



LEGISLATIVE NOTE

For the use of Members of Parliament

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Pre-Legislative Note on The National Nursing and Midwifery Commission Bill, 2022¹

I. Introduction

The present law governing the nursing professionals, the Indian Nursing Council (INC) Act was passed in 1947. The Indian National Council is responsible for ensuring the basic nursing educational standards, recognizing nursing qualifications and prescribing entrance requirements and curriculum for nursing courses. On 5th November 2020, the Indian government proposed removing the INC Act and replacing it with a National Nursing and Midwifery Commission (NNMC) Act which proposes a common entrance test, a national register, mandatory registration and a temporary licence for foreign nationals who are qualified nurses and midwives to practice in India.

[NOTE: This pre-Legislative Note is prepared on the basis of information and materials available in media sources or public domain only. The Bill is yet to be introduced in the Parliament, hence, the note will be updated as and when the copy of Bill is available]

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¹ Peter R, Sharma SK. National nursing and midwifery commission bill: Hopes and challenges. J Med Evid 2022;3:55-9
<https://www.journaljme.org/article.asp?issn=2667-0720;year=2022;volume=3;issue=1;spage=55;epage=59;auiast=Peter>

II. Objective of the Bill

The major objectives of the commission as per the proposed National Nursing and Midwifery Commission Bill, 2022 are to provide for regulation and maintenance of standards of education and services by nursing and midwifery professionals, assessment of institutions, maintenance of a Central Register and State Registers and creation of a system to improve access, research and development and adoption of latest scientific advancements. The bill has also proposed standardizing the nomenclature and scope of work of different nursing and midwifery cadres according to the International Standard Classification of Occupations. They are nursing and midwifery service managers, nursing professionals, midwifery professionals, nurse associates, midwifery associates and nursing care assistants.

III. Governance of the Proposed National Nursing and Midwifery Commission

- The commission would be chaired by a central government-appointed chairperson drawn from the ranks of eminent nursing and midwifery professionals. The nursing advisor to the Government of India and a military nursing professional with the rank of additional director general or above would be members, as will three representatives from the Directorate General of Health Services, Indian Council of Medical Research and the National Medical Commission selected by the central government.
- On a biennial basis, the Central Ministry of Health will rotate ten nursing leaders five each from nursing and midwifery service and educational institutes of excellence. A total of 26 eminent nursing experts, including at least two midwifery professionals and a minimum of four from each of the country's six zones, will be nominated by the state or central governments. There will be one member from a charitable institution and one from other relevant fields such as health research, law or ethics nominated by the central government. Additional secretary of the central ministry of health will be the convenor-member.
- A Nursing and Midwifery Advisory Council chaired by the NNMC chairperson will advise the Commission on all functions. It will comprise all NNMC members as ex-officio members and also have members to represent all states and union territories, except those already represented on the commission. Members will also include the Chairman of the University Grant Commission and the Director of National Assessment and Accreditation Council. The council will serve as the major forum for states and union territories to express their concerns and opinions to the Commission, as well as to assist in the development of the overall agenda, policy and action relating to nursing education, nursing services, training and research.
- The central government will establish four autonomous boards that will work under the NNMC's supervision. There will be a president, two full-time members appointed by the central government, and four part-time members nominated by state or central governments on the Nursing And Midwifery Undergraduate Education Board, Nursing And Midwifery Post-Graduate Education Board, Nursing And Midwifery Assessment And Rating Board And Nursing And Midwifery Ethics And Registration Board. State Nursing and Midwifery Commissions will also be established in each state, which will work with the national commission to carry out all of its functions.

IV. Major Functions of the Proposed National Nursing and Midwifery Commission

Some of the important functions of the NNMC which will be coordinated through the four boards and state commissions are the following:

- Conducting a common national entrance examination for diploma, undergraduate and postgraduate nursing and midwifery courses and exit test for professional practice.
- Setting and maintaining the standards of nursing and midwifery education which will include curriculum, facilities, assessment, research, clinical affiliations and faculty quality and development and approval of institutes.
- Regulate nursing and midwifery institutions, researches, professionals and associates.
- Assessing nursing and midwifery requirements in healthcare and advising the government.
- Regulate professional code of conduct and promote nursing and midwifery ethics.
- Regulate the standards and scope of practice of registered nurses and midwives, nursing associates, midwifery associates and postgraduates of nursing and midwifery profession.
- Regulate the limited prescribing authority for nurse practitioners (NPs) who have obtained the requisite nursing and midwifery qualification criteria prescribed by the Post Graduate education board.
- Maintaining a national register of nursing and midwifery professionals and another register for associates and state commissions will have state registers.
- Ensuring rights and obligations of registered nursing and midwifery professionals and associates.
- Provide for mechanisms for receiving complaints and grievance redressal.

V. Critical Analysis of the Bill

- One important principle of a good regulation is transparency, which requires all stakeholders being included in the development of guidelines and regulatory processes. There is a valid criticism that the proposed commission does not adequately represent professional bodies and the private sector. The problems in the nursing sector vary across settings, and this underrepresentation of professionals from various settings may have an impact on the development of good practice regulations for nursing and midwifery, particularly for the massive private sector, which suffers from lack of staffing norms and poor salaries.
- According to the bill, there will be a single standard for professional practice, as well as a common curriculum for educational programmes and national exit examinations, thus establishing a national registration or licensing would make sense. Hence, even if individual states perform the registration process, the licensure should be applicable throughout India and the bill should specify that.
- The Bill makes no provisions for the Commission to regulate nursing service conditions such as nurse–patient ratios, maximum weekly working hours, leaves and other benefits, minimum compensation and so on. Nurse practice acts around the world do not include provisions for

nursing personnel's working conditions. However, through utilizing the provisions of advisor-ship to the government, the NNMC can work to have the Government of India ratify the International Labour Organization's Nursing Personnel Convention, C-149. The Convention and its recommendation aim to strengthen nursing personnel's rights and provide guidance to policymakers, worker's and employer's representatives in developing and implementing nursing policies within the context of a country's overall health and labour policies.

- A major weakness in the bill is the absence of provisions to ensure nurse's continued competence to practice, like, rules for relicensing such as continuing education, minimum practice standards, competence review and professional activities. Requirements for re-licensure of health professionals are becoming more rigorous around the world, including demonstrating continuing competence and upgrading knowledge. This can be accomplished by issuing a practicing certificate to those who meet the requirements for continued competence on a regular basis. Many state councils in the country have put in place standards such as continuing education credits as a requirement for renewal of registration. It would be beneficial if national-level standards and protocols were established.

VI. Conclusion

The National Nursing and Midwifery Commission Bill, 2022 is a hope for Indian nurses that it will augment the growth and autonomy of nursing and midwifery profession in the country. Nurses of the country are eagerly waiting to see this bill to become a reality.