

The Myanmar Nurse and Midwife Council Law

(The Pyidaungsu Hluttaw Law No.27, 2015)

The 2nd Waxing of Nayon, 1377 M.E.

(19 May, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Enforcement and Definition

1. This Law shall be called **the Myanmar Nurse and Midwife Council Law**.
2. This Law shall come into force on the date of completion of one year after the date of issue.
3. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Nursing Profession** means a profession capable of rendering physical, mental and required social care to a sick person. In this expression, disciplines of better health and disease prevention for the healthy persons are also included;
 - (b) **Midwife profession** means disciplines of rendering pre-natal care to pregnant women before delivery, rendering safe delivery at the time of birth and rendering care to delivered mother and new born baby;
 - (c) **Nurse** means a person holding nursing registration certificate and nursing license issued by the Council under the Law;

- (d) **Midwife** means a person holding midwife registration certificates and midwife license issued by the Council under this Law;
- (e) **Nurse Midwife** means a person holding nurse midwife registration certificate and nurse midwife license issued by the Council under this Law;
- (f) **Registration** means enrolment in the register of nurse and midwife in accord with the stipulations;
- (g) **Registrar** means the registrar of the Nurse and Midwife Council appointed under this Law;
- (h) **License** means a nursing license, midwife license and nurse midwife license issued by the Myanmar Nurse and Midwife Council;
- (i) **Nursing License** means a permit issued by the Council to the person qualified to operate a nursing business by nursing profession;
- (j) **Midwife License** means a permit issued by the Council to the person qualified to undertake a midwife business by midwife profession;
- (k) **Nurse Midwife License** means a permit issued by the Council to the person qualified to undertake both nursing and midwife business by nursing profession and midwife profession;
- (l) **Limited License** means any nursing limited license, midwifery limited license and nurse midwife limited license issued by the Council with the limitation of business, place and period to undertake nursing or midwife business, or both to any citizen or foreign nurse or midwife or nurse midwife who passed nursing or midwife or nurse midwife profession from any foreign country;

- (m) **Nurse Midwife Training School** means any of the followings for the training of nursing profession or midwife profession or nurse midwife profession:
- (i) a university, degree college, college, institute, school or training school opened and trained by the Ministries specified by the Union Government or by an organization authorized by the said Ministries, and meet the qualification recognized by the Council;
 - (ii) a university, degree college, college, institute, school or training school recognized by the recommendation of the Council and issued business license by the Ministry of Health on the application of business license for enabling to establish Private Nurse and Midwife Training School;
- (n) **Ministry** means the Ministry of Health of the Union Government;
- (o) **Council** means the Myanmar Nurse and Midwife Council;
- (p) **Member of the Council** means any member of the Myanmar Nurse and Midwife Council;
- (q) **Central Executive Committee** means the Central Executive Committee of the Council;
- (r) **Supervisory Body** means Region, State, Union territory, Self-administered Region, Self-administered Zone, District and Township Supervisory Body formed under this Law to supervise whether or not nurse and midwife

business are carrying out in accord with the stipulations.

Chapter II

Objectives

4. The objective of this Law are as follows:
- (a) to enable the public to enjoy qualified nursing care service in accord with the health policy of the State;
 - (b) to maintain and upgrade the quality and standard of health care service of nurses and midwives;
 - (c) to study the nursing and midwife profession conformity with the evaluated technology and to render the qualified service;
 - (d) to study continuously the modern and developed nursing and midwife profession by nurses and midwives;
 - (e) to supervise to be compiled with the ethics of nurses and midwives and to maintain and upgrade the dignity;
 - (f) to enable to protect in carrying out the business of nurses and midwives;
 - (g) to coordinate and cooperate with international organizations and regional organizations in respect of training qualified and high standard and undertaking vocation of nursing and midwife profession.

Chapter III

Formation of the Council

5. The Ministry shall form and assign duty to the Myanmar Nurse and Midwife Accomplishing Committee comprising representative nurses and midwives from government departments and organizations and non-governmental organizations relating to health and other suitable persons in order to form the Myanmar Nurse and Midwife Council.

6. The Ministry shall, by notification, form the Myanmar Nurse and Midwife Council not exceeding 60 persons in total including chairperson, vice-chairperson, secretary, joint-secretary and members of the Council submitted under sub-section (c) of section 7.

7. The Myanmar Nurse and Midwife Accomplishing Committee:

(a) Shall request the list of the following representative nurses, midwives and nurse midwives and nominate as preliminary members of the Council;

(i) nurse officer who is lower than 1 person
the rank of Assistant Director
assigned by the Department of
Treatment, Ministry of Health

(ii) nurse officer who is not lower 1 person
than the rank of Assistant
Director assigned by the
Department of Public Health,
Ministry of Health

- (iii) nurse officer who is not lower than the rank of Assistant Director assigned by the Department of Medical Human Resource Development and Planning, Ministry of Health 1 person
- (iv) nurse officer assigned by the Directorate of Medical Corps, Defense Service (Army) 1 person
- (v) representative nurse who is not lower than the rank of lecturer from the Universities of Nursing 2 persons
- (vi) officer assigned by the Defense Nursing and Medicine 1 person
- (vii) chief-nurse 1 person
- (viii) representative who are not Lower than the rank of Head From Nurse and Midwife Training Schools elected for Region or State and Nay Pyi Taw Council Territory 15 persons
- (ix) nurse midwife representative elected among licensed nurses or midwives or nurse midwives for Region or State and Nay Pyi Taw Council Territory 15 persons
- (x) chairperson or a representative from the Myanmar Nurse and Midwife Association 1 person

- (xi) nurse or midwife or nurse 8 persons
midwife representative from
private hospitals and clinics
 - (xii) suitable retired representative 13 persons
Nurse or midwife or nurse
Midwife
- (b) Members of the Council nominated under sub-section (a) shall be fulfilled the following qualifications:
- (i) be a citizen of the Republic of the Union of Myanmar;
 - (ii) be a person of good morality;
 - (iii) be a person who can serve duty full-time;
 - (iv) be a person holding a nurse midwife license and renewal the term of current license;
 - (v) be a person who has not violated the ethics of nurse midwife;
 - (vi) be a person who has not served the imprisonment for any offence;
 - (vii) be a person who served in the nurse midwife business for at least five years;
- (c) shall cause to elect the chairperson, vice-chairperson, secretary and joint-secretary among the members of the Council nominated under sub-section (a);
- (c) shall submit to the Ministry to form the Myanmar Nurse and Midwife Council including the chairperson, vice-chairperson, secretary, joint-secretary and members of the

Council nominated as members of the Council under sub-sections (a) and (c).

8. The Council:
 - (a) shall assign duty to any member of the Council as a treasurer;
 - (b) shall assign duty to any member of the Council as an auditor;
 - (c) may, if necessary, assign as a joint treasurer and joint-auditor out of the members of the Council.

9. The Council shall assign the secretary of the Council as the registrar.

10. In respect of the term of the Council and the term of office of the members of the Council:
 - (a) each term of the Council is four years from the date of establishment;
 - (b) the term of office of the members of the Council is the same as the term of Council;
 - (c) any member of the Council shall have the right serve only two consecutive terms of office of the member;
 - (d) the Council shall, when the term is expired, duties until the new Council is formed and functions duties are transferred.

11. When the office of any member of the Council is vacant, relevant persons shall be filled by substitution or

selection according to the vacancy. The term of office of such member is only up to the expiry of the remaining term of the present Council.

12. The member of the Council shall be terminated from his term if any of the following causes arises:

- (a) death, unsound mind or converted into religious realm;
- (b) resignation;
- (c) three consecutive absence to attend the meeting without asking for leave of absence to the Council;
- (d) departing abroad for six months and above without asking for leave of absence to the Council;
- (e) being delisted from the register and revocation of license;
- (f) having lose ethics found out by the Council.

13. The matters relating to the formation of the Council and holding meetings shall be carried out in accord with the stipulations.

Chapter IV

Duties and Powers of the Council

14. The duties and powers if the Council are as follows:

- (a) forming the Region, State, Union territory, Self-administered Region, Self-administered

Zone, District and Township Supervisory Bodies comprising suitable persons in order to supervise whether or not the nursing and midwife business are undertaking in accord with the stipulations, and determining functions and duties thereof;

- (b) giving exemption from proficiency test for the recognition of degree, diploma and certificate conferred by any foreign nurse midwife training school;
- (c) recognizing after testing proficiency or refusing to recognize if there is no exemption from proficiency test for recognition of degree, diploma and certificate conferred by any local and foreign nurse midwife training school;
- (d) causing to inquire by forming an inquiry body consisting suitable persons headed by any member of the Council if a cause arises to inquire in respect of nurses, midwives and nurse midwives, and causing to submit the report of findings to the Council;
- (e) determining and collecting registration fees, license or limited license fees, renewal fees, service fees and other fees;
- (f) determining ethics and terms and conditions to be abided by nurses and midwives;
- (g) accessing, from time to time, by determining the required quality standardization for maintenance and upgrade the standard of nursing care of government hospitals, private

hospitals and clinics and submitting advice to the Ministry if necessary;

- (h) carrying out the nursing profession and midwife profession to meet the international standards, examining from time to time whether or not the training of such professions are in conformity with the stipulations and submitting advice to the Ministry if necessary;
- (i) in respect of the establishment of private nurse midwife training school assessing whether or not it is in conformity with the stipulations and submitting with remark whether or not appropriate to permit to the Ministry, and issuing recognition certificate if so permitted;
- (j) in respect of the training of the nurse midwife training school, assessing from time to time, whether or not, it meets the qualification and standardization;
- (k) coordination with the Ministry in cooperation with local and foreign government departments, organizations and experts for matters beneficial to nurse and midwife;
- (l) determining, in coordination with the Ministry, the uniform and insignia of nurses and midwives according to their proficiency and position for nurses, midwives and nurse midwives serving in government hospitals and clinics, and private hospitals and clinics;
- (m) recognizing the uniform and insignia of nurses and midwives according to their

- proficiency and position for nurses and midwives serving in private hospitals and clinics;
- (n) appointing and assigning duty in a specified period the required service personnel with appropriate stipulated pay scale by forming the staff-office of the Council, and dismissing;
 - (o) convening regular meetings, special meetings and annual meetings of the Council in accord with the stipulations;
 - (p) performing other duties and functions stipulated from time to time by the Ministry.

Chapter V

Formation of Central Executive Committee, Working Committees and Determining Functions and Duties Thereof

15. The Council shall:
- (a) form in accord with the stipulations the Central Executive Committee comprising not more than 15 members of the following persons in order to implement its functions and duties on behalf of the Council and determine its functions and duties on behalf of the Council and determine its functions and duties;

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|--------------------------------------|------------------|
| (i) chairperson of the Council | chairperson |
| (ii) vice-chairperson of the Council | vice-chairperson |
| (iii) members of the Council | members |
| (iv) secretary of the Council | secretary |
| (v) joint-secretary of the Council | joint-secretary |

(b) form, in accord with the stipulations, the following Working Committees with not more than 10 members comprising not more than five members and suitable persons in order to perform its functions and duties and determine their functions and duties:

- (i) the Working Committee for the determination of nurse midwife profession and standardization of business status;
- (ii) the Working Committee for the assessment of nurse midwife education and business quality;
- (iii) the Working Committee for maintaining ethics of nurse midwife;
- (iv) the Working Committee for maintaining and supervising discipline of nurse midwife;
- (v) other Working Committee for nurse midwife.

Chapter VI

Registration

16. (a) The person who has obtained a degree, diploma or pass certificate conferred by a local nurse midwife training school recognized under sub-section (i) of section 14 by the Council may, in accord with the stipulations, apply to the Council to register as a nurse, midwife or nurse midwife;
- (b) The Council may, after scrutinizing the application under sub-section (a) and by proficiency test if necessary, permit, suspend or refuse to register. The registration certificate shall be issued to the applicant after causing to pay the stipulated registration fees if it is permitted to register.
17. (a) The person who has obtained a degree, diploma or certificate conferred by a foreign nurse midwife training school recognized under sub-section (b) and (c) of section 14 by the Council may, in accord with the stipulations, apply to the Council to register as a nurse, midwife or nurse midwife;
- (b) The Council may, after scrutinizing the application under sub-section (a) and by proficiency test if necessary, permit, suspend or refuse to register. The registration certificate shall be issued to the applicant after causing to pay the stipulated registration fees if it is permitted to register.
18. (a) The person who has been decided to refuse to register, to suspend within a specified period or

cancel the registration in accord with the stipulation may apply to the Council to cancel the decision and reissue the registration by carrying out in accord with the specified requirements.

- (b) The Council may, after scrutinizing the application under sub-section (a), permit or refuse to reissue a registration. The registration certificate shall be issued to the applicant after causing to pay the stipulated registration fees if it is permitted to re-register.

Chapter VII

License and Limited License

- 19. (a) If the person who has obtained a registration certificate under sub-section (b) of section 16 is desirous to undertake the nursing profession, midwife profession or nurse midwife profession shall, in accord with the stipulations, apply to the Council to issue a respective license.
 - (b) The Council may permit, suspend or refuse to issue a license after scrutinizing the application under sub-section (a). The respective license shall be issued to the applicant by prescribing the terms and conditions after causing to pay the stipulated license fees if it is permitted to issue a license.
- 20. (a) If the citizen who has obtained a registration certificate under sub-section (b) of section 16 is desirous to undertake the nursing profession,

midwife profession or nurse midwife profession shall apply in accord with the stipulations to the Council to issue a license.

- (b) It may permit, suspend or refuse to issue a license after scrutinizing the application under sub-section (a). The respective license shall be issued to the applicant by prescribing the terms and conditions after causing to pay the stipulated license fees if it is permitted to issue a license.
21. (a) If a foreigner who has obtained a registration certificate under sub-section (b) of section 17 is desirous to undertake the nursing profession, midwife profession or nurse midwife profession shall, in accord with the stipulations, apply to the Council to issue a limited license.
- (b) The Council may permit, suspend or refuse to issue a license after scrutinizing the application under sub-section (a). A limited license shall be issued to the applicant by prescribing the terms and conditions after causing to pay the stipulated license fees if it is permitted to issue a license.
22. (a) The person who has been passed decision to refuse to issue or to cancel the license or limited license may, in accord with the stipulations, reapply to the Council to issue a license.
- (b) The Council may, after scrutinizing the application under sub-section (a), issue or refuse to issue a license or limited license.

23. (a) If desirous to continue to undertake the nursing profession, midwife profession or nurse midwife profession after the expiry term of the respective license or limited license, it shall, in accord with the stipulations, apply to the Council to renew the license within 60 days before such expiry.
- (b) The Council may, after scrutinizing the application under sub-section (a), permit, suspend or refuse to renew the license or limited license. The respective license or limited license shall be issued to the applicant by prescribing the terms and conditions after causing to pay the stipulated license fees if it is permitted to renew.
24. (a) If the administrative decision is passed by the Council under section 27, the person who has been suspended within a specified period in accord with the stipulation or cancel the license or limited license may, in accord with the stipulations, apply to the Council to reissue the license or limited license.
- (b) The Council may, after scrutinizing the application under sub-section (a), permit, suspend or refuse to reissue a license or limited license.
- (c) A license or limited license shall be reissued to the applicant by prescribing the terms and conditions after causing to pay the stipulated license fees if it is permitted to reissue.

Chapter VIII

Duties and Rights of a Licensees

25. The Licensee:
- (a) has the right to undertake a business with nurse, midwife and nurse midwife profession during the term of license;
 - (b) shall abide by the terms and conditions prescribe in the license;
 - (c) the person who has obtained the midwife license shall, if he has completed the nurse training and after returning the midwife license, apply for the nurse midwife registration and license;
 - (d) shall, after registering as a nurse, midwife and nurse midwife or after obtaining a nurse, midwife and nurse midwife license, submit to the Council to be recorded when an additional domestic or foreign degree, diploma or certificate in respect of nurse, midwife or nurse midwife is obtained.
 - (e) keep and restrain the ethics of a nurse and midwife and refrain from behavior, speaking manner and staying manner which causes affect one's dignity;

- (f) has the right to use the uniform and insignia stipulated according to the position;
- (g) has the right to appeal against the decision in accord with the provisions contained in Chapter XI of this Law if the Council passes an administrative decision under section 27 in respect of license;
- (h) if the administrative decision of the Council in respect of license is appealed and if it is cancelled by the appeal order of the Ministry, the said license shall be returned to the Council within 60 days from the date of decision.

Chapter IX

Duties and Rights of a Limited Licensee

26. The person who has obtained a limited license shall abide by the duties and rights of licensee contained in Chapter VIII of this Law.

Chapter X

Administrative Action

27. The Council:
- (a) may, if a licensee or a limited licensee violates any prohibition contained in the rules, orders and directives issued under this Law or any terms and conditions of

the license or limited license, take any of the following administrative actions against him:

- (i) warning;
 - (ii) causing to pay the stipulated fine;
 - (iii) suspending the license or limited license in a limited period
 - (iv) cancelling the registration certificate and license or limited license;
- (b) shall, if a licensee or limited licensee is convicted of any offence contained in this Law, pass an administrative decision of cancellation of his registration certificate and license or limited license.

Chapter XI

Appeal

26. The person dissatisfied with any of the following administrative decisions passed by the Council may appeal to the Ministry within 60 days after receipt of such decision:

- (a) decision of refusal to recognize after scrutiny and competency examination of a degree, diploma and pass certificate conferred by any domestic and foreign nurse midwife training school;

- (b) decision of suspension or refusal to register;
 - (c) decision of suspension or refusal to issue or to renew a license or limited license;
 - (d) decision of suspension or refusal of re-application to register or issue a license or limited license in accord with the stipulations after cancelling the decisions of suspension or refusal to register or to issue a license or limited license;
 - (e) administrative decision passed to a licensee or limited licensee under section 27.
29. In a case of appeal under section 28, the Ministry may approve, amend or cancel any decision passed by the Council.
30. The decision of the Ministry passed under section 29 shall be final and conclusive.

Chapter XII

Establishment of Private Nurse Midwife Training School

31. The person desirous to establish any private nurse midwife training school shall:
- (a) apply, in accord with the stipulations, to the Ministry through the Council in order to obtain a business license;

- (b) draw the curriculum of the training to be opened in accord with the stipulated standardization and submit to the Council in order to issue a recognition certificate after paying the stipulated service fees;
- (c) submit to the Council in accord with the stipulations if desirous to open specific short-term courses relating to upgrade the business quality.

32. The Council shall scrutinize in respect of application of business license for the establishment of private nurse midwife training school under the submission contained in sub-section (b) of section 31 and reply the remark whether or not to permit to the Ministry and the applicant. The applicant shall be issued a recognition certificate by determining the terms and conditions of recognition if so permitted.

33. If the Council issues a recognition certificate under section 32, the Ministries determined by the Union Government or an organization permitted by such Ministries shall permit the establishment of private nurse midwife training school and issue a business license after stipulating the terms and conditions of business licenses and the license term and causing to pay the license fees.

34. The person who has obtained a business license for the establishment of private nurse, midwife and nurse wife training school shall:

- (a) abide by the terms and conditions of the business license;

- (b) in respect of training requirements, curriculum, entrance qualification, teaching methods, qualification of trainers, teaching aids and holding examination, accept the inspection from time to time of the Working Committee for the Assessment of Nurse Midwife Education and Guarantee of Business Quality assigned duty by the Council, and provide required assistance to such Working Committee;
- (c) report, in accord with the stipulations, the condition of training and conditions of the conduct for upgrading quality and standards of nurse midwives;
- (d) in respect of training comply with from time to time, the directive, of the Ministry and the Council.

Chapter XIII

Prohibitions

35. No one shall establish any private nurse, midwife and nurse midwife training School without business license issued by the Ministries stipulated by the Union of Government under this Law or by the organization permitted by such Ministries and recognition certificate issued by the Council.

36. No one shall undertake a business of nurse, midwife or nurse midwife without a license or limited license issued under this Law.

37. No licensee or limited licensee shall wear, use or put on dishonestly the uniform and insignia of nurses, midwives or nurse midwives determined or approved by the Council according to their proficiency and position.

38. No licensee or limited licensee shall:

- (a) transfer, cause to undertake business or cause to use his license or limited license to any other person;
- (b) if he has been passed the decision of cancellation of the license or limited license, fail to return the license or limited license to the Council within 60 days from the date of passing the said decision in accord with this Law.

Chapter XIV

Penalties

39. Whoever violates the provision contained in section 35 shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of three years or with a fine from a minimum of five million kyats to a maximum of 10 million kyats or with both.

40. Whoever:

- (a) violates any provision contained in section 36 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine from a minimum of one hundred thousand kyats to a maximum of ten hundred thousand kyats or with both;
- (b) violates any provision contained in section 36 and if causes death or serious injury to any one in undertaking business of nurse or midwife shall, on conviction, be punished with imprisonment for a term from a minimum of three years to a maximum of seven years and may also be liable to a fine.

41. Whoever violates any provision contained in section 37 shall, on conviction, be punished with imprisonment for a term from a minimum of three months to a maximum of three years or with a fine from a minimum of fifty thousand kyats to a maximum of five hundred thousand kyats or with both.

42. Any license or limited licensee violates any prohibition contained in section 38 shall, on conviction, be punished with imprisonment for a term from a minimum of three months to a maximum of three years or with a fine from a minimum of fifty thousand kyats to a maximum of five hundred thousand kyats or with both.

Chapter XV

Finance

43. The Council:

- (a) shall establish the fund of the Council with the following receipts:
 - (i) registration fees, license fees, renewal of license fees, fine, service fees and other fees paid under this Law;
 - (ii) donations of domestic and foreign well-wishers;
 - (iii) money legally accrued from the fund;
- (b) shall strive to stand with the fund established under sub-section (a);
- (c) may deposit in a saving bank to accrue the fund which is not required for immediate use;
- (d) may submit the cost of land and buildings required for the Council office and examination hall, training and demonstration halls, meeting hall and hostels to the Union Government through the Ministry to provide as contribution of the Government from the Union Budget Fund.

44. The Council shall draw and abide by the procedures of keeping, managing, using and auditing the fund.

Chapter XVI

Miscellaneous

45. The Council is a legal entity which has the right to succeed continuously and has a seal by owned the Council.

46. The Council shall succeed the funds owned by the Myanmar Nurse and Midwife Council formed under the Law relating to Nurse and Midwife which is repealed under this Law, moveable and immoveable properties, the completed works and on-going works of such Council, the rights and liabilities.

47. No suit or criminal proceedings shall lie against members of the Council, members and supervisory members from any organization formed by the Council who carry out any function and duty assigned by this Law in good faith.

48. The members of the Council, members of the Central Executive Committee, members and supervisory members from any organization formed by the Council who are not government servants shall be deemed as the public service personnel when serving the functions and duties assigned by this Law.

49. In prosecuting against any offence contained in this Law, the prior sanction shall be obtained from the Ministry.

50. The registration certificate and license issued under the Law relating to Nurse and Midwife which is repealed by this Law shall be deemed valid until their expiry date.

51. The procedures, notifications, orders and directives issued under this Law relating to Nurse and Midwife which is replaced by this Law may continue to apply which are not contrary to this Law.

52. In implementing the provisions contained in this Law:

- (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and bye-laws;
- (b) the Ministry and Council may issue notifications, orders, directives and procedures.

53. The Law relating to Nurse and Midwife (The State Law and Order Restoration Council Law No.19/90) is hereby repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd./ Thein Sein

President
Republic of the Union of Myanmar