



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 July 2018.

Day 1: Tuesday, 24 July 2018 starting at 10.00hrs.

Members Present:

Dr L Kavanagh McBride, Vice President	Mr L Minihan
Mr P Dolan	Ms K Canning
Ms B Liston (items 7 and 12)	Mr D Murphy (items 7 and 12)
Mr L Hamill	Ms K Lombard (from item 3)
Dr D Lawler	Ms E Kelly
Ms L Clarke-Bishop	Mr D Manning
Prof C O’Herlihy	Mr K McGrane

In attendance:

Ms U Byrne, Interim Chief Executive Officer and Director of Regulation
Ms L Crimin, Director of Registration (item 6)
Dr AM Ryan, Director of Operations (Registration) (item 6)
Ms J Foley, Director of Professional Standards - Nursing (item 12)
Mr D Holohan, Beauchamps Solicitors (items 6-7)
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.

The Vice President welcomed Prof Colm O’Herlihy to the Board. Prof O’Herlihy had been appointed by the Minister following nomination by the Medical Council under Section 22(1)(d) of the Nurses and Midwives Act 2011 to replace Prof Eamann Breatnach.

Apologies were received from Mr M Blake-Knox, Ms Elaine Cassidy, Ms Essene Cassidy, Ms C Cocoman and Mr M Higgins.

Being members of the Preliminary Proceedings Committee, Ms B Liston, Ms M Gorman, Mrs T King and Mr D Murphy 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.

Fitness to practise matters – Items 2-10

The Board considered the following:

- Three no prima facie decisions of the Preliminary Proceedings Committee.
- One application pursuant to Section 55(1) of the Nurses and Midwives Act 2011.
- Three applications pursuant to Section 53(1) of the Nurses and Midwives Act 2011.
- One application pursuant to Section 58 of 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.
- Consideration of a report of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.

Items 11-12 were considered on day 2 of the meeting.

Item 13 was considered after item 14.

Item 14 – Regulation

14.1 Appointment of non-Board member to the Fitness to Practise Committee

Decision The Board agreed to appoint Margaret Philbin (registered midwife) to the Fitness to Practise Committee for a term of office of three years.

14.2 Re-appointment of non-Board members to the Fitness to Practise Committee

Decision The Board agreed to re-appoint the following non-Board members to the Fitness to Practise Committee for a final term of office of three years:

- Martin McNamara (registered nurse)
- Richard Hammond (lay representative)
- Jill Long (lay representative)
- Cindy Mackie (lay representative).

The Board noted that there remained a vacancy on the committee for a Board member who was not a nurse or a midwife.

14.3 Fitness to Practise Directorate report

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

Ms Byrne advised the Board that the Preliminary Proceedings Committee had considered the proposal regarding mediation and had no changes to make. The proposal would now be placed on NMBI's website and submissions sought from NMBI's stakeholders.

The Board noted the KPI report detailing the fitness to practise case costs.

At its meeting on 20 June 2018, Ms Byrne gave a presentation to the Fitness to Practise Committee entitled 'Criminal Conviction Cases' based on the legal advices received. A training session on this matter would be arranged for Board members in September.

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

The Board discussed the use of expert witnesses. It was noted in the Regulation report that a meeting was scheduled for 15 August 2018 to discuss issues relating to the use of expert witnesses.

Item 12 – Professional Standards (Nursing)

Ms Foley joined the meeting.

13.1 Dundalk Institute of Technology

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

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing
- BSc (Hons) Intellectual Disability Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing
- BSc (Hons) Intellectual Disability Nursing.

12.2 University College Cork

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

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Children’s and General Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Children’s and General Nursing.

12.3 Galway Mayo Institute of Technology

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

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing.

12.4 Institute of Technology Tralee

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

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing.

12.5 Trinity College Dublin

Dr Lawler declared a conflict of interest and left the meeting.

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

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Children’s and General Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Children’s and General Nursing.

Dr Lawler returned to the meeting.

Ms Clarke-Bishop left the meeting.

12.6 University College Dublin

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

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Children’s and General Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Mental Health Nursing
- BSc (Hons) Children’s and General Nursing.

12.7 Letterkenny Institute of Technology

The Vice President declared a conflict of interest and left the meeting. In the absence of the Vice President, Dr Lawler assumed the chair.

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

- BSc (Hons) General Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Psychiatric Nursing.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Intellectual Disability Nursing
- BSc (Hons) Psychiatric Nursing.

The Vice President returned to the meeting and resumed the chair.

12.8 Standards and requirements for post-registration programmes

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

- Children’s Nurse Post-Registration Education Programme
- Psychiatric Nurse Post-Registration Education Programme

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for no longer than five years subject to the documents being typeset and formatted:

- Children’s Nurse Post-Registration Education Programme
- Psychiatric Nurse Post-Registration Education Programme.

Ms Clarke-Bishop returned to the meeting.

12.9 UCD and associated healthcare agencies – site visit (nursing)

The Board considered the site visit reports which had previously been circulated to members.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board agreed that UCD and associated healthcare agencies be approved to provide discipline specific registration education programmes for a period of five years or until the next site visit subject to the conditions as presented in the report. These conditions must be met within six months unless otherwise stated.

12.10 Education Directorate report

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

12.11 Education, Training and Standards Committee update

The chair of the committee, Ms Clarke-Bishop, updated the Board on the work of the committee to date.

The Board noted that the committee had considered the letter from the Chief Nurse requesting that NMBI consider developing standards and requirements for general and intellectual disability post-graduation education/registration programmes. Ms Foley advised that some work had already been undertaken in developing standards and requirements for post-graduation intellectual disability programmes and that this could possibly be completed before the end of the year if required. Further discussion at committee level would have to take place before work could begin on development of standards and requirements for general post-graduation programmes. Ms Foley did not see this work commencing before 2019.

Ms Foley advised that meetings were underway to review the national quality learning environment audit tools.

There being no further matters for consideration the meeting ended at 16.45hrs.



Day 2: Wednesday, 25 July 2018 starting at 9.00hrs.

Members Present:

Mrs T King, Chair
Dr D Lawler
Prof C O’Herlihy
Mr L Minihan
Ms B Liston
Mr L Hamill
Ms K Lombard
Ms K Canning

Mr K McGrane
Ms E Kelly
Mr P Dolan
Ms L Clarke-Bishop
Ms C Cocoman
Ms M Gorman
Mr D Manning

In attendance:

Ms U Byrne, Interim CEO and Director of Regulation
Mr M Balfe, Interim Director of Corporate Services and Finance (items 7-8)
Ms L Crimin, Director of Registration (items 9-10)
Dr A de Búrca, Communications Manager (items 3-11)
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 Mr M Blake-Knox, Ms Elaine Cassidy, Ms Essene Cassidy, Mr M Higgins, Dr L Kavanagh McBride and Mr D Murphy.

In the absence of the President and Vice President, Mrs King assumed the chair.

1.2 Mrs King reminded Board members of the provisions of the conflict of interest policy. Mrs King then asked Board members to review the agenda to identify any conflicts of interest.

Item 2 – Board in camera session

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

On conclusion of the private session at 9.55hrs Ms Byrne and Ms O’Rourke returned to the meeting. Dr de Búrca joined the meeting.

Item 3 – Minutes of previous Board meetings

3.1 Minutes of 21 June 2018

The Board considered the minutes of 21 June 2018 which had previously been circulated to members.

Decision The Board approved the minutes of 21 June 2018.

3.2 Minutes of 5 July 2018

The Board considered the minutes of 5 July 2018 which had previously been circulated to members.

Decision The Board approved the minutes of 5 July 2018.

Item 4 – Actions and matters arising from minutes of previous Board meetings

Decision The Board approved the updated action list for 5 July 2018 which was attached as an appendix to the minutes. The Board noted that the action list for 5 July 2018 updated the action list for 21 June 2018.

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

Item 5 – President’s update

5.1 Agenda and minutes of Department of Health meetings

The Board noted the agendas and minutes of operational and governance meetings held with members of the Department of Health which had previously been circulated to members.

Ms Lombard noted that reference was made in the minutes to the Crowe Horwath report.

Action An update on the implementation of the recommendations of the report to be presented at the next Board meeting.

Item 6 – CEO report

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

Ms Byrne drew the Board’s attention to the following items which were detailed in the report:

Nurses and Midwives rules

Five sets of rules had been signed into law with a commencement date of 25 June 2018. The new sets of rules address the areas of registration, qualification recognition, the candidate register and the structure of registers. The education and training rules remove the requirement to link a person with a post or accredit advanced practice posts. NMBI will continue to set the requirements and standards for advanced nursing and midwifery practice and registration.

Comptroller and Auditor General audit

The C&AG audit would begin on 7 August 2018. Extensive preparations were ongoing and were being led by Mr M Balfe.

Human resources

Dr Lawler noted that the report stated that the Midwifery Project Officer post had been suppressed and queried why this had happened. Ms Byrne advised that Ms Georgina Farren had moved from the CEO Office to Professional Standards (Midwifery) to undertake this position. However, as Ms Farren was employed to work a three day week only and the Midwifery Project Officer position was an approved full time position, Ms Byrne informed the Board that this post was under consideration.

6.2 Communications six month review update

Dr de Búrca presented the communications plan six month review which had previously been circulated to members.

Dr de Búrca drew the Board's attention to the following items set out in the review:

- Strategy and work programme.
- Public affairs January – June 2018, including parliamentary questions, ministerial representations, freedom of information requests, subject access requests and data breaches.
- Outstanding matters and the plan for July – December 2018 including branding and corporate communications.
- The customer action plan would be the entire focus of 2019.

The Board commended Dr de Búrca on the report and the work undertaken and noted that, compared to other regulatory bodies in Ireland, the communications function in NMBI was under-resourced.

Action The Board agreed that, as part of the year-end review, the resource requirement would be considered and, if necessary, a business case would be made for additional resources.

The Board discussed communication with registrants.

Action The Board agreed that a reminder about the facility to pay the annual retention fee by advance instalments should be placed on NMBI's website and in the ezine.

6.3 Media policy

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

Decision The Board approved the media policy.

6.4 NMBI standard PowerPoint presentation

The Board considered the standard PowerPoint presentation which had previously been circulated to members.

Decision The Board approved the standard PowerPoint to be used for presentations by members of NMBI.

6.5 Data protection breach notifications

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

6.6 GDPR update

The Board noted the GDPR project plan which had previously been circulated to members.

6.7 Reserved and delegated functions

The Board noted the consolidated document which set out the reserved and delegated functions for each section of the Nurses and Midwives Act 2011. The Board noted that the sections had been individually approved by the Board at previous meetings.

Item 7 – Governance and Finance

Mr Balfe joined the meeting.

The President returned to the meeting and resumed the chair.

7.1 Management accounts

The Board noted the management accounts for June 2018 which had previously been circulated to members.

An updated document showing a revised forecast from June 2018 and the difference between budget and forecast and an accounts narrative document was circulated to members.

Action Mr Balfe to bring a cash profile to the Board for consideration at its meeting on 25-26 September 2018.

Item 8 – Audit and Risk

8.1 Updated risk management policy

Mr Balfe presented the updated risk management policy which had been amended to take into account the provisions of the revised Code of Practice for the Governance of State Bodies 2016.

Ms Lombard suggested that the policy should also take into account the guidance issued by the Department of Public Expenditure and Reform.

Action Mr Balfe agreed to update the policy taking into account the DPER guidelines and how the departmental risk registers, which were currently being developed, would contribute to the corporate risk register.

8.2 Risk register

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

Action Risk ref 11 (discretionary operational) funding, which was rated as high, to be brought back to the Audit and Risk Committee and its rating reconsidered.

8.3 Expenses proposal – DPER circular

An audit of all correspondence received in the CEO office and in the HR Department had been undertaken and it would appear that the circular had not been received in NMBI.

Mr Balfe had contacted other regulators and, apart from one regulatory body, they were not aware of the circular. An analysis of all committee and Board members had also been undertaken and approximately 50% of all members

would be affected by the circular.

The matter had been discussed by the Governance and Finance Committee at its meeting on 23 July 2018.

Action The Board agreed with the recommendation of the Governance and Finance Committee that Mr Balfe and Ms Byrne raise the matter at the next operational meeting with the Department of Health on Thursday, 26 July 2018 and seek the advice of the Department of Health. Once this had been received the matter would be brought back to the Board for its consideration.

Item 9 – Registration

Ms Crimin and Dr Ryan joined the meeting.

9.1 Registration Directorate report

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

9.2 Amendments to Registration Committee terms of reference

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

Decision The Board agreed to remove paragraphs 8.6, 8.7 and 8.8 from the current terms of reference and to delegate the registration of Advanced Practitioners provided for in the new registration rules from the Board to the CEO.

9.3 Rules delegations

The chair, Mrs King, left the meeting. In the absence of the chair, Ms Clarke-Bishop assumed the chair.

The Board considered a list of the functions of the Board set out in the following rules:

- Nurses and Midwives (Candidate Register) Rules 2018 - SI No 217 of 2018
- Nurses and Midwives (Register of Nurses and Midwives) Rules 2018 - SI No 219 of 2018
- Nurses and Midwives (Recognition of Professional Qualifications) Rules 2018 - SI No 220 of 2018
- Nurses and Midwives (Registration) Rules 2018 - SI No 221 of 2018.

The Board also considered a list of proposed delegations from the functions.

Mrs King returned to the meeting and resumed the chair.

Decision The Board approved the delegations from the Board to the CEO in accordance with Section 28 of the Nurses and Midwives Act 2011.

9.4 Data breach reports

The Board noted three data breach reports which had previously been circulated to members.

Item 10 – Project Nightingale update

The Board noted that the update which had been given by Ms Crimin under the Registration Directorate report.

Ms Crimin confirmed that she was leading out on this project and Dr Ryan was responsible for operations in the Registration Department.

Action An update on the amount spent to date on the project to be provided to the Board at its next meeting, to include major milestones and costs.

Action An update on Project Nightingale would remain a standing item on the agenda.

Ms Crimin and Dr Ryan left the meeting.

Item 11 – Monitoring the maintenance of professional competence (MMPC)

Ms Foley and Ms Rafferty joined the meeting.

Mr McGrane advised the Board that the matter had been brought to the Governance and Finance Committee on 23 July 2018. The committee had discussed the matter and had made the following suggestions:

- NMBI to continue with a base line audit of registrants to establish the current position in relation to their roles.
- NMBI to re-engage with those stakeholders who had already been consulted.

The Board discussed the matter, including the recommendations of the Governance and Finance Committee.

Decision The Board agreed that:

- NMBI would continue with a base line audit of registrants to establish the

current position in relation to their roles.

- NMBI would re-engage with those stakeholders who had already been consulted.

Ms Foley, Ms Rafferty and Dr de Búrca left the meeting.

Item 12 had been considered on day 1.

Item 13 – Professional Standards (Midwifery)

13.1 UCD and associated healthcare agencies – site visit (nursing)

Prof O’Herlihy declared a conflict of interest and left the meeting.

Mr McGrane left the meeting.

Ms Byrne advised that she would present the reports as the Director of Midwifery had sent her apologies and was unable to attend.

The Board considered the site visit reports which had previously been circulated to members.

National Maternity Hospital

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board agreed that the National Maternity Hospital be approved to provide midwifery registration education programmes for a period of five years or until the next site visit as an associated healthcare agency of UCD.

Mullingar Hospital

Decision The Board accepted the recommendation from the Education, Training and Standards Committee that approval for placement of midwifery students be withheld until the conditions as set out in the report were met.

The Board noted that there were no issues regarding the placement of general nursing students at the site.

Action The timelines for the completion and presenting of site visit reports to be reviewed with a view to the identification of issues being escalated and addressed as soon as possible.

Prof O’Herlihy returned to the meeting.

13.2 Dundalk Institute of Technology

Ms Gorman declared a conflict of interest and left the meeting.

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

- BSc (Hons) Midwifery Science.

The Board noted that the document stated that the condition must be completed within 12 months and agreed that this should be amended to six months.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following course, with the above amendment, for five years or until the next site visit whichever is the earliest:

- BSc (Hons) Midwifery Science.

13.3 University College Cork

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

- BSc (Hons) Midwifery Science.

Decision In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earlier:

- BSc (Hons) Midwifery Science.

The Board requested that there be consistency of presentation of documents between nursing and midwifery reports.

Prof O’Herlihy and Ms Gorman returned to the meeting.

13.4 100 Years of Midwifery Regulation - programme

Decision The Board approved the programme for the conference which had previously been circulated to members.

Dr Lawler advised the Board that the call for abstract submissions had now

closed however a second call may be made in September.

Ms Byrne advised the Board that the Governance and Finance Committee had agreed that someone with experience in events management should be hired to provide administrative support for the conference. Following consideration of the three quotes received, the committee had agreed that the contract should be awarded to Margaret Young Business Services.

13.5 100 Years of Midwifery Regulation – poster flyer

Decision The Board approved the poster flyer which had previously been circulated to members.

Ms Lombard left the meeting.

13.6 Non-board member appointment to committee

The midwife representative from the State Claims Agency, Ms Deirdre Walsh, had gone on maternity leave and was scheduled to return in June 2019. A replacement from the State Claims Agency had been identified and was being recommended for appointment to the committee by the Director of Midwifery and the chair of the Midwives Committee for the period of Ms Walsh's maternity leave.

Decision The Board agreed to appoint Ms Claire O'Regan of the State Claims Agency to the Midwives Committee to fill Ms Walsh's position for the period of Ms Walsh's maternity leave.

13.7 Midwives Committee update

Dr Lawler updated the Board on the meeting of the Midwives Committee which took place in June 2018.

Ms Lisa Manselli had assisted the committee in developing the work plan for the following three years.

Prof O'Herlihy left the meeting.

Item 14 had been considered on day 1.

Item 15 – Any other business

15.1 Ms Byrne advised the Board that a member of the Fitness to Practise Committee (1985) had made an application to have her registration removed from the

Register under Section 50(1) of the Nurses and Midwives Act 2011 (voluntary removal) as she had retired from her job. As she had been appointed to the committee on the basis of her being a registered nurse, she had been informed that she could no longer remain on the committee as it would not be legally safe for her to do so.

Action Ms Coady to write to all committee members advising that if their committee membership was contingent on their nurse/midwifery registration then they must ensure that their registration was up to date or their membership would have to cease.

There being no further matters for consideration the meeting ended at 13.15hrs.

Signed: _____
Louise Kavanagh McBride
Vice President

Date: _____