
Fourth Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 8 of 2014

[L.S.]

AN ACT to amend the Nurses and Midwives
Registration Act, Chap. 29:53

[Assented to 5th September, 2014]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Nurses and Midwives Short title
Registration (Amendment) Act, 2014.

2. In this Act, "the Act" means the Nurses and Interpretation
Midwives Registration Act. Chap. 29:53

Long title amended **3.** The long title to the Act is deleted and the following long title is substituted:

“An Act to provide for the Registration and Regulation of Advanced Practice Nurses, Midwives, Nurses, Nurse Interns, Nursing Assistants and other recognized specialties and for matters connected therewith”.

Short title amended **4.** The Act is amended in section 1, by deleting the words “The Nurses and Midwives Registration” and substituting the words “The Nursing Personnel”.

Section 2 amended **5.** The Act is amended in section 2, by inserting in the appropriate alphabetical sequence the following definitions:

“ “advanced practice nurse” means a person who is registered as an advanced practice nurse under section 17;

“Minister” means the Minister to whom responsibility for health is assigned;

“nurse intern” means a person who is granted a Provisional Certificate under section 16A;

“nursing personnel” means an advanced practice nurse, a registered nurse, a nurse, a nurse intern, a midwife and a nursing assistant;

“registered nurse” or “nurse” means a person who is registered as a nurse under section 17.”

Section 3 amended **5A.** The Act is amended in section 3(2), by inserting after the words “enrolled as” the words “advanced practice nurses, nurse interns,”.

Sections 3A and 3B inserted **6.** The Act is amended by inserting after section 3, the following new sections:

“Functions of the Council **3A.** The functions of the Council are to—
(a) open and maintain the registers or rolls required under this Act;

- (b) register, enrol, certify or licence nursing personnel in accordance with this Act;
- (c) determine, in collaboration with the Minister, the qualifications necessary for registration, enrollment, certification or licensing of nursing personnel;
- (d) set standards for the education and practice of nursing personnel;
- (e) develop a code of ethics and conduct for nursing personnel;
- (f) monitor the adherence to, and investigate breaches of, standards and the code of ethics and conduct;
- (g) promote the interest of the nursing and midwifery professions;
- (h) advise the Minister on the requirements for securing continuing competence of the nursing personnel;
- (i) advise the Minister with respect to amendments to the law relating to nursing personnel, as it considers necessary; and
- (j) perform such other functions as may be conferred on it by this Act or any other written law.

Powers of the Council 3B. In exercise of its functions under section 3A, the Council shall have the power to—

- (a) register or enrol nursing personnel;
- (b) issue certificates or licences to nursing personnel;
- (c) cancel certificates or revoke licences, where applicable, of nursing personnel;

- (d) suspend or place conditions on the licence to practise;
- (e) set standards for education and practice of nursing and midwifery in consultation with the Accreditation Council of Trinidad and Tobago;
- (f) examine applicants as a prerequisite to initial registration;
- (g) verify the authenticity of certificates and other documents in support of applications under this Act;
- (h) establish such committees as are necessary for the discharge of the functions of the Council; and
- (i) collect fees required to be paid under this Act.”.

Section 4 repealed
and substituted

7. The Act is amended by repealing section 4 and substituting the following section:

“Composition
of Council 4. Subject to section 4A, the Council shall comprise sixteen persons, as follows:

- (a) six persons appointed by the Minister as follows:
 - (i) an Attorney-at-law of not less than five years standing;
 - (ii) a person with qualifications and experience in nursing administration;
 - (iii) a person with qualifications and experience as a nursing educator;
 - (iv) a person registered under this Act, nominated by the Tobago House of Assembly;
 - (v) a representative of the Ministry; and
 - (vi) a member of the public who is not an advanced practice nurse, midwife, nurse or nursing assistant; and

- (b) nine persons elected as follows:
- (i) five nurses elected from among their own number by the persons who are registered as nurses under this Act at the date of the election;
 - (ii) one person elected from among their own number by the persons who are registered as midwives under this Act at the date of the election;
 - (iii) two persons elected from among their own number by the persons who are registered as mental health nurses under this Act at the date of the election; and
 - (iv) one person elected from among their own number by the persons who are enrolled as nursing assistants under this Act at the date of the election.”.
- (c) the chief Nursing Officer or his nominee who shall be an *ex officio* member.”.

8. The Act is amended by inserting after section 4, the Section 4A inserted following new section:

“New Council 4A. (1) Subject to subsection (2), the members of the Council holding office immediately before the commencement of the Nurses and Midwives Registration (Amendment) Act, 2014 shall continue to hold office for six months from the date of such commencement.

(2) The Council shall hold elections for members of a new council under section 4(b) within the six-month period specified under subsection (1).

(3) The Minister shall appoint persons under section 4(a), upon the expiration of the six-month period specified under subsection (1).”.

Section 5 amended

9. The Act is amended in section 5—

(a) in subsection (1), by deleting the word “members” and substituting the word “member”;

(b) in subsection (3), by—

(i) deleting the words “(d), (e) or (f) of section 4(1)” and “(d), (e) or (f)” wherever they occur and substituting the words “section 4(b)” respectively; and

(ii) deleting the words “as the case may be” wherever they occur; and

(c) by inserting after subsection (7), the following new subsection:

“ (8) A Committee may co-opt in respect of a matter to be dealt with by the committee, a suitable person to assist the Committee.”.

Section 6 repealed

9A. Section 6 of the Act is repealed.

Section 8 amended

10. The Act is amended by inserting after section 8, the following new section:

“Registrar

8A. (1) The Council shall employ, at such salary and remuneration as the Council may from time to time determine, a suitably qualified person to be the Registrar of the Council.

(2) Where the Council employs a person under subsection (1), the Council shall publish such appointment in the *Gazette*.

(3) The Registrar shall, on behalf of the Council—

- (a) establish, keep and maintain Registers and Rolls required to be kept under the Act;
- (b) issue certificates and licences;
- (c) cancel certificates and suspend or revoke licences;
- (d) add to and remove names from, the Registers and Rolls;
- (e) receive fees required to be received under this Act; and
- (f) keep open Registers and Rolls for public inspection at all times on payment of a prescribed fee.

(4) On the receipt of written instructions from the Council, the Registrar shall carry out his functions under subsection (3)(b), (c) and (d).

(5) Where the Council is empowered under this Act to—

- (a) create a Register or Roll;
- (b) issue certificates and licences;
- (c) cancel certificates and suspend and revoke licences;
- (d) add to, and remove names from, the Registers and Rolls; and
- (e) receive fees,

the Registrar appointed under subsection (1), shall carry out such functions on its behalf.”.

10A. The Act is amended by repealing section 13. Section 13 repealed

10B. The Act is amended in section 14—

- (a) in subsection (1), by deleting the word “Roll” and substituting the word “Rolls”; and

Section 14
amended

(b) in subsection (2), by deleting the words “Roll” and substituting the word “Rolls”.

Part II heading amended

10C. The Act is amended by deleting the heading “NURSES”, and substituting the following new heading:

“NURSES, ADVANCED PRACTICE NURSES AND NURSE INTERNS”.

Section 15 amended

11. The Act is amended in section 15—

(a) in subsection (1), by—

(i) deleting the words “a register, to be known as the Register of Nurses” and substituting the words “registers to be known as the Register of Nurses and the Register of Advanced Practice Nurses”; and

(ii) inserting after the words “as nurses” the words “or advanced practice nurses”;

(b) in subsection (2), by inserting after the word “Register”, the words “of Nurses or the Register of Advanced Practice Nurses”;

(c) in subsection (3), by inserting after the word “Nurses”, the words “and Register of Advanced Practice Nurses”; and

(d) by inserting after subsection (3), the following new subsections:

“ (4) The Register of Advanced Practice Nurses shall contain the following particulars:

(a) the name and address of the advanced practice nurse;

(b) the area of specialization;

(c) the training, experience and qualification in the area of specialization; and

(d) the date of registration in the Register of Nurses.

(5) Any person whose name is not entered in the Register of Advanced Practice Nurses shall not hold himself out to be an advanced practice nurse.

(6) The name of an advanced practice nurse may appear on the Register of Midwives, the Register of Nurses and the Register of Advanced Practice Nurses.

(7) Where the Council cancels the registration of a midwife, a nurse or an advanced practice nurse under section 18, it shall, as applicable, remove the name of the midwife, the nurse or advanced practice nurse from the Register of Midwives, the Register of Nurses or the Register of Advanced Practice Nurses.

(8) Notwithstanding the removal by the Council of the name of a person from the Register of Advanced Practice Nurses, the Council may retain the name of the person on the Register of Nurses and the Register of Midwives.”.

12. Section 16 of the Act is amended—

(a) by repealing subsection (2) and substituting the following subsections:

Section 16
amended

“ (2) Any person who has—

(a) completed a course of training—

(i) in a recognized place of training under section 40; or

(ii) approved by the Accreditation Council of Trinidad and Tobago under the Accreditation Act; and

(b) passed the examination prescribed by the Council or any other nursing examining body recognized by the Accreditation Council,

and who establishes to the Council's satisfaction that he is a fit and proper person to be entered on the register as a nurse, shall on making application to the Council and upon compliance with the requirements of this Act, be entitled to be registered.

(2A) Where the Council receives an application under subsection (1) it shall, within three months of such receipt consider the application and give such directions in respect of the application as it thinks fit.

(b) by inserting after subsection (6), the following subsection:

“ (7) In determining if a person is a fit and proper person under this section, the Council shall consider if he—

(a) is of good character;

(b) is mentally and physically capable of performing satisfactorily, the duties of a nurse; and

(c) has the ability to understand, read and speak English.”.

13. The Act is amended by inserting after section 16, Sections 16A and 16B inserted the following new sections:

“Provisional Nurse’s or Midwife’s certificate

16A. (1) Subject to this section where, after January 1, 2008, a person has acquired a degree or diploma from a recognized place of training, such person shall be entitled to be granted a provisional certificate by the Council for a period of four years in the first instance.

(2) A person who is granted a provisional certificate under this section shall be referred to as a “nurse intern”.

(3) A provisional certificate granted under subsection (1) shall entitle the holder thereof to only practise as a nurse intern while under supervision at a hospital listed under the Regional Health Authorities Act.

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(4) A nurse intern shall, within one year of his provisional registration, attempt a licensing examination conducted by the Council or any other examining body recognized by the Accreditation Council.

(5) Where a nurse intern fails to attempt the examination under subsection (4) within fifteen months of the grant of the provisional certificate, the Council may revoke his certificate.

(6) Where a nurse intern fails the licensing examination after his third attempt, the Council may require him to take a one-year remedial programme before he re-submits himself to a licensing examination.

(7) Where a nurse intern takes a remedial programme under subsection (6), his provisional certificate shall be valid for the period of the remedial programme.

(8) Where a nurse intern completes a remedial programme under subsection (6), and the original provisional certificate granted under subsection (1) has expired, he shall be issued another provisional certificate which shall be valid for two years.

(9) A provisional certificate can only be issued to a person for a maximum of two times.

(10) Where the Council receives an application for a provisional certificate, it shall within three months of such receipt consider the application and give such directions in respect of the application as it thinks fit.

Nurse
Intern's Roll 16B. The Council shall keep for the purposes of this Part, a roll to be known as the "Nurse Intern's Roll", on which shall be entered the name of every person who has been issued with a Nurse Intern's Certificate to practise as a nurse intern in accordance with section 16A."

Section 17 amended

14. The Act is amended in section 17—

(a) in subsection (1), by inserting—

(i) after the word "Register", the words "or Roll"; and

(ii) after the word "registration" the words "or enrollment".

(b) by inserting after subsection (1), the following subsection:

" (1A) The Council shall, on entering the name of any person in the Register

of Advanced Practice Nurses, issue to such person a licence to practise as an advanced practice nurse and such licence shall remain in force unless revoked or suspended.”;

(c) by repealing subsection (2) and substituting the following subsection:

“ (2) Where a person fails to pay any annual registration fee which may be payable for three months after it becomes due, the Council may suspend the certificate or licence of such person until such time as the payment of the fee and any administrative fine so attached for non-payment is received by the Council, and the Council shall thereafter restore the validity of the certificate or licence.”;

(d) in subsection (3), by deleting the words “five hundred dollars or to six months” and “one thousand” and substituting the words “ten thousand dollars or to one year” and “fifteen thousand”, respectively; and

(e) by inserting after subsection (3), the following new subsection:

“ (4) A person who practises as an advanced practice nurse after his certificate of registration has been suspended under subsection (2), commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for three years and in the case of a second or subsequent offence, to a fine of twenty-five thousand dollars or to imprisonment for five years.”.

Section 18
amended

14A. Section 18 of the Act is amended—

(a) in subsection (1)—

- (i) by inserting after the word “registration”, wherever it occurs, the words “or enrollment”; and
- (ii) by inserting after the word “registered”, the words “or enrolled”;
- (iii) by inserting after the words “17(1)”, the words “or the licence issued under section 17(1A)” and
- (iv) by inserting after the words “deemed to be”, the word “revoked”;

(b) in subsection (2)—

- (i) in paragraph (c), by deleting the word “nurse” and substituting the word “person”;
- (ii) in paragraph (d), by deleting the words “to a nurse” and substituting the words “of the profession of nursing”;
- (iii) in paragraph (f), by inserting after the word “registration”, the words “or enrollment”; and
- (iv) in the closing words, by inserting after the word “registered”, the words “or enrolled”; and

(c) in subsection (3), by inserting after the word “registration”, the words “or enrollment”.

15. The Act is amended by repealing section 19 and substituting the following:

“Falsely conveying impression of being registered

19. (1) A person who, not being registered or enrolled under this Part, or who during any period when his certificate of registration or enrollment has been suspended or cancelled or is deemed to have been suspended, takes or uses the name or title of “advanced practice nurse”, “registered nurse”, “nurse” or “nurse intern” whether alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge implying or calculated to convey the impression that he is registered or enrolled under this Part, or is recognized by law as an advanced practice nurse, a registered nurse, a nurse or a nurse intern, commits an offence.

(2) A person who, not being registered or enrolled under this Part or, who during any period when his certificate or registration or enrollment issued under this Part has been suspended or cancelled, practises as an advanced practice nurse, a registered nurse, a nurse, or a nurse intern, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and for imprisonment for two years.”

16. The Act is amended in section 21, by repealing subsection (2) and substituting the following subsections:

“ (2) Any person who has—
(a) completed a course of training—

- (i) in a recognized place of training under section 40; or
- (ii) approved by the Accreditation Council of Trinidad and Tobago under the Accreditation Act; and

(b) passed the examination prescribed by the Council or any other nursing examining body recognized by the Accreditation Council,

and who establishes to the Council's satisfaction that he is a fit and proper person to be entered on the register as a midwife shall, on making an application to the Council and upon compliance with the requirements of this Act, be entitled to be registered.

(2A) In determining if a person is a fit and proper person, under subsection (2), the Council shall consider if he—

- (a) is of good character;
- (b) is mentally and physically capable of performing satisfactorily the duties of a midwife; and
- (c) has the ability of a person to understand, read and speak English.”.

(3) Where the Council receives an application for a licence, it shall within six months of such receipt consider the application and give such directions in respect of the application as the Council thinks fit.

16A. The Act is amended by inserting after section 21, New section 21A inserted
the following new section:

“Review by
Permanent
Secretary

21A. (1) Where three months have elapsed since an application was submitted to the Council, pursuant to sections 16, 16A and 21 and no decision has been given to the applicant, the applicant who feels aggrieved, may file a complaint with the Permanent Secretary .

(2) The Permanent Secretary shall cause the matter to be investigated within six weeks of receipt of the complaint.

(3) Upon receipt of the report of the investigation under subsection (2), the Permanent Secretary shall forward the report to the Council requesting that action be taken on the complaint within one month thereafter.

(4) For the purposes of this section, “Permanent Secretary” means the Permanent Secretary in the Ministry with responsibility for health.”.

17. The Act is amended in section 22—

Section 22 amended

(a) by repealing subsection (2) and substituting the following subsection:

“ (2) Where a person fails to pay any annual registration fee which may be payable for three months after it becomes due, the Council may suspend the licence of such person until such time as the payment of the fee and any administrative fine so attached for

non-payment is received by the Council, and the Council shall thereafter restore the validity of the licence.”;

(b) in subsection (3), by deleting—

(i) the words “five hundred” and substituting the words “ten thousand”;

(ii) the words “six months” and substituting the words “one year”; and

(iii) the word “one” and substituting the word “fifteen”.

Section 24 amended

18. The Act is amended in section 24, by deleting the words “seventy-five” and “one month” and substituting the words “one thousand” and “eighteen months”, respectively.

Section 25 amended

19. The Act is amended in section 25(3), by deleting the words “seventy-five” and “one month” and substituting the words “one thousand” and “eighteen months”, respectively.

Section 29 amended

20. The Act is amended in section 29(2), by deleting the word “two” wherever it occurs and substituting the word “five”.

Section 31 amended

21. The Act is amended in section 31—

(a) by deleting the word “31” and substituting the words “31(1)”;

(b) by deleting the words “one hundred and fifty” and substituting the words “ten thousand”; and

(c) by deleting the word “However”, and substituting the words “(2) Notwithstanding subsection (1), however”.

22. The Act is amended by inserting after Section 32A inserted section 32, the following new section:

“Part III amended 32A. The Act is amended in Part III, by deleting the words “she”, “her” and “herself” wherever they occur and substituting the words “he”, “his” and “himself” respectively.

23. The Act is amended in section 35(3), by deleting Section 35 amended all the words from the words “one hundred” and substituting the words “five hundred dollars or to imprisonment for three months and in the case of a second or subsequent offence to a fine of one thousand dollars and imprisonment for six months.”

24. The Act is amended in section 38—

Section 38 amended

(a) in subsection (1), by—

- (i) inserting after the words “his name”, the words “on the Register of Advanced Practice Nurses,”;
- (ii) deleting the words “registration as a” and substituting the words “registration as an advanced practice nurse,”; and

(b) in subsection (2), by—

- (i) inserting after the words “enrolled as a” the words “nurse intern or as a”;
- (ii) inserting after the words “removed from the” the words “Roll of Nurse Interns or the”; and
- (iii) by deleting the word “Secretary” and substituting the word “Registrar”.

Section 39
amended

25. The Act is amended in section 39 by deleting the word “nurse” wherever it occurs and substituting the words “advanced practice nurse, nurse or nurse intern”.

Section 40
amended

25A. The Act is amended in section 40 by inserting after the word “nurses”, the words “, nurse interns” and by deleting the word “or” appearing thereafter.

Section 41 amended

26. The Act is amended in section 41—

(a) in subsection (1), by deleting the words “Council may with approval of the Minister” and substituting the words “Minister may in consultation with the Council”;

(b) in subsection (2)—

(i) by deleting the words “the Council may, with the approval of the Minister, make Rules and” and substituting the words “the Minister may in consultation with the Council, make”;

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

“(aa) prescribing the conditions under which persons may be registered as advanced practice nurses;”

(iii) by inserting after paragraph (b), the following paragraph:

“(ba) prescribing the standards for continuous education and training of advanced practice nurses, nurses and midwives;”;

(iv) in paragraph (d), by deleting the word “nurses” and substituting the words “advanced practice nurses, nurses or nurse interns”;

(c) by inserting after subsection (3), the following new subsections:

“ (4) The Minister in consultation with the council may by Regulations prescribe, the qualifications and experience required and the scope of practice for the advanced practice nurses.

(5) Regulations made under subsection (4), shall be subject to affirmative resolution of Parliament.”.

27. The Act is amended in section 44—

Section 44 amended

- (a) by inserting before the words “Register of Nurses,” the words “Register of Advanced Practice Nurses,”; and
- (b) by deleting after the words “Register of Nurses,” the words “or to”;
- (c) by inserting after the words “Register of Midwives,” the words “the Roll of Nurse Interns”; and

(d) by deleting all the words appearing after the word “therefrom”.

Section 47 amended

28. The Act is amended in section 47, by deleting all the words occurring after the words “any falsification” and substituting the following words:

“of—

- (a) the Register of Nurses;
- (b) the Register of Advanced Practice Nurses;
- (ba) the Roll of Nurse Interns;
- (c) the Register of Midwives; or
- (d) the Roll of Nursing Assistants,

commits an offence.”.

Section 48 amended

29. The Act is amended in section 48, by—

- (a) deleting the word “nurses” and substituting the words “advanced practice nurses, nurses or nurse interns; and
- (b) deleting the words “or by” occurring before the word “midwives”.

Section 49 amended

30. The Act is amended by deleting section 49, by and substituting the following new section:

“Registrar to give notice of refusal of application for registration or of order of removal or suspension from Register 49. Where the application of any person for registration or enrollment has been refused by the Council or where any order has been made for the removal of the name of any person from the Register or Roll or the suspension of any person registered or enrolled under this Act, the Registrar of the Council shall give notice forthwith of that fact to the person concerned.”.

Section 50 amended

31. The Act is amended in section 50—

- (a) in subsection (1), by deleting the words—
 - (i) “three hundred dollars” and substituting the words “five thousand dollars”;

- (ii) “four months” and substituting the words “one year”;
 - (iii) “seven hundred and fifty dollars” and substituting the words “ten thousand dollars”; and
 - (iv) “twelve months” and substituting the words “two years”; and
- (b) in subsection (2), by deleting the words—
- (i) “three hundred dollars” and substituting the words “five thousand dollars”; and
 - (ii) “three months” and substituting the words “six months”.

32. The Act is amended by inserting after section 51, Sections 51A and 51B inserted the following sections:

“Times of
Emergency 51A. Where a national emergency exists, the Minister may, by Order, permit a person who is registered to practise advanced practice nursing, nursing or midwifery under the laws of his governing country, to practise advanced practice nursing, nursing or midwifery for the period specified in the Order, for the purpose of providing specific skills and technology and such person shall be deemed to be practising as if a licence had been issued under this Act.

Visiting
Nursing
personnel 51B. The Minister in consultation with the Council may, by Order, permit nursing personnel who are registered to practise advanced practice nursing, nursing or midwifery under the laws of their governing country as part of a

visiting planned education or teaching programme or medical visiting treatment team, for the purpose of providing specific skills and technology and such persons shall be deemed to be practising as if a licence had been issued under this Act.”.

Section 52
amended

32A. The Act is amended in section 52—

- (a) in subsection (1), by deleting all the words after the word “Court” and substituting the word “.”; and
- (b) in subsection (2)—
 - (i) by deleting the words “other moneys payable under this Act” and substituting the words “monies other than those specified under subsection (1)”; and
 - (ii) by inserting after the word “fees,” the word “administrative”.

Act amended

33. The Act is amended by—

- (a) deleting the words “is guilty of” wherever they occur and substituting the word “commits”;
- (b) inserting before the words “is liable on” wherever they occur, the words “commits an offence and”;
- (c) deleting the words “enroled”, and “enrolment” wherever they occur and substituting the words “enrolled” and “enrollment” respectively; and
- (d) deleting the word “Secretary” wherever it occurs and substituting the word “Registrar”.

34. In any written law, where there is a reference to “the Nurses and Midwives Registration Act” such reference shall be substituted with a reference to “the Nursing Personnel Act”.

Reference to
Nurses and
Midwives
Registration Act
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substituted

Passed in the House of Representatives this 21st day of February, 2014.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 24th day of June, 2014.

N. ATIBA-DILCHAN

Clerk of the Senate

Senate amendments agreed to by the House of Representatives on the 18th July, 2014.

J. SAMPSON-MEIGUEL

Clerk of the House