A BILL

in titled

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 2004 and shall come into operation on such date as the Minister may, by notification in the Gazette, appoint.

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 inserting, immediately after the words “registration of”, the words “, Advanced Practice Nurses and”.

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 registered as an Advanced Practice Nurse under section 32;”.

Amendment of section 8

4. Section 8 of the principal Act is amended —

(a) by inserting, immediately after the word “midwives” in paragraph (a), the words “and Advanced Practice Nurses”;

(b) by inserting, immediately after the word “certificates” in paragraph (b), the words “and Advanced Practice Nurse certificates”;

(c) by deleting the words “and enrolment” in paragraph (c)(i), and substituting the words “, enrolment and registration as an Advanced Practice Nurse”; and

(d) 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

5. Section 13 of the principal Act is amended —

(a) by deleting the word “Every” in subsection (3) and substituting the words “As a condition of registration or enrolment, every”; and

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

“(6) The Registrar may disclose any information in the Register or Roll to any person prescribed by regulations made under this Act, if such disclosure is in accordance with such conditions as may be specified in those regulations.

(7) Subsection (6) is without prejudice to any other right or duty to disclose the information under general or written law.”.

Amendment of section 18

6. Section 18(6) of the principal Act is amended by deleting the words “under section 19” and substituting the words “on any of the grounds specified in section 19(1)(a) to (f)”.

Amendment of section 19

7. 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 of the powers in subsection (2) if the Board is satisfied that a registered or enrolled nurse, registered midwife or Advanced Practice Nurse —

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

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

(c) has had his registration or enrolment as a nurse or his registration as a midwife, or an Advanced Practice Nurse, as the case may be, in a country outside Singapore suspended or cancelled;

(d) has been convicted of an offence in or outside Singapore 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;

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

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

(h) is deceased.

(2) The powers mentioned in subsection (1) are —

(a) cancel the registration of a registered nurse or registered midwife, or the enrolment of an enrolled nurse;

(b) suspend his registration or enrolment for a period of not more than 2 years;

(c) cancel the registration of an Advanced Practice Nurse or suspend his registration as such for a period of not more than 2 years, without cancelling or suspending his registration as a registered nurse;

(d) order that his registration, enrolment or registration as an Advanced Practice Nurse be conditional on his compliance with such conditions as may be imposed by the Board;

(e) impose on him a financial penalty not exceeding $2,000;

(f) censure him; or

(g) issue to him a letter of advice.
The Board shall, before exercising any of its powers under subsection (2) —

(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

(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.”; and

(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)”.

Amendment of section 20

8. Section 20(1) of the principal Act is amended —

(a) by deleting the words “or a registered midwife” in the 2nd line and substituting the words “, a registered midwife or an Advanced Practice Nurse”;

(b) by deleting the words “or enrolment” in paragraph (a) and substituting the words “, enrolment or registration as an Advanced Practice Nurse”;

(c) by deleting the words “section 17(2)” in paragraph (b) and substituting the words “section 13(3), 17(2)”;

(d) by inserting, immediately after the word “Roll” in paragraph (c), the words “or to practise as an Advanced Practice Nurse”;

(e) by inserting, immediately after the word “Roll” in paragraph (d), the words “or to practise as an Advanced Practice Nurse”; and

(f) by deleting the words “or a registered midwife” in paragraph (e) and substituting the words “, a registered midwife or an Advanced Practice Nurse”.

Amendment of section 21

9. 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)”.
Amendment of section 23

10. Section 23 of the principal Act is amended —

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

“(1) A person whose registration, enrolment or registration as an Advanced Practice Nurse has been cancelled under section 19(2) may apply to the Board to be re-registered, re-enrolled or re-registered as an Advanced Practice Nurse.”; and

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

Amendment of section 26

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

Amendment of heading to Part V

12. Part V of the principal Act is amended by deleting the heading “NURSE SPECIALISTS” and substituting the heading “ADVANCED PRACTICE NURSES”.

Repeal and re-enactment of section 31

13. Section 31 of the principal Act is repealed and the following section substituted therefor:

“Interpretation of this Part

31. In this Part —

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

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

Amendment of section 32

14. Section 32 of the principal Act is amended —
by inserting, immediately before the word “issue” in subsection (3)(b), the words “upon payment of the prescribed fee,”;

(b) by inserting, immediately after subsection (3), the following subsections:

“(3A) The Board may refuse to register any person as an Advanced Practice Nurse who, in the opinion of the Board —

(a) does not satisfy the requirements for registration under subsection (2);

(b) is not of good reputation and character;

(c) has had his registration as an Advanced Practice Nurse or its equivalent in any country withdrawn, suspended or cancelled; or

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

(3B) Where the Board refuses to register any person as an Advanced Practice Nurse, the Board shall, by notice in writing, inform him of such refusal.

(3C) Any person who is aggrieved by a refusal of the Board to register him as an Advanced Practice Nurse may, within one month of the notice given under subsection (3B), appeal to the Minister whose decision shall be final.”; and

(d) by deleting paragraphs (d), (e) and (f) of subsection (4) and substituting the following paragraphs:

“(d) to provide for the restoration of such registration which has been cancelled;

(e) to regulate the issue of Advanced Practice Nurse certificates;”.

New section 32A

15. The principal Act is amended by inserting, immediately after section 32, the following section:
Cancellation and surrender of Advanced Practice Nurse certificate

32A.—(1) Where an Advanced Practice Nurse has had his registration as a registered nurse or as an Advanced Practice Nurse cancelled or suspended under section 19(2), any Advanced Practice Nurse certificate issued to him shall be deemed to be cancelled and he shall surrender the certificate to the Board within 14 days of such cancellation or suspension.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000.

(3) Where an Advanced Practice Nurse has had his registration as a registered nurse or as an Advanced Practice Nurse suspended under section 19(2), he shall not be regarded as being registered as an Advanced Practice Nurse, but immediately upon the expiration of the period of suspension, the person’s rights and privileges as an Advanced Practice Nurse shall be revived, and the Board shall return his Advanced Practice Nurse certificate to him.”.

Amendment of section 35

16. Section 35 of the principal Act is amended —

(a) by deleting the words “he is a nurse specialist” in paragraph (a) and substituting the words “he is an Advanced Practice Nurse or is qualified to practise a specialised branch of nursing”; and

(b) by deleting the words “a nurse specialist” in the penultimate and last line of paragraph (b) and substituting the words “an Advanced Practice Nurse or is qualified to practise a specialised branch of nursing”.

Amendment of section 37

17. Section 37 of the principal Act is amended —

(a) by inserting, immediately after the words “enrolled nurse” in subsection (1)(a), (b) and (c), the words “, 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

(c) by inserting, immediately after the words “enrolled nurse” in subsection (7), the words “, Advanced Practice Nurse”.

Amendment of section 42

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

“(6) The Board may, with the approval of the Minister —

(a) invest its funds in such manner as it thinks fit; and

(b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.”.

New section 43A

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

“Composition of offences

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 $1,000.

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

Miscellaneous amendments

20. The principal Act is amended —

(a) by deleting the words “a nurse specialist” in the following provisions and substituting in each case the words “an Advanced Practice Nurse”:

Sections 32(2), (3)(a), (4)(g)(i), 34 and 35(a) (1st line) and (b) (1st line);
(b) by deleting the words “nurse specialist” in the following provisions and substituting in each case the words “Advanced Practice Nurse”:

Section 35(a) and section heading;

(c) by deleting the words “nurse specialists” in the following provisions and substituting in each case the words “Advanced Practice Nurses”:

Sections 32 (section heading), 32(4)(c) and (h) and 33 (and section heading);

(d) by deleting the words “a nurse specialist certificate” in the following provisions and substituting in each case the words “an Advanced Practice Nurse certificate”:

Sections 32(3)(b) and 34; and

(e) by deleting the words “Nurse Specialist Register” wherever they appear in the following provisions and substituting in each case the words “Advanced Practice Nurse Register”:

Sections 32(1), (3)(a) and (4)(a) and (b) and 34.

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 registration and regulation of nurse specialists and to change their title to “Advanced Practice Nurses” to be consistent 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) disclose information to prescribed persons;

(ii) invest its funds; and

(iii) 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 this Bill, will apply to the registration 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 8 to extend the functions of the Board to regulating the registration, qualifications, training, education, standards and scope of practice, professional conduct and ethics of Advanced Practice Nurses.

Clause 5 amends section 13 to impose on a nurse or midwife, as a condition of registration or enrolment, the duty to inform the Registrar of a change in his name or address, and to decriminalise the failure to do so. Two new subsections, subsections (6) and (7), provide for the Registrar to disclose information in the Register or Roll to any prescribed person.

Clause 6 amends section 18(6) to clarify that the duty to surrender a practising certificate only arises in the situations specified in section 19(1)(a) to (f). It is not necessary to surrender a practising certificate where the holder has not renewed the practising certificate for the prescribed period, or is deceased.

Clause 7 amends section 19 (which deals with cancellation, etc., of registration or enrolment) —

(a) by deleting the existing subsections (1) and (2) and substituting new subsections. The new subsection (1) extends the grounds on which the Board may exercise its powers to cases where a person’s registration, 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 includes new powers to cancel or suspend the registration of an Advanced Practice Nurse without affecting his registration as a registered nurse, and the power to impose a financial penalty;

(b) by inserting 2 new subsections: (2A) to provide for due process by the Board in exercising its powers, and (2B) to provide for the recovery of a financial penalty; and

(c) to clarify that the duty to surrender a certificate of registration or enrolment only arises in the situations specified in section 19(1)(a) to (f), in line with the amendment to section 18.

Clause 8 extends section 20 to allow the Board to make an order for costs where Board’s finding relates to matters affecting a person’s registration, conduct or ability as an Advanced Practice Nurse.

Clause 9 makes a technical amendment to section 21(1) arising from the amendments to section 19.

Clause 10 amends section 23 to provide for the re-registration of an Advanced Practice Nurse.

Clause 11 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 12 substitutes a new heading for Part V.

Clause 13 repeals and re-enacts section 31 to define the terms in Part V.

Clause 14 amends section 32 (which deals with registration of Advanced Practice Nurses) —

(a) to require the payment of a prescribed fee for the issue of an Advanced Practice Nurse certificate;

(b) by inserting new subsections (3A), (3B) and (3C) to set out the grounds on which the Board may refuse registration as an Advanced Practice Nurse and to provide for an appeal against such refusal; and

(c) to delete from the list in subsection (4) those items for which regulations are no longer necessary, as they have been dealt with in the Act.

Clause 15 inserts a new section 32A to provide for the cancellation and surrender of an Advanced Practice Nurse certificate.

Clause 16 amends 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 17 extends the power of the Complaints Committee to investigate any complaint or information relating to Advanced Practice Nurses.

Clause 18 empowers the Board to invest its funds.

Clause 19 inserts a new section 43A to allow the Board to prescribe compoundable offences and to compound offences.

Clause 20 makes miscellaneous amendments to certain provisions of the Act.

EXPENDITURE OF PUBLIC MONEY

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