



## CHAPTER 14.05

# NURSES AND MIDWIVES ACT and Subsidiary Legislation

**Revised Edition**  
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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S.R.O. 8/1981 .. in force 9 March 1981	





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**CHAPTER 14.05**

**NURSES AND MIDWIVES ACT**

**ARRANGEMENT OF SECTIONS**

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**CHAPTER 14.05**

**NURSES AND MIDWIVES ACT**

*(Acts 1 of 1974 and 16 of 1999)*

AN ACT TO REPEAL AND REPLACE THE MIDWIFERY ACT AND TO PROVIDE FOR THE CONTROL, TRAINING, DISCIPLINE, REGISTRATION AND PRACTICE OF NURSES, MIDWIVES AND NURSING ASSISTANTS AND FOR MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

**Commencement**

*[14 March 1974]*

**Short title**

1. This Act may be cited as the Nurses and Midwives Act.

**Interpretation**

2. In this Act—

“**Board**” means the Nurses and Midwives Board constituted under this Act;

“**Family Nurse Practitioner**” includes a person who is qualified as a Family Nurse Practitioner;

“**Family Nurse Practitioner’s Formulary**” means the list of drugs, issued by the Board and set out in the Schedule hereto, which a Family Nurse Practitioner is permitted to prescribe in the treatment of common complaints;

“**Family Nurse Practitioner’s Protocol**” means a written presentation in booklet form, issued by the Board that defines the standards which the quality of care can be measured and includes plans of clinical management of common conditions that a family nurse practitioner is permitted to diagnose and treat;

“**institution**” includes any drug store, pharmacy or pharmaceutical institution where drugs are dispensed;

“**nurse/midwife**” means any person who practises both nursing and midwifery;

“**register**” means the register of Nurses and Midwives directed to be kept under this Act;

“**registered**” means registered under this Act, and “**registered nurse**” or “**registered midwife**” shall be construed accordingly;

“**roll**” means the roll of Nursing Assistants directed to be kept under this Act, and “**enrolled**” shall be construed accordingly;

“**Secretary**” means the person for the time being appointed as Secretary to the Board under section 5.

*(Amended by Act 16 of 1999)*

### **Constitution of Nurses and Midwives Board**

**3. (1)** For the purposes of this Act there shall be established a Board to be known as the Nurses and Midwives Board which shall consist of—

- (a) the Chief Medical Officer who shall be the Chairman of the Board;
- (b) the Matron of the Public Hospital;
- (c) three other members appointed by the Minister of Health who shall hold office for such period as the Minister may determine.

**(2)** The Minister may from time to time, after consultation with the Chief Medical Officer and the Matron, remove any member appointed to the Board under paragraph (c) of subsection (1) and appoint another member in his place, and may fill any vacancy which may arise by reason of illness, death or absence from Montserrat of any such member or for any other cause.

**(3)** Each person so appointed shall be either a medical practitioner registered under the Medical Act, or the holder of a nursing or midwifery qualification recognized by the Chief Medical Officer, or be engaged in educational or social welfare work.

**(4)** Any person appointed to be a member of the Board, other than the Chief Medical Officer or the Matron, may resign his appointment by letter addressed to the Chief Medical Officer.

**(5)** The appointment, removal or resignation of any member of the Board shall be published in the *Gazette*.

**(6)** The Board shall be a body corporate having perpetual succession and a common seal which shall be judicially noticed.

**(7)** Until a seal is provided in accordance with the provisions of this section, a stamp bearing the words “Nurses and Midwives Board” may be used in place of such seal.

**(8)** The Seal of the Board shall be kept in the custody of the Secretary of the Board.

### **Meetings of the Board**

**4. (1)** The Board shall assemble whenever required by the Chairman or at such other times as the Board may fix by rules made under this Act.

(2) In the absence of the Chairman at any meeting the members present may elect a temporary chairman from among themselves for the purpose of presiding at that meeting.

(3) Three members of the Board shall constitute a quorum. Subject thereto, the Board may act notwithstanding any vacancy in its number.

(4) Decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of opinions of members on papers circulated among them:

Provided that where papers are circulated—

(a) the Chairman may direct that the papers shall not be circulated to any member who through illness, absence from Montserrat or otherwise is, in the opinion of the Chairman incapacitated from voting on such papers; and

(b) a decision shall not be acted upon unless it is taken by three-fifths of the Board.

(5) The decisions of the Board at a meeting shall be by the majority of votes:

Provided that in the event of an equal division of the votes on any question before a meeting of the Board, the Chairman or person presiding at that meeting shall have a casting vote in addition to his original vote.

### **Secretary to the Board**

5. The Board may appoint some fit and proper person to be Secretary to the Board who shall perform such duties as the Board may direct and who shall be the Registrar of the Board.

### **Register and roll to be kept**

6. (1) The Board shall keep a register of nurses and midwives and a roll of nursing assistants, which register and roll shall be subject to and be in accordance with the provisions of this Act.

(2) The register shall contain the names of all nurses and midwives registered under this Act.

(3) The roll shall contain the names of all nursing assistants enrolled under this Act.

(4) The Secretary shall have charge of the register and of the roll.

(5) Every entry on the register or on the roll shall indicate the qualifications by virtue of which registration or enrolment was granted in addition to the name and address of the person registered or enrolled.

(6) The names and addresses of all persons included in the register and on the roll shall be published in the months of January and July in each year in the *Gazette* and in a local newspaper, if any.

(7) In any proceedings, a copy of the *Gazette* containing the most recent list of names in the register and on the roll shall be *prima facie* evidence, and a certificate under the hand of the Chairman of the Board shall be conclusive evidence that the persons named in the list or certificate are, or are not, registered or enrolled under this Act.

### **Prescribed training**

7. (1) No applicant shall be admitted to the register or the roll unless he or she shall have undergone the prescribed training.

(2) The training of Nurses, Midwives and Nursing Assistants shall be carried on in an institution approved by the Board.

### **Qualification for registration**

8. (1) The following persons shall be entitled to be registered under this Act upon making application to the Board in the prescribed manner, and upon satisfying the Board as to their identity and good character and upon payment of the fee for registration under this Act—

- (a) any person who holds a certificate issued by the Board under this Act; or
- (b) any person who has passed the first and second examinations of the Central Midwives' Board of England under the rules of that Board; or
- (c) any person who has passed the final examination in General Nursing set by the General Nursing Council of England; or
- (d) any person who produces a certificate of proficiency in nursing or midwifery issued by an institution in Montserrat recognized by the Board as competent to carry out the prescribed training and to issue such certificate; or
- (e) any person who produces satisfactory evidence of having been certified or registered as a nurse or midwife in any country outside Montserrat in which there is for the time being in force any law for the certification or registration of nurses and or midwives, and the Board is satisfied that the standard of training and examination required in that country is not lower than the standard of training and examination required under this Act:

Provided that when the Board is not so satisfied such person shall be required to pass such examination as the Board may direct.

(2) The Board may require any applicant for registration under this Act to undergo a medical examination and to furnish a medical certificate of health.

### **Qualification for enrolment**

**9. (1)** The following persons shall be entitled to be enrolled under this Act upon making application to the Board in the prescribed manner and upon satisfying the Board as to their identity and good character and upon payment of the enrolment fee under this Act—

- (a) any person who holds a certificate in that behalf issued by the Board under this Act;
- (b) any person who has been enrolled as an Enrolled Nurse with the General Nursing Council of England;
- (c) any person who produces satisfactory evidence of having been enrolled as Nursing Assistant or a Practical Nurse by any institution outside Montserrat approved by the Board.

**(2)** The Board may require any applicant for enrolment under this Act to undergo a medical examination and to furnish a medical certificate of health.

### **Application for registration or enrolment**

**10. (1)** Any person desiring to be registered as a nurse or a midwife or to be enrolled as a nursing assistant shall lodge an application in writing with the Secretary containing full particulars of his or her qualification and the Secretary shall forthwith submit such application to the Board.

**(2)** The Board shall, within fourteen days after the receipt of an application by the Secretary, consider the same, and may grant refuse or suspend decision on the application, and shall give its reasons therefor.

### **Certificates of registration and of enrolment and fees**

**11. (1)** On any application being granted and upon the applicant paying to the Secretary the prescribed fee, the name of the applicant shall be entered on the register or the roll, as the case may be, and the Board shall grant a Certificate of Registration or Enrolment as the case may be, in the appropriate form set out in the Schedule to this Act.

**(2)** An annual application shall be made for retention on the register or on the roll, as the case may be, but no fee shall be payable therefor.

### **Registration or enrolment not to confer rights of qualified medical practitioner**

**12.** Registration or enrolment under this Act shall not confer upon any person the right to assume any name, title or designation that such person is by law authorized to practise medicine or surgery or to grant any medical certificate or any certificate of death or of stillbirth or to undertake any case of abnormality or disease in connection with childbirth.

**Removal from the register or the roll**

**13. (1)** It shall be lawful for the Board to order to be removed from the register or the roll the name of any person registered as a Family Nurse Practitioner, nurse or midwife or enrolled as a nursing assistant who—

- (a) has shown himself or herself to be incompetent or negligent;  
or
- (b) has at any time failed to satisfy any person or persons appointed by the Board to examine him or her that he or she is capable of discharging the duties of a Family Nurse Practitioner, nurse or midwife, or a nursing assistant as the case may be; or
- (c) has been convicted of any felony, misdemeanour or other serious offence; or
- (d) is of bad character; or
- (e) is by reason of age or infirmity or any other cause unfit to discharge the duties of Family Nurse Practitioner, nurse, midwife or nursing assistant as the case may be.

**(2)** It shall be the duty of every District Medical Officer and every medical practitioner as soon as he becomes aware that any registered nurse or midwife or any enrolled nursing assistant is unfit to discharge the duties of Family Nurse Practitioner, nurse or midwife or nursing assistant as the case may be to give notice thereof to the Board.

**(3)** For the purposes of paragraph (b) of subsection (1), it shall be lawful for the Board to appoint any person or persons to examine any Family Nurse Practitioner, registered nurse or midwife or any enrolled nursing assistant as to his or her ability or fitness to discharge the duties of a Family Nurse Practitioner, nurse, midwife or nursing assistant as the case may be, and if in the opinion of the Board the result of such examination justifies the removal of his or her name from the register or the roll, the Board shall order his or her name to be so removed.

**(4)** The Board shall, upon the application in writing of any Family Nurse Practitioner, registered nurse or midwife or any enrolled nursing assistant, or on the death of any Family Nurse Practitioner, registered nurse or midwife or of any enrolled nursing assistant remove the name of such Family Nurse Practitioner, nurse, midwife or nursing assistant from the register or the roll as the case may be.

*(Amended by Act 16 of 1999)*

**Appeal against removal from the register or the roll**

**14.** Any Family Nurse Practitioner, nurse, midwife or nursing assistant who considers himself or herself aggrieved by the removal of his or her name from the register or the roll as the case may be, may within such time as may be prescribed, appeal against such removal to an Appeals Tribunal consisting of a Magistrate and two other persons selected by the Minister of

Health from among medical practitioners who are not members of the Board. (*Amended by Act 16 of 1999*)

**Surrender of certificate on removal from the register or the roll**

**15. (1)** Any Family Nurse Practitioner, nurse, midwife or nursing assistant whose name has been ordered to be removed from the register or the roll as the case may be, shall at the expiration of such time as may be prescribed for an appeal under section 14, or within 14 days after the decision of the Appeals Tribunal confirming such removal, surrender to the Secretary the Certificate of Registration or of Enrollment as the case may be, issued to him or her by the Board. (*Amended by Act 16 of 1999*)

**(2)** Any person failing to surrender such certificate as aforesaid shall be guilty of an offence against this Act.

**Prohibition against practice of any form of nursing or midwifery on removal from register or roll**

**16. (1)** No Family Nurse Practitioner, nurse, midwife or nursing assistant whose name has been removed from the register or the roll, as the case may be, shall continue to practise nursing or midwifery in any form. (*Amended by Act 16 of 1999*)

**(2)** Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence against this Act.

**Nurse/Midwives' districts**

**17. (1)** The Governor in Council may by Order published in the *Gazette* divide Montserrat into nurse/midwives' districts, and such Order shall define the limits of every such district.

**(2)** Every Family Nurse Practitioner, nurse/midwife assigned to a district shall reside within the limits of her district and shall not attend a case beyond the limits of her district without prior permission of the medical officer or the Public Health Nurse of the district except in an emergency.

**Supervision of nurses and midwives**

**18.** It shall be lawful for the Governor to appoint any fit and proper person or persons to be a supervisory authority over any Family Nurse Practitioner, registered nurse or midwife or any enrolled nursing assistant, and it shall be the duty of every person so appointed—

- (a) to exercise supervision in accordance with any rules made under this Act;
- (b) to investigate charges of malpractice or negligence, and should a *prima facie* case be established, to make a report thereon to the Board;

- (c) after consultation with the Chief Medical Officer to suspend from practice any Family Nurse Practitioner, registered nurse or midwife or any enrolled nursing assistant if such suspension appears necessary in order to prevent the spread of infection, or for any other sufficient cause, and to report immediately such suspension to the Board;
- (d) to report at once to the Board the name of any Family Nurse Practitioner, registered nurse or midwife, or of any enrolled nursing assistant, convicted of an offence; and
- (e) as soon as the authority becomes aware that any Family Nurse Practitioner, registered nurse or midwife or any enrolled nursing assistant is unfit to discharge the duties of a Family Nurse Practitioner nurse or midwife or nursing assistant, as the case may be, to give notice thereof to the Board.

*(Amended by Act 16 of 1999)*

### **Unlawful assumption of titles of registered nurse or midwife or enrolled nursing assistant**

**19.** Any person who—

- (a) not being a Family Nurse Practitioner, nurse or midwife registered under this Act or an enrolled nursing assistant, uses the title of Family Nurse Practitioner nurse or midwife or nursing assistant, either alone or in combination with any other words or letters, or uses any name, title, addition, description, uniform or badge implying that he or she is registered or enrolled under this Act or is recognized by law as a Family Nurse Practitioner, registered nurse or midwife or an enrolled nursing assistant, or uses any title, uniform or badge prescribed for the use of Family Nurse Practitioner, nurses or midwives or nursing assistants registered or enrolled under this Act; or
- (b) with intent to deceive makes use of any certificate of registration or of enrolment issued under this Act to him or her or to any other person,

shall be guilty of an offence against this Act.

*(Amended by Act 16 of 1999)*

### **Practising as a midwife without registration**

**20. (1)** No person shall habitually or for gain attend women in childbirth unless such person is either—

- (a) a duly qualified medical practitioner; or
- (b) a duly qualified Family Nurse Practitioner; or
- (c) is registered as a midwife under this Act.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months.

(3) Nothing in subsection (1) of this section shall apply to a person rendering assistance in a case where the services of a duly qualified medical practitioner, Family Nurse Practitioner, or a registered midwife are not readily available.

*(Amended by Act 16 of 1995)*

### **Offences connected with registration and enrolment**

**21.** Any person who—

- (a) procures or attempts to procure registration or enrolment or a certificate of registration or of enrolment by making, producing or causing to be made or produced any false or fraudulent declaration, in writing or otherwise; or
- (b) wilfully makes or causes to be made any falsification in any matter relative to the register or the roll,

shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months.

### **Family Nurse Practitioner**

**22. (1)** Notwithstanding the provisions of any other law, it shall be lawful for the Board to issue a licence, to any person who is a qualified Family Nurse Practitioner and who has applied in writing to the Board for such a licence.

(2) Any application for a licence under this section shall be accompanied by evidence satisfactory to the Board of the applicant's qualification as a Family Nurse Practitioner.

(3) For the purposes of this section a person is qualified to be licensed as a Family Nurse Practitioner, who—

- (a) is a registered nurse;
- (b) has completed a course of training for Family Nurse Practitioners approved by the Board; and
- (c) has passed the prescribed examinations.

(4) A licence may only be issued under this section to those persons who possess the qualification set out in subsection (3) above for the purpose of practicing nursing as a Family Nurse Practitioner and who continue, in the opinion of the Board, to be physically able to perform the duties of a Family Nurse Practitioner, and shall be of a two year's duration renewable bi-annually on application thereafter.

(5) Any Family Nurse Practitioner licensed under this section shall be allowed to treat those diseases listed in the Seventh Schedule of the Nurses and Midwives Rules 1981 and in the manner specified in the Montserrat Family Nurse Practitioner's Protocol.

(6) In performing their duties under subsection (5) all Family Nurse Practitioners shall perform such duties under the general supervision of a senior registered family medical practitioner.

(7) Every Family Nurse Practitioner licensed under this section shall be allowed to prescribe only those drugs included in the Montserrat Family Nurse Practitioner's Formulary or are set out in the Eighth Schedule of the Nurses and Midwives Rules.

(8) All medical prescriptions from any Family Nurse Practitioner shall be dispensed at any licensed institution by a registered chemist, druggist or pharmacist.

*(Inserted by Act 16 of 1999)*

### **Nurse practitioner's prescription**

23. (1) A registered chemist, druggist or pharmacist shall dispense a medical prescription signed with the name of any duly licensed Family Nurse Practitioner:

Except that such prescription shall include only those drugs that appear in the Montserrat Family Nurse Practitioners' Drug Formulary or are set out in the Eighth Schedule of the Nurses and Midwives Rules.

(2) An alphabetical list of all licensed practitioners shall be sent by the Chairman of the Board to all licensed institutions and all registered chemists, druggists, pharmacists by the first day of February of each year, so as to facilitate the proper implementation of this section.

*(Inserted by Act 16 of 1999)*

### **Amendment of Schedules**

24. The Nurses and Midwives Board with the approval of the Governor in Council may by Order amend, add to or delete the Schedules.

*(Inserted by Act 16 of 1999)*

### **General penalty**

25. Any person guilty of an offence against this Act for which no special penalty is provided by this Act shall be liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding one month.

### **Power to make rules**

26. (1) Subject to the provisions of this Act, the Board may make rules with respect to—

- (a) regulating its own proceedings;
- (b) the formation, maintenance and publication of the register and of the roll;
- (c) prescribing the course of training and regulating the conduct of examinations for nurses, midwives and nursing assistants and any matters ancillary to or connected with such examinations, including examiners;
- (d) organizing refresher courses for practicing nurses, midwives and nursing assistants;
- (e) the issue and the form of certificates to nurses, midwives and nursing assistants, and the titles which may be used and the uniforms and badges which may be worn by registered nurses and midwives and enrolled nursing assistants;
- (f) regulating the practice of nursing and midwifery and the fees payable to registered nurses and midwives and enrolled nursing assistants;
- (g) defining the conditions under which registered nurses and midwives and enrolled nursing assistants may be suspended from practice;
- (h) anything which under this Act is to be prescribed; and
- (i) anything which it considers necessary for the purpose of carrying this Act into effect.

(2) Nothing in subsection (1) of this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Board to make rules, but such powers shall extend to all matters, whether similar or not to those in this section mentioned as to which it may be expedient to make rules for the better carrying into effect of the purposes of this Act

(3) All rules made by the Board shall be signed by the Chairman and submitted to the Governor in Council for approval, and the Governor in Council may approve such rules, with or without amendment.

(4) Upon final approval by the Governor in Council, such rules shall be published in the *Gazette* and shall have the force and effect of law.

### **Rules for regulating appeals to the appeals tribunal**

27. The Governor in Council may make rules regulating appeals to the Appeals Tribunal under section 14 of this Act, and such rules shall provide for—

- (a) limiting the time within which such appeals may be brought;
- (b) requiring notice of any such appeal to be given to the Board;

- (c) the manner in which the Board may appear and be heard on any appeal;
  - (d) legal representation, if any, at the hearing of such appeals; and
  - (e) the payment of costs upon the hearing of such appeals.
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**SCHEDULE**

**FORMS**

FORM A

NURSES AND MIDWIVES ACT  
**CERTIFICATE OF REGISTRATION**

Registration No. ....

We hereby certify that ..... was admitted on .....  
to the general part of the register maintained by the Nurses and Midwives Board  
under the Nurses and Midwives Act, and that she is entitled to take and use the title of  
“Registered General Nurse”.

.....  
*Chairman of the Board*

.....  
*Registrar*

FORM B

NURSES AND MIDWIVES ACT  
**CERTIFICATE OF REGISTRATION**

Registration No. ....

We hereby certify that ..... was admitted on .....  
to the Register of Midwives maintained by the Nurses and Midwives Board under, the  
Nurses and Midwives Act, and she is entitled to take and use the title of “Registered  
Midwife”.

.....  
*Chairman of the Board*

.....  
*Registrar*

FORM C

NURSES AND MIDWIVES ACT

CERTIFICATE OF ENROLLMENT

Enrollment No. ....

We hereby certify that ..... was admitted on .....  
to the roll maintained by the Nurses and Midwives Board under the Nurses and  
Midwives Act, and that she is entitled to take and use the title of "Enrolled Nursing  
Assistant".

.....  
*Chairman of the Board*

.....  
*Registrar*

\_\_\_\_\_

**NURSES AND MIDWIVES RULES**

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**NURSES AND MIDWIVES RULES – SECTION 23**

*(S.R.O. 8/1981)*

**PART I**

**GENERAL**

**Commencement**

*[9 March 1981]*

**Short title**

1. These Rules may be cited as the Nurses and Midwives Rules.

**Interpretation**

2. In these Rules—

“**Approved School of Nursing**” means an institution approved by the Board for the purposes of these Rules as a training school or as an affiliated training school;

“**enrolled nursing assistant**” means a person who is enrolled as a nursing assistant in the roll kept for that purpose;

“**existing midwife**”, “**existing nurse**” and “**existing nursing assistant**” mean respectively any person who, before the coming into force of these Rules, was qualified to practise as a midwife, nurse or nursing assistant and was actually engaged in practice as such in Montserrat;

“**family nurse practitioner**” means a nurse practitioner who is prepared under the direction of a medical practitioner to be responsible for and take decisions concerning preventative, curative and restorative health care for people in the community generally, at all ages;

“**member**”, when used in relation to the Board, includes the Chairman of the Board;

“**midwife**” means a person who has completed a programme of basic midwifery education and is qualified to attend other persons in childbirth for the purpose of assisting in such childbirth;

“**nurse**” means a person who has completed a programme of basic nursing education and is qualified to supply responsible service of a nursing nature for the promotion of health, the prevention of illness, and the care of the sick;

“**nurse practitioner**” means a registered nurse or registered midwife who has completed an approved formal education programme in addition to that for a nurse and who is qualified under the direction of a medical practitioner to assume additional responsibilities in the care of patients in collaboration and consultation with other care providers;

“**nurse-anaesthetist**” means a nurse practitioner who is qualified to assume responsibilities in anaesthesiology in collaboration with the surgical team;

“**nursing assistant**” means a person who has completed a programme of basic training and works under the supervision of a registered nurse or registered medical practitioner;

“**nursing education**” means education in an Approved School of Nursing;

“**registered nurse**” or “**registered midwife**” means a person who is registered in the Register of Nurses or Register of Midwives respectively kept under the provisions of the Act;

“**student midwife**” and “**student nurse**” mean respectively a person who is for the time being undergoing training with a view to registration as a midwife or as a nurse; and

“**trainee nursing assistant**” means a person who is for the time being undergoing training with a view to enrolment as a nursing assistant.

#### **Minimum age for registration or enrolment**

3. (1) No person who is under the age of 21 years shall be registered as a Nurse or a Midwife.

(2) No person who is under the age of eighteen years shall be enrolled as a Nursing Assistant.

## PART II

### REGISTER AND ROLL

#### **Register and roll**

4. The Register of Nurses and Midwives and the Roll of Nursing Assistants shall contain the particulars set out in Part I of the Third Schedule.

#### **Annual registration and enrolment**

5. Any nurse, midwife or nursing assistant who desires her name to be retained in the Register or Roll for any year subsequent to the first year in which it was included therein shall, on or before the 31st day of December of the previous year, forward to the Registrar notification of her intention to practise and proof of ongoing education in the previous 2-year period.

#### **Removal from register or roll for failure of notification**

6. If the notification referred to in rule 5 is not received by the Registrar on or before the 15th day of February in any year, the name of the nurse, midwife or nursing assistant may be removed on the direction of the Board.

**Re-insertion of name in register or roll**

7. Where the name of a nurse, midwife or nursing assistant has been removed from the Register or Roll, as the case may be, under rule 6, such name shall be re-inserted therein on payment to the Registrar of a fee to be prescribed by the Board.

PART III

ADMISSION TO THE REGISTER OR THE ROLL

**Registration of existing nurses and midwives**

8. (1) Every person who desires to be entered in the Register as an existing nurse or midwife shall, within a period of one year after the coming into operation of these Rules—

- (a) make application in that behalf to the Registrar; and
- (b) furnish the Registrar with the names and addresses of at least three persons willing and able to give evidence of the good character of the applicant.

(2) One of the persons referred to in sub-rule 1(b) must be a reliable member of the community who is not a relative of the applicant and who has known her personally for not less than three years; and the other persons must have known the applicant as a nurse or as a midwife.

(3) The Board may invite the persons so named by the applicant to furnish testimonials as to her character and professional competence, and any testimonials so furnished shall be sent directly to the Registrar.

(4) The Registrar may require the applicant to furnish a Certificate of Birth or Baptism or an affidavit satisfactory to the Board as to the date of her birth and, if the applicant is married, a certificate of her marriage.

**Enrolment of existing nursing assistants**

8A. The provisions of rule 8 shall apply *mutatis mutandis* to the enrolment of existing nursing assistants. Provided that the Board may relax or waive entirely the requirements as to the furnishing of testimonials by an applicant for enrolment as an existing nursing assistant.

**Registration of persons trained outside Montserrat**

9. Upon application made in the form prescribed in the Fifth Schedule and upon payment of the prescribed fee, the Board may admit to the Register of Nurses or Midwives or the Roll of Nursing Assistants a person trained outside Montserrat if satisfied that such person is as fully qualified as if she had been trained in and had successfully completed relevant examinations in Montserrat.

**Student nurses, midwives and trainee nursing assistants**

**10. (1)** The Board shall keep an index of student nurses, student midwives and trainee nursing assistants.

**(2)** When an applicant has been accepted by an Approved School of Nursing in Montserrat as a student nurse, student midwife or trainee nursing assistant, the School of Nursing shall submit to the Board within 30 days of commencement of her nursing education—

- (a)* her full name;
- (b)* evidence of her age and educational qualifications;
- (c)* the date of commencement of her nursing education; and
- (d)* any other particulars which the Board may require before the name of such student may be recorded in the index.

**(3)** The minimum age of entry to an Approved School of Nursing shall be seventeen years for nursing assistants and eighteen years for student nurses; and the name of an applicant shall not be entered upon the index until she has attained the age except with the permission of the Board.

**(4)** If a student nurse, student midwife or trainee nursing assistant for any reasons discontinues her nursing education, the Approved School of Nursing concerned shall report the fact to the Board; and if she has at the time of such discontinuance completed not less than 6 months' nursing experience the School of Nursing shall send to the Board a statement showing the nursing experience undergone by her.

**Syllabus of study**

**11.** In the training of nurses, midwives and nursing assistants the syllabus of study set out in the First Schedule shall be followed.

**PART IV****NURSING PROGRAMME****General**

**12. (1)** The nursing programme is normally of three years duration but must be successfully completed (including examinations) within five years.

**(2)** Where a student is absent for more than 24 working days in any one year, the Board may terminate her studies in the programme or the student may be deemed to have failed that year and be required to repeat it; and days absent in excess of 15 days in any one year must be made up prior to registration.

**(3)** The minimum qualification for entering the programme shall be determined by the Board from time to time but in no case will be less than two

subjects passed at G.C.E. 'O' level or an equivalent level, including either English or Natural Science.

### **Registration and practice**

**13. (1)** A candidate who has passed the Board's final examinations is eligible to be registered as a nurse upon applying for registration in the form set out in the Fourth Schedule and paying the prescribed fee.

**(2)** When a candidate is registered she is entitled to practise as a nurse under the supervision of a registered medical practitioner and to use the title "Registered Nurse".

## PART V

### MIDWIFERY PROGRAMME

#### **General**

**14. (1)** The Midwifery programme is normally of one year's duration but must be successfully completed (including examinations) within two years and three months.

**(2)** A trainee nursing assistant may not be absent for more than 24 working days during the one-year training period, and days absent must be made up prior to enrolment.

**(3)** Where a trainee nursing assistant is absent for more than 24 days during the one-year training period the Board may terminate her studies in the Programme.

**(4)** The minimum age at which a person may enter this programme is usually seventeen years, but a person below the minimum age may enter with the permission of the Board.

**(5)** The minimum qualification a person must have prior to entering this programme is a Grade B Seventh Standard School Leaving Certificate or its equivalent.

#### **Registration and practice**

**15. (1)** A candidate who passes the Board examinations set for pupil midwives, is eligible to be registered as a midwife upon applying for registration in the form set out in the Fourth Schedule and paying the prescribed fee.

**(2)** When a candidate has been registered she is entitled to practise as a midwife under the supervision of a registered medical practitioner and to use the title "Registered Midwife".

## PART VI

## NURSING ASSISTANTS PROGRAMME

**General**

**16. (1)** The Nursing Assistant Programme is normally of one year's duration but must be successfully completed (including examinations) within two years and three months.

**(2)** A trainee nursing assistant may not be absent for more than 24 working days during the one-year training period, and days absent must be made up prior to enrolment.

**(3)** Where a trainee nursing assistant is absent for more than 24 days during the one-year training period the Board may terminate her studies in the programme.

**(4)** The minimum age at which a person may enter this programme is usually seventeen years; but a person below the minimum age may enter with the permission of the Board.

**(5)** The minimum qualification a person must have prior to entering this programme is a Grade B Seventh Standard School Leaving Certificate or its equivalent.

**Registration and practice**

**17. (1)** A candidate who passes the Board examinations set for nursing assistants is eligible to be enrolled as a nursing assistant upon applying on the form set out in the Fourth Schedule, and paying the prescribed fee.

**(2)** When a candidate has been enrolled, she is entitled to practise as a nursing assistant under the supervision of a registered nurse or registered medical practitioner and to use the title of "Enrolled Nursing Assistant".

## PART VII

## EXAMINATIONS

**General**

**18. (1)** Examinations shall cover both theoretical and practical areas and shall be administered by the Board. Final examinations may be held in the subjects set out in the Second Schedule.

**(2)** Examinations shall be offered twice yearly.

**(3)** No pupil shall be permitted to sit an examination described in rule 18(1) unless—

*(a)* she has satisfactorily completed the prescribed course of training set out in the First Schedule;

- (b) she has passed all required examinations;
- (c) she is honest and of good moral character and her conduct during the period of training has been satisfactory; and
- (d) she has attended at least ninety percent of the specified class time and clinical hours.

(4) A candidate must score 60 percent or more in order to pass a paper or a subject, but a mark of 55 percent or more may be considered to be a pass in a written paper if the overall average mark of the candidate is 60 percent or greater and clinical evaluations, where applicable, are satisfactory.

(5) A candidate who scores less than the pass mark in one area may be referred in the paper failed and will then be eligible to take the next Board examinations offered at that level.

(6) No candidate may present herself more than three times for the whole or part of the same level of examination unless permitted by the Board.

**Misconduct may be bar to sitting of examinations or enrolment on register**

19. (1) Subject to subrule (2) if it comes to the notice of the Board that a candidate for entrance to any examination set by the Board, or by anybody approved by the Board, or an applicant for registration or enrolment—

- (a) has been convicted of any offence; or
- (b) has been guilty of conduct which in the opinion of the Board would have rendered her liable to disciplinary action under these Rules if she was a registered nurse or midwife or an enrolled nursing assistant,

the Board may refuse to admit the candidate to the examinations or the applicant to the register or roll.

(2) Before the Board refuses to admit a candidate to an examination or an applicant to the register, it must give her the opportunity of stating her case, and it must make such reasonable investigations as may be necessary.

**Examiners**

20. For the purpose of the examinations to be held under the provisions of these Rules, the Board shall appoint examiners who shall hold examinations under the provisions of these Rules and shall report on such examinations to the Board. The Board may from time to time appoint such other persons as it may deem necessary to assist such examiners.

**Examination fees**

21. Candidates presenting themselves for the Board Examinations may be required to pay such fee as may be prescribed by the Board from time to time.

## PART VIII

## FUNCTIONS OF NURSES AND MIDWIVES

**Functions of registered nurses**

- 22. (1)** The functions of a registered nurse will be—
- (a) to perform nursing procedures for which she has been trained;
  - (b) to administer such drugs as may be prescribed by a registered medical practitioner within the limits of her professional competence;
  - (c) to prescribe and use without supervision simple analgesics, mild antacids, vitamins and anti-flatulent drugs. Any other drug therapy must be administered only upon the instructions of a registered medical practitioner.
- (2)** In emergencies and if no registered medical practitioner is available a registered nurse may;
- (a) certify death;
  - (b) administer stat doses of antibiotics, tranquillizers, and sedatives, but such doses must be notified to and certified by a registered practitioner at the earliest opportunity.

**Functions of registered midwives**

- 23. (1)** The functions of a registered midwife shall be—
- (a) to administer orally or by subcutaneous or intramuscular injection or by inhalation, as may be appropriate, analgesics, oxytoxics and sedatives, including those with a tranquillizing effect;
  - (b) to induce labour by medication;
  - (c) to prescribe dietary supplements;
  - (d) in cases of emergency and if no registered medical practitioner is available, to perform suture of the perineal tear of the first degree;
  - (e) to perform an episiotomy to relieve maternal or foetal distress;
  - (f) to perform in multiple births, external version and artificial rupture of membranes;
  - (g) to administer intravenously electrolyte solutions, plasma, plasma substitutes or oxytoxics.
- (2)** A registered midwife shall not—
- (a) administer any anaesthetic substances except by inhalation from a machine approved in writing by the Chief Medical Officer for the use of midwives;
  - (b) administer any blood transfusion except in accordance with the written instructions of a registered medical practitioner;

- (c) perform internal version;
- (d) perform any instrumental delivery.

#### **Functions of nurse practitioners**

**24.** A nurse practitioner shall under the direction of a medical practitioner perform such functions, additional to those of a registered nurse, as may be assigned to her from time to time by the Board.

#### **Functions of nurse anaesthetists**

**25.** A nurse anaesthetist shall perform such functions, additional to those of a registered nurse, as may be required to enable her to work in collaboration with the surgical team in the administration of anaesthetics.

#### **Functions of family nurse practitioners**

**26. (1)** A family nurse practitioner shall under the direction of a medical practitioner perform such functions in the homes of members of the community and in community and primary health care facilities in consultation and collaboration with appropriate health care providers as will enable her to promote preventive, curative and restorative health measures in the community.

**(2)** The functions of a family nurse practitioner shall be in addition to the normal functions of a registered nurse and nurse practitioner but will be performed according to the established protocol of the health service.

#### **Functions of nursing assistants**

**27. (1)** The functions of an enrolled nursing assistant shall be—

- (a) to perform such simple nursing tasks as she may have been trained for;
- (b) to administer drugs by the oral, hypodermic or intra-muscular route when ordered to do so by a registered medical practitioner.

**(2)** If no registered nurse is available, an enrolled nursing assistant who has attained the age of 21 years may witness a consent form or other legal document relating to medical matters.

## **PART IX**

### **RULES OF PROFESSIONAL CONDUCT**

#### **Duty of Board**

**28.** It shall be the duty of the Board to do such things and to exercise such care as in its judgment may be necessary to maintain proper standards of professional conduct in the practice of nursing or midwifery in Montserrat and proper standards of fitness to

practise nursing and midwifery by persons registered or enrolled under the Act and these Rules.

### **Professional misconduct**

**29. (1)** For the purpose of the Act and these Rules, professional misconduct on the part of a person registered or enrolled under the Act includes any act or omission contrary to the generally recognized responsibility of such persons towards patients or contrary to professional ethics.

**(2)** Without limiting the generality of subrule (1), the following behaviour shall amount to professional misconduct—

- (a) immorality or other improper conduct or association with a patients;
- (b) the performance of any professional procedures not authorized by the Act or these Rules;
- (c) wilful or deliberate betrayal of a professional confidence;
- (d) abandonment of a patient in danger;
- (e) knowingly issuing a certificate with respect to birth, stillbirth or immunisation or with respect to any matter relating to health which the person issuing the certificate knows or ought to know is untrue, misleading or otherwise improper;
- (f) the impersonation of another person registered or enrolled under the Act;
- (g) knowingly practising the profession 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 patients;
- (h) dishonesty, negligence or incompetence in the performance of duties;
- (i) refusal without lawful excuse or proper excuse to obey a lawful order given in the course of duty by a person in authority;
- (j) unkindness to or ill-treatment of patients or, except in self defence or the interest of a patient, the use of excessive force or violence in the performance of duties.

**(3)** Any act or omission which is legally required or justified or which is necessary for the treatment of a patient shall be deemed not to be a wilful or deliberate betrayal of a professional confidence for purposes of this rule.

PART X

DISCIPLINE

**Allegation and enquiry**

**30. (1)** Where a complaint is made to the Board against a person registered or enrolled under the Act alleging professional misconduct or a conviction as mentioned in paragraph (c) or (d) of section 13(1) of the Act or rule 19 of these Rules, or where such allegation comes to the notice of the Board, the Board shall direct the Secretary to investigate the matter and submit his finding thereon.

(2) The Secretary shall within 7 days of the date of submitting his findings to the Board notify in writing the person affected (in these Rules referred to as the respondent) of the nature of the allegation and request that she submit within 21 days of the date of the request a written statement of explanation or representation relating to the allegation.

(3) (a) The Board, having regard to any explanation or representation made by the respondent, may determine that no enquiry shall be held, or take such steps as it considers appropriate in the circumstances.

(b) If the Board determines that no enquiry shall be held, the Secretary shall inform the complainant, if any, and the respondent of the fact in such manner as the Board shall direct.

**Disciplinary proceedings**

**31. (1)** Where the Board institutes disciplinary proceedings against the respondent the Secretary shall serve on her a notice of enquiry which shall specify in the form of a charge the matters into which the enquiry is to be held.

(2) Except with consent of the respondent, 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 prepaid registered post on the respondent at the address shown on the register or roll or at her last known address if that address differs from that on the register or roll.

(4) Where there is a complainant a copy of the notice of enquiry shall be sent to her.

(5) The respondent is entitled to receive free copies of or to be allowed access to any documentary evidence relied on for the purpose of the enquiry and upon request she shall be given a copy of the evidence (including copies of documents tendered in evidence) after the enquiry is closed.

(6) Where in the opinion of the Board an enquiry into a matter referred to it under rule 26 should not be held, the Secretary shall so notify the complainant if any and the respondent.

(7) The respondent is entitled to be represented by an attorney-at-law in any disciplinary proceedings instituted against her.

(8) Where the respondent does not appear at the date fixed for the hearing of the enquiry, the Board if it is satisfied that a notice of enquiry has been served on the respondent may proceed with the enquiry in her absence.

(9) Where a witness is examined by the Board the respondent shall be given an opportunity of attending and of putting questions to the witness in her own behalf and no documentary evidence shall be used against her unless she has previously been supplied with a copy thereof or given access thereto.

(10) The respondent shall be permitted to give evidence, call witnesses and make submissions orally or in writing in her own behalf.

(11) The Board may call additional witnesses or may adjourn the proceedings to another convenient time or place.

(12) If having heard the evidence in support of the charges the Board is of the opinion that the evidence is insufficient, it may dismiss the charges without calling upon the respondent for her defence.

(13) If at the conclusion of the hearing the Board is of the opinion that the respondent is not guilty of professional misconduct or that she has not been convicted as mentioned under paragraphs (c) or (d) of section 13(1) of the Act or rule 19 of these Rules it shall immediately notify her of its findings; but where the respondent is found guilty of any such charges the Board shall proceed to deal with the matter in accordance with section 13(1) of the Act.

#### **Notice of convictions**

32. Where a person registered or enrolled under the Act is convicted of an indictable offence in Montserrat, the Registrar of the High Court (in the case of a conviction on indictment) or the Magistrate (in the case of a summary conviction) shall as soon as practicable thereafter notify the Secretary of such conviction.

## PART XI

### MISCELLANEOUS

#### **Seal of the Board**

33. (1) The authentication of the seal of the Board shall be the signature of the Chairman of the Board and the Registrar. The seal shall be and remain in the custody of the Registrar who shall be responsible for it.

(2) A record shall be kept by the Registrar and signed by the Chairman of any occasion on which and the purpose for which the seal of the Board has been affixed.

#### **Badges**

34. (1) The Badge of a registered nurse and midwife or of an enrolled nursing assistant shall be such badge as may be prescribed by the Board.

(2) The appropriate badge shall be issued by the Registrar to a registered nurse or midwife or an enrolled nursing assistant at her request at the time of her registration or enrolment or at any time thereafter on payment of a sum not exceeding the current cost of a new badge to the Board. Badges shall be returnable to the Board upon removal of the name from the register or the roll or upon the death of the holder.

(3) In the event of the loss of or damage to a badge, application for another badge on payment of a sum not exceeding the current cost of a new badge to the Board plus \$1 may be made to the Registrar, but every badge so issued shall remain the property of the Board.

(4) A badge may be worn with uniform, suitably affixed on the right pectoral region of the nurse.

**Change of address**

35. Every registered nurse, midwife and enrolled nursing assistant shall notify the Secretary of every change of her permanent address; and for the purposes of these Rules the address last so notified shall be the address of such nurse, midwife or nursing assistant.

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**FIRST SCHEDULE****CURRICULUM***(Rule 11)***General Nursing**

1. Social and behavioural sciences.
2. Biological physical sciences.
3. Clinical nursing including—
  - (a) Nursing fundamentals;
  - (b) Principles of medicine and medical treatment including pharmacology;
  - (c) Principles of medical-surgical nursing in all age groups;
  - (d) Principles of psychiatry and psychiatric nursing and mental health;
  - (e) Introduction to Maternal and Child Health;
  - (f) Introduction to Community Health Nursing;
  - (g) Functional Nursing including—
    - (i) Administration and Management;
    - (ii) Professionalism;
    - (iii) Nursing Research.

**Midwifery**

1. Theoretical and practical instruction in the physiology and hygiene of mother and child.
2. The care and supervision of women during pregnancy—normal and abnormal labour.
3. Introductory study of neonatal paediatrics.
4. Introduction to Maternal and Child Health Services and social diseases.
5. Every candidate wishing to take the examinations qualifying for admission to the Register of Midwives shall have—
  - (a) observed not less than ten deliveries;
  - (b) attended at least thirty women in labour and completed the whole delivery. At least twenty of these must be satisfactory;
  - (c) attended at least thirty pre-natal clinic sessions, six well-baby sessions and six family planning sessions;
  - (d) examined at least fifty pre-natal women;

- (e) spent at least twelve weeks in domiciliary midwifery and given post-natal care to at least ten lying-in women and their infants.

**Nursing Assistants**

1. Nursing Fundamentals, including ethics, history of nursing, introduction to medical-surgical nursing including:
    - (a) Obstetric nursing;
    - (b) Geriatric nursing;
    - (c) Paediatric nursing.
  2. Anatomy and Physiology applied to the care of the human body.
  3. Normal nutrition.
  4. Introduction to Community Health Nursing including—
    - (a) Community Organization;
    - (b) First Aid;
    - (c) Family Health.
  5. Introduction to Psychology including—
    - (a) Growth and Development;
    - (b) Principles of Teaching;
    - (c) Group Dynamics;
    - (d) Communication.
-

**SECOND SCHEDULE****EXAMINATIONS***(Rule 18(1))***General Nursing**

Final Examinations at the end of period of training—

1. Medicine and medical nursing paper including paediatrics and psychiatry.
2. Surgery and surgical nursing paper including gynaecology and obstetrics.
3. General Nursing paper.
4. Oral or practical nursing.

**Midwifery**

Final Examinations at the end of the period of training—

1. Comprehensive written paper.
2. Practical nursing assessment.

**Nursing Assistants**

Final Examinations at the end of the period of training—

1. Comprehensive written paper.
  2. Practical nursing assessment.
- 

**THIRD SCHEDULE****FORM OF REGISTER/ROLL***(Rule 4)*

The Register/Roll shall show in respect of each nurse/midwife/nursing assistant admitted the following particulars—

- (a) Registration/Enrolment number.
  - (b) Full names, and if married maiden name.
  - (c) Permanent Address.
  - (d) Date and place of registration/enrolment.
  - (e) Qualifications. Under this heading shall appear the qualifications in each case for admission to the register/roll including certificates of nursing education.
-

**FOURTH SCHEDULE**

**NURSES AND MIDWIVES BOARD, MONTSERRAT**

*(Rules 13, 15 and 17)*

**APPLICATION BY A PERSON QUALIFIED BY EXAMINATION FOR  
ADMISSION TO THE REGISTER/ROLL**

1. FULL NAMES .....
2. State here whether single, married, widowed, etc. ....  
If married or widowed give maiden name and furnish certificate of marriage  
.....
3. PERMANENT ADDRESS .....
4. Having been successful in the Board's Final Examinations held in .....  
..... on .....  
*(give dates)*

I hereby request the Board to enter my name upon the Register of Nurses/Midwives or Roll of Nursing Assistants maintained by the Board.  
*(Delete as applicable).*

I forward herewith the fee of \$ ..... and I promise that in the event of my being so registered enrolled, and in consideration thereof, I shall be bound by and conform in all respects to the Nurses and Midwives Rules for the time being in force.

Signature of Applicant .....

Date .....

***Form to be returned to the Secretary/Registrar, Nurses and Midwives Board.***

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**FIFTH SCHEDULE**

**NURSES AND MIDWIVES BOARD, MONTSERRAT**

*(Rule 18(1))*

**APPLICATION BY PERSON TRAINED OUTSIDE MONTSERRAT FOR  
ADMISSION TO THE REGISTER OF NURSES/ROLL OF NURSING ASSISTANTS**

*To the Nursing Board:*

- 1. FULL NAME .....
- 2. State here whether single, married or widowed .....
- 3. DATE OF BIRTH .....
- 4. PLACE OF BIRTH .....
- 5. NATIONALITY .....
- 6. PERMANENT POSTAL ADDRESS .....

I forward herewith the fee of \$ ..... and I promise that in the event of my being so registered/enrolled, and in consideration thereof, I shall be bound by and conform to the Nurses and Midwives Rules for the time being in force.

I forward herewith my certificate of registration/enrolment in the Register/Roll of ..... or a certified copy thereof to the effect that my name has been entered in that Register/Roll and also a complete copy of the entry in that Register/Roll.

Signature of Applicant .....

Signature of Witness .....

Address of Witness .....

Date .....

**N.B.** (1) A copy of a certificate of registration must be certified as a true copy by a responsible officer of the appropriate Statutory Nursing Authority.

(2) If the applicant is not accepted, the copy will be returned to the applicant.

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