ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

NURSES REGISTRATION ACT
R.S.A. c. N25

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

Regulation	Citation	Page
NURSES REGISTRATION RULES *Consolidates R.A. 8/2013, in force 25 September 2013*	R.R.A. N25-1 *(15/12/2014)*	3

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Revised Regulations of Anguilla: N25-1

NURSES REGISTRATION ACT (R.S.A. C. N25)

NURSES REGISTRATION RULES

Note: These Rules are enabled under section 4 of the Nurses Registration Act, R.S.A. c. N25.

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NURSES REGISTRATION RULES

PART 1

INTERPRETATION

Interpretation

1. In these Rules—

"Act" means the Nurses Registration Act;

"advanced practice nurse" means a registered nurse who—

(a) has acquired an expert knowledge of nursing and at least a graduate degree in nursing from an approved nursing education programme;

(b) has acquired the skill to make complex decisions in the nursing field;

(c) has the clinical competencies to make diagnoses of patients and prescribe treatment for patients, in collaboration with a medical practitioner; and

(d) is registered and licensed as an advanced practice nurse in Anguilla;

"approved nursing education programme" means an accredited nursing education program that is approved by Council for the purposes of these Rules;

"Committee" means the Nursing Profession Complaints Committee established under section 18;

"complaint" means a complaint referred to in section 18(3)(a);

"licence" means a licence issued under section 12;

"nurse specialist" means a registered nurse who—

(a) has at least a graduate degree in nursing from an approved nursing education programme and practises in a particular branch of nursing such as clinical nursing, psychiatric nursing, nursing administration, teaching or consultancy; and

(b) is registered and licensed as a specialist nurse in Anguilla;

"nursing assistant" means a person who—

(a) has obtained a certificate in nursing care from an approved nursing education programme; and

(b) is registered and licensed as a nursing assistant in Anguilla;

"nursing professional" includes a registered nurse, nurse specialist, advance practice nurse and nursing assistant;

"prescribed jurisdiction" means a jurisdiction referred to in section 6 of the Act;

"register" means the register referred to in section 3 of the Act and, unless the context otherwise requires, includes any part or section of the register.

"registered nurse" means a person who—

(a) has at least a bachelors degree in nursing from an approved nursing education programme; and

(b) is registered and licensed as a registered nurse in Anguilla.

PART 2

REGISTRATION AND LICENCES

Register of nursing professionals

2. (1) In accordance with section 3 of the Act, Council shall keep a register of nursing professionals.

(2) The register shall consist of the following parts—

(a) a general part containing the names of all registered nurses who satisfy the conditions of admission to that part of the register;

(b) a general part containing the names of all nursing assistants who satisfy the conditions of admission to that part of the register.

(3) The general part referred to in paragraph (2)(a) shall be divided into sections as follows—

(a) Section A, which shall contain a list of the names of persons who are registered as registered nurses;

(b) Section B, which shall contain a list of the names of persons who are registered as nurse specialists;

(c) Section C, which shall contain a list of the names of persons who are registered as advanced practice nurses.

(4) The register shall set out the following—

(a) the full name and address of the nursing professional;

(b) the nursing professional's qualifications;

(c) the branch or branches of nursing practice in relation to which every nursing professional is registered and any specialty;

(d) the date of the nursing professional's registration.

Requirements to be registered

3. (1) A person who is an individual and who complies with the requirements of the Act and these Rules in respect of registration may be registered as a nursing professional if Council is satisfied that—

(a) subject to subsection (3), he or she has the right under the laws of Anguilla to be and remain in Anguilla and to work as a nursing professional in Anguilla or is exempted from that requirement;

(b) he or she holds the qualifications, training and experience referred to in section 4 to practice as a nursing professional;

(c) he or she has not—

(i) been refused registration as, or been disqualified or suspended from, practising as a nursing professional, or

(ii) had his or her registration cancelled,

inside or outside Anguilla for a reason that indicates to Council that his or her conduct constitutes unskilled practice or unprofessional conduct;

(d) he or she has not been convicted, inside or outside Anguilla, of a criminal offence that is materially relevant, in the opinion of Council, to his or her fitness to practice as a nursing professional;

(e) he or she is a fit and proper person to practice as a nursing professional in Anguilla;

(f) his or her ability to practice as a nursing professional is not impaired by any physical or mental condition;

(g) he or she can read, speak, write and understand the English language at a level that, in the opinion of Council, is appropriate to practice as a nursing professional in Anguilla;

(h) he or she meets any additional requirements Council may impose; and

(i) he or she is, or when the registration is granted will be, in compliance with these Rules.

(2) For the purpose of paragraph (1)(d), an offence that involves—

(a) illegal possession of drugs;

(b) drug trafficking;

(c) sexual misconduct;

(d) violence;

(e) fraud or dishonesty; or

(f) contravention of—

(i) the Act or these Rules, or

(ii) an Act of a jurisdiction outside Anguilla that regulates a health profession or regulations, orders, rules or by-laws under that Act;

is presumed, in the absence of evidence to the contrary, to be materially relevant to the person's fitness to practice as a nursing professional.

(3) Council may make a registration conditional upon compliance with paragraph (1)(a).

Qualifications

4. A person is to be regarded as having the qualifications, training and experience required to practice as a nursing professional if he or she—

(a) in accordance with section 6 of the Act, is or has been registered in a prescribed jurisdiction; or

(b) has, in Anguilla or elsewhere, completed an approved nursing education programme and undergone the training required by Council for admission to that part of the register.

Application for registration as a nursing professional

5. (1) An application for registration as a nursing professional shall be—

(a) made to the Registrar in the form required by Council;

(b) supported by the documentary and other evidence required by Council, including—

(i) the originals, or certified copies, of any professional qualifications mentioned in the application,

(ii) copies of any other documents relating to professional qualifications, experience and character which are to be relied on for the purposes of the application; and

(c) in accordance with section 6 of the Act, accompanied by the application fee set out in Schedule 1.

(2) The application fee is non-refundable.

(3) A nurse specialist may apply to be registered in more than one branch of nursing.

(4) The Registrar—

(a) shall review each application for completeness;

(b) shall notify the applicant in writing of the results of the review;

(c) if the application is incomplete, shall—

(i) return the application, or

(ii) indicate the respects in which it is incomplete and advise the applicant that he or she has 30 days to complete the application.

(5) If the application is not completed within the 30 days, the Registrar shall return it to the applicant.

Consideration of application by Council

6. (1) Upon receipt of a complete application for registration, Council shall consider the application in accordance with the Act and these Rules, and shall decide to—

(a) grant the application, with or without conditions; or

(b) refuse the application.

(2) Without delay after making a decision under subsection (1), Council shall give written notice of the decision to the Registrar.

(3) If Council decides to refuse the application, it shall give written reasons for its decision and shall include a copy of its reasons with the notice required under subsection (2).

(4) Without delay after receiving written notice of a decision under subsection (2) and any reasons that accompany it, the Registrar shall give a copy of the notice and reasons, if any, to the applicant.

Registration and issuance of certificate

7. (1) A person whose application has been granted shall be registered.

(2) The Registrar shall issue a certificate of registration to the nursing professional in the form and containing the information required by Council.

(3) The certificate remains the property of the Government.

Appeal of refusal or conditions

8. (1) An applicant may, within 15 days after being given notice referred to in section 6(4), appeal the following to the High Court in accordance with the Rules of Court—

(a) the refusal to grant his or her application;

(b) any condition to which the registration is subject.

(2) Council may participate in and be represented by counsel at the hearing of the appeal.

(3) A copy of Council's reasons for the refusal of an application that is certified by the chairperson or deputy chairperson shall be admitted in evidence on appeal without proof of the appointment of the chairperson or deputy chairperson or of his or her signature.

(4) The High Court may by order—

(a) confirm or vary the decision of Council; or

(b) rescind the decision of Council and make any other decision that Council could have made.

(5) An order of the High Court under subsection (4) is final and not subject to appeal.

Application to amend registration

9. (1) When a nursing professional's qualifications, training or experience has changed, the nursing professional may apply to amend the conditions to which his or her registration is subject.

(2) Sections 5 to 8 apply, with appropriate modifications as the circumstances require, to the application and the amended registration.

Application to cancel registration

10. (1) On application by a nursing professional made to the Registrar in the form required by Council, the Registrar may cancel that nursing professional's registration if the Registrar considers it appropriate to do so.

(2) Subsection (1) does not apply to a nursing professional who—

(a) is in default of payment of fees; or

(b) is the subject of an investigation or proceedings relating to conduct that constitutes unskilled practice or unprofessional conduct that have not been concluded.

Striking off Register

11. (1) The Registrar may strike a nursing professional off the Register if—

(a) the nursing professional's registration is cancelled under these Rules and the time to appeal has expired or all rights of appeal are exhausted, as the case may be;

(b) the nursing professional's licence is not renewed within 2 years after its expiry;

(c) the nursing professional's application to cancel his or her registration under section 10 is granted; or

(d) the nursing professional is deceased.

(2) Before striking a nursing professional off the Register under paragraph (1)(a) or (b), the Registrar shall send the nursing professional a written notice stating—

(a) the grounds on which the Registrar intends to strike the nursing professional off the Register; and

(b) that, unless the nursing professional shows cause to the contrary within 90 days after the date of the notice, the nursing professional will be struck off the Register.

Issuance of annual licence

12. (1) Subject to subsection (4), the Registrar shall issue a licence in the form required by Council to a registered nursing professional to practice as a nursing professional during the year for which the licence is issued if—

(a) the nursing professional's registration is not suspended or cancelled;

(b) the nursing professional applies to the Registrar in the form required by Council; and

(c) the nursing professional pays, in accordance with section 5 of the Act, the annual licence fee set out in Schedule 1.

(2) The Registrar shall without delay issue the licence or refuse it and shall give written notice of that fact to the applicant without delay.

(3) If the licence is refused, the notice referred to in subsection (2) shall contain the reasons therefor.

(4) When registration is first granted and Council is satisfied that the licence should be issued, Council may, without an application, direct the Registrar to issue the licence on payment of the annual licence fee referred to in paragraph (1)(c).

(5) The licence shall be in the form and contain the information required by Council.

(6) A licence shall, unless previously suspended or cancelled, expire at the end of the one year period beginning on the date of issue.

Extension of expiry date of licence

13. (1) If—

(a) an application for a licence is a renewal;

(b) the application is received by the Registrar together with the annual licence fee not later than 30 days before the expiry of the licence;

(c) the licence is not suspended or cancelled on the day before its expiry; and

(d) no licence renewal and no notice of refusal under section 12(2) has been given in respect of the licence;

then, notwithstanding section 12(6), the licence does not expire until the applicant receives a notice of refusal of the renewal or the renewal is granted, whichever is the earlier.

(2) If an application for a licence is a renewal and it is made after the expiry of the licence, the nursing professional shall be liable to pay, in addition to the annual licence fee referred to in section 12(1)(c), the fine set out in Schedule 1.

Suspension or cancellation of licence

14. The licence of a nursing professional to practice a nursing profession is automatically suspended or cancelled whenever the registration of the nursing professional to practice that nursing profession is suspended or cancelled.

Replacement of certificate or licence

15. Where a certificate issued under section 7, or a licence, has been lost, damaged, stolen or destroyed, the Registrar shall issue a replacement if—

(a) the nursing professional's registration is not suspended or cancelled;

(b) the nursing professional applies to the Registrar in the form required by Council; and

(c) the nursing professional pays, in accordance with section 6 of the Act, the fee set out in Schedule 1.

PART 3

PROFESSIONAL CONDUCT AND DISCIPLINE

Professional conduct

16. (1) Council may prescribe a code of conduct for nursing professionals and such code may incorporate by reference standards of conduct of professional nursing organisations as amended from time to time.

(2) Every nursing professional shall inform Council if they are—

(a) convicted of any offence referred to in section 3(2), regardless of whether the offence is recorded;

(b) found guilty of unskilled practice or unprofessional conduct, however called, by any body that regulates any nursing profession outside Anguilla; or

(c) struck off the register of nursing professionals, however called, in any place outside Anguilla.

Conduct constituting unskilled practice or unprofessional conduct

17. Any conduct of a nursing professional that—

(a) displays a lack of knowledge of, or a lack of skill or judgment in, the practice of nursing;

(b) harms or tends to harm the standing of the nursing profession generally; or

(c) is in contravention of the Act, these Rules or any code of conduct referred to in section 16;

whether or not that conduct is disgraceful or dishonourable, constitutes unskilled practice or unprofessional conduct or both.

Nursing Profession Complaints Committee

18. (1) The Nursing Profession Complaints Committee is established.

(2) Schedule 2 has effect as to the appointment and proceedings of the Committee and other matters relating to the Committee.

(3) The functions of the Committee are—

(a) to receive and investigate, or cause to be investigated, complaints against any nursing professional including any allegation that—

(i) the person's registration was improperly obtained,

(ii) the person is guilty of unskilled practice or unprofessional conduct or both,

(iii) the person is unfit to practise by reason of conviction of an indictable offence or adverse physical or mental health, or

(iv) the person is otherwise unfit to practise or to be registered; and

(b) to perform such other functions as may be directed by Council.

(4) The Committee may investigate any complaint based on matters alleged to have occurred—

(a) inside or outside Anguilla; or

(b) at any time, whether or not at a time when the person was a nursing professional.

(5) A complaint—

(a) shall be made by the complainant or—

(i) if the complainant is a child or is physically or mentally unable to make the complaint, by the parent or guardian, friend or a person acting on behalf of the complainant, and

(ii) if the conduct complained of relates to a person who is dead, by the person's executor or personal representative;

(b) shall be in writing and addressed to the Committee;

(c) shall set out the matters alleged to constitute grounds for disciplinary action to be taken against the person who is the subject of the complaint; and

(d) may be required by the Committee to be in a form approved by the Committee.

(6) If the Committee considers that a complaint arose from a misunderstanding by the complainant or between the complainant and the person complained of, the Committee may, before proceeding further with the investigation of the complaint, require the parties to appear before it in order to discuss the matter with a view to clarifying the misunderstanding and resolving the matter informally.

Investigation of complaint by Committee

19. (1) Where a complaint is not resolved informally as referred to in section 18(6), the Committee shall investigate the complaint and determine whether, in its opinion, the complaint—

(a) is frivolous or vexatious, is made in bad faith, is an abuse of process, or for any other reason, ought not to be referred to Council; or

(b) ought to be referred to Council for enquiry and decision.

(2) The Committee—

(a) shall give written notice to the person who is the subject of the complaint that a complaint has been made, together with a summary of the matters alleged in the complaint;

(b) shall request that the person who is the subject of the complaint show cause in writing, within a specified time after the notice is given, explaining why the matter should not be placed before Council for determination; and

(c) may take evidence from witnesses on oath or affirmation, administered by the chairperson.

(3) If the Committee determines that a complaint is frivolous or vexatious, is made in bad faith, is an abuse of process or otherwise ought not to be considered by the Committee, it shall dismiss the complaint and give written notice to the complainant of the dismissal and the reasons for the dismissal.

(4) If the Committee determines that a complaint ought to be referred to Council for decision, the Committee shall, as soon as practicable, refer the matter to Council.

Enquiry into complaint by Council

20. (1) If a complaint is referred to Council, the Council shall conduct an enquiry into the complaint.

(2) For the purposes of an enquiry under this section, Council—

(a) may take evidence from witnesses on oath or affirmation, and for that purpose the chairperson of Council may administer an oath or affirmation;

(b) shall afford the registered person and the Committee, or any member of the Committee, every facility—

(i) to appear before Council at all stages of the enquiry,

(ii) to be represented by counsel,

(iii) to call or cross-examine witnesses, and

(iv) generally to make a full defence or explanation in the matter of the complaint.

(3) Following its enquiry, Council shall make a decision as to whether the complaint is proved or not proved, in whole or in part, together with reasons for its decision.

(4) If Council decides that a complaint is not proved, in whole or in part, it shall dismiss the complaint to the extent that it is not proved.

(5) If Council decides that a complaint is proved, in whole or in part, it shall record a finding to that effect and it may make any order of a disciplinary nature that it sees fit in respect of a person against whom the complaint is made, including an order—

(a) admonishing the person;

(b) suspending the person from the practice of nursing for such period as it sees fit or for an indefinite period;

(c) striking the name of the person off the register or part of the register; and

(d) imposing conditions or limitations with regard to the practice of nursing by the person.

(6) Council shall give written notice, to the person against whom the complaint is made, of its decision under subsection (3) and any order made by Council under subsection (5), together with reasons.

(7) The provisions of section 7 of the Act that apply in respect of an appeal against removal from register or refusal to register apply to an enquiry under this section with such modifications as the circumstances require.

(8) A member of Council who was involved in the matter complained of may not participate in an enquiry by Council under this section.

(9) A person who is suspended from practice under this section shall, for the duration of the suspension, be deemed not to be registered.

Enquiry by Council of its own initiative

21. (1) In the absence of a complaint, Council may, of its own initiative, hold an enquiry into any matter referred to in section 18(2) that could have formed the subject of an investigation by the Committee.

(2) The provisions of section 20 that apply in respect of an enquiry by Council apply to an enquiry under this section with such modifications as the circumstances require.

Cancellation or suspension not to affect existing liabilities

22. (1) The cancellation of the registration of a nursing professional does not affect his or her liability for any act or default occurring before the cancellation.

(2) The suspension of the registration of a nursing professional does not affect his or her liability for any act or default occurring before the suspension.

Restoration of name to register

23. (1) A person whose name has been removed from the register under section 10, or whose name has been struck from the register, or who has been suspended from practice, under section 20 or 21, may make an application to Council, in a form determined by Council, for his name to be restored to the register or for his suspension to be terminated, as the case may be.

(2) On receipt of an application, Council shall decide whether or not to restore the applicant's name to the register or to terminate their suspension, after considering the following matters—

(a) the character and professional ability of the applicant;

(b) the nature of the matter in respect of which the applicant's name was struck from the register or for which the applicant was suspended;

(c) the conduct of the applicant after his name was struck from the register or after they were suspended; and

(d) any other circumstances appearing to Council to be relevant.

(3) Council shall give written notice to the applicant of its decision, together with reasons.

(4) The provisions of section 7 of the Act that apply in respect of an appeal against removal from register or refusal to register apply to a refusal to restore a person to the register or to terminate a person's suspension under this section with such modifications as the circumstances require.

Citation

24. These Rules may be cited as the Nurses Registration Rules, Revised Regulations of Anguilla N25-1.

SCHEDULE 1

(Sections 5(1)(c), 7(1), 12(1)(c), 13(2) and 15(c))

FEES AND FINE

1. A person of the profession set out in column 1 making an application for a document set out in Column 2, 3, 4, 5 or 6 shall pay the fee set out opposite in the relevant column.

2. A person of the profession set out in column 1 who applies for renewal of his or her annual licence after the expiry of his or her licence shall pay the fine set out opposite in Column 7.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Category of Profession	**Application for Registration**	**Application for Registration under Section 6 of the Act**	**Issue of First Licence**	**Annual Renewal of Licence**	**Replacement Certificate or Licence**	**Fine for Late Renewal**
Registered Nurse	$75	$50	$75	$75	$25	$500
Specialty Nurse	$75	$50	$75	$75	$25	$500
Advance Practice Nurse	$75	$50	$75	$75	$25	$500
Nursing Assistant	$50	$30	$50	$50	$25	$500

SCHEDULE 2

(Section 18)

CONSTITUTION AND PROCEDURE OF NURSING PROFESSION COMPLAINTS COMMITTEE

CONSTITUTION

Constitution of Committee

1. (1) The Committee consists of 3 persons, not members of Council, who are appointed by Council—

(a) at least one of whom is a nursing professional or a retired nursing professional in the same nursing profession as the nursing professional whose conduct is the subject of the complaint, where reasonably possible in the opinion of Council; and

(b) at least one of whom is a member of the public, who is not and has never been a nursing professional.

(2) If an attorney, magistrate or judge is appointed to the Committee by Council, he or she shall be designated as chairperson and Council shall designate another member of the Committee as deputy chairperson.

(4) If an attorney, magistrate or judge is not appointed to the Committee, Council shall designate one of the members as chairperson and another as deputy chairperson.

(5) A quorum of the Committee is any 2 members.

Decision of the Committee

2. A decision of a majority of the members present and able to vote is a decision of the Committee.

Personal or financial interest of member

3. A member present at a meeting who has a personal or financial interest in a matter shall—

(a) declare his or her interest; and

(b) refrain from influencing, participating in any decision or vote that relates to the matter.

PROCEDURES

Frequency, place, day and time of Committee meetings

4. (1) The Committee shall meet as often as may be necessary to perform its functions expeditiously.

(2) A meeting of the Committee shall be held on the days and at the times that the chairperson may determine.

Notice of Committee meeting

5. (1) The chairperson shall cause written notice of the place, day, time and agenda of each Committee meeting to be given to each member, and to each alternate known to the chairperson to be attending the meeting, not less than 72 hours before the time the meeting is to be held, unless the member or alternate waives notice of the meeting in writing.

(2) Notice shall be given to a member by—

(a) handing a copy to the member;

(b) leaving a copy with an adult at the office, residence or place of work of the member;

(c) emailing or faxing a copy to the member at the member's email address or fax number; or

(d) any other means approved by resolution of the Committee.

Waiver of notice

6. (1) A member may in writing waive notice of a meeting.

(2) A waiver of notice of a meeting shall be given to the chairperson or secretary.

Decision of chairperson

7. The decision of the chairperson is final on the following matters—

(a) the agenda for a meeting;

(b) the conduct of the meeting;

(c) the procedure for handling motions.

Minutes

8. (1) The Committee shall appoint a member to act as secretary.

(2) The secretary shall keep accurate minutes of each Committee meeting, including particulars of—

(a) the notice of the meeting given to each member and any waiver of notice by a member;

(b) the members in attendance;

(c) each resolution moved, the number of members present and voting for and against it or abstaining from voting on it and whether the resolution was passed or defeated; and

(d) any declaration of personal or financial interest in any matter by a member.

(3) The secretary shall table for approval a copy of the minutes of a meeting at the next meeting of Committee.

———————