

Information Statement

Public Authority: Bermuda Nursing and Midwifery Council

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Introduction

This document is the Information statement for the Bermuda Nursing and Midwifery Council (the Council). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be in writing using the application form, and submitted to the Ministry Information Officer (see Section G for contact details). A request must identify the record, the subject and time period, and may specify the manner in which access is preferred. Please note there is a small fee levied for reproducing materials (as per the Government Fees Regulations 1976, and as listed on the application form).

Key, including definitions

- Act means Nursing and Midwifery Act 1997
- Council means the Bermuda Nursing and Midwifery Council
- Ministry means the Ministry of Health

- Association means Bermuda Nurses Association
- PATI means Public Access To Information
- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation

Insert structure of Authority (text, and figure if latter useful):

The Council consists of ten members [Schedule 1, the Nursing and Midwifery Act 1997]:

- a) The Chief Nursing Officer is the member ex officio;
- b) Three members are general nurses, of whom
 - i. one is appointed by the Association; and
 - ii. two (2) shall be appointed by the general nurses of Bermuda in elections conducted by the Council;
- c) One member is a nurse specialist appointed by the nursing specialists of Bermuda in elections conducted by the Council;
- d) One member shall be an advanced practice nurse appointed by the advanced practice nurses in elections conducted by the Council;
- e) One member is a nursing associate appointed by the nursing associates of Bermuda;
- f) One member is a registered medical practitioner appointed by the Bermuda Medical Doctors Association;
- g) One member shall be a midwife appointed by the registered midwives;
- h) One member is a person appointed by the Minister who
 - i. is not a nurse or a nursing associate or a registered medical practitioner; and
 - ii. is in the Minister's opinion qualified by training and or experience to assist the Council in matters of a legal or ethical nature.

The chair is appointed (initially) by the Minister from among council members. The deputy chair is appointed by the Council from among the Council's members [section 3(5), part I, Schedule I, the Act]

The Minister may appoint one or more persons to act as an alternate to a member appointed as in the above. The appointment shall be in accordance with the requirements for the appointment of the member and the term of appointment shall be in accordance with that of the member.

Insert Governing Legislation:

Nursing and Midwifery Act, 1997 and Nursing and Midwifery Rules 2010

Section B1: Legislated Functions, powers, duties of the Authority [s5(1)b]

Insert power, duties and function of the authority (cite Act or Policy):

Legislated functions, powers, duties of the Council under the Nursing Act

The functions of the Council are [section 4, the Act] –

- a) To promote the art and science of nursing;
- b) To develop and maintain high standards in the practice of nursing and midwifery;
- c) To advise the Minister on matters related to nursing and midwifery;
- d) To administer the system of nursing and midwifery registration and renewal as instituted by the Act;

- e) To conduct inquiries into complaints, and in the absence of complaints may of its own initiative, hold an inquiry into a matter concerning nurses, midwives and nursing associates,
- f) To adjudicate the matter and reach a decision as to whether the complaint is proved or not proved, and with reasons for its decision

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided

Insert a summary of services and programmes provided by the authority:

The Council is the regulatory body for nurses (advanced practice nurses, registered nurses, psychiatric nurses, nurse specialists, midwives and nursing associates) in Bermuda. The Council is governed by the Nursing and Midwifery Act Legislation.

Services

1. Promote nursing and midwifery as a career choice
2. Registration and Renewal of Nurses, Midwives and Nursing Associates
3. Verification of licensure and good standing to other Nursing and Midwifery Boards

4. Conduct inquiries into complaints, and in the absence of complaints may of its own initiative, hold an inquiry into a matter concerning Nurses, Midwives and Nursing Associates, and shall adjudicate the matter and reach a decision as to whether the complaint is proved or not proved, and with reasons for its decision.
5. Administer discipline when indicated.
6. Develop and maintain high standards in the practice of Nursing and Midwifery consistent with Bermuda Nursing and Midwifery Standards of Practice
7. In collaboration with Bermuda College sets standards for Nursing Education programmes
8. Regulate Nursing and Midwifery Practice
9. Advise Minister of Health on matters relating to Nursing and Midwifery

Programmes

1. *Nursing and Midwifery scholarship* / Provides a scholarship for Nursing and Midwifery students. See the BNC website www.bnc.bm for more information.
2. *Practice Regulation and Education Committee*
3. *Complaints Committee*

Section D: Decision-making documents (all public access) [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]

1. Nursing and Midwifery Act, 1997, and Nursing and Midwifery Rules 2010. Government of Bermuda. (Public access). The legislation governs the powers, functions and procedures of the Council. These documents are available online: [Nursing and Midwifery Act 1997 \(bermudalaws.bm\)](http://bermudalaws.bm)
2. *Code of Conduct* for Nurses and Nursing Associates. (Revised 2020)
3. *Code of Conduct* for Midwives. (2021)
4. *Advanced Practice Nurse - Prescribing Restrictions and Requirements* (Revised 2019)
5. *Regulatory Criteria for Advanced Practice Nurse* (2017)
6. *Standards of Practice for Nurses* (Dec, 2014-Revised 2017). Bermuda Nursing and Midwifery Council. (Public Access). Guidance that describes what is expected of all nurses according to good nursing practice values and principles.
7. *Standards of Practice for Midwives* (2021)
8. *Standards of Practice and Scope of Practice for Nursing Associates'* (June 2014). Bermuda Nursing Council. (Public Access). Guidance that describes minimum expectation and level of performance by which actual practice can be measured. Describes the scope of practice for Nursing Associates.
9. *Office Procedures of the Registrar*. Bermuda Nursing and Midwifery Council. (Public Access). Describes procedures for registering and re-registration for different categories of nurse, midwife and nursing associate and human resource procedures.
10. *Policy and Procedures Manual of Bermuda Nursing and Midwifery Council* (2017) (Public Access). Describes all processes, including but not limited to: standards & Scope of Practice; scholarships; registrar processes; Code of Conduct; Guidelines for disciplinary procedures; Fitness to Practice; and Nursing education.

Regulatory documents that have been updated and replaced

- A. *Administrative Manual* (Revised 2013*). Replaced 2017 with Policy and Procedures Manual of Bermuda Nursing and Midwifery Council
- B. *Code of Conduct for Nursing* (2007 Revised 2020) (Public Access). Describes what is expected of nurses and nursing associates according to good nursing and midwifery professions practice values and principles. (adopted from International Congress of Nursing)

Section E: Administration (all public access) manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

The following guidelines are used by the Council and Registrar for administering the Act:

1. *Terms of Reference for the Council.* (Revised 2018) Bermuda Nursing and Midwifery Council. (Public Access). Describes the Mission and Vision, mandate and procedures of Council and its committees, including but not limited to: Election of council members, functions of Council, meeting minutes, voting on matters, annual reports, adjudicating complaints, conduct of Council and committee members. The Committees are:

Credentials Committee

- Committee that reviews nurse and / or midwife applications and approve or deny registration. When necessary reviews renewal application.
- Reviews application from providers of Continuing Education and awards CEU hours.
- Participates in other affairs of Council as required by the Chairperson

Practice, Regulation and Education Committee

- Committee that sets standards of practice and standards of education.
- Reviews nursing regulations and makes recommendation for amendments to the Nursing and Midwifery Act and Rules when indicated.
- Interviews applicants and awards educational grants to nursing and midwifery students.
- Participates in other affairs of Council as required by the Chairperson

Nursing and Midwifery Professions Complaints Committee

- Members of Council, appointed by Minister of Health that investigates complaints against nursing and midwifery professionals and determines whether a complaint ought to be referred to council for decision.

2. *Policy and Procedures of Bermuda Nursing and Midwifery Council.* (Public Access). Describes all processes, including but not limited to: Standards & Scope of Practice for nursing and midwifery professionals; Code of Conduct, scholarships; registrar processes; Guidelines for Fitness to Practice, disciplinary procedures; Fitness to Practice and nursing education.

Section F: Records held [s5(1)d]

List and describe the classes of records held by the authority:

The following records in respect of this public authority are held:

Registration Records

1. *The Nursing and Midwifery Council Register.* (Active records (public access). The Register is a list of current nurses and midwifery professionals and nursing associates authorized to practice in Bermuda. Persons on the register can also be viewed on the website www.bnc.bm or on the Government of Bermuda website - Nursing and Midwifery. Copy is available at the Bermuda Nursing and Midwifery Council's Office.
2. *Registration Applications.* (Active records (Exempt under s23 – Personal Information). Records application information.
3. *Registration Application forms.* Bermuda Nursing and Midwifery Council. (Public Access). Includes the form and requirements for registration.
4. *Activities of the Council (public access)*
5. *Meeting minutes of the Council.* (2014 to current). Bermuda Nursing and Midwifery Council. (Public Access, with personal identifiers redacted). Records the business of the meeting, address, date and attendance.
6. *Annual Report of the Council.* Bermuda Nursing and Midwifery Council. (Public Access). Summarizes the activities of the Council for the preceding year including attendance.

Section G: The Information officer

Insert name and contact information:

Requests for information shall be in writing and submitted to the Ministry Information Officer; from where they will be directed to the Council.

Contact	PATI Information Officer, Ms. Lynn Jackson Re: Bermuda Nursing and Midwifery Council
Mail to	Ministry of Health, Continental Building, # 25 Church Street, Hamilton 12, Bermuda
Visit	Ministry of Health, Continental Building, 25 Church Street, Hamilton HM 12
Email	bermudanursingcouncil@gov.bm Add subject line: PATI request re BNMC
Tel	292-0774 / 278-4910

Section H: Any Other Information

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

Further information

- Is available on the Council's website at: www.bnc.bm
- The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

Financial Information

- The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers and Registrar receive no monies.

Section I: Any Other Information As Prescribed? [s5(1)i)?

At Oct 2014 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request.
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement (*Confirm copies of Information Statement are available at*):

- Office: Ministry of Health, Continental building, 25 Church Street, Hamilton, HM 12 Y
- The Bermuda National Library Y
- The Bermuda Archives N
- Available electronically at:
 - PATI website <http://www.gov.bm> Select Cabinet Office from the Government tab Y
 - Council website www.bnc.bm Y
- With the Information Commissioner. Y
- *Have you published a notice in the Gazette indicating the places where the information statement is available for the public?* N

Date Information Statement was updated: *Sign and Date: 23/12/2022*

Ends

