



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, 27-28 November 2018.

**Day 1: Tuesday, 27 November 2018 starting at 10.00hrs.**

**Members Present:**

Ms Essene Cassidy, President	Ms E Kelly
Dr L Kavanagh McBride, Vice President	Mr L Minihan
Mr P Dolan	Ms K Canning
Ms B Liston	Ms K Lombard
Mr L Hamill	Mr M Blake-Knox
Dr D Lawler	Mr D Manning
Ms T King	Mr K McGrane
Prof C O’Herlihy	Ms A Horgan
Mr M Higgins	Dr L Sahm
Ms E Kelly	

**In attendance:**

Ms U Byrne, Director of Regulation  
Mr E Lyons, Beauchamps Solicitors  
Mr R Farrell SC  
Ms V O’Rourke, Fitness to Practise Department  
Ms O Coady, Governance and Secretariat Manager

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

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

Apologies were received from Ms Elaine Cassidy, Mr D Murphy, Ms M Gorman, Ms L Clarke-Bishop and Ms C Cocoman.

Being members of the Preliminary Proceedings Committee, Ms B Liston and Mrs T King did not join the meeting at this time.

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.

The Interim CEO, Ms Johnston, did not join the meeting due to a conflict of interest.

## **Fitness to practise matters – items 2-8**

The Board considered the following:

- Thirteen no prima facie decisions of the Preliminary Proceedings Committee.
- Two applications pursuant to Section 57(11) of the Nurses and Midwives Act 2011.
- One application pursuant to Section 55(1) of the Nurses and Midwives Act 2011.
- Nine 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.

There being no further matters for consideration the meeting ended at 15.50hrs.

**Day 2: Wednesday, 28 November 2018 starting at 9.00hrs.**

**Members Present:**

Ms Essene Cassidy, President	Ms Elaine Cassidy
Dr L Kavanagh McBride, Vice President	Mr M Higgins
Mrs T King	Mr K McGrane
Mr L Minihan	Ms E Kelly
Ms B Liston	Mr P Dolan
Mr L Hamill	Dr D Lawler (by phone for item 2)
Ms K Lombard	Mr D Manning
Ms K Canning	Ms A Horgan
Dr L Sahm	Mr D Murphy
Mr M Blake-Knox	Mr P Dolan

**In attendance:**

Ms D Johnston, Interim CEO and Director of Midwifery  
Mr M Balfe, Interim Director of Corporate Services and Finance (items 5-6)  
Ms L Crimin, Director of Registration (item 7)  
Mr D McCann, Project Officer (item 7)  
Ms T Raftery, Project Officer (item 8)  
Ms J Foley, Director of Professional Standards – Nursing (items 8-9)  
Ms U Byrne, Director of Regulation (item 11)  
Dr AM Ryan, Director of Operations (Registration)  
Ms V O'Rourke, Fitness to Practise Department  
Ms O Coady, Governance and Secretariat Manager

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

- 1.1 Apologies were received from Ms Gorman, Prof C O'Herlihy, Ms C Cocoman 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.

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

The President left the meeting during the private session. In the absence of the President, the Vice President assumed the chair.

On conclusion of the private session at 10.20hrs Ms Johnston and Ms O'Rourke returned to the meeting.

## **Item 2 – Minutes of previous Board meetings**

### **2.1**        Minutes of 23 October 2018

The Board considered the minutes of 23 October 2018 which had previously been circulated to members.

**Action**    The findings from the Data Governance Report (item 6.3) to be added to the Risk Register.

**Decision** The Board approved the minutes of 23 October 2018.

### **2.2**        Minutes of 13 November 2018

The Board considered the minutes of 13 November 2018 which had previously been circulated to members.

The Board accepted the explanation from the Governance and Secretariat Manager in relation to the rationale for appointing a chair in the absence of the President or Vice President in advance of the meeting. However it was agreed that in future all appointments shall be in line with Standing Orders and made by members present at the meeting.

**Decision** The Board approved the minutes of 13 November 2018 subject to the above amendments.

### **2.3**        Actions and matters arising from minutes of previous Board meetings

**Decision** The Board approved the updated action list for 23 October 2018 which is attached as an appendix to these minutes.

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

**Item 3 was considered after item 4.**

The President returned to the meeting and resumed the chair.

## **Item 4 – CEO's update**

**4.1**        The Board noted the CEO report which had previously been circulated to

members.

Ms Johnston drew the Board's attention to the following items which were detailed in the report:

*Department of Health meetings*

The monthly operational meeting had been held on 11 October 2018 and the quarterly governance meeting had been held on 25 October 2018. Minutes of the operational meeting had been uploaded to Board members' iPads. Minutes of the governance meeting had not yet been received.

*FOI/data protection/PQs/ministerial reps*

A separate report had been attached providing detail on these.

*Conference to celebrate 100 years of midwifery regulation*

Ms Johnston provided a verbal update to the Board as the CEO report had been written before the conference had taken place on 22 November 2018. Overall, the conference had been a success however some problems with the acoustics in the venue were reported which would be noted for future events. The Minister for Health, Simon Harris, closed the event.

#### 4.2 Data breach notifications

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

### **Item 3 – President's update**

The President updated the Board on the following events she had attended representing NMBI:

- Irish Association of Directors of Nursing and Midwifery Conference (IADNAM).
- Mater Hospital Student Nurses Conference.

The President would also attend the Chief Nurse's Conference the following week.

### **Item 6 – Governance and Finance**

Mr Balfe joined the meeting.

#### 5.1 Appointment of Board members to committees

*Education Training and Standards Committee*

**Decision** The Board agreed to appoint Dr Sahm to the Education, Training and Standards Committee.

The Board noted that Ms C Cocoman, who was a member of the Education, Training and Standards Committee, would be on maternity leave until the summer of 2019.

**Decision** The Board agreed to appoint Ms Lombard to the Education, Training and Standards Committee until Ms Cocoman's return from maternity leave. On Ms Cocoman's return, Ms Lombard would join the Governance and Finance Committee.

*Preliminary Proceedings Committee*

**Decision** The Board agreed to appoint Ms Horgan to the Preliminary Proceedings Committee.

*Fitness to Practise Committee*

**Decision** The Board agreed to appoint Prof O'Herlihy to the Fitness to Practise Committee.

5.2 Written decision process

The Board noted that it had been agreed to review after six months the process for the taking of a decision by written procedure by the Board between scheduled Board meetings.

**Decision** Having reviewed the process, the Board agreed that it should be rolled out to all committees except the Preliminary Proceedings Committee and the Fitness to Practise Committee.

**Action** The Board agreed that the process would be reviewed once again in May 2019.

5.3 Tender for design and branding

The Board considered the evaluation report and tender proposal which had previously been circulated to members and which was recommended for approval by the Governance and Finance Committee.

**Decision** The Board agreed to award the tender to Penhouse Design for a period of three years with a possible extension of two years.

5.4 Data breach reports

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

members.

#### 5.5 Non-Board members on Board committee

The Board noted the letter from Ms Elizabeth Adams confirming her resignation from the Education, Training and Standards Committee.

**Action** A call for expressions of interest from non-Board members who were either registrants or non-registrants to replace Ms Adams on the committee would be placed on NMBI's website and in the ezine.

### **Item 6 – Audit and Risk**

#### 6.1 Review of risk management policy – staff workshops

Mr Balfe advised that he had arranged for IPB Insurance, NMBI's insurers, to give a presentation to the senior management team with a view to arranging workshops for all staff in 2019.

Mr Balfe left the meeting.

**Items 7-9 were considered after item 10.**

### **Item 10 – Professional Standards (Midwifery)**

#### 10.1 Midwifery update report

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

Ms Johnston drew the Board's attention to the following which was detailed in the report:

#### *Membership of the Midwives Committee*

Ms Ailie Moseley's term of office on the committee had ended on 19 November 2018.

**Action** A call for expressions of interest from non-Board members who were not registered as nurses and/or midwives to replace Ms Moseley on the committee would be placed on NMBI's website and in the ezine.

#### 10.2 Mullingar Regional Hospital site visit report

**Decision** Following consideration of the report which had previously been circulated to members, the Board agreed to accept the recommendation of the Education,

Training and Standards Committee and to approve the site as a clinical placement site for five years or until the next site visit for student midwives with the conditions and recommendations set out in the report.

### 10.3 Maternity Unit Wexford General Hospital site visit report

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

The Board agreed that the report should be amended to remove no. 6 on page 6 as a recommendation.

The Board discussed the format of the site visit reports. Dr Sahm noted that there was no timeframe specified for the implementation of the recommendations. Ms Johnston agreed that the lack of a standard operating procedure resulted in an inconsistent approach to report writing and to omissions in the reports.

**Decision** The Board agreed to accept the recommendation of the Education, Training and Standards Committee and to approve the Maternity Unit Wexford General Hospital for five years or until the next site visit as a clinical placement site for student midwives with the recommendations set out in the report, subject to the amendment above.

### 10.4 DKIT Higher Diploma (Midwifery)

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

**Decision** In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board accepted the recommendation of the Education, Training and Standards Committee and approved the following course for five years or until the next site visit whichever is the earliest:

- DKIT Higher Diploma (Midwifery)

Dr Kavanagh McBride left the meeting.

### **Item 7 – Project Nightingale – contract**

Ms Crimin and Mr McCann joined the meeting.

Ms Crimin gave a presentation to the Board which covered the following topics:



- Background & Objective of Project Nightingale
- Nightingale Procurement
- Overview of OpenSky Data Systems Ltd
- What will Nightingale Look Like?
- Proposed Milestones
- Project Approach
- Funding Model

This presentation was followed by a question and answer session with the Board.

**Action** Ms Crimin to provide a table with a breakdown of the cost to include gross to net contract price, resources and maintenance.

The Board noted that the contract for project management was tendered and procured in two lots: lot one was for specification and selection and lot two was for project implementation. Clarion Consulting had been awarded the contract for both lots.

**Action** The Director of Corporate Services and Finance to write to Clarion Consulting advising that lot one had concluded and implementation of lot two would now commence.

Ms Crimin advised the Board that a copy of the agreed contract between Open Sky Data Systems Ltd and NMBI had been circulated in the Board pack. Ms Crimin further advised the Board that Beauchamps Solicitors had advised on the contract and engaged with Open Sky on behalf of the NMBI.

Ms Crimin also advised the Board that the NMBI published a very detailed specification as part of RFT which set out the requirements for the Nightingale system for NMBI. This document, together with the detailed terms and conditions of the contract provided a framework for the management by the NMBI of the delivery of the Nightingale system by Open Sky Data Systems Ltd.

**Decision** Having considered the above, the Board agreed with the recommendation of the Governance and Finance Committee and agreed that NMBI should enter into a contract with Open Sky Data. It was agreed that the Interim CEO, President and chair of the Governance and Finance Committee would sign the contract for NMBI.

Ms Crimin and Mr McCann left the meeting.

## **Item 8 – Monitoring the maintenance of professional competence (MMPC)**

Ms Foley and Ms Raftery joined the meeting.

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

The Board noted that the baseline survey had been conducted from 12 October to 14 November 2018 and an interim report on the findings of the survey had been prepared and attached to the briefing document.

**Action** Ms Raftery to analyse the results of the survey in more detail and bring a final report to the Board for consideration at its meeting on 22-23 January 2019. Once the Board had considered this final report, the next steps would be agreed.

Ms Raftery left the meeting.

## **Item 9 – Professional Standards (Nursing)**

### 9.1 Education Directorate update report

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

Ms Foley drew the Board’s attention to the following which was detailed in the report:

*Audit tools and clinical learning environment guideline document*

Consultation on these documents was underway and would close on 30 November 2018.

### 9.2 GMIT site visit report

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

**Decision** The Board agreed to accept the recommendation of the Education, Training and Standards Committee and to approve GMIT and associated healthcare agencies for five years as clinical placement sites for student nurses (RGN, RCN, RPN, RNID) with the recommendations set out in the report.

### 9.3 IT Tralee site visit report

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

The Board agreed that the report should be amended to remove no. 1 on page 71 as a recommendation.

**Decision** The Board agreed to accept the recommendation of the Education, Training and Standards Committee and to approve IT Tralee and associated healthcare agencies for five years or until the next site visit as clinical placement sites for student nurses (RGN, RCN, RPN, RNID) with the recommendations set out in the report, subject to the above amendment.

9.4 Position paper on category 1 courses

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

**Decision** The Board agreed that the Professional Standards Department should start exploratory talks with stakeholders with a view to:

- Developing professional guidance for course providers in developing programmes not leading to registration for nurses and midwives.
- Discontinuing the processing and approval of category 1 programmes by NMBI through the Professional Standards (Education) Department.

9.5 Standards for nurses and midwives on medication administration

Consideration of this item was deferred.

9.6 Post-registration ID programmes – approval for consultation

The Board considered a document, which had previously been circulated to members, which set out details of a proposed post-registration RNID training programme.

**Decision** The Board accepted the recommendation of the Education, Training and Standards Committee and agreed that the document should be published for public consultation.

9.7 Competence assessment tool for nurses

The Board considered the draft *Competence assessment for overseas nurses* document which had previously been circulated to members.

**Decision** The Board accepted the recommendation of the Education, Training and Standards Committee and agreed that the document should be published for consultation.

9.8 National quality clinical learning environment audit tools

The Board noted that an update on this item had been included as part of the Education Directorate report.

Ms Foley left the meeting.

#### **Item 14 – Any other business**

##### **14.1 Health (Regulation of Termination of Pregnancy) Bill 2018 and Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives**

Ms Johnston advised the Board that current wording of certain parts of the Code could be in conflict with the soon to be enacted Health (Regulation of Termination of Pregnancy) Bill 2018. Also the issue of conscientious objection in the context of the Bill and the wording of the Code would need to be considered.

**Decision** Following consideration of the matter, the Board agreed the following:

1. Ms Johnston to seek legal advice in relation to how to proceed.
2. A sub-committee of the Board to be formed to consider the legal advice and to make recommendations to the Board on the next steps.

**Item 14.2 was considered after item 12.**

#### **Item 11 – Regulation**

Ms Byrne joined the meeting.

##### **11.1 Regulation Directorate report**

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

##### **11.2 Data breach report**

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

##### **11.4 Appointment of non-Board member to the Preliminary Proceedings Committee**

**Decision** The Board agreed to appoint Mr James Doorley to the Preliminary Proceedings Committee for a term of office of three years.

The Board noted that Prof Eamann Breatnach had resigned from the committee

and that his resignation would take effect from the appointment of Mr Doorley.

Dr Sahm left the meeting.

11.5 Procedures for attendance at PPC meetings by telephone or video link

Members of the Preliminary Proceedings Committee noted that the document as presented to the Board was not in the format agreed by the committee.

**Action** The document to be presented to the Board at its meeting on 23-24 January 2019 in the format agreed by the Preliminary Proceedings Committee.

Ms Elaine Cassidy and Ms Byrne left the meeting.

**Item 12 – Registration**

Dr Ryan joined the meeting.

12.1 Registration Directorate report

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

Dr Ryan drew the Board's attention to the following items which were detailed in the report:

*Disbandment of the inactive file*

Almost 30,000 letters were sent to registrants who were on the inactive file and over 10,000 responses had been received so far.

*KPI report*

Dr Ryan advised that applications from Irish trained registrants had been processed within the 15 day timeframe and were up-to-date. The Board noted that this was not captured in the KPI report and requested that in future this be included in the report.

Ms Lombard left the meeting.

12.2 Data breach report

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

**Item 14 – Any other business (continued)**

## 14.2 Registration certificates

A briefing document was circulated to members.

Dr Ryan advised the Board that an issue had been identified with some renewal registration certificates; information printed on the certificate (division and date of registration) appeared twice on the certificate. The information printed on the certificate was correct but appeared twice. Approximately 2000-3000 of the 10000 certificates issued had been affected. It would appear that this was caused by a bug in the Miller system.

The Irish Registration Department were identifying the registrants affected and would arrange for Revenue to post a correct certificate to them before the end of the week.

Dr Ryan left the meeting.

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

There being no further matters for consideration, the meeting ended at 15.00hrs.

**Signed:**

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**Essene Cassidy**  
**President**

**Date:**

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