CHAPTER I
GENERAL PROVISIONS

Article 1. The Purpose of the Law
This law establishes the acquisition of professional qualification of the nurses responsible for general care and midwives, their practice conditions, rights, duties and responsibilities.

Article 2. Main Definitions as used in this Law
1. Midwife means a person who has acquired professional qualification of a midwife according to the procedure established by this Law and other legislative acts.
2. Midwifery practice means personal health care services provided by a midwife who holds a valid license to practice midwifery regulated by this Law and other legal acts.
3. Midwifery practice licence means a document confirming the right of a midwife to engage in midwifery practice.
4. General nursing practice means personal health care services provided by a nurse responsible for general care who holds a valid license to engage in general nursing practice regulated by this Law and other legal acts.
5. Nurse responsible for general care means a person who has acquired the qualification of a nurse responsible for general care according to the procedure established by this Law and other legislative acts.
7. Crude nursing or midwifery practice mistake means the act of a nurse or a midwife where the patient's health has been damaged, which caused the patient's disability or death due to their fault.
8. Practice mistake of nursing or midwifery means the act of a nurse or a midwife where there is a risk to patient's health or it has been damaged.
9. Nursing practice means general and (or) special nursing care practice.
10. Special nursing care means health care services provided by a nurse who holds a valid license to engage in general care practice or a midwife who holds a valid license to engage in midwifery practice, and having obtained the document justifying the nursing care specialization regulated by this Law and other legal acts.
11. Nursing specialization means additional competence in a specialized field of a nurse responsible for general care or a midwife established by the Minister of Health.
12. Member State means the Member State of the European Union, the state of European Economic Area or the Swiss Confederation.
13. A Citizen of a Member State means a citizen of the Member State of the European Union, the state of European Economic Area or the Swiss Confederation.

CHAPTER II
NURSING PRACTICE AND MIDWIFERY PRACTICE
Article 3. Acquisition of Professional Qualifications and Specialization in Nursing of a Nurse Responsible for General Care and a Midwife

1. Professional qualification of a nurse responsible for general care or a midwife is acquired at a higher education institution after completion of nursing or midwifery programmes.

2. Nursing specialization in higher education institution is acquired by nurses responsible for general care or midwives who have completed the non-formal education programme in the selected specialized nursing field. List of specialized nursing fields and requirements of non-formal education programmes in specialized nursing fields shall be defined by the Minister of Health.

Article 4. Conditions of Nursing Practice and Midwifery Practice

1. Nursing practice and midwifery practice is a licensed activity.

2. Persons may be engaged in general nursing care practice in the Republic of Lithuania only having a valid licence to practice general nursing care, except in the cases referred to in Article 9 herein.

3. Persons may be engaged in special nursing care practice in the Republic of Lithuania only having a valid licence to practice general nursing care and midwifery practice licence and having acquired respective document confirming the nursing specialization, except in the cases referred to in Article 9 herein.

4. Persons may be engaged in midwifery practice in the Republic of Lithuania only having a valid licence to practice midwifery, except in the cases referred to in Article 9 herein.

5. Nursing and (or) midwifery services to individuals shall be provided by legal persons with a licence on personal health care allowing provision of appropriate health care services.

6. Nurses responsible for general care and midwives who have acquired their professional qualification abroad which is recognized in the Republic of Lithuania shall be engaged in professional activities the Republic of Lithuania under the same conditions as those who have acquired their professional qualifications in the Republic of Lithuania.

Article 5. Licensing Procedures for General Nursing Practice and Midwifery Practice

1. Licences on general nursing practice and midwifery practice (hereinafter - the licence) are issued, refused to be issued, their validity is suspended, validity suspension is cancelled, validity is revoked, licence data is revised, a duplicate is issued and compliance with the licensed activities is supervised by the State Health Care Accreditation Agency under the Ministry of Health (hereinafter - the Licensing authority) in accordance with this Law and the Rules on nursing practice licensing and the rules on midwifery practice licensing approved by the Minister of Health (hereinafter - the Rules).

2. A license shall be issued to a person who has submitted to the Licensing authority the documents referred to in the Rules (hereinafter - the documents).

3. The documents issued in foreign countries submitted to the Licensing authority must be legalized or approved by a certificate (Apostille), except for the cases provided for in international treaties of the Republic of Lithuania and the European Union legislation. These documents must be submitted for translation into the Lithuanian language and the translation must be approved by the signature of the person who has translated the documents according to the procedures provided for in legal acts.

4. The licence is issued for an indefinite period of time. The licensee must inform the Licensing authority on the improvement of professional qualification and nursing or midwifery practice every 5 years according to the procedures prescribed by the Minister of Health.

5. For the issuance of the licence, revision of licence data or issuance of a duplicate a state fee of certain amount is to be paid.

6. A nurse responsible for general care or a midwife whose licence has been revoked may apply for the issue of a new licence as follows:
1) after the expiration of three months from the date of revocation of the licence if the licence was revoked pursuant to paragraph 5, Clause 1 of Article 8;
2) after the expiration of six months after the date of revocation of the licence if the licence was revoked pursuant to paragraph 2, Clause 1 of Article 8;
3) after the expiration of one year after the date of revocation of the licence if the licence was revoked pursuant to paragraphs 3 and 4, Clause 1 of Article 8.

7. The Licensing authority shall record the data related to the licence issuance, refusal to issue a licence, suspension of licence validity, cancellation of licence validity suspension, revocation of licence validity, revision of licence data, issue of duplicate and other licensing activities related data to the database of Health care and pharmaceutical professionals practicing licence register (hereinafter – the Register) according to the procedures defined in the Register provisions.

8. Licensing authority shall publish the information on its decisions to issue a licence, suspend the licence validity, cancel the license suspension or revoke the licence validity on its website.

9. The Licensing authority shall make reasoned decision on the issuance of the licence or refusal to issue a licence at least within 30 days from the receipt of all documents.

**Article 6. Basis for Refusal to Issue a Licence**

1. The licence issue shall be refused if:
   1) improperly drawn or incomplete documents have been submitted;
   2) false data has been provided;
   3) the person is banned from engaging in nursing or midwifery practice following the decision of the court;
   4) the person suffers from diseases hindering to provide nursing or midwifery services the list of which shall be determined by the Minister of Health.

2. Having eliminated the reasons for refusal of a licence, or if they have disappeared, the applicant may re-apply for the issue of a licence in accordance with the Rules.

**Article 7. Suspension of Licence Validity**

1. Licence validity shall be suspended:
   1) on request of licensee;
   2) when the licensee fails to comply with the conditions of the licensed activity;
   3) when the committee on evaluation of professional competence formed by the Minister of Health (hereinafter – the Committee on evaluation of professional competence) determines that the licensee's professional competence is inadequate;
   4) when the court makes a decision on temporary removal from the duties or temporary suspension of the right to engage in nursing or midwifery practice;
   5) when the reasons referred to in paragraph 4, Clause 1 of Article 6 of the Law thereof are present.

2. Suspension period of the licence validity, which may be at least one year, except in the cases specified in paragraph 1 Clause 4, shall be determined by the Licensing authority in accordance with the Rules.

3. In case of suspension of the licence, the licensee may not engage in nursing or midwifery practice.

4. Carrying out the procedure related to the decision on suspension of the licence validity by the Licensing authority, the employer shall be required to remove the licensee from the duties during the licence validity suspension period in accordance with procedures set forth in the Labour Code of the Republic of Lithuania.
5. The Licensing authority shall immediately inform the licensee on the decision to suspend the licence validity in writing and the head or his authorized representative of the legal entity providing nursing or midwifery services where the licensee is associated with employment relationships, stating the reasons.

6. The Licensing authority shall suspend the licence validity on its own initiative following the Rules, or the licensee, law enforcement agencies, the Ministry of Health, Lithuanian Bioethics Committee, the State Patient Fund under the Ministry of Health, the heads of legal persons with a health care licence on the provision of nursing and midwifery services shall apply concerning the suspension of licence validity.

7. The licence validity suspension shall be cancelled in accordance with the procedures prescribed by the Rules.

Article 8. Cancellation of Licence Validity

1. Licence validity shall be cancelled:
   1) on request of licensee;
   2) when it emerged that false documents to receive a licence were submitted;
   3) when the licensee has committed crude nursing or midwifery practice mistake determined by the Commission on evaluation of professional competence;
   4) when the Commission on evaluation of professional competence has determined that the licensee made two or more nursing or midwifery practice mistakes during the calendar year and they have caused or could cause a deterioration of the patient's health, or a threat to his life;
   5) when the licensee has harshly violated the patient’s rights: treated a patient harshly and demeaned his/her dignity; sexually abused a patient; provided patients with health care services being intoxicated or under the influence of drugs or toxic substances;
   6) when the licensee was banned from being engaged in nursing practice or midwifery practice by a final judgment of the court;
   7) when the reasons have not been removed or disappeared due to which the licence validity has been suspended during the term defined by the Licensing authority;
   8) the licensee has died.

2. The Licensing authority shall cancel the licence validity on its own initiative following the Rules, or the licensee, law enforcement agencies, the Ministry of Health, Lithuanian Bioethics Committee, the State Patient Fund under the Ministry of Health, the heads of legal persons with a health care licence on the provision of nursing and midwifery services shall apply concerning the suspension of licence validity.

3. The Licensing authority shall immediately notify the licensee on the decision to cancel the licence in writing and the head or his authorized representative of the legal entity providing nursing or midwifery services where the licensee is associated with employment relationships, stating the reasons, except for the cases provided for in paragraph 8, Section 1 herein.

4. After receiving a written notification on the cancellation of the licence validity from the Licensing authority, the licensee shall return the original of the licence within 3 working days.

Article 9. Conditions of Acquisition of the Rights of the Nurses Responsible for General Care and Midwives From Other European Union Member States to Provide Temporary or Onetime Nursery or Midwifery Services in the Republic of Lithuania

1. The nurse responsible for general practice or a midwife who is a citizen of other Member State shall have the right to provide temporary or onetime nursing or midwifery services in the Republic of Lithuania without a license in accordance with the procedures regulated by the Law on the recognition of professional qualifications of the Republic of Lithuania and other legal acts.
2. The nurse responsible for general practice or a midwife who is a citizen of other Member State, providing temporary or onetime nursing or midwifery services in the Republic of Lithuania, shall have the same rights and obligations as the licensee of the Republic of Lithuania.

3. Information about the nurses responsible for general care and midwives from the other Member States indicated in Clause 1 herein shall be stored in the Register.

**Article 10. Illegal Nursing or Midwifery Practice**

1. Illegal nursing or midwifery practice is considered an activity when a person:
   1) is engaged in general nursing or midwifery practice without a valid license, except for the cases indicated in Article 9 herein;
   2) is engaged in special nursing practice without a valid licence of general nursing practice or midwifery practice, except for the cases indicated in Article 9 herein;
   3) is engaged in special nursing practice holding a valid licence of general nursing practice or a valid licence to practice midwifery, but without acquisition of the document justifying an adequate nursing specialization;
   4) provides nursing or midwifery services being related to the legal person with employment relationships without a health care licence on the provision of the nursing or midwifery services;
   5) provides nursing or midwifery services without being associated with employment relationships to the legal person providing health care services.

2. A person shall be responsible for unlawful pursuit of nursing and midwifery practice in accordance with procedures defined by the laws of the Republic of Lithuania.

**CLAUSE III**

**RIGHTS, DUTIES AND RESPONSIBILITIES OF THE NURSE RESPONSIBLE FOR GENERAL CARE AND A MIDWIFE**

**Article 11. Rights of a Nurse Responsible for General Care**

1. A nurse responsible for general care shall have the following rights:
   1) to engage in the nursing practice;
   2) to refuse to provide care services if the working conditions pose a real threat to health or life of a patient or a nurse's responsible for general care, except for the cases when first medical assistance is provided;
   3) to participate in the process of professional trainings for nurses responsible for general care, improvement, nursing quality development and evaluation processes;
   4) to participate in scientific nursing research.

2. A nurse responsible for general care shall also have other rights set out in other legislation of the Republic of Lithuania.

**Article 12. Rights of a Midwife**

1. A midwife shall have the following rights:
   1) to engage in the midwifery practice;
   2) to refuse to provide midwifery services if the working conditions pose a real threat to health or life of a patient or a midwife, except the cases when first medical assistance is provided;
   3) to participate in professional trainings for midwives, improvement, midwifery quality development and evaluation process;
   4) to participate in scientific midwifery research.

2. A midwife shall also have other rights set out in other legislation of the Republic of Lithuania.

**Article 13. Duties of a Nurse Responsible for General Care**
A nurse responsible for general care must:
1) follow the requirements provided for in this Law and other legal acts during the nursing practice;
2) provide patients with personal health care services within her competence;
3) improve own professional qualifications in accordance with the procedures prescribed by the Minister of Health;
4) comply with the terms related to the licensed activities set out in the Rules;
5) respect the rights of patients and do not violate them;
6) provide information about the patient's health according to the procedures defined in legal acts of the Republic of Lithuania;
7) cooperate with health care and other professionals during the provision of care services;
8) notify law enforcement and other public authorities of the injured persons or victims of violence to whom the injury could have been caused by a criminal act following the procedures provided for in legal acts of the Republic of Lithuania;
9) not accept bribes and behave so that her actions would not provoke a patient, his relatives or other representatives of the patient to bribe;
10) perform other duties defined in the legal acts of the Republic of Lithuania.

Article 14. Duties of a Midwife
A midwife must:
1) follow the requirements provided for in this Law and other legal acts during the midwifery practice;
2) provide midwifery care and support for women within own competence, carry out health prevention and neonatal care as well as counselling to families and women;
3) improve own professional qualifications in accordance with the procedures prescribed by the Minister of Health;
4) comply with the terms related to the licensed activities set out in the Rules;
5) respect the rights of patients and do not violate them;
6) provide information about the patient's health according to the procedures defined in legal acts of the Republic of Lithuania;
7) cooperate with health care and other professionals during the provision of midwifery services;
8) notify law enforcement and other public authorities of the injured persons or victims of violence to whom the injury could have been caused by a criminal act following the procedures provided for in legal acts of the Republic of Lithuania;
9) not accept bribes and behave so that her actions would not provoke a patient, his relatives or other representatives of the patient to bribe;
10) perform other duties defined in the legal acts of the Republic of Lithuania.

Article 15. Evaluation of Professional Competence of a Nurse and a Midwife and Responsibility
1. Professional competence of a nurse responsible for general care or a midwife shall be evaluated by and the nursing or midwifery practice mistakes shall be determined by the Commission on evaluation of professional competence following the Regulation related to the inspection of professional competence of Health care professionals approved by the Minister of Health.
2. A nurse responsible for general care or a midwife shall be responsible in case of failure to perform her occupational duties or their improper performance in accordance with the procedure prescribed by the laws of the Republic of Lithuania.
I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC OF LITHUANIA

VALDAS ADAMKUS