

The State Law and Order Restoration Council  
**The Law relating to the Nurse and Midwife**  
(The State Law and Order Restoration Council Law No. 19/90)  
14th Waning Day of Thadinkyut, 1352 M.E.  
(17th October, 1990)

The State Law and Order Restoration Council hereby enacts the following Law: -

**Chapter I**  
**Title and Definition**

This Law shall be called the Law relating to the Nurse and Midwife.

The following expressions contained in this Law shall have the meanings hereunder: -

- (a) Nursing Profession means a profession capable of rendering physical, mental, social nursing care needed by a sick person and also health care, mental and social needs of the family and relatives or such sick person. This expression includes rendering services in respect of better health care and disease preventive measures to the healthy persons;
- (b) Midwife Profession means rendering pre-natal care to pregnant women before delivery, and rendering safe delivery at the time of birth. This expression includes rendering care to mother and new born baby;
- (c) Nurse means a person having passed the basic nursing examination, holding registration and licence and being permitted to practise in the Nursing Profession under this Law;
- (d) Midwife means a person having passed the prescribed basic midwife examination, holding registration and licence and being permitted to practise in the Midwife profession under this Law;
- (e) Council means Myanmar Nurse and Midwife Council established under this Law;
- (f) Registration means entering of names in the register relating to Nurse and Midwife, maintained under this Law;
- (g) Registrar means the registration officer appointed under this Law;
- (h) Licence means the permit issued by the Supervisory Body established by the Council, for nursing or midwifery or both;
- (i) Nurse and Midwife Training School means a school, college or university recognized by the Council for the training of Nursing Profession or Midwife Profession or both;
- (j) Supervisory Body means a body established by the Council under this Law for issuing, revoking, suspending, cancelling the nurses and midwives licences, in accordance with the supervision and direction of the Council, and to supervise whether or not the services of the nurse or midwife are in accordance with the stipulations prescribed.

**Chapter II**  
**Formation of Council**

3. The Ministry of Health shall form the Nurse and Midwife Council, consisting of the following members, with the approval of the Government –

- (a) one Nursing Chief appointed by the Government - Chairman
- (b) four persons appointed by the Government - Council Members

- (C) three persons elected by the nurses - Council Members
- (d) two persons elected by the midwives - Council Members
- (e) Registrar appointed under this Law - Secretary

4. The Council may assign any member of the Council as treasurer. If there is no such assignment the secretary shall act as treasurer.

5. (a) The term of office of the Council shall be four years from the date of establishment

(b) The term of office of the members of the Council is the same as that of the Council.

6. The membership of the Council shall be terminated on the occurrence of one of the following: -

- (a) death;
- (b) permission to resign has been obtained;
- (c) not being re-appointed.

### **Chapter III**

#### **Duties and Powers of the Council**

The duties and powers of the Council are as follows: -

(a) undertaking responsibility for giving effect to the provisions of this Law;

(b) convening the meeting once in three months and emergency meetings may be convened if necessary;

(c) performing the duties and functions until a new council is formed and transferring its duties and functions to the succeeding council

(d) forming necessary committees for the effective functioning of the work of Council, and prescribing the duties and powers of such committees;

(e) appointing a registrar with the approval of the Ministry of Health and prescribing his duties and powers;

(f) permitting an applicant for registration as a nurse, midwife or a nurse and midwife to register in accordance with the provisions of this Law, refusing or suspending, issuing a Registration Certificate, issuing the true copy of the Registration Certificate;

(g) revoking or cancelling the registration of a nurse, midwife or a nurse and midwife in accordance with the provisions of this Law

(h) permitting registration and reissuing the Registration Certificate' if it is discovered after scrutiny that the refusal, revocation or cancellation of the registration of a nurse, midwife or nurse and midwife is in accordance with the provisions of this Law;

(i) forming an inquiry body consisting of three members of the Council, and causing the inquiry body to inquire matters mentioned in sub-sections (f) (g) (h) if necessary, and after scrutinizing the report and findings passing the decision;

- (j) scrutinizing and deciding the appeal cases filed by any person dissatisfied by the order or decision of the Supervisory Body;
- (k) prescribing the terms and conditions relating to the professional practices of an ordinary nurse-aid below the rank of a nurse or midwife or ordinary auxiliary midwife, with the approval of the Ministry of Health;
- (l) forming the following bodies with the suitable persons and prescribing their duties and powers and supervising such bodies;
  - (i) board of examiners for holding entrance examination of Nurse and Midwife Training School;
  - (ii) board of examiners for nurse and midwife;
  - (iii) body for the drawing up of curriculum for the nursing and midwife professions;
  - (iv) State, Division or Township Zone Supervisory Body;
  - (v) body for raising the standard of nursing or midwife profession and practice;
  - (vi) raising the standard of Nursing Profession or Midwife Profession to reach the international level;
  - (n) submitting suggestions to the Ministry of Health for the effective implementation of primary health care;
- (o) scrutinizing and accepting those who have passed the Nursing Profession or Midwife Profession examination from abroad for recognition of the said examination;
- (p) forming and appointing office staff in accordance with the sanctioned strength and prescribed rate of salary approved by the Ministry of Health;
- (q) carrying out matters relating to meetings and monetary matters as prescribed in the procedures;

#### **Chapter IV**

##### **Application for Registration and Payment of Registration Fees**

- 8. Any person desirous of registration as nurse or midwife of both, shall apply to the Council with the prescribed application form in the prescribed manner.
- 9. In submitting the application under section 8, the Degree, Diploma or Examination Certificate in original shall be attached to the application form.
- 10. In submitting the application under section 8, registration fee as prescribed shall be paid by the applicant in the prescribed manner.

#### **Chapter V**

##### **Application for Licence**

- 11. Any registered nurse or midwife or registered nurse and midwife, desirous of applying for a licence for practising as nurse or midwife or both shall apply to the respective Supervisory Body with the prescribed application form in the prescribed manner.
- 12. In submitting the application under section 11, the Degree, Diploma, or Examination Certificate in original and Registration Certificate in original shall be attached to the application form.
- 13. In submitting the application under section 11, licence fee as prescribed shall be paid by the applicant in the prescribed manner.

**Chapter VI**  
**The Duties and Rights of Nurse**

14. A person who has obtained a licence for practising the Nursing Profession; have the right to practise for the period stipulated in the licence

- (b) have the right to use trappings pertaining to the nurse;
- (c) shall pay the registration fee and licence fee due;
- (d) shall comply with the terms and conditions stipulated in the licence;
- (e) shall abide by the nursing professional ethics and shall avoid such behaviours, utterances and acts which may affect the nursing ethics;
- (f) shall render the best possible nursing care to the people through the Nursing Profession;
- (g) shall be responsible for his or her own activities;
- (h) if desirous of continuing to practise after the expiry of the validity of the licence shall apply for the extension of the licence
- (i) after the registration or after the receipt of the licence, if any additional Certificate, Diploma or Degree ecetera relating to Nursing Profession is obtained within the State or from abroad shall submit to the Council, to he recorded;
- (j) shall comply with the terms and conditions and directives issued from time to time by the Council and the respective Supervisory Body.

**Chapter VII**  
**The Duties and Rights of Midwife**

15. A person who has obtained a licence for practising the Midwife Profession;

- (a) have the right to practise for the period stipulated in the licence;
- (b) have the right to use trappings pertaining to midwife;
- (c) shall pay the registration fee and licence fee due;
- (d) shall comply with the terms and conditions stipulated in the licence;
- (e) shall abide by the midwifery professional ethics and avoid such behaviours, utterances and acts which may affect the midwifery ethics;
- (f) shall render the best possible care to mother and child, through the Midwife Profession;
- (g) shall be responsible for his or her own activities;
- (h) if desirous of continuing to practise after the expiry of the validity of the licence shall apply for the extension of the licence;
- (i) after the registration or after the receipt of the licence, if any additional Certificate, Diploma or Degree ecetera relating toMidwife Profession is obtained within the State or from abroad shall submit to the Council to be recorded;
- (j) shall comply with the terms and conditions and directives issued from time to time by the Council and the repective Supervisory Body.

**Chapter VIII**  
**Suspension or Cancellation of Licence**

16. The Council or respective Supervisory Body may make any of the following orders, if it is discovered after scrutiny, that any of the terms and conditions stipulated in the nursing or midwife licence or any of the provisions contained in section 14, sub-section (e) or in section 15, sub-section (e) is violated; -

- (a) warning;
- (b) determining an appropriate fine and causing it to be paid;
- (C) suspending the licence for a limited period of year;
- (d) cancelling the licence.

**Chapter IX**  
**Appeal**

17. Any person dissatisfied with the order or decision of any Supervisory Body may appeal to the Council, within 30 days after the receipt of such order or decision.

18. Any person dissatisfied with the order or decision passed by the Council relating to any other matter or with the order or decision passed by the Council in an appeal under section 17, may appeal to the Minister of the Ministry of Health, within 30 days after the receipt of such order or decision.

19. The decision of the Minister of the Ministry of Health shall be final.

**Chapter X**  
**The Powers of the Minister of the Ministry of Health**

20. Should it be necessary in the interest of the State or in the interest of the public the Minister of the Ministry of Health may; -

- (a) suspend, revoke, terminate or cancel the Registration Certificate issued by the Council or the licence issued by the Supervisory Body;
- (b) amend, alter or cancel the order or decision passed by the Council or the Supervisory Body;
- (c) pass any appropriate order after reviewing the order passed under sub-section (a) or sub section (b);

**Chapter XI**  
**Prohibition, Offence and Penalty**

21. No one shall practise as nurse, midwife or both, without licence.

22. No one who is not a nurse or a midwife shall use such trappings pertaining to a nurse or midwife.

23. No one shall utter, write or behave with the intention of slandering and defaming the reputation of nurse or midwife.

24. Whoever violates any provision contained in sections 21, 22 or 23 shall, on conviction be punished with imprisonment for a term which may extend to one year or to fine which may extend to kyats 3000 or both.

**Chapter XII**  
**Miscellaneous**

25. The provisions contained in this Law shall not apply to the doctors.
26. The Council shall be a body corporate with perpetual succession and a common seal and shall have the power to sue or be sued in its corporate name.
27. The Council or the Supervisory Body shall comply with the procedures relating to Departmental Inquiry and Appeal.
28. If there is any dispute as to whether there is any violation of nursing or midwife professional ethics or not, it shall be decided by the majority votes of the Council members.
29. Any nurse or midwife who is convicted of any offence prescribed by the Council shall have his or her name struck-off from the register by the Council.
30. No suit or prosecution shall lie against the members of the Council, members of any body formed by the Council or members of Supervisory Body for any act done in good faith in pursuance of this Law.
31. Offences under this Law are prescribed as cognizable.
32. In prosecuting any offence under this Law, prior sanction shall be obtained from the respective State or Divisional Head of the Department of Health.
33. For implementing the provisions of this Law; -
- (a) the Ministry of Health may, with the approval of the Government, issue necessary procedures;
- (b) the Council may issue necessary orders and directives.
34. The Midwives and Nurses Act is hereby repealed.

**Sd/. Saw Maung**  
**Senior General**  
**Chairman**  
**The State Law and Order Restoration Council**

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