



Minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held in 18/20 Carysfort Avenue, Blackrock, Co Dublin, on Tuesday, 17 April 2018 starting at 10.00hrs.

### **Members Present:**

Ms E Cassidy, President	Mr L Minihan
Mr L Hamill	Mr M Blake-Knox
Ms Elaine Cassidy	Ms K Lombard
Ms B Liston	Ms K Canning
Mr D Manning	Mr D Murphy
Dr D Lawler	Mr M Higgins
Ms M Gorman	Ms T King
Ms E Kelly	Mr K McGrane

### **In attendance:**

Ms M Griffin, Interim CEO  
Mr M Balfe, Director of Corporate Services and Finance (item 5)  
Ms J Foley, Director of Professional Standards (Nursing) (items 7-8)  
Ms U Byrne, Director of Regulation (items 10-13)  
Ms D Johnston, Director of Midwifery (item 7)  
Ms L Crimin, Director of Registration (items 6 and 11)  
Mr D Chawke, Crowleys DFK (item 5.3)  
Mr E Lyons, Beauchamps Solicitors (items 10-11)  
Ms A de Burca, Communications Manager (1-8)  
Ms V O'Rourke, Fitness to Practice Department  
Ms O Coady, Board Secretary

### **General Board business**

#### **Item 1 – Apologies and conflicts of interest**

- 1.1 Apologies were received from Dr Louise Kavanagh McBride, Dr R McElvaney, Ms C Cocoman, Mr P Dolan and Ms L Clarke-Bishop.
- 1.2 The President reminded Board members of the provisions of the conflict of interest policy. The President then asked Board members to review the agenda to identify any conflicts of interest. No interests were declared.

The President welcomed Ms Elaine Cassidy, to the Board. Ms Cassidy had been appointed as a public interest representative under Section 22(1)(j) to replace Ms

Colette Finn.

## **Item 2 – Board private session**

As the Board wished to continue its discussion in private Ms Griffin, Ms O'Rourke and Ms de Burca left the meeting.

Ms Griffin and Ms de Burca joined the private session at the invitation of the President.

On conclusion of the private session Ms O'Rourke returned to the meeting.

## **Item 3 – Minutes and actions of the meeting of 27-28 March 2018**

Ms Gorman noted that her apologies were not recorded for Tuesday, 27 March 2018.

In relation to item 6.2, the Board noted that this should read 'The Board agreed to commit €10,000 a year for three years to funding the initiative.'

**Decision** The Board approved the minutes of 27-28 March 2018 subject the above corrections.

**Decision** The Board approved the updated action list, which is attached as an appendix to these minutes.

## **Item 4 – Matters arising from the minutes of 27-28 March 2018**

There were no matters arising from the minutes of 27-28 March 2018 that were not dealt with on the action list or elsewhere on the agenda.

Mr Balfe joined the meeting.

## **Item 5 – Governance and Finance**

### **5.1 Foreign travel schedule 2018**

A document setting out proposed foreign travel for staff and Board members was circulated to members. The document set out the proposed events, number of proposed attendees (staff and Board), reason for attending and indicative costs.

The Board discussed the value to the organisation of NMBI representation at these events and agreed that if NMBI wished to fulfil its aim to be a world-class

regulator and to enhance its reputation, participation in international events would be required. The Board noted the concerns of Ms Liston, Ms Canning and Mr Minihan regarding the cost to the organisation. Ms Griffin reassured the Board that any spending would be in line with The Public Spending Code as set out by the Department of Public Expenditure and Reform.

**Decision** The Board approved the proposed foreign travel schedule for 2018 and agreed that it would be reviewed in six months at the November Board meeting together with a plan for 2019 foreign travel.

Ms Griffin further reassured the Board that any travel undertaken would be balanced against the needs of the organisation and, notwithstanding the Board's approval of the list, attendance at the proposed events would only take place if this did not interfere with the work of the organisation.

## 5.2 Management accounts

The Board noted the management accounts for February 2018.

Mr Balfe drew the Board's attention to the reduction in income from overseas applications for the first two months of the year, however, it was too early in the year to identify if this trend was likely to continue. Income would be closely monitored and adjustments made to the budget if required.

Mr David Chawke, Crowleys DFK, joined the meeting.

## 5.3 Financial plan 2018-2020

Mr Chawke presented a draft three year financial sustainability plan to the Board.

**Action** A sub-group of 2/3 Board members would meet with Ms Griffin and Mr Balfe to draft a narrative which would explain the assumptions and clearly set out the risks of accepting the proposed options. The plan and narrative to be presented to the Board for approval at its meeting in May. Once approved by the Board, the plan would be submitted to the Department of Health.

Mr Chawke left the meeting.

## 5.3 IT advisory services tender

The Board considered the briefing document and report which had previously been circulated to members.

**Decision** The Board agreed to award the contract for IT advisory services to Clarion Consultancy Limited for a period of three years.

5.4 External procurement support services tender

The Board considered the briefing document and report which had previously been circulated to members.

**Decision** The Board agreed to award the contract for external procurement support services to Emptum for a period of three years.

5.5 Record management services/file storage tender

The Board considered the briefing document and report which had previously been circulated to members.

**Decision** The Board agreed to award the contract for record management services to Kefron Limited for a period of three years.

5.6 Data breach notification to Data Protection Commissioner

Documents setting out data breaches by NMBI on 6 April 2018 and 13 April 2018 were circulated to the Board. The Board noted the contents.

5.7 IT GDPR deletion policies

A document setting out the proposed principles around deletion policies for email, desktop and scanned documents folders was circulated to the Board.

**Decision** The Board approved the following proposed principles:

*Email deletion policy*

From 24 May 2018 emails would be kept for a two year period and then would be automatically deleted. One month of notice would be given to staff by IT in advance of the deletion. From January 2019 all emails would be kept for one year and then deleted automatically. One month of notice would be given to staff by IT in advance of the deletion.

*Material on desktops*

From 24 May 2018 staff would not be permitted to save material to their desktops.

*Scanned documents folders*

From 24 May 2018 all documents scanned and saved from printers would be

automatically deleted after 31 days.

**Action** A policy document detailing the procedures for deletion of emails, material on desktops and documents in scanned documents folders to be brought to the Board for approval at the May meeting.

## 5.8 Policies

The Board noted that following suite of policies and procedures in relation to corporate services had been uploaded to the iPads for their information:

- Procedure for issuing refunds.
- Refund request form.
- Policy for receiving cheques, postal orders and bank drafts.
- Online banking set up procedure.
- Procedure for new supplier set up.
- Form to request set up of new supplier in SAP.

Mr Balfe left the meeting.

Ms Crimin joined the meeting.

## **Item 6 – Registration**

### 6.1 Consultation Report on the new draft Education and Training Rules

Ms Crimin presented the briefing document to the Board which had previously been circulated to members.

The Board approved the consultation of the draft Rules at its meeting on 13 February. The consultation had lasted 4 weeks from 16 February to 16 March. The report circulated set out the responses received. The public consultation was carried out in accordance with Section 13 of the Act and is an important part of the process for introducing new Rules.

Many of the responses received raised important policy matters for NMBI.

1. Increasing the grade and subject requirements for accessing first registration programmes Leaving Certificate grades/subjects.
2. Access to post graduate programmes –widen access from general nurse to other nurse/midwife registrations. Unintended consequence to direct entry programmes.
3. Standardise the number of years of clinical practice required prior to entry on to a programme.

These points were not addressed in the new draft Rules as it was not appropriate to change a policy in a Rule where the appropriate process had not been followed in relation to research, public consultation and approval by the Board. However, the feedback through the consultation process received on this occasion would be examined in greater detail by the executive and would be presented back to the Board for its consideration in due course.

**Decision** The Board considered comments and submissions as set out in the report on the public consultation. This report would be published in accordance with the Board’s policy on public consultation.

### **New Rules**

Section 13 of the Nurses and Midwives Act 2011 provides that the Board may make Rules in a number of areas.

No secondary legislation existed under the Nurses and Midwives Act 2011 for

- Registration
- Qualification recognition
- Candidate register
- Structure of registers

The new suite of draft Rules presented to the Board addressed these areas and ensured that there was a cohesive and coherent framework of secondary legislation which would support NMBI in carrying out its functions under the Nurses and Midwives Act 2011 and provide clarity to all stakeholders, applicants and registrants. These Rules would in turn inform NMBI standards/requirements and guidance documents.

The Rules would also have regard to the Department of Health’s recently published “Framework for Performance Indicators for Nursing and Midwifery” launched by the Minister and the Chief Nurse in June 2017. This document set out an approach to workforce planning for the professions of nursing and midwifery in Ireland in the future. NMBI registers would play an important role in providing the relevant global/collective data to the Department of Health.

The draft Education and Training Rules give effect to the recent Department of Health “Policy for Graduate, Specialist and Advanced Nursing and Midwifery Practice”, to remove the requirement to link a person with a post or accredit advanced practice posts. The Board would continue to set the requirements and standards for advanced nursing and midwifery practice registration but would no longer accredit advanced practice posts. The change in policy means that the existing Rules on education and training would be revoked upon signing into law of the new suite of Rules.

**Decision 1. Register Rules**

In accordance with Section 13 (2) of the Nurses and Midwives Act, the Board approved the draft Register Rules for submission to the Minister for approval. On receipt of Ministerial approval, the Board will ensure the Rule is published and submitted to the Minister for laying before the Houses of the Oireachtas. The Board had considered the report on public consultation at its meeting on 24 May 2017 and on foot of this consultation the draft Rules had been revised to the final version presented to the Board today.

These Rules will provide for the divisions of the register of nurses and midwives maintained by NMBI under the Nurses and Midwives Act 2011, and the particulars to be entered in such register.

**Decision 2. Candidate Register Rules**

In accordance with Section 13 (2) of the Nurses and Midwives Act, the Board approved the draft Candidate Register Rules for submission to the Minister for approval. On receipt of Ministerial approval, the Board will ensure the Rule is published and submitted to the Minister for laying before the Houses of the Oireachtas. The Board had considered the report on public consultation at its meeting on 24 May 2017 and on foot of this consultation the draft Rules had been revised to the final version presented to the Board today.

These Rules will provide for the divisions of the candidate register maintained by NMBI under the Nurses and Midwives Act 2011, and the particulars to be entered in such register.

**Decision 3. Education and Training Rules**

In accordance with Section 13 (2) of the Nurses and Midwives Act, the Board approved the draft Education and Training Rules for submission to the Minister for approval. On receipt of Ministerial approval, the Board will ensure the Rule is published and submitted to the Minister for laying before the Houses of the Oireachtas.

These Rules will set down the criteria for admission to education and training programmes in nursing and midwifery. In addition, they will make provision for applications by bodies seeking to deliver such programmes and a system of review and enforcement to ensure the maintenance of high standards in the delivery of such programmes.

**Decision 4. Recognition Rules**

In accordance with Section 13 (2) of the Nurses and Midwives Act, the Board approved the draft Recognition Rules for submission to the Minister for approval. On receipt of Ministerial approval, the Board will ensure the Rule is published and submitted to the Minister for laying before the Houses of the Oireachtas. The Board had considered the report on public consultation at its meeting on 24 May 2017 and on foot of this consultation the draft Rules had been revised to the final version presented to the Board today..

These Rules will provide for the procedures and requirements for recognition of professional qualifications in nursing and midwifery by NMBI.

Cross reference to S.I. No. 8/2017 - European Union (Recognition of Professional Qualifications) Regulations 2017. These Regulations

- give effect to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005, as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 and Commission Delegated Decision (EU) 2016/790 of 13 January 2016,
- give full effect to Commission Implementing Regulation (EU) 2015/983 of 24 June 2015, and
- give effect to Article 49 of the Treaty on the Functioning of the European Union in so far as that Article relates to the recognition of pharmacist qualifications.
- Revoke the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008, as well as a number of similar Regulations in relation to particular health professions.

#### **Decision** 5. Registration Rules

In accordance with Section 13 (2) of the Nurses and Midwives Act, the Board approved the draft Registration Rules for submission to the Minister for approval. On receipt of Ministerial approval, the Board will ensure the Rule is published and submitted to the Minister for laying before the Houses of the Oireachtas. The Board had considered the report on public consultation at its meeting on 24 May 2017 and on foot of this consultation the draft Rules had been revised to the final version presented to the Board today..

These rules will provide for the procedures for applying to NMBI for registration in the Register of Nurses and Midwives and the Candidate Register. In addition, they would provide for the retention of registration in the register of nurses and midwives.

#### Revocations

The following Rules will be revoked upon commencement of the new suite of Rules:



1. The Nurses Rules 2010, SI 689 (2010)  
which set out the criteria in relation to the requirements for registration and post registration of nurses and midwives, the establishment and maintenance of the different registers, approval of the education and training programmes leading to the registration of nurses and midwives including approval of curricula, the approval of healthcare and educational institutes to deliver the education programmes, the minimum requirements for applicants entering an education programme and the accreditation of advanced nurse/midwife practitioners
2. Health (An Bord Altranais) (Additional Functions) Order 2010, SI 3 of 2010  
which gave An Bord Altranais additional functions in relation to the accreditation of advanced nurse practitioner posts and advanced midwife practitioner posts and the registration of advanced nurse practitioners and advanced midwife practitioners in accordance with criteria set by the National Council for the Professional Development of Nursing and Midwifery.
3. The Nurses and Midwives Rules, 2013, SI 435 of 2013  
which concerned the establishment of a nurses division of the Register of Nurses and Midwives and of divisions of the Candidate Register pursuant to Section 46 of the Nurses and Midwives Act 2011.

Ms Crimin advised the Board that the commencement date/effective date had not yet been proposed. This was being discussed with colleagues in the Department of Health and would likely be 4-6 weeks after the Rules had been signed in to law. This would enable NMBI and the Department of Health to communicate the new rules to stakeholders and the profession to ensure full transparency.

Ms Crimin left the meeting.

Ms Johnston and Ms Foley joined the meeting.

## **Item 7 – Professional Standards (Midwifery)**

### **7.1 100 Years of Midwifery**

The Board considered a proposal for an art competition for registrants to mark the 100 Years of Midwifery celebrations.

**Decision** The Board agreed that this should first be considered by the Midwives Committee at its meeting on 30 April 2018 and a recommendation from the committee brought to the Board for consideration at its meeting in May 2018.

Ms Johnston advised the Board that the midwifery student debate would take

place on 2 May 2018 in the University of Limerick.

Half-day study events were being organised around the country with events confirmed in Cavan, Mayo, Limerick, Sligo and Galway. It was noted that no events were scheduled for the southeast. Ms Johnston explained that the location of the events was determined by responses received to invitations sent and that none had been received from locations in the southeast.

The Board requested that this area of the country be included in the study day events schedule.

Ms Johnston left the meeting.

## **Item 8 – Professional Standards (Nursing)**

### **8.1 Trinity College Dublin (TCD) site visit reports**

Dr Lawler declared a conflict of interest and left the meeting.

Ms de Burca left the meeting.

The Board considered the TCD and associated healthcare agencies site visit reports which had previously been circulated to members.

**Decision** The Board approved the site visit inspection reports with conditions and recommendations in accordance with Section 85(f) of the Nurse and Midwives Act 2011.

Dr Lawler returned to the meeting.

### **8.2 Standards for Nurses and Midwives on Medication Administration**

The Board considered the draft document entitled *Standards for Nurses and Midwives on Medication Administration (2018)* and the briefing document which had previously been circulated to members.

The Board noted that word *efficiency* should be changed throughout the document to *efficacy*.

**Decision** The Board approved the draft *Standards for Nurses and Midwives on Medication Administration (2018)* for public consultation once the above change had been made and agreed the next steps:

- Update document with feedback from consultation.
- Present final draft to Board for approval.

- Publish and launch in the second quarter of 2018.

### 8.3 Consultation project for the removal of CPA for nurse and midwife prescribers

The Board considered the briefing document which had previously been circulated to members.

**Decision** The Board agreed that consultation with key stakeholders should begin immediately and an update to be provided to the Board in June. The Board agreed that the project completion date would be no later than February 2019.

### 8.4 MSc Advanced Nursing Practice

The Board considered the joint submission from UCC, UCD, TCD and NUIG which was set out in the briefing document detailing the programme information which had previously been circulated to members.

**Decision** In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the MSc Advanced Nursing Practice for five years.

### 8.5 Royal College of Surgeons in Ireland (RCSI) Professional Certificate of Nursing/Midwifery

The Board considered the briefing document detailing the programme information which had previously been circulated to members.

**Decision** In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the RCSI Professional Certificate of Nursing/Midwifery (Medicinal Product Prescribing) for five years.

Consideration of **item 9 (Mediation pursuant to Section 60 of the Nurses and Midwives Act 2011)** was deferred to the Board meeting of 22-23 May 2018.

The meeting adjourned for lunch at 13.30hrs.

Ms Lombard and Mr Manning left the meeting.

Mr Blake-Knox joined the meeting.

The meeting resumed at 14.20hrs.

### **Items 10-12 – Fitness to practise matters**

The Board considered the following:



- Two reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- One application pursuant to Section 53(1) of the Nurses and Midwives Act 2011.
- Seven no prima facie decisions of the Preliminary Proceedings Committee.

There being no further matters for consideration the meeting concluded at 19.00hrs.

**Signed:** \_\_\_\_\_  
**Essene Cassidy**  
**President**

**Date:** \_\_\_\_\_