



Nursing and Midwifery Board of Ireland
Bord Altranais agus Cnáimhseachais na hÉireann

Minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held in 18/20 Carysfort Avenue, Blackrock, Co Dublin, on 24th and 25th May, 2016.

Day 1 - 24th May, 2016.

Members Present:

Ms E Cassidy, President
Ms R McElvaney
Ms M Monahan
Dr C Finn
Ms K Canning
Ms L Clarke-Bishop
Mr L Minihan
Dr D Lawler (Item 4 onwards)

Mr N Giblin
Ms M Barrett
Ms B Liston
Dr L Kavanagh-McBride
Mr D Murphy
Prof E Breatnach
Mr K McGrane

Apologies were received from:

Mr M Blake-Knox, Mr J Murray, Dr K O'Carroll, Ms S Cleary, Ms D Johnston, Mr D Manning.

In attendance:

Ms U Byrne, Interim CEO
Mr M Balfe, Interim Director of Corporate Services
Ms J Foley, Acting Chief Education Officer
Ms C Harrison, Corporate Services
Ms V O'Rourke, Fitness to Practise Department

Mr E Evans Beauchamps Solicitors (Item3)
Mr. J Gallagher Q4 Communications
(Item3)

Item No. 2 – Board Private Session

2. As the president wished to convene a private meeting of Board Members only Ms Byrne, Mr Balfe, Ms Foley, Ms Harrison and Ms O'Rourke left the meeting.

On conclusion of the private session Ms Byrne, Mr Balfe, Ms Foley, Ms Harrison and Ms O'Rourke returned to the meeting.

Item No. 3 Strategy to Manage Publication of Crowe Horwath Report

3. Ms M Griffin, Chief Executive Officer designate, joined the meeting in an observer capacity.

Mr Evans, Beauchamps Solicitors, joined the meeting.

Mr Jackie Gallagher, Q4 Communications, joined the meeting.

Mr Evans updated the Board in respect of his advice previously circulated to the Board

Decision Following a discussion on the matter, on the proposal of Mr McGrane seconded by Mr Murphy, the Board unanimously decided to publish the Crowe Horwath Report in line with the advices received from Mr Gallagher and Mr Evans.

The President advised the Board that the Department were aware that it was considering the matter of publication of the Report today and that it would be appropriate if the Department was informed directly of its decision to publish.

The President requested that the Interim CEO inform staff of this decision and advise them of how to deal with any media queries received.

The President informed the Board that she would inform former Board Members of this decision.

Mr Gallagher and Mr Evans left the meeting and did not return.

Item No. 4 Motion proposed by Dr Finn and Mr McGrane

4. Dr Lawler joined the meeting.

Dr Finn presented her rationale for the motion which was previously circulated to the Board.

The Interim CEO advised the Board that the payment of an allowance to the President would require sanction from the Minister for Health and the Minister for Public Expenditure and Reform.

Decision Following a discussion in respect of the matter the Board decided to establish a small committee to include the President and Vice President to liaise with the President's employer, Tusla and the Department regarding the release of the President from her current position and up-date the Board regarding the matter.

Dr Finn and Mr McGrane will review the motion they previously put to the Board regarding the matter.

Item No. 5 Crowe Horwath Report: final cost analysis

5. A report in relation to the costs was presented by the Interim Director of Finance and Corporate Services.

Item 6 followed item 7.

Item No. 7 Minutes and matters arising

7. Minutes of 22nd and 23rd March, 2016.

Decision The minutes of the Board meeting of 22nd and 23rd March, 2016, having been previously circulated to members, on the proposal of Mr Minihan seconded by Ms Monahan with fourteen votes for, no vote against and one abstention were adopted by the Board with the following amendments:

P.2 10.3, 'on the' final cost

P.4 8.1, 'a' newly appointed member

P.7 18.3, Decision in relation to 'his' (should be 'her')

P.7 18.4 'Mr' should be 'Ms'

P.10 25.2 Dr. Finn requested that this 'be' brought to attention

P.11 13.1 week"s - should be week's

Item 10

“The unaudited 2015 AFS was considered by the Board and it was noted that the total income of €8.277m exceeded total expenditure of €8.153m leaving a small surplus of €124k for the financial year. The AFS was approved by the Board for submission to the C&AG for audit in accordance with 53 (3) of the 2011 Act.

The Management Accounts for February, 2016 showed a small surplus of €45,771”

Mr Minihan requested that future minutes should include the above figures.

Item 7 continued after item 8.

Item No. 6 Failure to pay Annual Retention Fee

6. Ms G Byrne joined the meeting.

Ms Byrne circulated a copy of the list of registrants which were due to be removed from the Register of Nurses and Midwives for non-payment of the annual retention fee pursuant to Section 77 of the Nurses and Midwives Act, 2011.

Ms Byrne advised the Board that NMBI had fulfilled its legal obligations pursuant to the Act in respect of the matter. Ms Byrne further advised the Board that a reminder was sent to registrants who had failed to pay the annual retention fee and that stakeholders had also been advised. Ms Byrne further advised the Board that the registrants, the Minister and any known employer would be advised of the removal of names from the Register of Nurses and Midwives.

The Board broke for lunch at 1.00 o'clock.

Prof Breatnach left the meeting and did not return.

The Board raised concerns regarding the existence of the original manual Register for Nurses as well as the electronic Register. Ms Byrne explained that there were still a

small number of nurses who had not transferred from the manual Register to the electronic Register and these were usually nurses who were outside the country. Ms Byrne further advised that in the event that a nurse wished to join the electronic Register there was a mechanism for dealing with same.

The President requested that the payment of the ARF on a phased basis should be placed on the Agenda for the July Board meeting.

Decision On the proposal of Ms McElvaney, seconded by Dr Lawler, the Board decided with eleven votes for and three abstentions to cancel the names from the Register of Nurses and Midwives of the registrants who had failed to pay the annual retention fee.

Item No. 8 Competency assurance scheme – Presentation by Dr. Josephine Hegarty UCC

8. Dr Hegarty joined the meeting.

Dr Hegarty gave a presentation and same was followed by a questions and answers session afterwards.

Decision Ms Foley advised the Board that a working group is required which should consist of members of the executive and board members to examine how the organisation is going to implement the scheme.

It was agreed that a copy of the report would be provided to the Department of Health.

Item No. 7 Minutes and matters arising Continued

7.2 Minutes of 29th March, 2016

Decision The minutes of the Board meeting of 29th March, 2016, having been previously circulated to members, on the proposal of Ms Barrett seconded by Dr Finn, with twelve votes for, no vote against and two abstentions were adopted by the Board with the following amendments:

P.2 1.2 Board noted that Ms. D 'has' agreed (not was)

P.3 2.2 'this' (aunt) should be 'his'

Decision Minutes of 18th April, 2016

The minutes of the Board meeting of 18th April , 2016, having been previously circulated to members, on the proposal of Ms Elvaney seconded by Mr Giblin, the Board decided unanimously to adopt the minutes with the following amendments:

P.5 AOB confirmed to her 'tha' - should be 'that'

The Board agreed that in future that when a transcript is made reference to it should state in the minutes “a record of this is set out in the transcript” rather than “a transcript of the proceedings is attached as Appendix to the minutes”.

Item No. 9 CEO Report

8. The Interim CEO presented the CEO Report to the Board which had been previously circulated to members.

The Interim CEO updated the Board in respect of the matters contained in her report to include a matter which was due to come before the Work Relations Commission on 9th June, 2016, in respect of a former employee of the Board.

Decision On the proposal of Mr Giblin, seconded by Mr Murphy the Board agreed unanimously to adopt the CEO Report.

Item No. 10 Education Directorate Report

10. The Acting Chief Education Officer presented the Education Directorate Report to the Board which had been previously circulated to members.

A discussion took place in respect of the site visit process to include current visits and matters of concern such as CPC ratios and medication management. The President requested that an article in respect of medication management should be included in a future issue of the e-zine.

Ms. Foley advised the Board that she had been invited to speak at a conference in Glasgow and that the host would pay all associated costs pertaining to same.

Midwifery Committee

The Board noted that a meeting with the Chair and Vice Chair of the Committee and the Executive will be arranged to discuss certain matters raised by the Committee.

Decision On the proposal of Dr Kavanagh-McBride, seconded by Mr Giblin the Board agreed unanimously to adopt the Education Directorate Report.

Item No. 12 Corporate Service Directorate Report

12. Ms. O'Hanlon joined the meeting.

Mr Balfe presented the Finance and Corporate Services Directorate report to the Board which had been previously circulated to members.

Mr. Balfe updated the Board in respect of the meeting he had with the Comptroller and Auditor General (C&AG) and also in respect of HR matters. The Board was concerned that out of a staff of 30 people 20 sick days were taken from 1st January until the end of April, 2016, and further noted that the sick leave was running at 5.7% and the National average was 3.8%. The Board decided that it would continue to monitor the sick leave.

Ms O'Hanlon presented the management accounts for April, 2016. The Board noted that there was a surplus of €134,686 with a year to date surplus running at €463,710.

Ms O'Hanlon also provided explanations for any significant variance to the Budget.

Ms O'Hanlon advised the Board that the Department of Health had revised its decision on the application of Financial Reporting Standard (FRS – 102) and the Annual Financial Statement for 2015 and comparisons for 2014 were re-drafted under this standard.

Decision On the proposal of Mr Minihan, seconded by Ms Monahan the Board unanimously adopted the Corporate Services Report.

Ms O'Hanlon, Ms McElvaney, Dr Kavanagh-McBride and Ms Foley left the meeting.

Item No. 11 Registry Directorate Report

11. The Interim CEO updated the Board in respect of the matters contained in the Registry Directorate Report.

Decision On the proposal of Dr Lawler, seconded by Mr Murphy the Board agreed unanimously to adopt the Registry Directorate Report.

Item No. 13 Regulation Directorate Report

11. The Interim Chief Executive Officer updated the Board in respect of the matters contained in the Regulation Directorate Report. The Board noted that there were nine Inquiries under the 1985 Act which had to commence. Ms Byrne advised the Board that she was hopeful that the Inquiries under the Nurses Act, 1985, would conclude this year.

Decision On the proposal of Mr Murphy, seconded by Mr Giblin the Board agreed unanimously to adopt the Regulation Directorate Report.

Item No. 14 Revision of HR Policies - Update

14. The Interim Chief Executive Officer advised the Board that work has commenced on review of the following policies:

Dignity at work;
Grievance/Disciplinary;
A new policy on Protected Disclosure was also being developed.

It was agreed that the Board would be updated at its July meeting.

Item No. 15 Correspondence with external bodies

15. The Interim Chief Executive Officer advised the Board that there was no correspondence at this time.

Item No. 16 Any other business

16. Ms Liston raised concerns that might arise out of the recruitment embargo and recommended that guidance for nurses in respect of chains of command should be

issued. The Board agreed that as a regulator we cannot take a position on this matter. The President noted that nurses and midwives should refer to the Code of Professional Conduct and Ethics and the Scope of Nursing and Midwifery Practice Framework for guidance in this regard.

There being no further matters for consideration the meeting concluded at 7.00 p.m.

Day 2 Wednesday, 25th May, 2016.

Members Present:

Ms E Cassidy, President
Ms R McElvaney
Ms M Monahan
Dr C Finn
Ms K Canning
Ms L Clarke-Bishop
Mr L Minihan
Dr D Lawler
Ms S Cleary

Mr N Giblin
Ms M Barrett
Ms B Liston
Dr L Kavanagh-McBride
Mr D Murphy
Prof E Breatnach
Mr K McGrane
Ms D Johnston

Apologies were received from:

Mr Blake-Knox, Mr Murray, Dr O'Carroll and Mr Manning.

In attendance:

Ms U Byrne, Interim Chief Executive Officer and
Director of Regulation
Ms C Harrison, Corporate Services Department
Ms V O'Rourke, Fitness to Practise Department

Item No. 1 – Board Private Session

1. As the president wished to convene a private meeting of Board Members only Ms Byrne, Ms Harrison and Ms O'Rourke left the meeting.

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

Fitness to practise matters

The Board considered the following:

- One report of the Fitness to Practise Committee under the Nurses Act 1985.
- Five reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- One application pursuant to Section 55 (6) of the Nurses and Midwives Act 2011.
- One application pursuant to Section 58 of the Nurses and Midwives Act 2011.

- Six no prima facie decisions of the Preliminary Proceedings Committee.
- Reports relating to:
 - The monitoring of conditions
 - Section 44 orders/undertakings
 - Section 58 orders/undertaking
 - High Court and Supreme Court cases.

The Board decided to defer the remainder of the items on the Agenda to another meeting of the Board. The Board tentatively decided to hold a meeting on 10th June, 2016.

The meeting concluded at 6.00 p.m.

Signed: _____
Essene Cassidy
President

Date: _____