NURSING AND MIDWIFERY BOARD OF AUSTRALIA

Meeting Number 3
19 November 2009

Hilton Melbourne Airport, Melbourne, Victoria

Decisions and actions arising

Members present
Anne Copeland (Chair), Gillie Anderson, Angela Brannelly, Mary Chiarella (left at 2.15 pm), Lynette Cusack, Denise Fassett, Lynne Geri, Louise Horgan, Mary Kirk, Christine Murphy, Heather Sjoberg and Margaret Winn

In attendance
Marion Clark, National Registration and Accreditation Implementation Project (notetaker)
Carol Neumann, National Registration and Accreditation Implementation Project from 12.30 – 1.30 pm

1. Welcome and general overview matters

Item 1.1 Disclosure of conflict of interest
Members, in accordance with Section 8(1) of Schedule 4 of the National Law, acknowledged there were no further conflicts of interest in relation to matters to be considered at this meeting.

ACTION: Nil

Item 1.2 Record of decisions and actions arising from last meeting
Members:
1. noted the record of decisions and actions arising from the last meeting, and
2. noted that the record had been finalised out of session in accordance with the Board’s procedures.

Moved: Heather Sjoberg
Seconded: Lynne Geri

ACTION: Nil
Item 1.3 Implementation update

Members:
1. noted the implementation update
2. raised concerns about the budgetary risks associated with delays and inaccuracies in SALT returns and the development of the IT system
3. noted that the passing of the legislation in Tasmania was likely to be delayed.

ACTION: Nil

Item 2 Transition matters

No transition matters were discussed.

3. Registration matters

Item 3.1 Overview of submissions received

Members noted the number of submissions on registration standards and related matters received by all boards up to 5 November 2009.

ACTION: Nil

Item 3.2 Feedback so far on consultation paper

Members:
1. noted the letter from the Governance Committee
2. agreed to the letter from the Governance Committee being published on the website, and
3. noted that Michael Cleary, consultant, has agreed to analyse all the submissions, and his contract with NSW Department of Health has been organised
4. requested that the letter be forwarded to Michael Cleary, consultant, for inclusion in the analysis of submissions
5. requested the development of a matrix of the people undertaking tasks for the Board
6. noted the need to develop a process for determining contractors including calling for expressions of interest and short CVs from potential contractors who would be available in the short term
7. agreed to set up a teleconference to consider the feedback from stakeholders when the submissions have been analysed, prior to the December meeting.

ACTION: Agency

Item 3.2.1 Proposed scheduled medicines endorsements

1. noted that the scheduled medicines proposals currently out for consultation need to be completed prior to Christmas in order to meet the timeframes for consideration by the Ministerial Council
2. approved the draft specifications for further development of the proposals, at the same time as submissions are being considered
3. agreed that the intent of the proposals is to limit them to prescribing, both for eligible midwives and eligible registered nurses

4. agreed that Queensland Nursing Council be asked to scope and write a paper in consultation with Alyson Smith, Registrar, Nursing and Midwifery Board of South Australia, and

5. agreed to write to the Chair of the Governance Committee to confirm that the NMBA intends to
   a. limit the scope of the endorsements to prescribing, and
   b. undertake a significant amount of work on the scheduled medicine endorsement for registered nurses prior to receiving the decision from the Governance Committee

   Moved: Christine Murphy
   Seconded: Margaret Winn
   ACTION: Chair/Agency

Item 3.3 Feedback so far on English language and criminal history requirements

Members:

1. noted the further feedback on the English language and criminal history requirements standards, especially the feedback from national boards

2. noted that the draft common standards are proposed as a minimum to which boards can add any additional requirements

3. noted that the Department of Immigration and Citizenship does not recognise South Africa as an English speaking country

4. noted that the letter from the Governance Committee supports the removal of the list of countries from the English language standard as they could be discriminatory

5. agreed to the new versions of the English language and criminal history standards as the basis for the interim versions of the standards to be considered by boards in December, while acknowledging that they shouldn’t be finalised until after the consultation process is finished, and

6. noted that a further paper with additional information and any changes arising from the consultation process will be provided out of session after the consultation period closes, to facilitate finalisation of the standards in December 2009.

   Moved: Angela Brannelly
   Seconded: Louise Horgan
   ACTION: Agency

Item 3.4 Preparing for submission to Ministerial Council

Members:

1. agreed that the term ‘health practitioner’ should be used throughout rather than the term ‘registrant’ to reflect the wording in the national law

2. to use the standard definitions, as amended below, for definitions commonly used across the boards in the registration standards
a. Professional indemnity insurance arrangements means arrangements that secure for the practitioner insurance from civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries and covers the costs and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

b. Continuing professional development is the means by which members of the profession maintain, improve and broaden their knowledge, expertise and competence, and develop the personal and professional qualities required in their professional lives.

3. noted that the Nurses Board of Victoria has completed an audit of continuing professional development (CPD) which will be forwarded to the Board, and

4. noted the style sheet that will be used by the editors for the final proposals to go to the Ministerial Council.

Moved: Heather Sjoberg
Seconded: Angela Brannelly
ACTION: Agency

Item 3.5 Consultation papers from other boards

Members:

1. noted that Angela Brannelly had reviewed the consultation papers from other boards

2. agreed to include requirements for CPD for nurses and midwives with endorsements in the registration standards, and

3. agreed that the Registration Working Group of the Board would co-ordinate a review and provision of feedback to other boards.

Moved: Gillie Anderson
Seconded: Mary Chiarella
ACTION: Registration Working Group/Agency

Item 3.6 Development of a code of conduct for all boards

Members noted their decision of the October meeting to adopt the Australian Nursing and Midwifery Council (ANMC) Codes of Professional Conduct and Ethics.

Moved: Mary Kirk
Seconded: Angela Brannelly
ACTION: Nil

Item 3.7 Codes and guidelines required for commencement

Members:

1. noted that if codes and guidelines are to be available to registrants and members of the public in May 2010 ahead of commencement on 1 July 2010, boards would need to agree their consultation paper on proposed codes and guidelines at their February meetings
2. agreed that common codes and guidelines be developed for consideration at the boards’ December meetings on:
   a. mandatory reporting, and
   b. advertising
3. agreed to consider the ANMC professional practice framework and other guidelines and standards at the December meeting
4. noted that the Agency will develop a template for preparation of draft codes and guidelines, and
5. noted that the Agency will prepare a list of policy decisions required by the Board in relation to professional matters prior to 1 July 2010 to the December meetings.

Moved: Louise Horgan
Seconded: Heather Sjoberg
ACTION: Agency

Item 3.8 Amendments proposed to Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009

Members:
1. noted that the suggested amendments, particularly the requirements to hold particular qualifications and experience in midwifery, could impact on the standards developed by the NMBA,
2. noted that it is important for the NMBA to establish its leadership on the regulation of nurses and midwives, including issues relating to these proposed amendments
3. requested the Agency to provide legal advice on the meaning of the proposed amendment and the relationship between the draft Commonwealth Amendment Bill legislation and the responsibilities of the NMBA under the Health Practitioner Regulation National Law Act 2009 (the national law)
4. noted that the NMBA has been invited to work with the Commonwealth Department of Health and Ageing (DOHA) on this issue and agreed to assist DOHA with the development of the regulations, and
5. agreed that the Chair will communicate this decision to DOHA.

ACTION: Chair/Agency

4. Accreditation matters

Members:
1. noted the feedback from the Governance Committee on the accreditation standards and the need to undertake further work on these by February
2. noted that the Ministerial Council could issue a policy directive if the feedback from the Governance Committee was not followed
3. considered whether to invite ANMC to redraft the accreditation standards but decided against it
4. noted that the ANMC accreditation standards were developed with the support of the professions and this put NMBA in a very difficult position

5. agreed that a contractor would be contracted to draft new standards that
   a. take into account the feedback from the Governance Committee and submissions received
   b. are succinct and to the point to meet the requirements of the legislation with the removal of any extraneous detail
   c. take into account the accreditation standards of other professions
   d. with these provisos, remain as faithful as possible to the original ones

6. agreed that Amanda Adrian would be asked to undertake the redrafting, working with the Accreditation Working Group, and

7. agreed that terms of reference for the revision would be developed by the notetaker and approved by the Chair.

   **ACTION:** Notetaker/Chair

5. Administrative and financial matters

**Item 5.1 Developing the 2010–11 budget**

Carol Neumann attended the meeting to present the assumptions underlying the budget and answer questions.

Members:

1. noted the revised proportionate allocation of indirect costs to each profession
2. noted the budget estimation method
3. noted the first estimate of the budget for 2010–11
4. noted the fee estimates prepared using two methods
5. noted the presentation provided

6. noted that further refinement of the model will be done following discussions and confirmation with each national board

7. agreed that the budget needed to include funding allocation for
   a. participation in relevant international meetings and conferences
   b. the support of the four Board working groups
   c. the State and Territory boards, and
   d. projects and innovations

8. noted that accreditation costs would probably increase to allow for the amount of time currently donated and that the draft budget included $1.5 million and $1.775 million for accreditation

9. agreed that provision of health programs was not core business and should not be funded in the 2010-11 year

10. agreed to review the competency standards in the next year and base the budget for this on ANMC costs for major reviews
11. raised concerns about the significant risks of cost escalation and agreed that there needed to be significant allowance for contingencies and that it would be better to set fees higher rather than too low.

12. noted significant concerns about:
   a. the level of risk assessment that had been done in terms of evaluation of the model of regulation of the new scheme
   b. whether the full liabilities relating to paying off of staff not transitioning to the new scheme had been accounted for, and
   c. potential escalation of IT costs

13. requested more information on the nature of the board’s liabilities in relation to management of the budget, and

14. agreed that members would email the Chair with their specific concerns and the Chair would pass them on to the Agency.

**ACTION:** Chair/Agency

**Item 5.2 Budget 2009–10**

Members:

1. noted the current estimates of reserves to transfer to the national boards

2. noted the budget of $5.369 million to be funded by national boards for 2009–10 and the apportionment of costs in that budget to national boards (subject to any further adjustment of the apportionment formula as a result of further SALT information)

3. noted that fitout of accommodation will be funded through a loan amortised across a five-year period, declining to agree to it on the basis of insufficient information about the loans and the need for them

4. requested further clarification on Board members’ liability for loans

5. agreed that four members would be funded to attend the meeting of Western Pacific and South East Asian Region (WPSEAR) nursing regulatory authorities and the Chairperson and one other to International Council of Nurses (ICN) regulatory forum and Triad meeting in May 2010

6. agreed that it was very appropriate for the Chair to attend these meetings funded by NMBA

7. noted that Angela Brannelly was attending the Credentialling Forum in Portugal and would brief ICN on the establishment of the NMBA

8. requested further information on the Board’s ability to invest a proportion of the budget, and

9. agreed the draft budget with the addition of $60,000 to fund attendances at WPSEAR and ICN meetings.

**Moved:** Gillie Anderson  
**Seconded:** Margaret Winn

**ACTION:** Agency
Item 5.3 Advice to Ministerial Council of decisions taken by national boards on State and Territory boards

Members:
1. agreed that a letter signed by Peter Allen, Chair of the Australian Health Practitioner Regulation Agency Management Committee, be sent to Ministers outlining the decisions of the national boards in relation to State and Territory boards
2. noted that the New South Wales State Board may not need to meet as frequently as other State and Territory Boards as it would only be considering registration matters
3. agreed to recommend to Ministers that there should be eight members appointed onto State and Territory Boards, and
4. noted the risk that if boards do not indicate a preference, responsible Ministers may appoint a larger number of members than the national board may think is desirable.

Moved: Denise Fassett
Seconded: Lynne Geri
ACTION: Agency

Item 5.4 Fees for committees and panels

Members:
1. agreed to refer to sub-groups of the national board as ‘working groups’ and not ‘committees’
2. agreed to pay committee members at the rate of the Queensland Category D Level 1 (Chairs $406 per day and members $334), and
3. agreed to pay panels at the special assignment rate for Queensland Category C, level 2 ($576 for Chairs and $472 for members).

Moved: Mary Kirk
Seconded: Denise Fassett
ACTION: Agency

Item 5.5 High level design of the registration and notification management system

Members:
1. noted the attached overview of the Registration and Notification System, and
2. requested clarification on whether the system raised flags to monitor compliance on registration conditions.

ACTION: Agency

6. Other Business

Item 6.1 Possible communications following this meeting

Members agreed to the release of a communiqué, drafted differently from the other boards, to be finalised by the Chair.
Item 6.2 Correspondence

Members noted the correspondence that had been received.

Item 6.2.1 Response from Australian Nursing and Midwifery Council (ANMC) on transfer of intellectual property

Members:

1. noted the letter from ANMC and that it indicates that the ANMC intends to agree on the transfer of the intellectual property in due course
2. noted that the NMBA has agreed to adopt the ANMC competency standards and professional practice framework following consultation
3. agreed that it is desirable for the NMBA’s finalised accreditation standards for nursing and midwifery to be available after the Board’s February meeting to enable training of staff (wherever institutionally located) and education of providers ready for a 1 July 2010 start
4. agreed that it is therefore critical that an early transfer of the ANMC intellectual property occur so that the NMBA is in a position to meet this target date
5. agreed that the NMBA should offer its assistance to ANMC to facilitate the transfer, and
6. agreed that the Chair would phone the CEO of ANMC to discuss this matter and follow up the phone call with a letter.

Moved: Louise Horgan
Seconded: Mary Kirk
ACTION: Chair

Item 6.3 Chair’s Report

Members:

1. noted that at a meeting between the Chair and DOHA representatives in Canberra, NMBA was asked to work with DOHA on
   a. developing a framework around defining suitably experienced and qualified midwives for independent practice, such as endorsement in an area of practice, and
   b. defining the underpinning experience and qualifications needed for the eligible nurse and midwife
2. noted that DOHA was prepared to pay for the work required
3. agreed that the Policy Advisory Working Group will consider the issue and draft a paper for the board’s consideration at the December meeting
4. noted that three candidates had been interviewed for appointment to the Executive Officer role and a decision had been made
5. noted that Louise Horgan and Angela Brannelly had attended the ANMC annual meeting but withdrawn from the meeting when matters involving NMBA were discussed
6. noted that the Board Chairs had discussed
a potential conflict between State and Territory boards membership and national boards membership

b the development of a standard powerpoint for the use of Chairs when presenting

c whether September was the most suitable date for the annual meeting of all boards, due to coinciding with school holidays and

ACTION: Policy Advisory Working Group/Chair

7. **Next meeting**

Members:
1. agreed to start the December meeting at the same time and consider changing the starting time next year, and
2. noted that the next meeting is Thursday, 17th December.