

Nurses and Midwives (Amendment) Bill

Bill No. 6/2005.

Read the first time on 10th March 2005.

A BILL

intituled

An Act to amend the Nurses and Midwives Act (Chapter 209 of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Nurses and Midwives (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of long title**

2. The long title to the Nurses and Midwives Act (referred to in this Act as the principal Act) is amended by deleting the words “and the registration of midwives” and substituting the words “, the registration of midwives and the certification of Advanced Practice Nurses”.

10 **Amendment of section 2**

3. Section 2 of the principal Act is amended by inserting, immediately after the definition of “accredited”, the following definition:

““Advanced Practice Nurse” means a registered nurse who is certified as an Advanced Practice Nurse under section 32;”.

15 **Amendment of section 3**

4. Section 3(2) of the principal Act is amended by inserting, immediately after the words “Director of Medical Services” in paragraph (a), the words “or his representative”.

Amendment of section 8

20 **5.** Section 8 of the principal Act is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) to approve or reject applications for certification of Advanced Practice Nurses;”;

25 (b) by inserting, immediately after the word “enrolment” in paragraph (c)(i), the words “of nurses, registration of midwives and certification of Advanced Practice Nurses”; and

30 (c) by deleting the words “and registered midwives” in paragraphs (d), (e) and (f) and substituting in each case the words “, registered midwives and Advanced Practice Nurses”.

Amendment of section 13

6. Section 13 of the principal Act is amended —

- (a) by deleting subsection (4); and
- (b) by inserting, immediately after subsection (5), the following subsection:

“(6) The Registrar may disclose, in accordance with any prescribed conditions, any information in the Register or Roll to any prescribed person.”.

Amendment of section 18

7. Section 18 of the principal Act is amended —

- (a) by deleting the words “or a registered midwife” in subsections (1) and (5) and substituting in each case the words “, a registered midwife or an Advanced Practice Nurse”;
- (b) by inserting, immediately after subsection (5), the following subsection:

“(5A) The Board may —

(a) refuse to grant a practising certificate to a registered nurse, an enrolled nurse, a registered midwife or an Advanced Practice Nurse; or

(b) refuse to renew the practising certificate of a registered nurse, an enrolled nurse, a registered midwife or an Advanced Practice Nurse,

if the registered nurse, enrolled nurse, registered midwife or Advanced Practice Nurse, as the case may be, fails to comply with any prescribed condition.”; and

- (c) by deleting subsection (6) and substituting the following subsections:

“(6) Where —

(a) a registered nurse (including an Advanced Practice Nurse), an enrolled nurse or a registered midwife has had his registration or enrolment cancelled or suspended on any of the grounds specified in section 19(1)(a) to (f); or

(b) an Advanced Practice Nurse has had his certification cancelled or suspended under section 19(2A),

he shall surrender his practising certificate to the Board within 14 days of such cancellation or suspension and, in the case of such cancellation, his practising certificate shall be cancelled.

(6A) Where the practising certificate of an Advanced Practice Nurse has been cancelled in accordance with subsection (6)(b), the Board may issue him a practising certificate as a registered nurse in lieu thereof.”.

10 **Amendment of section 19**

8. Section 19 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

“(1) The Board may exercise any one or more of the powers in subsection (2) and, where applicable, subsection (2A), if the Board is satisfied that a registered nurse, an enrolled nurse, a registered midwife or an Advanced Practice Nurse —

(a) has obtained his registration as a registered nurse or registered midwife, enrolment as an enrolled nurse or certification as an Advanced Practice Nurse fraudulently or by a materially incorrect statement;

(b) has contravened section 13(3) or any condition imposed on him under subsection (2)(c) or (7) or section 17(2), or to which he is subject by virtue of section 46(4);

(c) has had his registration or enrolment as a nurse, registration as a midwife or certification as an Advanced Practice Nurse, in a territory outside Singapore suspended or cancelled;

(d) has been convicted of an offence in Singapore or elsewhere which in the opinion of the Board renders him unfit to remain on the Register or the Roll or to practise as an Advanced Practice Nurse;

(e) has been guilty of any misconduct, or negligence, which in the opinion of the Board renders him unfit to

remain on the Register or the Roll or to practise as an Advanced Practice Nurse;

5 (f) is unable to perform satisfactorily the functions of a registered nurse, an enrolled nurse, a registered midwife or an Advanced Practice Nurse because of a mental or physical disability;

(g) has not renewed his practising certificate for a continuous period of not less than the prescribed period; or

10 (h) is deceased.

(2) The powers referred to in subsection (1) are as follows:

(a) cancel the registration of a registered nurse (including an Advanced Practice Nurse) or registered midwife or the enrolment of an enrolled nurse;

15 (b) suspend the registration of a registered nurse (including an Advanced Practice Nurse) or registered midwife or the enrolment of an enrolled nurse for a period of not more than 2 years;

20 (c) order that the registration of a registered nurse (including an Advanced Practice Nurse) or registered midwife or the enrolment of an enrolled nurse be conditional on his compliance with such conditions as may be imposed by the Board;

25 (d) impose on the registered nurse, enrolled nurse, registered midwife or Advanced Practice Nurse, as the case may be, a financial penalty not exceeding \$2,000;

30 (e) censure the registered nurse, enrolled nurse, registered midwife or Advanced Practice Nurse, as the case may be; or

(f) issue to the registered nurse, enrolled nurse, registered midwife or Advanced Practice Nurse, as the case may be, a written warning.

35 (2A) Where the Board is satisfied that there are grounds under subsection (1) to exercise its powers against an

Advanced Practice Nurse, the Board may, in addition to or in lieu of any power under subsection (2) —

- 5 (a) cancel the certification of the Advanced Practice Nurse or suspend his certification for a period of not more than 2 years, without cancelling or suspending his registration as a registered nurse; or
- (b) order that the certification of the Advanced Practice Nurse be conditional on his compliance with such conditions as may be imposed by the Board.

10 (2B) Notwithstanding subsection (2A), where an Advanced Practice Nurse has had his registration as a registered nurse cancelled or suspended under subsection (2), his certification as an Advanced Practice Nurse shall be correspondingly cancelled or suspended for the same period.

15 (2C) The Board shall, before exercising any of its powers under subsection (2) or (2A) —

- (a) notify the person of its intention to exercise the power and give him an opportunity to be heard either personally or by counsel; and
- 20 (b) if the complaint or matter against the person has been referred by the Board to a Complaints Committee under section 37(1), consider the findings of the Committee as reported to the Board.”;
- (b) by deleting the words “under subsection (1) or suspended under subsection (2)” in subsection (3) and substituting the words “or suspended under subsection (2) on any of the grounds specified in subsection (1)(a) to (f)”;
- (c) by inserting, immediately after subsection (3), the following subsections:

30 “(3A) An Advanced Practice Nurse —

- (a) who is required under subsection (3) to surrender his certificate of registration as a registered nurse; or

(b) whose certification as an Advanced Practice Nurse is cancelled or suspended under subsection (2A),

shall surrender his Advanced Practice Nurse certificate to the Board within 14 days of the cancellation or suspension of his registration as a registered nurse or certification as an Advanced Practice Nurse, as the case may be.

(3B) Where an Advanced Practice Nurse has had his certification cancelled or suspended under subsection (2A) or (2B), he shall not be regarded as being certified as an Advanced Practice Nurse, but immediately upon the expiration of the period of suspension, if any, his rights and privileges as an Advanced Practice Nurse shall be revived, and the Board shall return his Advanced Practice Nurse certificate to him.”; and

(d) by inserting, immediately after the words “subsection (3)” in subsection (4), the words “or (3A)”.

Amendment of section 20

9. Section 20 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where the Board is satisfied that there are grounds under section 19(1)(a), (b), (d), (e) or (f) to exercise its powers against a registered nurse, an enrolled nurse, a registered midwife or an Advanced Practice Nurse, the Board may, in addition to any power which the Board may exercise under section 19, order the registered nurse, enrolled nurse, registered midwife or Advanced Practice Nurse, as the case may be, to pay to the Board such sums as the Board thinks fit in respect of the costs and expenses of the inquiry by the Board.”.

Amendment of section 21

10. Section 21(1) of the principal Act is amended by deleting the words “section 19(1) or (2)” and substituting the words “section 19(2) or (2A)”.

Amendment of section 23

11. Section 23 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

5 “(1) A person whose —

 (a) registration or enrolment has been cancelled under section 19(2); or

 (b) certification as an Advanced Practice Nurse has been cancelled under section 19(2A) or (2B),

10 may apply to the Board to be re-registered as a registered nurse or registered midwife, re-enrolled as an enrolled nurse or re-certified as an Advanced Practice Nurse.”;

(b) by inserting, immediately after the words “re-enrol him” in subsection (2), the words “or re-certify him as an Advanced Practice Nurse”;

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(c) by inserting, immediately after the words “enrolment of a person”, in subsection (3), the words “or certification of an Advanced Practice Nurse”; and

(d) by deleting the words “or re-enrolment” in subsection (3) and substituting the words “, re-enrolment or re-certification”.

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Amendment of section 26

12. Section 26(1) of the principal Act is amended by deleting the words “of Nurses” wherever they appear in paragraph (c).

Deletion and substitution of heading to Part V

25 **13.** The heading to Part V of the principal Act is deleted and the following heading substituted therefor:

 “ADVANCED PRACTICE NURSES”.

Repeal and re-enactment of sections 31 and 32

30 **14.** Sections 31 and 32 of the principal Act are repealed and the following sections substituted therefor:

“Interpretation of this Part

31. In this Part —

“Advanced Practice Nurse certificate” means an Advanced Practice Nurse certificate issued under section 32;

5 “Advanced Practice Nurse Register” means the Advanced Practice Nurse Register kept under section 32.

Certification of Advanced Practice Nurses, etc.

10 **32.**—(1) The Registrar shall keep and maintain a register to be called the Advanced Practice Nurse Register which shall consist of such parts as the Board may determine.

(2) A registered nurse who —

(a) holds such qualification, or has gained such special knowledge, in a specialised branch of nursing as may be approved by the Board;

15 (b) has such experience in that branch of nursing as may be required by the Board; and

(c) has fulfilled such further conditions as may be specified by the Board,

20 shall be eligible to apply to the Board to be certified as an Advanced Practice Nurse.

(3) Upon the approval of an application referred to in subsection (2), the Board shall —

25 (a) register the applicant as an Advanced Practice Nurse in such part of the Advanced Practice Nurse Register as the Board considers appropriate to his case; and

(b) upon payment of the prescribed fee, issue to him an Advanced Practice Nurse certificate.

30 (4) Notwithstanding subsection (2), the Board may refuse to certify any person as an Advanced Practice Nurse who, in the opinion of the Board —

(a) is not of good reputation and character;

(b) has had his certification as an Advanced Practice Nurse or its equivalent in any territory outside Singapore withdrawn, suspended or cancelled; or

5 (c) because of a mental or physical disability, is unable to perform satisfactorily the functions of an Advanced Practice Nurse.

(5) Where the Board refuses to certify any person as an Advanced Practice Nurse, the Board shall, by notice in writing, inform him of such refusal.

10 (6) Any person who is aggrieved by a refusal of the Board to certify him as an Advanced Practice Nurse may, within one month of the notice given under subsection (5), appeal to the Minister whose decision shall be final.

15 (7) The Registrar may disclose, in accordance with any prescribed conditions, any information in the Advanced Practice Nurse Register to any prescribed person.

(8) The Board may, with the approval of the Minister, make regulations —

20 (a) to provide for the form of the Advanced Practice Nurse Register and the manner in which it shall be kept;

(b) to regulate the alteration or correction of the Advanced Practice Nurse Register;

(c) to provide for matters relating to the certification of persons as Advanced Practice Nurses;

25 (d) to regulate the re-certification of an Advanced Practice Nurse whose certification has been cancelled;

(e) to regulate the procedure for appeals by any person against a refusal of the Board to certify him as an Advanced Practice Nurse or the cancellation of his certification;

30 (f) to provide for the form of the Advanced Practice Nurse certificate;

(g) to prescribe the fees payable in respect of —

(i) an application for certification as an Advanced Practice Nurse; and

- (ii) a restoration of such certification; and
- (h) to regulate the practice and conduct of Advanced Practice Nurses, including the use of titles and qualifications.”.

Amendment of section 33

- 5 **15.** Section 33 of the principal Act is amended by deleting the words “nurse specialists” therein and in the section heading and substituting in each case the words “Advanced Practice Nurses”.

Amendment of section 34

- 10 **16.** Section 34 of the principal Act is amended —
- (a) by deleting the words “a nurse specialist” wherever they appear and substituting in each case the words “an Advanced Practice Nurse”; and
 - (b) by deleting the words “Nurse Specialist Register” wherever they appear and substituting in each case the words “Advanced Practice Nurse Register”.
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Repeal and re-enactment of section 35

- 17.** Section 35 of the principal Act is repealed and the following section substituted therefor:

“False assumption of title of Advanced Practice Nurse, etc.

- 20 **35.** Any person who —
- (a) not being an Advanced Practice Nurse, takes or uses —
 - (i) the name or title of Advanced Practice Nurse in any language, either alone or in combination with any other words or letters; or
 - (ii) any name, title, addition, description, uniform or badge, implying that he is an Advanced Practice Nurse or is qualified to practise a specialised branch of nursing; or
 - (b) knowing that some other person is not an Advanced Practice Nurse and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is an Advanced Practice Nurse or is qualified to practise a specialised branch of nursing,
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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.”.

Amendment of section 37

18. Section 37 of the principal Act is amended —

- 5 (a) by deleting the words “or registered midwife” in subsection (1)(a), (b) and (c) and substituting in each case the words “, registered midwife or Advanced Practice Nurse”;
- (b) by inserting, immediately after the word “Roll” in subsection (1)(a) and (b), the words “or to practise as an Advanced Practice Nurse”; and
- 10 (c) by deleting the words “or registered midwife” in subsection (7) and substituting the words “, registered midwife or Advanced Practice Nurse”.

Amendment of section 42

15 **19.** Section 42 of the principal Act is amended by inserting, immediately after subsection (5), the following subsection:

“(6) The Board may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).”.

20 New section 43A

20. The principal Act is amended by inserting, immediately after section 43, the following section:

“Composition of offences

25 **43A.**—(1) The Board may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- 30 (b) \$1,000,
- whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Board may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.”.

5 **Amendment of section 44**

21. Section 44(2) of the principal Act is amended by deleting paragraph (e) and substituting the following paragraph:

10 “(e) regulate the grant and renewal of practising certificates, including prescribing conditions for such grant and renewal;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Nurses and Midwives Act (Cap. 209) for the following purposes:

- (a) to amplify the existing provisions relating to the certification and regulation of nurse specialists and to change their title to “Advanced Practice Nurses” in line with international nursing practice;
- (b) to increase the range of disciplinary action that the Singapore Nursing Board (the Board) may take;
- (c) to decriminalise the failure to inform the Registrar of a change in address or other particulars; and
- (d) to empower the Board to —
 - (i) prescribe conditions for the grant or renewal of practising certificates;
 - (ii) disclose information to prescribed persons;
 - (iii) invest its funds; and
 - (iv) prescribe compoundable offences and to compound offences.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to reflect that the Act, upon being amended by the Bill, will apply to the certification of Advanced Practice Nurses as well.

Clause 3 amends section 2 to insert a new definition for an “Advanced Practice Nurse”.

Clause 4 amends section 3(2) to allow a representative of the Director of Medical Services to be a member of the Board.

Clause 5 amends section 8 to extend the functions of the Board to regulate the certification, qualifications, training, education, standards and scope of practice, professional conduct and ethics of Advanced Practice Nurses.

Clause 6 amends section 13 to decriminalise the failure of a nurse or midwife to inform the Registrar of a change in his name or address. A new subsection (6) provides for the Registrar to disclose information in the Register or Roll to any prescribed person.

Clause 7 amends section 18 to allow the Board to refuse to grant or renew a practising certificate if prescribed conditions, such as Continuing Professional Development requirements, have not been met. Subsection (6) is deleted and substituted by 2 new subsections. The new subsection (6) clarifies that the duty to surrender a practising certificate to the Board arises where registration or enrolment is cancelled or suspended on the grounds specified in section 19(1)(a) to (f) or where the certification of an Advanced Practice Nurse is cancelled or suspended under section 19(2A). It is no longer necessary to surrender a practising certificate where the holder has not renewed the practising certificate for the prescribed period, or is deceased. A practising certificate is cancelled where registration, enrolment or certification is cancelled, but not in a case of suspension. The new subsection (6A) provides that an Advanced Practice Nurse whose practising certificate has been cancelled may be issued with a practising certificate as a registered nurse instead.

Clause 8 amends section 19 (which deals with cancellation, etc., of registration or enrolment) —

- (a) in relation to disciplinary action by the Board, by deleting the existing subsections (1) and (2) and substituting 5 new subsections.

The new subsection (1) extends the grounds on which the Board may exercise its powers to cases where a person's certification, conduct or ability as an Advanced Practice Nurse are in question.

The new subsection (2) consolidates the disciplinary action which the Board may take, and introduces a new power to impose a financial penalty. In addition to or in lieu of the powers in subsection (2), the Board is given new powers in subsection (2A) to cancel or suspend the certification of an Advanced Practice Nurse without affecting his registration as a registered nurse, or to impose conditions on the certification of an Advanced Practice Nurse.

The new subsection (2B) provides that if an Advanced Practice Nurse has his registration as a registered nurse cancelled or suspended by the Board, his certification as an Advanced Practice Nurse is correspondingly cancelled or suspended.

The new subsection (2C) provides for due process by the Board in exercising its powers;

- (b) in relation to the duty to surrender a certificate of registration or enrolment, by amending subsection (3) to provide that the duty only arises in the

situations specified in subsection (1)(a) to (f), in line with the amendment to section 18(6); and

- (c) in relation to the effect of cancelling or suspending the certification of an Advanced Practice Nurse, by inserting 2 new subsections (3A) and (3B) to impose a duty to surrender the Advanced Practice Nurse certificate, and to declare that the person will not be regarded as being certified as an Advanced Practice Nurse for the duration of the cancellation or suspension.

Clause 9 amends section 20(1) to provide that the basis on which the Board may make an order for costs are the same as that in section 19(1)(a), (b), (d), (e) and (f).

Clause 10 makes a technical amendment to section 21(1) arising from the amendments to section 19.

Clause 11 amends section 23 to provide for the re-certification of an Advanced Practice Nurse.

Clause 12 amends section 26(1)(c) to use the term “Register” to refer to either the Register of Midwives or the Register of Nurses or both.

Clause 13 substitutes a new heading for Part V.

Clause 14 repeals and re-enacts sections 31 and 32.

The new section 31 defines the terms used in Part V.

The new section 32 (which deals with certification of Advanced Practice Nurses) —

- (a) provides for an Advanced Practice Nurse Register to be kept and maintained by the Registrar and allows the Registrar to disclose information in it to prescribed persons;
- (b) sets out the criteria for certification as an Advanced Practice Nurse and the grounds on which the Board may refuse certification, and provides for an appeal against such refusal; and
- (c) removes the power to make regulations for those matters which are no longer necessary, as they have been dealt with in the Act.

Clauses 15 and 16 amend sections 33 and 34, respectively, to change the references in the provisions from nurse specialists to Advanced Practice Nurses.

Clause 17 repeals and re-enacts section 35 to create the offence of falsely implying or suggesting that a person is an Advanced Practice Nurse or qualified to practise a specialised branch of nursing.

Clause 18 extends the power of the Complaints Committee in section 37 to investigate any complaint or information relating to Advanced Practice Nurses.

Clause 19 amends section 42 to empower the Board to invest its funds.

Clause 20 inserts a new section 43A to allow the Board to prescribe compoundable offences and to compound offences.

Clause 21 amends section 44(2) to enable the Board, with the approval of the Minister, to prescribe conditions for the grant and renewal of practising certificates.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
