis Externa
Otitis Media
Serous Otitis Media
Sinusitis
Sore throat
Stomatitis and Common Oral Lesions
Sty or herdeolum
Thrush (Candidiasis)
Toothache (Dental Abscess)
Tympanic Membrane Perforation
Uveitis
Wax in the ear canal

PULMONARY PROBLEMS

Acute Asthma
Acute Bronchitis
Bronchiolitis
Hemoptysis
Hyperventilation
Pneumonia
Tuberculosis

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CARDIOVASCULAR PROBLEMS

Anaemia
Chest pain
Congestive Heart Failure (CHF)
Hypertension in patients younger than 18
Rheumatic Fever

GASTROINTESTINAL PROBLEMS

Acute Abdominal Pain
Acute Gastroenteritis
Colic
Constipation/Diarrhoea
Dysphagia
Hepatomegaly
Intestinal Parasites
Jaundice
Nausea and Vomiting
Nutrition
Obesity
Splenomegaly
Viral Hepatitis
Weight loss and Anorexia

GENITOURINARY PROBLEMS

Inguinal Hernia
Oliguria
Urinary Tract Infection (UTI)

GYNAECOLOGY

Abnormal Vaginal Bleeding
Bacterial Vaginosis
Trichomonas Vaginitis

MUSCULOSKELETAL PROBLEMS

Osteomyelitis
Rheumatoid Arthritis (RA)
Scoliosis
Septic Arthritis
Sprains

CENTRAL NERVOUS SYSTEM

Bell's Palsy
Cerebrovascular Accident (CVA)
Coma
Headache
Meningitis
Numbness and Tingling
Parkinson's Disease
Seizures
Tremor

ENDOCRINE

Diabetes Mellitus
Thyroid Disease

PSCHIATRY

Child Abuse and Neglect
Crisis Intervention
Depression
Grief

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SCHEDULE 8

(Section 49)

**DISEASES THAT MAY BE TREATED BY FAMILY
NURSE PRACTITIONERS**

EMERGENCY PROBLEMS

Acute Alcoholism
Anaphylaxis
Animal Bites and Rabies
Burns
Cardiac or Respiratory Arrest
Drowning
Fever
Fractures
Frostbite
Gunshot and Stab Wounds
Head Trauma
Lacerations
Major Trauma
Pain
Poisons and Overdoses
Puncture Wounds
Rape
Shock
Snakebite

INFECTIOUS DISEASES

Gonorrhea
Herpes Simplex
Infectious Mononucleosis
Mumps
Rocky Mountain Spotted Fever
Roseola (Exanthem Subitum)
Rubella (German Measles)
Rubeola (Measles)

Scarlatina (Scarlet Fever)
Syphilis
Varicella (Chicken Pox)

SKIN

Acne Vulgaris
Alopecia (Baldness)
Cancer of the Skin
Candidiasis (Monilia)
Eczematous Dermatitis
Factitial Ulcer (Self-Induced Lesions)
Fungal Diseases (Dermatophytoses)
Herpes Zoster (Shingles)
Hyperhydrosis (Dyshydrosis)
Impetigo
Insect bites
Keratoacanthoma
Lichen Planus
Neurodermatitis
Pediculosis (Lice)
Poison Ivy and Poison Oak
Psoriasis
Pyodermas
Scabies
Seborrheic Dermatitis
Tinea Versicolor
Urticaria
Verrucae (Warts)

EYE, EAR, NOSE AND THROAT

Acute Epiglottitis
Allergic Rhinitis
Blepharitis
Blunt Trauma to the eye
Blurred Vision

2014

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Chalazion
Common Cold
Conjunctivitis
Croup
Epistaxis
Foreign body in the eye
Foreign body in the nose
Glaucoma
Hoarseness
Inclusion Blepharitis
Influenza
Laceration of the Eye and Periorbital Areas
Otitis Externa
Otitis Media
Serous Otitis Media
Sinusitis
Sore Throat
Stomatitis and Common Oral Lesions
Sty or Hordeolum
Thrush (Candidiasis)
Toothache (Dental Abscess)
Tympanic Membrane Perforation
Uveitis
Wax in the Ear Canal

PULMONARY PROBLEMS

Acute Asthma
Acute Bronchitis
Bronchiolitis
Chronic Obstructive Pulmonary Disease (COPD)
Hemoptysis
Hyperventilation
Pleurisy
Pneumonia
Pneumothorax
Pulmonary Embolus

Smoke/Heat Inhalation
Tuberculosis

CARDIOVASCULAR PROBLEMS

Abdominal Aortic Aneurysm
Anaemia
Angina Pectoris
Chest Pain
Congestive Heart Failure (CHF)
Hypertension in Patients over 18
Hypertension in Patients younger than 18
Myocardial Infarction (MI)
Rheumatic Fever

GASTROINTESTINAL PROBLEMS

Acute Abdominal Pain
Acute Gastroenteritis
Cholecystitis
Colic
Constipation
Diarrhea
Dysphagia
Hemorrhoids
Hepatomegaly
Intestinal Parasites
Jaundice
Nausea and Vomiting
Nutrition
Obesity
Pancreatitis
Peptic Ulcer Disease
Splenomegaly
Viral Hepatitis
Weight Loss and Anorexia

GENETOURINARY PROBLEMS

Benign Prostatic Hypertrophy (BPH)
Carcinoma of the Prostate
Dysuria with Urethral Discharge
Dysuria without Urethral Discharge
Epididymitis
Hydrocele
Inguinal Hernia
Oliguria
Prostatitis
Pyelonephritis
Testicular tumor
Torsion of the testicle
Urinary Tract Infection (UTI)
Varicocele

GYNAECOLOGY

Abnormal vaginal bleeding
Amenorrhea
Breast Mass
Cervical Polyps
Chronic Cervicitis/Cervical Erosion
Dysmenorrhea
Hemophilus Vaginitis
Infertility
Menopause
Monilial Vaginitis
Pap smear for detection of uterine cancer
Pelvic inflammatory disease
Trichomonas vaginitis
Urethral caruncles

MUSCULOSKELETAL PROBLEMS

Gouty arthritis
Low back pain

Osteoarthritis
Osteomyelitis
Rheumatoid arthritis (RA)
Scoliosis
Septic arthritis
Sprains

CENTRAL NERVOUS SYSTEM

Bell's Palsy
Cerebrovascular accident (CVA)
Coma
Headache
Meningitis
Numbness and tingling
Parkinson's disease
Seizures
Syncope
Transient ischemic attacks (TIA)
Tremor
Vertigo

ENDOCRINE

Diabetes mellitus
Thyroid disease

PSYCHIATRY

Child abuse and neglect
Chronic alcoholism
Crisis intervention
Depression
Grief
Neurosis and psychosis
Schizophrenia
Suicide ideation

SCHEDULE 9

(Section 57(4))

COMPLAINTS PROCEDURE

1. A complaint under section 57 of the Act shall —

- (a) be made in writing;
- (b) contain particulars of the matter complained of;
- (c) identify the allied health professional against whom the complaint is being made;
- (d) identify the complainant;
- (e) contain a statement that the complainant consents to a copy of the complaint or particulars of the complaint being given to the allied health professional; and
- (f) be lodged with the Council.

(2) The Commission shall ensure that a person who wishes to make a complaint in respect of an allied health professional is given reasonable assistance to enable the person to make a complaint in accordance with this section.

(3) On receiving a complaint in accordance with subsection (1) or on initiating a complaint of its own motion the Council shall —

- (a) record the date on which the complaint was received or initiated ; and
- (b) within 30 days of receipt or initiation of the complaint, determine whether to accept or reject the complaint.

(5) The Council may require the complainant to provide further particulars of a complaint.

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(6) The rules of procedural fairness shall be observed in determining a complaint under this Act.

Passed in the House of Assembly this day of , 2014.

Clerk of the House of Assembly

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OBJECTS AND REASONS

This Bill seeks to provide for the continuation of the Nursing Council which was established as a body corporate under the Nurses Ordinance, CAP 152. The Council would continue under the new name of the Dominica Nursing Council. The Bill also seeks to provide for the registration of nurses, the regulation of the conduct and discipline of nursing professionals, the prescription of qualifications, approval of standards and the requirement for continued education and training.

This Bill would repeal the Midwifery Ordinance CAP 151 and the Nurses Ordinance, CAP. 152.

LEVI A. PETER
Attorney General

Chambers of the Attorney General
Ministry of Tourism and Legal Affairs
Government Headquarters
Roseau

COMMONWEALTH OF DOMINICA