

NURSING RULES 2003

BR 16/2003
THE NURSING ACT 1997
1997 : 16
THE NURSING RULES 2003

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SCHEDULE

The Minister of Health and Family Services, in exercise of the powers conferred on him by section 9 of the Nursing Act 1997 and after consultation with the Bermuda Nursing Council, makes the following Rules:—

Citation and commencement

- 1 (1) These Rules may be cited as the Nursing Rules 2003.
- (2) These Rules shall come into operation on the 1st day of April 2003.

Interpretation

- 2 (1) In these Rules—
 - "Act" means the Nursing Act 1997;
 - "Council" means the Bermuda Nursing Council referred to in section 3 of the Act;

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"general nurse" means a person who is qualified in nursing by virtue of having successfully completed a general course in nursing at an accredited school of nursing consisting of—

- (a) not less than three years of study; and
- (b) not less than one year's practical training in nursing;

"nurse" includes a nursing associate;

"nurse specialist" means a general nurse who is qualified in a specialty by virtue of having completed a post-graduate programme in nursing which is recognised by the Council;

"nursing associate" means a person who is qualified to assist a general nurse or nurse specialist in caring for persons who are sick by virtue of having obtained a diploma or certificate in nursing care which has been issued by an institution recognised by the Council;

"register" means the register of general nurses, nurse specialists and nursing associates established and maintained by the Council pursuant to section 4 of the Act;

"repealed Act" means the Nurses Act 1969;

"specialty" means a specialty in a branch of the nursing profession.

(2) For the purposes of the definition of "general nurse" under paragraph (1), one year's practical training under paragraph 1(b) may be part of the three years of study under paragraph 1(a).

Register

3 (1) The register shall set out the particulars referred to in paragraph (2) and shall be divided in parts as follows—

- (a) Part A, which shall contain a list of the names of persons who are registered as nurse specialists;
- (b) Part B, which shall contain a list of the names of persons who are registered as general nurses; and
- (c) Part C, which shall contain a list of the names of persons who are registered as nursing associates.

(2) The register shall set out—

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- (a) the full name and address of the registered person;
- (b) the person's qualifications;
- (c) the branch or branches of nursing practice in relation to which every person is registered and any specialty; and
- (d) the date of the person's registration.

Application for registration

4 (1) An application for registration under section 5(1) of the Act shall be made to the Council in Form NR1 in the Schedule, accompanied by the relevant fee under the Government Fees Regulations 1976.

(2) The following documents shall be submitted together with the application—

- (a) copies certified by a notary public of any professional qualifications mentioned in the application;
- (b) copies of any other documents relating to professional qualifications, experience and character which are to be relied on for the purposes of the application.

(3) Instead of submitting certified copies of documents in accordance with paragraph (2)(a), the Chief Nursing Officer may be asked to certify copies of original documents.

Duration of registration and renewal

5 (1) The Council shall issue a registration certificate to every nurse admitted to the register under section 5 of the Act.

(2) A certificate issued by the Council under paragraph (1) shall be valid for a period of two years and may be renewed.

(3) A person who is registered as a nurse under the Act may make an application for the renewal of his certificate not later than 31 October every year in Form NR2 in the Schedule accompanied by the relevant fee prescribed under the Government Fees Regulations 1976.

(4) On an application under this rule, the Council may renew a nurse's registration certificate if it is satisfied that—

- (a) in the case of a general nurse, he has been engaged in the practice of nursing as a general nurse for not less than one hundred hours;
- (b) in the case of a nurse specialist, he has been engaged in the practice of nursing as a nurse specialist for not less than one hundred hours; or

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- (c) in the case of a nursing associate, he has been engaged in the practice of nursing as a nursing associate for not less than one hundred hours;

during the year immediately preceding his application for the renewal of his registration.

Voluntary removal of name from register

6 A registered nurse who desires to have his name removed from the register shall make an application in writing for that purpose to the Council; and the Council shall thereupon make the necessary alterations to the register.

Conduct of registered nurses

7 (1) Where a complaint of professional misconduct by a registered nurse is brought to the notice of the Council, the Council shall appoint a committee of not less than four registered nurses to enquire into the complaint as soon as possible.

(2) Not less than two members of a committee appointed pursuant to this rule shall be registered nurses with similar experience and qualifications as the nurse who is the subject of the complaint.

(3) The committee may summon any person to appear before it or produce documents in his possession or control, take evidence on oath or affirmation and administer an oath or affirmation for that purpose.

(4) On an enquiry under paragraph (1) the committee shall either dismiss the complaint if it finds that the complaint is not proved or shall record a finding that the complaint is proved and may make such order of a disciplinary nature as it sees fit, including in particular—

- (a) admonishment;
- (b) suspension from practice for a period not exceeding twelve months; and
- (c) striking off the register of the name of the registered nurse in question.

(5) Subparagraphs (a), (b) and (c) shall have effect in relation to any enquiry under this rule—

- (a) the committee shall allow the nurse against whom the complaint is made—
 - (i) to appear before it;
 - (ii) to be represented by counsel;

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- (iii) to cross-examine witnesses; and
 - (iv) generally to make a full defence of his interests;
 - (b) the proceedings are deemed to be judicial proceedings for the purposes of the provisions of the Criminal Code relating to perjury;
 - (c) the committee shall inform the registered nurse of its decision and he may appeal to the Supreme Court under section 7 of the Act.
- (6) Every decision of a committee appointed pursuant to this rule may be reached by a majority of its members.

Striking off name from Register

- 8 (1) If the Council is notified—
- (a) that a registered nurse has been convicted, whether in Bermuda or elsewhere, of an offence for which he has been sentenced to imprisonment without the option of a fine; or
 - (b) that the name of a registered nurse has been struck off a register kept outside Bermuda by a recognised professional body;

the Council shall as soon as possible after giving the nurse in question the opportunity to be heard, decide whether to exercise its power under this rule to strike the registered nurse's name off the register.

- (2) Where the Council decides to strike a registered nurse's name off the register, it shall—
- (a) inform him by notice in writing that his name has been struck off;
 - (b) publish in the Gazette, notice of the striking-off; and
 - (c) make the necessary alterations to the register.
- (3) In relation to any particular registered nurse, a body may be recognised by the Council under paragraph (1)(b) for the purposes of this rule after he has been struck off by that body.
- (4) It is the duty of every registered nurse who is convicted as mentioned in paragraph (1)(a) or whose name is struck off a register as mentioned in paragraph (1)(b) to inform the Council immediately of that fact and the attendant circumstances.
- (5) For the purposes of paragraph (1)—

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"professional misconduct" means—

- (a) negligence;
- (b) improper professional conduct; or
- (c) incompetence;

"incompetence" means lacking the knowledge, ability or skill which can reasonably be expected of a registered nurse;

"recognised professional body" means a body of nurses established in a country outside Bermuda, being a body which—

- (a) has disciplinary powers over nurses in that country; and
- (b) is recognised by the Council for the purposes of this rule.

Restoration of name to register

9 (1) A registered nurse whose name has been removed from the register pursuant to rule 6 or struck off pursuant to rule 7 or 8 may make an application to the Council for his name to be restored to the register.

(2) The application shall be in Form NR3 in the Schedule and be accompanied by the fee prescribed under the Government Fees Regulations 1976.

(3) On receipt of the application, the Council shall consider—

- (a) the character and professional ability of the applicant;
- (b) where his name was struck off the register and the matter in respect of which his name was so struck off;
- (c) his conduct after his name was removed from or struck off the register; and
- (d) any other circumstances appearing to the Council to be relevant;

and shall then in light of that consideration decide whether or not to restore the applicant's name to the register.

Notices

10 Where any provision of the Act requires notice in writing of any matter to be given to a person, the notice shall be—

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- (a) hand delivered to that person, and a signed and dated receipt shall be provided by him or on his behalf; or
- (b) sent to him by registered mail at his last known address.

Savings

11 (1) Where, immediately before the commencement date a person's name was entered—

- (a) in the general part of the register of nurses kept by the Council under section 6(1)(a)(i) of the repealed Act; or
- (b) on the roll kept by the Council under section 6(1)(b) of the repealed Act;

that person shall, on the commencement date, be taken to be registered as a general nurse under section 4 of the Act.

(2) Where, immediately before the commencement date a person's name was entered in the part of the register containing the names of persons who are qualified in psychiatric nursing kept by the Council under section 6(1)(a)(ii) of the repealed Act that person shall, on the commencement of this Act, be taken to be registered as a nurse specialist under section 4 of the Act.

(3) Where, immediately before the commencement date the Council has issued a certificate to a person under section 6(3) of the repealed Act authorising that person to practise nursing and the certificate is current, the certificate so issued is to be taken as a certificate of registration issued by the Council under rule 3.

(4) For the purposes of this rule and rule 12, "commencement date" means the date when these Rules come into operation.

Transitional provisions

12 A person who immediately before the commencement date was engaged in providing nursing care to the sick as a nursing assistant to any nurse who was registered or enrolled under the repealed Act, may continue to provide such nursing care without being registered under the Act—

- (a) during the period not exceeding three months beginning on the commencement date; and
- (b) if within that period the person makes an application for registration as a nursing associate under the Act, until the application is finally disposed of or withdrawn; and if the application is refused, for a further period not exceeding three months after such refusal.

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SCHEDULE

FORMS

Form NR1 (rule 4)

**Bermuda Nursing Council
Application For Registration**

___ Mr.

___ Mrs.

___ Ms.

Name:

(Print) First Middle Last (Nee) Maiden Name

Address: _____

—

E-mail:

Telephone Number: () _____ Fax: () _____

Date of Birth: Day _____ Month: _____ Year: _____

Place of Birth: _____ Nationality:

Primary Language: _____

Proposed _____

Employer: _____

Professional degrees, diplomas or other qualifications (state place and dates of award)

—

—

Current registration (with date issued and authority):

No. _____ Authority: _____ Date:

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No. _____ Authority: _____ Date: _____

No. _____ Authority: _____ Date: _____

Particulars (if any) of striking off, refusal or removal, from any professional register, or any disciplinary action taken by any professional authority.

-

Particulars (if any) of any conviction of any offence as a result of which a sentence of imprisonment was imposed without the option of a fine.

-

I, the undersigned, hereby make application for registration as a:

___ Nursing Associate

___ General Nurse

___ Nurse Specialist (Specify _____ category):

Signature of Applicant: _____ Date: _____

FEE RECEIVED DATE REGISTERED REGISTRATION NUMBER:

Form NR1

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Form NR2 (rule 5)

**Bermuda Nursing Council
Application For Renewal of Registration Certificate**

___ Mr.

___ Mrs.

___ Ms.

- *First* *Middle* *Last* *(Nee) Maiden Name*

Address: _____

E-mail: _____

Telephone Number:() _____ Fax: () _____

Date of Birth: _____ Bermudian:___ Non-Bermudian: ___

BNC Registration Number: _____

I am presently employed as a (State Title):

EMPLOYER:

Hospitals Board KEMH _____ St. Brendan's _____

Specify _____ Ward

Government: Health Department _____ Lefroy _____ Prisons _____

Bermuda Nurses Registry: _____ Physician's _____ Office

Physician's Name

___ Private Duty (Please give employer's full name and address and No. of hours worked)

___ Other (Please give employer's full name and address and No. of hours worked)

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Full Time _____ Part Time _____

If part time state number of hours worked in the past year _____

I have been employed as a nurse for at least 200 hours in the last two years.

I hereby apply to the Bermuda Nursing Council for renewal of my registration certificate as a:

____ General Nurse ____ Specialist Nurse ____ Nursing Associate

Applicant's
Signature _____ Postal Address _____

Date: _____

_____ *Day* *Month* *Year:*

Fee Enclosed: \$ _____ Telephone # Job: _____ Home: _____

Form NR2

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Form NR3 (rule 9)

**Bermuda Nursing Council
Application For Restoration to Register**

___ Mr.

___ Mrs.

___ Ms.

- *First Middle Last (Nee) Maiden Name*

Address: _____

E-mail: _____

Telephone Number:() _____ Fax: () _____

Date of Birth: _____ Bermudian: ___ Non-
Bermudian:___
Day Month Year:

BNC _____ Registration _____ Number: _____

I hereby apply to the Bermuda Nursing Council for restoration of my registration as a:

___ General Nurse ___ Specialist Nurse ___ Nursing Associate

Particulars (if any) of any additional training or qualifications (Please provide details of place and date of award).

- _____
- _____
- _____
- _____
- _____

Applicant's _____

Signature: _____

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Date

of

Application:

Day *Month* *Year:*

Form NR3

Made this 11th day of March, 2003.

Minister of Health and Family Services