



BELIZE

**REGISTRATION OF NURSING HOMES ACT
CHAPTER 324**

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This edition contains a consolidation of the of amendments made to the Act by Act No. 15 of 2004

CHAPTER 324**REGISTRATION OF NURSING HOMES****ARRANGEMENT OF SECTIONS**

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CHAPTER 324**REGISTRATION OF NURSING HOMES**

Ch.92,
R.L. 1958.
CAP.255,
R.E 1980-1990.
40 of 1963.
15 of 2004.

[30th December, 1957]

Short title.

1. This Act may be cited as the Registration of Nursing Homes Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires,

15 of 2004.

“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy;

“Council” means the Medical Council of Belize established under section 3 of the Medical Practitioners Registration Act, Cap. 39;

“maternity home” means any premises used or intended to be used for the reception of pregnant women, or of women immediately after childbirth;

“medical institutions” has the same meaning as in section 2 of the Medical Services and Institutions Act;

“medical practitioner” has the same meaning as in section 12 of the Medical Practitioners Registration Act, Cap. 318;

“nursing home” means any premises used or intended to be used, for the reception of, and the providing of nursing for, persons suffering from any sickness, injury or infirmity and includes a maternity home, but does not include medical institutions;

“pupil midwife” means a person who is undergoing training for the purpose of becoming a certified midwife, and for that purpose is attending women in childbirth as a part of a course of practical instruction in midwifery recognised by the Council;

“Register” means the Register of Nursing Homes kept by the Registrar General under the provisions of this Act;

“registered midwife” means a person registered in the general part of the register, containing the names of all midwives, required to be kept under the Nurses and Midwives Registration Act, Cap. 321;

“registered nurse” means a person registered in the general part of the register, containing the names of all male and female nurses, required to be kept under the Nurses and Midwives Registration Act, Cap. 321.

(2) Reference to the general part of the register in this definition shall include references to other parts of the said register in relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class whose names are contained in some part of the said register.

3.–(1) Every application for registration under this Act shall be made in writing to the Council specifying the nursing home in respect of which the applicant desires to be registered. Such application shall contain the name and address of the nursing home and the name and address of the applicant in respect of the nursing home named in the application.

Form of application for registration.

(2) The Director of Health Services may require the applicant to furnish such other particulars as he may think necessary for the proper consideration of his application by the Council.

(3) Every application for registration shall be accompanied by a fee of twenty-five dollars which shall be paid into the Consolidated Revenue Fund.

4.–(1) Subject to this Act, the Council may, on the receipt of an application for registration, approve of the registration of the applicant in respect of the nursing home named in the application.

Grant or refusal of registration.

(2) The Council may, by order, refuse to approve of the registration of the applicant, if they are satisfied,

- (a) that he or any person employed, or proposed to be employed, by him at the nursing home is not a fit person, whether by reason of age, or otherwise, to carry on or to be employed at a nursing home of such a description as the nursing home named in the application;
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a nursing home of such a description as the nursing home named in the application, or that the home or premises are used or proposed to be used for purposes which are in any way improper, or undesirable in the case of such a nursing home;
- (c) in the case of a nursing home not being a maternity home, that the home is not, or will not be, under the charge of a person who is either a medical practitioner or a registered nurse and is or will be resident in the home, or that there is not, or will not be, a proper proportion of registered nurses among the persons having the superintendence of, or employed in the nursing of, the patients in the home; or
- (d) in the case of a maternity home, that the person who has, or will have, the superintendence of the nursing of the patients in the home is not either a registered nurse or a registered midwife, or that any person employed, or proposed to be employed, in attending any woman in the home in childbirth, or in nursing any patient in the home, is not either a medical practitioner, a registered midwife, a pupil midwife, or a registered nurse.

15 of 2004.

(3) An Application for registration of nursing home under this Act shall not be refused on the ground that the applicant is a national of a CARICOM Member State.

5.-(1) The Registrar General shall keep a Register of Nursing Homes in such form as shall be prescribed by the Director of Health Services.

Register of Nursing Homes.

(2) The Council shall from time to time inform the Registrar General in writing of all applications for registration approved by it, and the Registrar General shall, upon the receipt of such information, register the applicant in respect of the nursing home named in the application, and issue to him a certificate of registration.

6. The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the home, and if default is made in complying with this section, the person carrying on the home commits an offence.

Certificate of registration.

7. Subject to this Act, the Council may at any time order that the registration of a person in respect of a nursing home be cancelled on any ground which would entitle it to refuse an application for registration of that person in respect of that home, or on the ground that that person has been convicted of an offence against the provisions of this Act, or on the ground that any other person has been convicted of such an offence in respect of that home.

Cancellation of registration.

8.-(1) Before making an order under this Act refusing an application for registration or an order cancelling any registration, the Council shall give to the applicant or to the person registered, as the case may be, not less than fourteen days' notice of its intention to make such an order, and every such notice shall state the grounds on which the Council intends to make the order, and such notice shall contain an intimation that, if within fourteen days after the receipt of the notice the applicant or the person registered informs the Council in writing that he desires to do so, the Council will before making the order give him an opportunity of being heard on the matter either in person or by a representative, why the order should not be made.

Applicant to be heard before order made.

(2) Where the Council makes an order in accordance with subsection (1) of this section, it shall cause to be served on the applicant, or the person registered, as the case may be, a copy of that order.

Appeal from order of Council.

9. Any person aggrieved by an order of the Council made under section 8 of this Act may, within fourteen days after the date on which the order was served on him, appeal against such order to the Supreme Court, and such appeal shall be heard by a single judge in chambers who shall give such directions in the matter as he may think proper, including a direction as to costs of the appeal, and the order of the judge shall be final and conclusive and not subject to an appeal to any other court.

When Registrar to be notified of cancellation.

10.—(1) The Registrar General shall be notified by the Council of an order of cancellation, made by the Council in accordance with section 7 of this Act, only when no appeal from such an order has been lodged within the time specified under section 9 of this Act.

(2) Where such an appeal has been lodged against such an order, the Registrar General shall be informed of that order only when it has been upheld on appeal.

(3) On the Registrar General being informed of an order in accordance with subsection (1) or subsection (2) of this section, he shall write across the appropriate entry in the Register the words “Cancelled by order of the Council” and shall record the date of the order made by the Council.

Inspection of nursing homes.

11.—(1) The Director of Health Services or any person duly authorized by the Council, may, subject to such conditions, if any, as may be laid down by the Council, at all reasonable times enter and inspect any premises which are used, or which that officer has reasonable cause to believe to be used, for the purposes of a nursing home, and inspect any records required to be kept under the provisions of this Act.

(2) Any person who obstructs the Director of Health Services, or any person authorized by the Council under subsection (1) of this section, in the performance of their duty under this Act, commits an offence.

Annual Report.

12.—(1) Every person registered in respect of a nursing home under this Act shall submit to the Director of Health Services in the month of December in each year, on such forms as the Director of Health Services shall supply for the purpose, a report in respect of the operation of the home during the previous twelve months.

(2) Every person who fails to comply with subsection (1) of this section commits an offence.

13. Any person carrying on a nursing home without being registered under this Act commits an offence.

Unregistered homes an offence.

14.—(1) Patients in a nursing home shall be accommodated only in rooms with a minimum floor area of seventy square feet to every bed, with at least three feet between beds.

Accommodation in nursing homes.

(2) Subject to subsection (3) of this section, no nursing home shall receive more patients than the number of beds which the home is permitted to have under subsection (1) of this section.

(3) The Director of Health Services may, in writing, permit any nursing home to have more beds than is prescribed in this section, if he is satisfied that any particular emergency exists which justifies his granting such a permit.

15. The Minister may, on the recommendation of the Council, make regulations prescribing,

Regulations. 40 of 1963.

(a) the records to be kept of all patients received into a nursing home; and in the case of a maternity home, of any miscarriages occurring in the home, and of the children born therein who are removed from the home otherwise than to the custody or care of a parent;

(b) notices to be given when death occurs in a nursing home.

16. Any person who contravenes any provision of this Act shall be liable on summary conviction to a fine not exceeding five hundred dollars or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months, or to a fine not exceeding five hundred dollars, or to both such fine and term of imprisonment.

Penalty.