



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held in 18/20 Carysfort Avenue, Blackrock, Co Dublin, on Tuesday and Wednesday, 24-25 September 2019.

Day 1: Tuesday, 24 September 2019 starting at 10.00hrs.

Members Present:

Ms E Cassidy, President	Ms B Liston
Dr L Kavanagh McBride, Vice President	Ms A Horgan
Mr L Hamill	Ms K Greene
Mr J Horan	Ms M Gorman
Mr M Higgins	Ms E Kelly
Mr D Manning	
Mr L Minihan	

In attendance:

Ms S McClelland, CEO
Ms U Byrne, Director of Regulation
Mr J Sadlier, Head of PPC Division, Fitness to Practise Department
Ms V O'Rourke, Senior Staff Officer, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager
Mr E Lyons, Beauchamps Solicitors
Mr S McLoughlin, Beauchamps Solicitors
Mr M Flynn, Beauchamps Solicitors

Item 1 – Apologies and conflicts of interest

Apologies were received from Mr Blake-Knox, Ms Canning, Ms Clarke-Bishop, Ms Cocoman, Mr Dolan, Dr Lawler, Ms Lombard, Mr McGrane, Mr Murphy, Prof O'Herlihy and Dr Sahm.

Being members of the Preliminary Proceedings Committee Ms B Liston, Ms M Gorman, Ms Horgan and Ms Greene did not join the meeting at this time.

In the absence of the President, the Vice President assumed the chair.

The Vice President read the conflict of interest policy and reminded Board members of their obligations under its provisions. The Vice President then asked Board members to review the agenda to identify any conflicts of interest.

Mr Sadlier joined the meeting.

Items 2-7 – Fitness to practise matters

The Board considered the following:

- Eighteen no prima facie decisions of the Preliminary Proceedings Committee.
- One undertaking pursuant to Section 65 of the Nurses and Midwives Act 2011.
- One application pursuant to section 57(1) of the Nurses and Midwives Act 2011.
- One application pursuant to section 55(6) of the Nurses and Midwives Act 2011.
- Two reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- Reports relating to the following:
 - Monitoring of conditions.
 - Section 44 orders/undertakings.
 - Section 58 orders/undertakings.
 - High Court and Court of Appeal Cases.

Item 8 – Presentation: Regulated Professions (Health and Social Care) (Amendment) Bill 2019

8.1 Ms Byrne gave a presentation to the Board setting out the proposed changes to the Nurses and Midwives Act 2011 which would ensue should the above Bill be signed into law in its current form. These include changes relating to:

- The CEO.
- The registration process.
- The composition of the Fitness to Practise Committee and the Preliminary Proceedings Committee.
- The initial management of complaints and the role of the Preliminary Proceedings Committee.
- Voluntary removal from the Register.
- Documentation relating to criminal convictions.
- Undertakings.
- The Board FTP process.
- The High Court confirmation process
- Notification of sanctions.

Ms Byrne highlighted that the current wording of the Bill was not the final wording and changes might be made during the passage through the Dáil or Seanad.

Action The Board agreed that updates to the Bill should remain a standing item in the CEO's report.

Item 9 – Training: Criminal Convictions

9.1 Ms Byrne gave a presentation to the Board in relation to complaints pursuant to section 55(1)(i) – criminal convictions. This presentation was following by a question and answer session with the Board.

Being members of the Preliminary Proceedings Committee, Ms Greene, Ms Liston, Ms Horgan and Ms Gorman left the meeting before this item as the presentation had been made to the Preliminary Proceedings Committee at an earlier date.

Item 10 – Any other fitness to practise business

There being no further matters to consider the meeting ended at 16.30hrs.



Day 2: Wednesday, 25 September 2019 starting at 9.00hrs.

Members Present:

Ms E Cassidy, President of NMBI	Ms L Clarke-Bishop
Dr L Sahn	Ms C Cocoman
Ms K Greene	Mr M Higgins
Ms E Kelly	Mr J Horan
Mr L Minihan	Ms B Liston
Mr D Murphy	Mr D Manning

In attendance:

Ms S McClelland, CEO
Mr M Balfe, Interim Director of Corporate Services and Finance
Ms J Foley, Director of Professional Standards (Nursing)
Dr AM Ryan, Director of Operations
Ms U Byrne, Director of Regulation
Dr A de Búrca, Communications Manager
Mr C Lawlor, Data Protection Officer
Mr R Foley, Clarion Consulting
Ms L Manselli, Crafting Vistas
Ms V O'Rourke, Senior Staff Officer, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager

Item 1 – Apologies and conflicts of interest

- 1.1 Apologies were received from Mr M Blake-Knox, Mr P Dolan, Ms Horgan, Ms K Canning, Ms M Gorman, Mr L Hamill, Dr L Kavanagh McBride, Dr D Lawler, Ms K Lombard, Mr K McGrane and Prof C O'Herlihy.
- 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.

Item 2 was considered after item 3.

Members of the senior management team (SMT), Ms McClelland, Mr Balfe, Ms Byrne and Dr Ryan joined the meeting.

Item 3 – Minutes and actions of previous meetings

- 3.1 Minutes of 23-24 July 2019

The Board considered the minutes of 23-24 July 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 23-24 July 2019 with the proposed revised wording.

3.2 Minutes of 6 August 2019

The Board considered the minutes of 6 August 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 6 August 2019.

3.3 Minutes of 6 September 2019

The Board considered the minutes of 6 September 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 6 September 2019.

3.1.1 Actions arising from the meeting of 23-24 July 2019

Decision The Board approved the updated action list for 23-24 July 2019 which is attached as an appendix to these minutes.

3.2.1 Matters arising from the meeting of 23-24 July 2019

There were no matters arising which were not dealt with elsewhere on the agenda or in the action list.

3.2.2 Matters arising from the meeting of 6 August 2019

There were no matters arising.

3.2.3 Matters arising from the meeting of 6 September 2019

There were no matters arising.

Item 2 – Board in camera session

As the Board wished to continue its discussion in private, members of the SMT and Ms O'Rourke left the meeting.

Ms McClelland returned to the meeting during the in camera session at the invitation of the President.

The in camera session ended at 11.00hrs.

Item 4 – President’s update

CLEAR

The President updated the Board on her attendance at the CLEAR annual educational conference which had taken place from 18-21 September 2019. Ms Clarke-Bishop, chair of the Education, Training and Standards Committee had attended with the President, the CEO and the Director of Midwifery. The conference programme had been uploaded to Board members’ iPads and speakers’ presentations would be uploaded when received.

DOH meetings

A governance meeting with the Department of Health had taken place on 30 July 2019. The minutes from the meeting had been uploaded to members’ iPads. The next meeting was scheduled to take place on 30 October 2019.

Other events

The President would attend the annual conference of the Irish Association of Directors of Nursing and Midwifery (IADNAM) on 3-4 October 2019 and the All Ireland Midwifery Conference in Armagh on 17 October 2019.

Nursing Now

The President drew the Board’s attention to her correspondence with Ms Martina Harkin Kelly, President of the INMO, in relation to the Nursing Now campaign which had been uploaded to Board members’ iPads.

Item 5 – CEO’s update

5.1 CEO’s report

The Board noted the CEO’s report which had previously been circulated to members.

5.2 100 Years of Nursing Regulation Conference

A new events manager had been appointed and had begun to work with NMBI in organising the conference. The conference would be used to:

- Promote regulation.
- Highlight the digitalisation of the registration system.

- Highlight the planned revision of the *Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives*.

A draft agenda for the conference had been uploaded to Board members' iPads.

5.3 Data breach notifications

Dr de Búrca and Mr Lawlor joined the meeting. Mr Lawlor had been appointed as Data Protection Officer on 6 August 2019 and was welcomed to the meeting by the President.

The Board noted the four data breach notifications which had previously been circulated to members.

The Board noted the repeated cause of the majority of data breaches was emails being sent to the incorrect address and asked what had been done to address this.

Mr Lawlor advised that he had met with the Director of Registration and it had been agreed that the removal of autofill for email address in Outlook would reduce the problem significantly. This had already been done in the Registration Department. As this was a technological solution, the organisation-wide prevention of email autofill was scheduled for discussion with the IT Department at the next meeting of the IT Steering Group.

Mr Lawlor left the meeting.

5.4 Customer action plan

Dr de Búrca updated the Board on the progress of the customer action plan. Reputation Inc. had been awarded the tender to carry out three distinct phases of research with (i) the general public, (ii) registrants and (iii) stakeholders.

The first phase (the general public), which had been completed, was to establish whether there was recognition of NMBI's name and role as a regulator among the general public.

The second phase of the research, which would establish how registrants view NMBI, would begin within the next week. A link to the survey would be sent directly to Board members.

The third phase would consist of a series of in-depth face-to-face interviews with stakeholders identified by NMBI to be concluded by the end of November 2019.

Action An update on the progress of the action plan to be brought to the Board at its meeting in either November or December 2019.

Dr de Búrca left the meeting.

Item 5.5 (Rules) was considered during consideration of item 11 (Registration).

Item 6 – Governance and Finance

Mr Balfe joined the meeting.

6.1 Appointment of Board members to the Education, Training and Standards Committee

A call for expressions of interest had been sent out to Board members. It was noted that Ms Liston had responded confirming that she would be interested if required. However, as Ms Liston was already a member of two committees, it was agreed that, in order to divide the committee work as evenly as possible between all Board members, another call for expressions of interest should be sent out requesting, in particular, members who sat on one committee only to consider self-nominating.

Action The matter to be brought back to the Board for consideration at its meeting on 26-27 November 2019.

6.2 Terms of reference for chairs' committee

Comments received from committee chairs had been noted.

Action The revised terms of reference would be considered by the chairs committee at its next meeting before being brought back to the Board for approval at its meeting on 26-27 November 2019.

6.3 Schedule of meetings for 2020

Decision The Board approved the schedule of Board and committee meetings for 2020.

6.4 Desktops and monitors procurement tender

The Board considered the tender proposal which had previously been circulated to members.

Decision The Board agreed to award the tender for the supply of desktops and monitors

to Dell.

6.5 Procurement update report

The Board noted the report which had previously been circulated to members.

MB updated the Board on the following recent and current tenders which were listed in the report:

Review and update the Code of Professional Conduct and Ethics and the Practice Standards for Midwives

The Board noted that the tender had been collapsed.

FTP case management system

Tendering for the system was on hold until later in the year.

Board member training services and FTP training services

The two separate RFTs had closed on 13 September 2019.

6.6 Outcome of the written decision of the Board – IT vulnerability testing

The Board noted the report on the written decision of the Board of 6 August 2019 whereby the Board agreed to award the tender for IT vulnerability testing to Deloitte.

5.8 Management accounts – July 2019

The Board noted the management accounts for July 2019 which had previously been circulated to members.

5.9 *Bank transaction approval levels*

At its meeting on 24 July 2019 the Board discussed the levels of approval required for the Bank of Ireland Business Online app which was used by NMBI to make electronic transfer of funds and requested Mr Balfe to investigate whether NMBI was following best practice.

Following discussion with Crowleys DFK, Mr Balfe advised the Board that changes would be made to NMBI's approval structure and, once approved by Bank of Ireland, the approval structure would be as follows:

1. A member of the Finance Department would raise the request.
2. A member of the SMT would approve the request.
3. A second member of the SMT would countersign the approval.

5.10 *Payment to committee members*

The Department of Health (DOH) confirmed that they had written to the Department of Public Expenditure and Reform (DPER) requesting approval for payment to non-Board members who were members of the Fitness to Practise Committee and the Preliminary Proceedings Committee. Once approval had been granted, members would be back-paid from the date of approval by the Board. This had been factored into the budgets for 2019 and 2020.

Item 7 – Audit and Risk

7.1 Review of the risk management framework

Mr Balfe reminded the Board that a joint meeting of the Audit and Risk Committee and Governance and Finance Committee would take place on 17 October 2019, facilitated by Vincent Teo, Crowleys DFK, to include discussion of financial planning, treasury management and the risk management framework.

Mr Balfe left the meeting.

Item 8 – Professional Standards (Nursing)

Dr Foley joined the meeting.

8.1 Education Directorate report

The Board noted the report which had previously been circulated to members.

Category 1 courses

The Board noted the number of category 1 courses which were submitted to NMBI for approval.

Action The matter to be brought to the Education, Training and Standards Committee for consideration at its meeting in October. The committee to make a recommendation to the Board at its meeting on 27 November 2019 on how category 1 courses should be dealt with by NMBI.

Category 2 courses

The Board noted that the Education, Training and Standards Committee approved category 2 courses and that these were not required to be approved by the Board if they did not lead to registration.

Action The Education, Training and Standards Committee to review the process for

approval of category 2 courses and to make a recommendation to the Board on their approval at its meeting on 27 November 2019.

8.2 Practice Standards and Guidelines for Nurses and Midwives with Prescriptive Authority

The Board noted the amended and typeset document which had been previously been considered by the Board at its meeting in July 2019. The Board noted that the document would be published on NMBI's website on 7 October 2019.

Action Dr de Búrca to arrange publication on the website and promotion of the document on NMBI's ezine.

Dr Foley left the meeting.

Item 9 – Professional Standards (Midwifery)

9.1 Midwifery report

The Board noted the report which had previously been circulated to members.

The Board noted the request that the Board approve the motion for the annual student midwives' debate which would be held in November and hosted by the National University of Ireland Galway (NUIG).

The Board agreed that it was not the role of the Board to approve the motion and that this should remain a matter for the Director of Midwifery and the chair of the Midwives Committee. The Board should be advised of the motion when this had been agreed.

Item 10 – Regulation

Ms Byrne joined the meeting.

10.1 Fitness to Practise Directorate report

The Board noted the report which had previously been circulated to members.

Ms Byrne drew the Board's attention to the following:

Regulated Professions (Health and Social Care) Amendment Bill 2019

The Bill was scheduled to go before the Health Committee of the Dáil on 2 October 2019.

Action Ms Byrne to prepare a briefing note for the Board on the proposed amendments to the Nurses and Midwives Act 2011.

10.2 Panel of mediators

The tender had closed and applications were being evaluated.

Action An update to be provided to the meeting on 27 November 2019.

10.3 Expert witness appointment process

A guidance document for applicants responding to calls for expression of interest for expert witnesses was being developed with the CEO's legal advisors, Mason Hayes and Curran.

Action Present the guidance document to the Board for noting at its meeting on 27 November 2019 before publishing the document on NMBI's website.

Ms Byrne left the meeting.

Item 11 – Registration

Dr Ryan joined the meeting.

11.1 Registration Directorate report

The Board noted the report which had previously been circulated to members. In addition, Dr Ryan circulated an update to the report to members.

11.2 Data breach report

The Board noted the data breach report which had previously been circulated to members.

The Board agreed to consider item 5.5 from the CEO's report at this time.

5.5 Amendment to rules

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

Decision The Board approved the following amendments:

- SI 218 of 2018 (Education and Training) Rules 2018 – section 4(2)

The minimum educational requirements referred to in paragraph (1) may be accumulated over any number of sittings of the Leaving Certificate Examination or an equivalent examination.

- SI 220 of 2018 (Recognition of Professional Qualifications) Rules 2018 – Recognition of professional qualifications as a nurse tutor – section 12
An applicant for recognition of professional qualifications as a nurse tutor must satisfy the Board that his or her professional qualifications in nursing have been recognised in accordance with Rule 6, 8, 9 or 10 and that he or she-
- SI 220 of 2018 (Recognition of Professional Qualifications) Rules 2018 – Recognition of professional qualifications as a nurse prescriber – section 13
An applicant for recognition of professional qualifications as a nurse prescriber must satisfy the Board that his or her professional qualifications in nursing have been recognised in accordance with Rule 6, 8, 9 or 10 and that he or she-

The Board further discussed other amendments to the rules.

Action The Board agreed that Ms McClelland, Dr Ryan and the chairs of the Registration Committee and Education, Training and Standards Committee should meet to further consider any amendments. If required these could be brought to the Board for approval using the written decision process.

Dr Sahm and Ms Kelly left the meeting.

The meeting adjourned for lunch at 13.15hrs. The meeting resumed at 14.00hrs.

Item 12 – Project Nightingale

Mr Foley joined the meeting.

12.1 Update on project status

Mr Foley gave a presentation to the Board updating members on the status of the project.

Action A further update to be provided to Board at its meeting on 22 October 2019.

Mr Foley left the meeting.

Item 13 – Budget and business plan, Statement of Strategy

Ms Manselli and Mr Balfe joined the meeting.

13.2 Statement of Strategy 2020-2022

Ms Manselli gave a presentation updating the Board on the progress to date of the plan to develop a Statement of Strategy for 2020-2022.

The Board considered the report on the public consultation which had previously been circulated to members.

Decision The Board agreed that the report on the public consultation should be published on NMBI's website.

Ms Manselli would now hold working sessions with the CEO and the SMT to further develop emerging themes.

Action A first draft of the Statement of Strategy 2020-2022 would be presented to the Board for approval at its meeting on 22 October 2019 with a final version to be brought to the Board at its meeting on 27 November 2019.

13.1 Budget and business plan 2020

The Board noted the draft budget and business plan 2020 which had previously been circulated to members.

The Board discussed the key focus areas (page 4 of the business plan).

Item 14 – Any other business

There being no further matters to consider the meeting ended at 15.10hrs.

Signed:

Essene Cassidy
President

Date:
