



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held in 18/20 Carysfort Avenue, Blackrock, Co Dublin, on Wednesday, 22 January 2020 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
Ms K Canning	Mr D Manning
Mr M Blake-Knox	Mr P Dolan
Ms M Gorman	Dr D Lawler

### **In attendance:**

Ms S McClelland, CEO  
Mr M Balfe, Interim Director of Corporate Services and Finance  
Dr AM Ryan, Director of Professional Standards (Nursing)  
Ms D Johnston, Director of Midwifery  
Mr C O'Leary, Director of Registration  
Ms U Byrne, Director of Regulation  
Ms N Lyons, Interim Head of Communications  
Mr A Kidpalos, Professional Officer, Professional Standards (Nursing)  
Mr E Lyons, Beauchamps Solicitors  
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 D Murphy, Ms A Horgan, Mr L Hamill, Dr L Kavanagh McBride, Ms K Lombard and Prof C O'Herlihy.

The Board noted that the President would attend the meeting later in the day.

- 1.2 In the absence of the President and Vice President, the Board elected Mr Manning to be chair of the meeting in accordance with paragraph 18(c) of the Schedule of the Nurses and Midwives Act 2011. The chair reminded Board members of the provisions of the conflict of interest policy. The chair then asked Board members to review the agenda to identify any conflicts of interest.

The Board noted that it had agreed at its meeting the day before to first consider item 7 from the previous day's agenda as this item had been deferred due to the lateness of the hour.

### **Item 7 – Fitness to practise matters**

The Board considered an application pursuant to section 55(6) of the Nurses and Midwives Act 2011.

### **Item 3 – Minutes and actions of previous meetings**

#### **3.1 Minutes of 17 December 2019**

The Board considered the minutes of 17 December 2019 which had previously been circulated to members.

**Decision** The Board approved the minutes of 17 December 2019.

#### **3.2 Minutes of 9 January 2020**

The Board considered the minutes of 9 January 2020 which had previously been circulated to members.

**Decision** The Board approved the minutes of 9 January 2020.

#### **3.1.1 Actions arising from the meeting of 17 December 2019**

**Decision** The Board approved the updated action list for 17 December 2019 which is attached as an appendix to these minutes.

#### **3.2.1 Matters arising from the meeting of 17 December 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 9 January 2020**

There were no matters arising.

### **Item 4 – President's update**

#### **4.1 President's update**

The Board agreed to defer discussion of this matter until President was in attendance. The matter was considered after item 7.

#### 4.2 Plain English guide

Ms Byrne advised the Board that the guide had been sent to the staff associations for comment. The staff associations had been requested to submit their comments by the end of January 2020. Ms Byrne would provide an update to the Board at its meeting on 25 March 2020.

### Item 5 – CEO’s update

- 5.1 At the Board’s request the directorate reports had been incorporated into the CEO report and that this was the proposed format for future meetings. This first composite report included a summary of activity across the organisation for 2019 in addition to an update from each functional area.

The Board discussed the following items which were detailed in the report:

#### ***CEO report***

The Board noted that the President and Ms McClelland had attended the CLEAR winter symposium and mid-year business meeting in San Diego, California, at the beginning of January. Presentations from this meeting had been uploaded to Board members’ iPads.

#### ***Human resources – current headcount***

Mr Minihan asked for confirmation that the numbers presented in the report were correct and not above the approved complement. Ms McClelland agreed to verify this with the HR Department and to provide a response later in the meeting.

The Board noted the CEO report including the incorporated directorate reports.

- 5.2 Data protection: breach notifications and update report

#### ***Data breach notifications***

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

#### ***Update report***

The Board noted the update report which had previously been circulated to members. The report set out the number of data breaches, subject access requests and freedom of information requests received from July to December 2019.

Ms Lyons joined the meeting.

### 5.3 Communications review 2019 and considerations for 2020

Ms Lyons presented a six-month update to the Board on the areas of branding and corporate communications, communication with registrants, public affairs and media relations. Ms Lyons also presented the scope of strategy for NMBI communications for 2020, including an overview of the potential challenges and risks NMBI would face.

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

**Action** Tactical communications implementation plan and timeline for 2020 including an update to communications which will support Nightingale launch education/information, ‘launch’ and ‘go-live’ – update to the Board at its meeting on 25 March 2020.

**Action** First phase of the Customer Action Plan to be brought to the Board for its consideration at its meeting on 20 May 2020.

Ms Lyons left the meeting.

### 5.4 Amendments to rules

Ms McClelland provided a verbal update to the Board on the rules:

- The draft rule in relation to section 40(1)(a) of the Nurses and Midwives Act 2011 (adequate clinical indemnity insurance for midwives) had been sent to the Department of Health for comment.
- A review of the existing rules was being undertaken and a list of needed amendments would be compiled. An update would be provided to the Board at its meeting on 25 March 2020.
- A suite of new rules would be required following the implementation of the new registrant system and the enactment of the Regulated Professions (Health and Social Care) (Amendment) Bill 2019.

Members of the SMT, Ms Byrne, Mr O’Leary, Ms Johnston and Dr Ryan left the meeting.

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

Mr Balfe remained in the meeting.

## 6.1 Appointment of chair of the Governance and Finance Committee

The Board noted that the former chair of the Governance and Finance Committee, Mr Kilian McGrane, had resigned from the Board and the Governance and Finance Committee at the end of December 2019 and that, as per the Nurses and Midwives Act 2011, his resignation was effective from the meeting of the Board next held after receipt of notice of resignation, i.e. 9 January 2020. At its meeting on 20 January 2020, the committee considered the appointment of a chair to replace Mr McGrane and agreed to recommend to the Board that Ms Kathleen Lombard be appointed chair.

**Decision** The Board agreed to accept the recommendation of the committee and to appoint Ms Lombard chair of the Governance and Finance Committee.

## 6.2 Change to standing orders re Board member attendance

The Board noted that there was no briefing paper as the matter had been considered by the Governance and Finance Committee the day before. A verbal briefing was provided to the Board.

NMBI's standing orders state that:

*Board meetings which take place over two days will be counted as one meeting.*

Therefore, if a Board member attended all or part of the meeting on one or both days this was counted as attendance at the meeting.

In NMBI's financial statements and annual report two-day Board meetings were counted as one meeting for the purposes of calculating the number of Board meetings held in the year.

In addition, section 27(3) of the Nurses and Midwives Act 2011 states that:

*A member of the Board who does not, for a consecutive period of 6 months, attend a meeting of the Board ceases at the end of that period to hold office unless the member demonstrates to the Minister's satisfaction that the failure to attend was due to illness.*

Paragraph 10 of the Schedule of the Nurses and Midwives Act 2011 states that:

*The Board may, by notice in writing given to all the members of the Board, specify the minimum number of meetings of the Board which the members are required to attend.*

In addition, the Code of Practice for the Governance of State Bodies 2016 recommends that:

*The Board should clarify an expectation of 100% attendance at all Board meetings and as part of the assignment of a new Board member evaluate attendance when the member is due to be re-appointed.*

NMBI's standing orders require that:

*..members of the Board who do not attend a minimum of four Board meetings a year or who absent themselves from four consecutive meetings without the Board granting leave may be required to cease office.*

At its meeting in December 2019, the Board suggested that, from the first two-day Board meeting of 2020, each day of the Board meeting would be counted as a separate meeting day and Board member attendance would be calculated accordingly. If this were to occur, at the end of the first meeting day, the meeting would be formally closed and a new meeting formally opened on the second day. The minutes of both days would be kept separate. The standing orders would then be amended to reflect this change. The financial statements and annual report for 2020 would also include this revised calculation of meeting days and Board member attendance.

The matter was considered by the Governance and Finance Committee who agreed to recommend to the Board that NMBI's standing orders be amended to state that two day Board meetings would be counted as two separate Board meetings and that, if agreed by the Board, Board member attendance would be calculated accordingly from 21-22 January 2020.

In addition to the requirements set out in section 27(3) of the Nurses and Midwives Act 2011, the Governance and Finance Committee also agreed to recommend that the standing orders be amended in relation to minimum attendance requirements as set out below (changes underlined):

*'members of the Board who do not attend a minimum of four Board meetings a year or who absent themselves from six consecutive scheduled meetings without the Board granting leave may be required to cease office.'*

**Decision** Following consideration of the matter the Board agreed to accept the recommendation of the Governance and Finance Committee as set out above in relation to amendment of the standing orders regarding the counting of Board meetings and Board member minimum attendance requirements.

**Decision** The Board also agreed that exceptions to the minimum attendance requirements should be made for members on maternity leave and that this should be reflected in the standing orders.

6.5 Management accounts

The Board noted the management accounts for November 2019 which had previously been circulated to members. Mr Balfe circulated draft accounts for December 2019.

6.6 Data breach report

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

Mr Balfe left the meeting.

**Item 7 – Professional Standards (Nursing)**

Dr Ryan joined the meeting.

Item 7.1 was considered after item 7.2.

7.2 Guidance for Nurses and Midwives on Medication Administration

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

The Board noted that it had considered the document at its meeting on 17 December 2019 and had agreed that guiding principle 7 should be reviewed to ensure that clear guidance would be included regarding policies, procedures, protocols and guidelines (PPPGs) and the administration of MDA drugs. These changes had been made on page 21 of the document.

**Decision** Following consideration of the matter, the Board agreed to approve the revised document for publication.

The President joined the meeting and assumed the chair.

7.1 Post Registration Specialist Nursing and Midwifery Education Programmes Standards and Requirements (First Edition)

Ms Johnston and Mr Kidpalos joined the meeting.

The Board considered the document which had previously been circulated to members. The Board noted that the document had been considered by the Education, Training and Standards Committee at its meeting on 5 December 2019 and that the committee was recommending it for approval. However, the Board also noted that, at this meeting, the Education, Training and Standards Committee had agreed that the opinion of the Midwives Committee should be sought. This had been done using the written procedure following the meeting of the Education, Training and Standards Committee.

Ms Lawler, chair of the Midwives Committee, advised the Board that the Midwives Committee had concerns in relation to the assessment criteria used for Clinical Midwife Specialists (CMS) and Advanced Midwife Practitioners (AMP).

The Board discussed the matter and agreed that Ms Lawler's concerns regarding the differences with CMS and ANP also applied to the definitions of Clinical Nurse Specialist (CNS) and Advanced Nurse Practitioner (ANP) in the document.

**Action** Following further discussion, the Board agreed that the chair of the Education, Training and Standards Committee and the chair of the Midwives Committee should meet with Dr Ryan, Mr Kidpalos and Dr J Foley to discuss the concerns raised. The matter would then be considered by the Midwives Committee at its meeting on 4 February 2020 and an update presented to the Board at its meeting on 25 March 2020.

The Board also agreed that the letter received from the Chief Nurse instructing NMBI to prepare this document should be consulted to ensure that the document was within the remit of the letter.

### 7.3 Nurse Authority to Refer for Radiological Procedures Standards and Requirements for Education Programmes (Second Edition)

The Board considered the draft document which had previously been circulated to members. Ms Johnston advised the Board that the Midwives Committee had no comment to make on the document as the referral of persons for medical ionising radiation procedures did not impact on midwifery care.

**Action** References to 'midwife' to be removed from the entry requirements (page 11) '*..must be registered as a nurse... and/or a midwife in the NMBI Register*' (underlined section to be removed).

**Decision** The Board agreed to approve the document for publication with the above amendments. The Board also agreed that the Midwives Committee should



review the document in two years in case the situation in relation to midwives had changed.

Dr Ryan, Ms Johnston and Mr Kidpalos left the meeting.

Item 8 was considered after item 4.1.

#### **Item 4 – President’s update (continued)**

##### **4.1 President’s update**

###### *CLEAR*

The President briefly updated the Board on her attendance at the CLEAR winter symposium and midyear business meeting which she had attended with Ms McClelland. The President noted that an update on the event was provided in the CEO report.

###### *Retirement of Chief Nurse*

The President and Ms McClelland had been invited to attend a reception in the Department of Health on 31 January 2020 to mark the retirement of the Chief Nurse, Dr Siobhan O’Halloran.

###### *International Year of the Nurse and Midwife*

The World Health Organization (WHO) had designated 2020 as the ‘Year of the Nurse and Midwife’, in honour of the 200<sup>th</sup> anniversary of the birth of Florence Nightingale. The President attended an event hosted by the Department of Health and at which Dr Ryan represented NMBI and gave a presentation.

###### *Quarterly governance meeting at the Department of Health*

The meeting scheduled to take place in January had been deferred and would take place around the second week of February. The agenda and minutes of the previous governance meeting held in October had been uploaded to Board members’ iPads.

###### *Plain English guide*

The President noted that Ms Byrne had updated the Board on this matter.

Ms Greene left the meeting.

#### **Item 8 – Project Nightingale**

Mr O’Leary joined the meeting.

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

The Board also noted the updated project risk register which was attached to the report.

Mr O’Leary and Ms Gorman left the meeting.

#### **Item 9 – Fitness to practise items**

The Board considered reports relating to the following:

- Monitoring of conditions.
- Section 44 orders/undertakings.
- Section 58 orders/undertakings.
- High Court and Court of Appeal Cases

#### **Item 2 – Board in camera session**

As the Board wished to continue its discussion in private Ms McClelland 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 15.00hrs.

#### **Item 10 – Any other business**

There being no further matters to consider the meeting ended at 15.00hrs.

**Signed:**

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**Essene Cassidy**  
**President**

**Date:**

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