CONSULTATION DRAFT

NURSING AGENCIES REGULATIONS, 2026

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NURSES AND MIDWIVES ACT, 2023 (NO. 9 OF 2023)

NURSING AGENCIES REGULATIONS, 2026

The Minister, in exercise of the powers conferred by section 71 of the Nurses and Midwives Act, 2023, makes the following regulations —

PART I - PRELIMINARY

1. Citation.

These Regulations may be cited as the Nursing Agencies Regulations, 2026.

2. Interpretation.

(1) In these Regulations —

"Act" means the Nurses and Midwives Act, 2023;

"Council" means the Nursing Council of The Commonwealth of The Bahamas continued under section 6 of the Act;

"nursing agency" has the meaning assigned to it under the Act;

"registered operator" means a registered person who operates the nursing agency;

"registered owner" in relation to a nursing agency, means a registered person who is the owner of the nursing agency;

"registered person" in relation to a nursing agency, means a registered nurse, midwife or advanced practice nurse who is the registered owner or registered operator of the nursing agency.

(2) For the purposes of these Regulations —

(a) reference to "supply of a nurse" means the supply of a nurse who is employed for the purposes of a nursing agency to act for and under the control of another person;

(b) reference to outside a hospital setting under section 5 (a) (iii), (iv) and (v) of the Act regarding the practice of midwifery excludes planned intra-partum care and management in the home-based setting.

3. Statement of purpose.

(1) A registered person shall, in relation to a nursing agency, prepare a written statement which shall consist of a statement on the matters listed in the Second Schedule.

(2) A registered person shall —

(a) provide a copy of the statement of purpose to the Council for approval; and

(b) on request make a copy of the statement of purpose available for inspection by a client or a person acting on behalf of the client.

4. Client's guide.

(1) A registered person shall prepare a client's guide that includes —

(a) a summary of the statement of purpose;

(b) the conditions for the services to be provided to clients, including the amount and method of payment of fees;

(c) a summary of the complaints procedure established in accordance with regulation 24; and

(d) the address, email and telephone number of the Council.

(2) A registered person shall provide each client with a copy of the client's guide before the commencement of services.

5. Review of statement of purpose and client's guide.

A registered person shall —

(a) keep under review and, where appropriate, revise the statement of purpose and the client's guide;

(b) notify the Council of any material revision of the statement of purpose and the client's guide within one month; and

(c) submit any change in the statement of purpose to the Council for approval before implementation.

PART II - REGISTRATION

6. Application for registration.

(1) An application for the registration of a nursing agency under section 46 of the Act shall —

(a) be made to the Council in Form 1 of the First Schedule;

(b) be accompanied by the information and documents specified in Part II of the First Schedule, and in the Second Schedule.

(2) If the Council is satisfied that the application complies with the requirements under paragraph (1), the Council shall notify the applicant in writing and arrange for an inspector to conduct a site visit.

(3) The inspector shall conduct the site visit referred to under paragraph (2) within sixty days after the date of the notice.

(4) If the Council is satisfied, after the site visit, that the applicant is in compliance with the requirements of the Act and these Regulations, the applicant shall —

(a) pay a fee of six hundred dollars; and

(b) be granted a certificate of registration.

(5) If the inspector identifies a major deficiency during the site visit, the Council may give the applicant ninety days to remedy the deficiency.

(6) The inspector shall, on the expiration of the period specified under paragraph (5), conduct a follow-up site visit.

(7) If the applicant fails to —

(a) remedy a deficiency identified by the inspector; or

(b) facilitate the follow-up site visit within the period specified under paragraph (5),

the Council may refuse the application in accordance with section 47 of the Act.

7. Certificate of registration.

A certificate of registration granted by the Council shall —

(a) be made in Form 2 of the First Schedule;

(b) continue in force unless the registration is revoked; and

(c) be recorded by the Registrar.

PART III - LICENCE

8. Application for licence.

An application for the grant of a licence under section 50 of the Act shall —

(a) be made to the Council in Form 3 of the First Schedule; and

(b) be accompanied by —

(i) the information and documents specified in the Second Schedule; and

(ii) a fee of four hundred and fifty dollars.

9. Licence.

A licence granted by the Council shall be —

(a) made in Form 4 of the First Schedule;

(b) valid for one year ending on 31 December unless the licence is suspended or cancelled; and

(c) recorded by the Registrar.

10. Grounds for refusal of licence.

The Council may refuse an application for a licence or renewal of a licence on the ground that —

(a) the applicant or, as the case may be, the holder of the licence is not a fit and proper person to hold such licence;

(b) there is no need or demand for the nursing service proposed in the application;

(c) the equipment, organisation and staffing arrangements of the nursing agency to which the application relates are inadequate;

(d) the premises on which the nursing agency is, or would be, located are unsuitable;

(e) the nursing agency has been or is being improperly conducted;

(f) the nursing agency does not hold a valid professional indemnity insurance;

(g) offences against the Act or any regulations made under the Act have been committed in connection with operating the nursing agency; or

(h) the nursing agency has failed to comply with a requirement imposed by any law that regulates the operation of the nursing agency.

11. Suspension or cancellation of licence.

The Council may suspend or cancel a licence, if the holder of the licence —

(a) is convicted of a criminal offence;

(b) is no longer fit to practice;

(c) fails to comply with —

(i) the Act or any regulations made under the Act; or

(ii) any condition on which the licence was granted.

12. Fit and proper criteria.

Pursuant to paragraph 8, in determining whether the applicant or the holder of the licence is a fit and proper person, the following circumstances must be considered —

(a) whether the applicant or the holder of the licence —

(i) was convicted of a criminal offence, in The Bahamas or any other country;

(ii) is of good character;

(iii) has the necessary qualifications, competence, skills and experience;

(iv) has engaged in any activity or business practices that discredit the applicant's or the licence holder's method of conducting business;

(b) whether there has been impropriety in handling a previous business;

(c) whether the holder is mentally or psychologically impaired.

13. Renewal of licence.

(1) An application to renew a licence shall —

(a) be made to the Council in Form 3 of the First Schedule; and

(b) be accompanied by the relevant information and documents in Part II of Form 3 of the First Schedule.

(2) If the Council is satisfied that the application complies with the requirements under paragraph (1), the Council shall notify the applicant in writing and arrange for an inspector to conduct a site visit.

(3) The inspector shall conduct the site visit referred to under paragraph (2) within thirty days after the date of the notice.

(4) If the Council is satisfied, after the site visit, that the applicant is in compliance with the requirements of the Act and these Regulations, the applicant shall —

(a) pay a fee of four hundred dollars; and

(b) be granted a licence.

(5) If the inspector identifies a major deficiency during the site visit, the Council may give the applicant ninety days to remedy the deficiency.

(6) The inspector shall, on the expiration of the period specified under paragraph (5), conduct a follow-up site visit.

(7) If the registered owner fails to —

(a) remedy a deficiency identified by the inspector; or

(b) facilitate the follow-up site visit within the period specified under paragraph (5),

the owner shall, before any further site visit is conducted, pay a fine of two hundred dollars.

(8) If an owner fails to obtain —

(a) approval for a site visit by the 31st day of December in any year; or

(b) approval for the renewal of a licence after a third site visit,

the licence shall not be renewed.

14. Replacement of licence.

An application for the replacement of a licence shall be —

(a) made in writing to the Council; and

(b) accompanied by a fee of fifty dollars.

15. Appointment of operator.

(1) A registered owner shall appoint a person to operate a nursing agency if —

(a) there is no registered operator for the nursing agency; and

(b) the registered owner is —

(i) a partnership;

(ii) not a fit person to operate a nursing agency; or

(iii) not, or does not intend to be, responsible for the day-to-day operation of the nursing agency.

(2) If the registered owner employs a person to manage the nursing agency, the registered owner shall immediately notify the Council, in writing, of the —

(a) name and qualifications of the nurse employed; and

(b) date on which the nurse was employed.

16. Fitness of nurses and unlicensed assistive personnel supplied by a nursing agency.

(1) A registered person shall ensure that no nurse or unlicensed assistive personnel is supplied by the nursing agency unless —

(a) the nurse or unlicensed assistive personnel —

(i) is of integrity and good character;

(ii) has the qualifications, knowledge, skills and competencies that are necessary for the work that the nurse or unlicensed assistive personnel is to perform;

(iii) is physically and mentally fit for that work; and

(b) information is available relating to the nurse or unlicensed assistive personnel for each matter specified in the Third Schedule.

(2) A registered person shall ensure that —

(a) the recruitment of nurses for supply is managed by a nurse;

(b) the selection of a nurse for supply is carried out by a nurse; and

(c) the information specified in the Second Schedule is available for each nurse to facilitate the selection of a nurse for supply.

(3) A nurse or unlicensed assistive personnel supplied by the nursing agency shall, while providing services to a client, carry an identification card that contains —

(a) the name of the nurse or unlicensed assistive personnel;

(b) the signature of the nurse or unlicensed assistive personnel;

(c) the name of the nursing agency that supplied the nurse or unlicensed assistive personnel; and

(d) a recent photograph of the nurse or unlicensed assistive personnel.

PART IV – CONDUCT OF NURSING AGENCY

QUALITY OF SERVICE

17. Staffing and employment requirements.

(1) A registered person shall, having regard to the size of the nursing agency, its statement of purpose and the number and needs of the clients, take all reasonable measures to ensure that there is at all times an appropriate number of suitably qualified, skilled and experienced persons employed for the purposes of the nursing agency.

(2) A registered person must ensure that each employee of the nursing agency —

(a) receives appropriate supervision; and

(b) is provided with a job description outlining the employee's responsibilities.

(3) A registered person shall —

(a) collect information from clients or their family members about the performance of employees of the nursing agency;

(b) take such steps as may be necessary to address any concerns relating to the clinical practice or performance of an employee; and

(c) provide each employee with a written statement of the terms and conditions of employment.

18. Staff handbook.

(1) A registered person shall prepare a staff handbook and provide a copy to each member of staff.

(2) The handbook prepared in accordance with paragraph (1) shall include a statement as to —

(a) the conduct expected of staff, and disciplinary action which may be taken against them;

(b) the role and responsibilities of nurses and other staff;

(c) record keeping requirements;

(d) recruitment procedures; and

(e) training and development requirements and opportunities.

19. Information to clients.

A registered person shall ensure that before an unlicensed assistive personnel or a nurse is supplied to a client, the client is informed of —

(a) the name of the unlicensed assistive personnel or nurse who is to be supplied; and

(b) the qualifications and role of the unlicensed assistive personnel or nurse.

20. Disclosure of information.

A registered person shall ensure that personal information about a client to whom a nurse is supplied by the nursing agency is not disclosed to any member of the staff of the nursing agency unless it is necessary for the client's care.

21. Notification of incidents.

(1) Where a nursing agency supplies a nurse or unlicensed assistive personnel to provide nursing care in the private residence of a client, a registered person shall notify the Council of any incident—

(a) reported to the police within 24 hours after the registered person —

(i) has reported the matter to the police;

(ii) is informed that the matter has been reported to the police; or

(b) within 24 hours, that —

(i) resulted in significant injury, harm, near death or death of the client;

(ii) involved abuse of a client by a member of staff, whether or not the incident was reported to the police.

(2) A registered person who gives notice to the Council of an incident under subsection (1) shall, within 72 hours after giving the notice, submit to the Council a written report of the incident.

22. Notification of charge or conviction.

A registered person who is charged with, convicted of, acquitted or discharged of, an indictable offence shall immediately notify the Council, in writing, of —

(a) the charge, conviction, acquittal or discharge, as the case may be;

(b) the date on which the charge was laid or the conviction, acquittal or discharge occurred;

(c) the offence to which the matter relates; and

(d) if convicted, the penalty imposed for the offence.

23. Records.

A registered person shall ensure that the records specified in the Third Schedule are —

(a) kept up to date and secure;

(b) retained for at least seven years from the date of the last entry; and

(c) available at all times for inspection.

24. Complaints.

A registered person shall —

(a) establish a procedure ("the complaints procedure") for considering complaints made to the registered person by a client or a person acting on behalf of the client;

(b) provide each client with a written copy of the complaints procedure and, on request, provide a copy to a person acting on behalf of a client;

(c) ensure that each complaint is investigated;

(d) maintain a record of each complaint, including details of the investigation conducted, the outcome and any action taken;

(e) provide the Council, annually, with a statement containing a summary of the complaints received during the preceding twelve months and the action taken in response; and

(f) immediately report to the Council, in writing, any evidence of misconduct by a nurse.

25. Review of quality of service.

A registered person shall —

(a) introduce and maintain a system for reviewing at appropriate intervals the quality of services provided by the nursing agency including employee performance;

(b) submit to the Council, on request, a report on any review conducted.

PREMISES

26. Fitness of premises.

A registered person shall ensure that the premises used for the purposes of a nursing agency —

(a) are suitable for achieving the aims and objectives of the nursing agency in the statement of purpose; and

(b) has a —

(i) designated office space for the sole conduct of the business of the nursing agency;

(ii) secure storage for confidential client records; and

(iii) safe storage for supplies.

FINANCIAL

27. Financial position.

(1) A registered owner shall operate the nursing agency in a manner that —

(a) ensures the nursing agency's financial viability; and

(b) enables the nursing agency to achieve the aims and objectives in the statement of purpose.

(2) A registered person shall, on request, provide the Council with the financial information and documents set out in the Fourth Schedule.

NOTICES

28. Notice of absence.

If a registered person intends to be absent from the nursing agency for twenty-eight consecutive days or more, the registered person must appoint a suitably qualified person to act on their behalf.

29. Notice of changes.

(1) A registered person shall immediately give notice, in writing, to the Council, if —

(a) a person other than the registered person operates or manages the nursing agency;

(b) a person ceases to operate or manage the nursing agency;

(c) the registered person is an individual, the registered person changes their name; and

(d) the registered owner is a partnership, the membership of the partnership changes.

(2) A registered owner who wishes to change the name of the nursing agency shall notify the Council in writing before making the change.

30. Death of registered person.

(1) If more than one person is registered in respect of a nursing agency, and a registered person dies, the surviving registered person shall immediately notify the Council in writing of the death.

(2) If only one person is registered in respect of a nursing agency, and that person dies, the personal representatives of the deceased registered person shall immediately notify the Council in writing —

(a) of the death; and

(b) within twenty-eight days after the date of death, of their intentions regarding the future operation of the nursing agency.

(3) Subject to the approval of the Council, the personal representatives of a deceased registered owner may, without being registered —

(a) operate the nursing agency or appoint a person to operate the nursing agency for a period not exceeding twenty-eight days after the date of death;

(b) for any further period as may be determined by the Council.

(4) If, on the expiration of the period referred to under subsection (3), the nursing agency has not been registered, the Council may revoke the registration of the nursing agency by notice in writing.

(5) If the Council revokes the registration of a nursing agency under subsection (4), the registered person responsible for the nursing agency shall, within seven days of receipt of the notice of revocation —

(a) notify the clients and employees of the nursing agency of the revocation; and

(b) where reasonably practicable, provide or facilitate referrals to alternative providers of similar services.

PART V – MISCELLANEOUS

31. Inspector.

(1) The Council shall appoint inspectors to conduct site visits on nursing agencies.

(2) An inspector appointed under the Act shall —

(a) be a nurse who is currently licensed to practice nursing and has at least five years experience as a nurse;

(b) hold a valid police certificate issued within the last six months; and

(c) have knowledge of the law and standards governing nursing agencies.

(3) An inspector must report to and take directions from the Registrar.

32. Publication.

The Council shall cause to be published in the *Gazette*, licenses and revocation of licenses of nursing agencies.

33. Offences and penalties.

(1) A person who fails to comply with the Act or these Regulations commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years, or to both.

(2) A person who —

(a) permits their licence to be used by another person; or

(b) uses, trades under, or otherwise acts under a licence —

(i) granted to another person; or

(ii) that has been revoked,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both.

FIRST SCHEDULE

(regulations 6, 7, 8 and 9)

FORM 1

PART I - APPLICATION FOR CERTIFICATE OF REGISTRATION FOR NURSING AGENCY

1. Name of Applicant/registered owner: ….....
   Address of Applicant/registered owner: ….....
   Date of Birth:..... Nationality: .....
   P.O. Box No: ..... Tel. No. ……. (mobile)……..……
   E-mail address: ……
   Emergency contact: .....
   Nurse Certificate of Registration No.: ….....
   Qualifications and experience of registered owner:
   .....
   .....
2. Name of nursing agency: .....
   Address of nursing agency: .....
   P.O. Box No: ..... Tel. No: .....
   Emergency contact: .....
   Nursing Agency Licence (if any) Expiration Date: ….....
3. Number of branches and location of each: .....
   ….....
   .....
4. Name of registered operator (that is, the person managing the nursing agency on a day-to-day basis): .....
   Nurse Certificate of Registration No.: ….....
   Qualifications and experience of registered operator:
   ….....
   (Please submit original certificates or certified copies of certificates)
5. Number of proposed persons to be employed by the registered owner for the nursing agency:

(a) Registered nurses: .....

(b) Registered midwives: .....

(c) Licensed practical nurses: .....

(d) Unlicensed assistive personnel: ….....

6. State the number and year of issue of any licence(s) previously held for any Nursing Agency (if applicable): ….....

……..……..

7. State the year of issue of any other governmental licence(s) currently held by the Nursing Agency (if applicable): ….....

Applicant/registered owner's Signature: ….....

Date: .....

PART II – REQUIRED INFORMATION AND DOCUMENTS

1. Philosophy and objectives of nursing agency.
2. Policies and procedures of nursing agency including outline of referral mechanisms.
3. Copy of valid passport, national insurance smart card, and voter's card or official utility bill verifying address (issued in the last 3 months) of registered owner and registered operator.
4. Police certificate issued within the last six months of registered owner and registered operator.
5. Professional reference and a character reference of registered owner and registered operator.
6. Documentary evidence of any relevant qualifications and training including Basic Life Support certification of registered owner and registered operator.
7. Nursing Council Confidential Medical Report for the registered owner and registered operator (completed by Physician).
8. Copy of Nurse Certificate of Registration and current licence of registered owner and registered operator.
9. Nursing Agency Licence (if applicable).
10. Proposed professional indemnity insurance of nursing agency.

11. Proposed methods of evaluating the quality of care received by a client from the nursing agency.
12. Any other document required by the Council.

FORM 2

CERTIFICATE OF REGISTRATION FOR NURSING AGENCY

NURSING COUNCIL OF

THE COMMONWEALTH OF THE BAHAMAS

NURSING AGENCY

CERTIFICATE OF REGISTRATION

_____

(Name of Nursing Agency)

_____

(State Location)

_____	_____	_____
Chairman	**Registrar**	**Date**

FORM 3

PART I - APPLICATION FOR LICENCE AND RENEWAL OF LICENCE FOR NURSING AGENCY

1. Name of Applicant or registered owner: ….....
   Address of Applicant/registered owner: ….....
   Telephone Number: …..... P.O.Box: ….....
   E-mail address: ……
   Emergency contact: .....
   Nurse Certificate of Registration No.: ….....
   Qualifications and experience of registered owner:
   .....
   .....
2. Name of nursing agency: ….....
   Address of Nursing Agency: .....
   Telephone Number: …..... P. O. Box: ….....
3. Approximate maximum number of clients of nursing agency:.....….....
4. Total No. of staff employed: ….....
5. Age range of clients ….....
6. Category of staff employed (tick appropriate box):
   Registered operator □
   Supervisor □
   Advanced Practice Nurse □
   Registered Midwife □
   Registered Nurse □
   Licensed Practical Nurse □
   Unlicensed Assistive Personnel □
7. Identify the medical practitioner (with address and contact details) who will provide medical assistance:
   ….....
   ….....

Applicant or Registered Owner's Signature: ….....
Date: .....

PART II – REQUIRED INFORMATION AND DOCUMENTS

1. Philosophy and objectives of nursing agency (if amended).
2. Policies (including policies for ensuring the confidentiality of records) and procedures for governing the nursing agency (if amended).
3. Current passport, national insurance smart card and voter's card or utility bill verifying address (issued in the last 3 months).
4. Copy of valid passport, national insurance smart card, and voter's card or official utility bill verifying address (issued in the last 3 months) for each unlicensed assistive personnel, licensed practical nurse, registered nurse, midwife, or advanced practice nurse.*
5. Police certificate issued within the last six months for each unlicensed assistive personnel, licensed practical nurse, registered nurse, midwife, or advanced practice nurse.
6. Documentary evidence of any relevant qualifications and training including Basic Life Support certification.*
7. Nursing Council Confidential Medical Report (completed by Physician) for each unlicensed assistive personnel, licensed practical nurse, registered nurse, midwife, or advanced practice nurse.*
8. Nursing Council Confidential Medical Report (completed by Physician) for the registered owner and registered operator.
9. Copy of Nurse Certificate of Registration for registered nurse, midwife, or advanced practice nurse.*
10. Copy of Nurse Certificate of Enrollment for licensed practical nurse.*
11. Copy of Certificate of Good Standing for unlicensed assistive personnel.*
12. Copy of up-to-date professional indemnity insurance.
13. Records required to be kept by the nursing agency.*
14. Method of the evaluation of the quality of care received by a client of the nursing agency.*
15. Any other document required by the Council.

NB: *Requirements verified on site visit.

FORM 4

THE NURSING COUNCIL OF THE COMMONWEALTH OF THE BAHAMAS

LICENCE FOR NURSING AGENCY

ISSUED UNDER THE NURSES AND MIDWIVES ACT, 2023

Licence No: ….....

This licence is granted under section 50 of the Nurses and Midwives Act, 2023

to ….....

(state name of registered owner)

to operate ….....

(state specified operation)

at ….....

(state location)

to take effect …..... for the period ending …....., 20 .

Conditions:

1. This licence cannot be assigned or transferred.
2. This licence can only be used for the operation of this nursing agency.
3. This licence must be used in accordance with the Act and these Regulations.

..... …….....

Registrar Chairman

…….

Date

SECOND SCHEDULE

(regulation 3)

INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

The following information must be included in the statement of purpose:

1. The objectives of the nursing agency.
2. The nature of the services which the nursing agency provides.
3. The name and address of the registered owner and of any registered operator.
4. The relevant qualifications and experience of the registered owner and any registered operator.
5. The range of qualifications of nurses supplied by the nursing agency, and the types of settings in which they are supplied to work.
6. The complaints procedure.
7. The status, constitution and organisational structure, identifying lines of accountability and specifying roles and responsibilities for areas of activity.
8. A description of the nursing agency's underlying ethos and philosophy of care.

THIRD SCHEDULE

(regulation 23)

RECORDS TO BE MAINTAINED FOR INSPECTION

Records relating to the supply of nurses.

1. Copies of all agreements between the nursing agency and nurses supplied or to be supplied by the nursing agency and evidence that a copy of any standard terms and conditions has been supplied by the nursing agency to each nurse, including records of qualifications of all nurses supplied by a nursing agency.
2. Copies of any statement given to a client setting out the qualifications and relevant experience of a nurse supplied to that client.
3. Record of all clients, including the full name, address, telephone number, and the name, address and telephone number of the client's next of kin.
4. A record of nurses supplied or available for supply by the nursing agency.
5. Details of each supply of a nurse or an unlicensed assistive personnel to a client.
6. All training and professional development activities completed by staff.

Nursing Care Records.

Includes client's consent for care, assessment of clients, medication administered, client education, Nursing Care Plans, discharge planning and referrals.

Other Records.

All information provided to the Council for the purposes of registration in relation to the nursing agency.

FOURTH SCHEDULE

(regulation 27)

FINANCIAL INFORMATION AND DOCUMENTS

Financial information and documents.

1. Certificate of insurance for the registered owner in respect of liability which may be incurred by him in relation to the nursing agency in respect of death, injury, public liability, damage or other loss.
2. Any other document requested by the Council.

Made this day of , 2026.

MINISTER RESPONSIBLE FOR HEALTH