



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, 18 June 2019 starting at 9.00hrs.

### **Members Present:**

Ms E Cassidy, President  
Mr J Horan  
Dr L Sahn  
Mr P Dolan  
M L Minihan  
Ms E Kelly

Ms M Gorman  
Ms K Greene  
Ms Anne Horgan  
Prof C O’Herlihy  
Ms B Liston

### **In attendance:**

Ms D Johnston, Interim CEO and Director of Midwifery  
Mr M Balfe, Director of Corporate Services and Finance (item 6)  
Ms U Byrne, Director of Regulation (item 9-17)  
Mr J Sadlier, Head of PPC Division (item 17)  
Ms N Rohan, Professional Officer (item 7)  
Mr R Foley, Clarion Consulting (item 18.3)  
Mr E Lyons, Beauchamps Solicitors  
Mr S McLoughlin, Beauchamps Solicitors  
Ms O Coady, Governance and Secretariat Manager

### **General Board business**

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

- 1.1 Apologies were received from Mr M Blake-Knox, Ms K Canning, Ms L Clarke-Bishop, Ms C Cocoman, Mr L Hamill, Mr M Higgins, Dr L Kavanagh McBride, Dr D Lawler, Ms K Lombard, Mr D Manning, Ms K McGrane and Mr D Murphy.
- 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 advised the Board that she had agreed in advance of the meeting that the following items would be deferred: item 9.1, item 13 and item 15. The Board agreed to change the running order of the agenda and to introduce a new item (CEO report) under item 5. A document in respect of this item had previously been circulated to members.

## Item 2 – Board private session

As the Board wished to continue its discussion in private Ms Johnston left the meeting.

The private session ended at 9.15hrs. Ms Johnston joined the meeting.

## Item 3 - Minutes

### Minutes of meeting of 21-22 May 2019

The Board considered the minutes of 21-22 May 2019 which had previously been circulated to members.

**Decision** The Board approved the minutes of 21-22 May 2019.

## Item 4 – Actions and matters arising

**Decision** The Board approved the updated action list for 21-22 May 2019 which is attached as an appendix to these minutes. There were no matters arising which were not dealt with in the action list or elsewhere on the agenda.

Ms Kelly joined the meeting during consideration of this item.

## Item 5 – Change to approved minutes and CEO report

### 5.1 Change to approved minutes

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

**Decision** The Board approved the proposed changes to the published minutes of 24 January 2018 and agreed that the minutes published on NMBI’s website be replaced with the revised version.

### 5.2 CEO report

Ms Johnston presented the CEO report which had previously been circulated to members. Ms Johnston drew the Board’s attention to the following matters which were detailed in the report:

#### *Project Nightingale*

In addition to the update provided in the CEO report, Ms Johnston updated the Board in relation to the minimum data set which had been agreed with the

Department of Health as part of the specification of requirements for the Nightingale tender. Following analysis, an initial review by the Data Protection Officer and having taken legal advice in relation to collecting the PPSN from registrants, it was established that NMBI has no legal basis currently to capture and store certain fields which had been agreed as part of the minimum data set. It was noted that the milestone to agree the minimum data set with the developer was 1 July 2019.

Following discussion, Ms Johnston agreed that Mr Ronan Foley, the project manager for Nightingale, would join the meeting in the afternoon to provide the Board with more information.

#### *Data security*

All recommendations following the Grant Thornton audit had been implemented with the exception of closing down the public drive which was almost complete. Following a campaign to recruit a Data Protection Officer, a successful candidate had been identified.

#### *Directive 2005/36/EC Annex 5*

A revision of Annex 5 in relation to the general nurse qualification has been commissioned by the EU. It was expected that this review would take two years to complete.

#### *Fitness to practise*

Discussions had taken place with the Medical Council to see if lessons could be learned from their scheduling arrangements for fitness to practise inquiries. However, as the Regulated Professions (Health and Social Care) (Amendment) Bill 2019, which would allow for three person panel, was currently before the Oireachtas, it was hoped that the scheduling problems could be alleviated if this was enacted.

**Action** Regular updates on fitness to practise panels and the progress of the Regulated Professions (Health and Social Care) (Amendment) Bill 2019 to be provided to the Board.

#### *Patient Safety Bill*

NMBI had been asked to comment on the Bill.

Ms Johnston also updated the Board on the following which were not included in the report.

#### *Nursing Now*

The Nursing Now campaign is a non-political campaign which aims to raise the status and profile of nursing and is run in collaboration with the World Health

Organisation and International Council of Nurses. Ms Johnston advised the Board that she had agreed to accept the invitation from the INMO to sit on the Nursing Now Ireland national committee.

**Action** Ms Johnston to continue to update the Board on the work of the committee through the Midwifery Directorate reports.

*Retirement of Ann O'Brien, Staff Officer, Registration Department*

The Board noted that Ms Ann O'Brien would retire on 19 June 2019 after 41 years of service with An Bord Altranais/NMBI. The President and Ms Johnston, on behalf of the Board and the executive, wished to record their thanks to Ms O'Brien for her service and wished her an enjoyable retirement.

The President noted that this was Ms Johnston's last Board meeting as Interim CEO. Board members joined the President in thanking Ms Johnston for her leadership and drive during her eleven months in the role and acknowledged her contribution to providing stability to the organisation during this time. Ms Johnston thanked the Board for their support and for the opportunity they had given her and stated that she was looking forward to working with the new CEO.

## Item 6 – Governance and Finance

### 6.1 Appointment of Board members to committees

**Decision** The Board agreed to appoint Mr J Horan to the Registration Committee.

The Board noted that there were vacancies for Board members on the Preliminary Proceedings Committee and the Education, Training and Standards Committee.

**Action** Appointments to the above committees to be made at the Board meeting on 23-24 July 2019.

### 6.2 Attendance of a second Board member at CLEAR conference

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

**Decision** The Board approved the revised foreign travel schedule for 2019 which included the attendance of a second Board member at the CLEAR conference in September 2019.

**Action** The President and Ms Coady to discuss the criteria for selecting a second Board member to attend the conference.

### 6.3 Review of the written decision process

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

**Decision** The Board agreed to:

- Extend the process to FTPC and PPC when approval in relation to a change to procedures is required. The decision whether to use the process would rest with the chair. The process would not be used in relation to decisions regarding cases.
- Amend the procedures to state that at the meeting of the Board/committee following the taking of a decision by written procedure the outcome of the decision should be noted by the Board/committee and recorded in the minutes.

Mr Balfe joined the meeting.

### 6.4 Management accounts

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

**Action** A revised budget for the second half of the year would be agreed with the Department of Health and presented to the Board at its meeting on 24-25 September 2019.

**Action** A report on WTEs to be included in the commentary.

The Board noted the management accounts for April 2019.

Mr Balfe left the meeting.

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

Ms Rohan joined the meeting.

### 7.1 Trinity College Dublin

The Board considered the briefing document, which had previously been circulated to members, and which set out information on the following programme:

- Clinical Health Sciences Education Programme (RNT)

**Decision** In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the Clinical Health Sciences Education Programme (RNT) in TCD for five years or until the next site visit whichever would be earliest.

Ms Rohan briefly updated the Board on the status of the removal of the collaborative practice agreement (CPA).

**Action** A detailed briefing note on the matter to be presented to the Board at its meeting on 23-24 July 2019 including an explanation for the delays experienced so far.

Ms Rohan left the meeting.

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

### **8.1 University College Limerick**

The Board considered the briefing document, which had previously been circulated to members, and which set out information on the following programme:

- Higher Diploma in Midwifery

**Decision** In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the Higher Diploma in Midwifery in UL for five years or until the next site visit whichever would be earliest.

## **Item 18 – Any other business**

### **18.1 Terms of reference for chairs’ committee**

The recent internal audit highlighted that terms of reference for the chairs committee had been set down in the minutes of the first meeting of the committee but had not been approved by the Board.

**Action** Draft terms of reference to be shared with the Board in advance of the Board meeting on 23-24 July 2019 with a view to considering them for approval at the meeting. A meeting of the chairs to be scheduled following the general business part of the Board meeting on 24 July 2019.

### **18.2 Statement of Strategy 2020-2022**

A draft of the text for public consultation was circulated to the Board for noting.

Ms Johnston left the meeting.

Ms Byrne joined the meeting.

### **Items 9-17 – Fitness to practise matters**

The Board considered the following:

- Eight no prima facie decisions of the Preliminary Proceedings Committee.
- Two applications pursuant to section 55(6) of the Nurses and Midwives Act 2011.
- Three undertakings pursuant to section 65 of the Nurses and Midwives Act 2011.
- One application pursuant to section 58 of the Nurses and Midwives Act 2011.
- One report of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- An application to vary an undertaking to the Board.
- High Court confirmation of sanctions.

### **Item 18 – Any other business (continued)**

#### **18.3 Project Nightingale**

Ms Johnston and Mr Foley joined the meeting.

A briefing paper in relation to the minimum data set was circulated to the Board.

The paper set out the minimum data set which had been agreed with the Department of Health. The data elements which NMBI had a legal basis for capturing and storing based on the current registration rules were listed in green fields. The data elements which NMBI had no legal basis to capture and store were listed in red fields.

Mr Foley advised the Board that legal advice had been received in respect of one of the red fields (PPSNs) and it had been established that NMBI should not capture and store this data. The Board suggested that, if required, the Minister could confer additional functions on the Board under section 10 of the Nurses and Midwives Act 2011 to give NMBI a legal basis to capture additional data. However, Mr Foley noted that the milestone to agree the minimum data set with the developer was 1 July 2019. Therefore, a definitive list of fields would have to be established as soon as possible as this would need to be submitted to the Department of Health before 1 July 2019.

The Board considered the list of personal information which may be collected

under the registration rules. The Board suggested that the data captured in some green fields could be expanded to include information currently listed in the red fields while still falling within the parameters of the registration rules. The Board requested that Mr Foley undertake a review of the minimum data set to see if this was possible.

**Decision** The Board agreed that once a review of the minimum data set had taken place, the executive could agree the final fields with Mr Foley and submit them to the Department of Health.

**Action** An update to be presented to the Board at its meeting on 23-24 July 2019.

There being no further matters for consideration the meeting ended at 16.30hrs.

**Signed:** \_\_\_\_\_

**Essene Cassidy**  
**President**

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