

Nurses (Amendment) Act 2004

Act No. 1/2004

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Victoria

No. 1 of 2004

Nurses (Amendment) Act 2004[†]

[Assented to 6 April 2004]

The Parliament of Victoria enacts as follows:

1. Purpose

The main purpose of this Act is to amend the **Nurses Act 1993** to provide for the endorsement of registration of nurses registered in division 2 of the register of nurses kept under that Act who have completed an approved course of study in medication administration.

2. Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

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3. Principal Act

In this Act, the **Nurses Act 1993** is called the Principal Act.

See:
Act No.
111/1993.
Reprint No. 3
as at
1 January
2002
and
amending
Act Nos
2/2001,
11/2002,
14/2002 and
67/2003.
LawToday:
www.dms.
dpc.vic.
gov.au

4. Definition amended

In section 3(1) of the Principal Act, for the definition of "endorsement" **substitute—**

' **"endorsement"** means—

- (a) endorsement of registration as a nurse practitioner under section 8B;
- (b) in the case of a nurse registered in division 2 of the register, endorsement of registration under section 8C;'

5. New section 8C inserted

After section 8B of the Principal Act **insert—**

"8C. Endorsement of registration—medication administration by division 2 nurses

- (1) The Board may endorse the registration of a nurse registered under division 2 of the register if the Board is satisfied that the nurse—
 - (a) has satisfactorily completed a course of study in medication administration approved by the Board; or

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- (b) has satisfactorily completed a course of study or has a qualification which, in the opinion of the Board, is substantially equivalent or is based on similar competencies to a course referred to in paragraph (a).
- (2) An applicant for registration as a nurse under division 2 of the register or a nurse registered under division 2 of the register may apply to the Board for an endorsement under this section.
- (3) An application must be—
- (a) in writing in the prescribed form and accompanied by evidence of the qualifications which the applicant claims qualify her or him for endorsement under this section; and
 - (b) accompanied by the fee determined by the Board.
- (4) The Board—
- (a) may require the applicant to provide further information or material in respect of the application; and
 - (b) may require that the information in the application be verified by a declaration under section 107 of the **Evidence Act 1958**.
- (5) The endorsement of the registration of a nurse under this section continues in force for the period that the registration is in force."
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6. Notification of outcome of application

In section 11 of the Principal Act—

- (a) in sub-section (2)(c), after "registration" (where first occurring) **insert** "under section 8B";
- (b) after sub-section (2)(c) **insert**—
 - "(ca) if the endorsement of registration under section 8C has been granted, whether or not any conditions, limitations or restrictions have been imposed on the endorsement of registration and, if so, the reasons for imposing the conditions, limitations or restrictions; or";
- (c) in sub-section (2)(d), after "the endorsement of registration" **insert** "under section 8B or 8C".

7. Renewal of endorsement

After section 13(1B) of the Principal Act **insert**—

- "(1C) If an application for renewal relates to a registration that is endorsed under section 8C, the applicant may include an application to have the endorsement of registration renewed for the period of registration."

8. Refusal to renew registration or endorsement

After section 14(2) of the Principal Act **insert**—

- "(3) Without limiting the powers of the Board under sub-sections (1) and (2), the Board may refuse to renew the endorsement of registration under section 8C of an applicant under this Part if the Board is satisfied that the applicant for renewal has not maintained the required competencies in medication administration for that endorsement.

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- (4) The Board must not refuse to renew the endorsement of registration under section 8C of a nurse under sub-section (3) unless the Board has—
- (a) notified the nurse of its intention; and
 - (b) given the nurse an opportunity to make a submission to the Board or to provide written submissions from any registered nurse about the nurse's maintenance of the required competencies in medication administration; and
 - (c) considered those submissions."

9. Suspension of endorsement

After section 15(2) of the Principal Act **insert**—

- "(3) For the purposes of this Act, a nurse whose endorsement of registration under section 8C is suspended is deemed not to have her or his registration endorsed under that section for the period of that suspension."

10. Registration and certificates

- (1) After section 17(3)(bb) of the Principal Act **insert**—
 - "(bc) details of any endorsement under section 8C;"
- (2) In section 18(2)(ba) of the Principal Act, for "section 8B." **substitute** "section 8B; and".
- (3) After section 18(2)(ba) of the Principal Act **insert**—
 - "(bb) details of any endorsement under section 8C."
- (4) In section 19(c) of the Principal Act, after "section 8B" **insert** "or section 8C".

11. Offences

(1) After section 60(1) of the Principal Act **insert**—

"(1A) A person who is not a registered nurse must not claim to be registered under this Act with endorsement under section 8C or hold herself or himself out as being so registered.

Penalty: 50 penalty units."

(2) After section 62(3) of the Principal Act **insert**—

"(4) A nurse whose registration is not endorsed under section 8C must not—

(a) claim to be a nurse whose registration is endorsed under section 8C; or

(b) hold herself or himself out as being a nurse whose registration is endorsed under section 8C.

Penalty: 50 penalty units."

(3) After section 63(4) of the Principal Act **insert**—

"(5) A nurse's agent must not arrange for a nurse whose registration is endorsed under section 8C to work in contravention of the terms of that nurse's endorsement of registration.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(6) A nurse's agent must not arrange for a nurse whose registration is not endorsed under section 8C to work as a nurse whose registration is endorsed under section 8C.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units."

12. Functions of the Board

After section 66(1)(eb) of the Principal Act
insert—

- "(ec) to approve courses of study that provide competence for which registration may be endorsed under section 8C and to determine the manner in which competencies for such endorsement may be maintained;"
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ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 27 November 2003

Legislative Council: 31 March 2004

The long title for the Bill for this Act was "to amend the **Nurses Act 1993** to provide for the endorsement of registration of nurses registered in division 2 of the register of nurses kept under that Act and for other purposes."