



BILLE NA nALTRAÍ, 1984
NURSES BILL, 1984

EXPLANATORY MEMORANDUM

1. Provisions of the Bill

The Nurses Bill, 1984 provides for the establishment of An Bord Altranais (The Nursing Board), the repeal of the Nurses Acts, 1950 (No. 27 of 1950) and 1961 (No. 18 of 1961) and other connected matters.

2. Objectives of the Bill

The objectives of the Nurses Bill, 1984 are:—

- (a) to provide for the setting up of a body to be known as an Bord Altranais, the main tasks of which will be:—
 - (i) to register and control persons engaged in the practice of nursing and
 - (ii) to regulate courses of training and examinations in nursing at pre-registration and post-registration levels,
- (b) to provide for the membership of the Board and the method of appointment of members and staff,
- (c) to provide for the registration of nurses by the Board in a register maintained by the Board for that purpose,
- (d) to provide for the regulation and control of training courses and examinations in nursing at pre-registration and post-registration levels and for related matters,
- (e) to extend and improve disciplinary provisions in relation to the fitness to practise of nurses,
- (f) to assign to the Board functions in regard to the implementation of Directives and Regulations of the European Economic Communities on the education and training of nurses and student nurses; on the recognition of nursing qualifications awarded in another Member State; on the practice of nursing; and on other matters relating to nurses and
- (g) to repeal existing legislation dealing with the regulation and control of nurses and the practice of nursing.

PART I

Preliminary and General

3. This Part of the Bill contains the normal provisions on short title, interpretation, commencement, establishment day and repeals.

PART II

An Bord Altranais

4. This Part of the Bill makes provision for the dissolution of the former Bord Altranais established under the Nurses Act, 1950. It provides for the establishment, membership and method of appointment of members of an Bord Altranais, the appointment of a Chief Executive Officer and other staff of the Board and for certain conditions of service of such staff. This Part also makes provision for the financial affairs of the Board and empowers the Board to charge fees for certain services and to make rules for the carrying out of its functions under the Bill.

PART III

Registration

5. This Part of the Bill provides for the mandatory establishment by the Board of a register of nurses. The register must be maintained in accordance with the Board's rules and must include divisions for the various disciplines of nursing including a division for midwifery. A requirement is included at *Section 27* for the Board to publish the register or any division thereof as often and in such manner as the Minister may direct. This Part also obliges the Board to take steps to ensure that the register is kept up to date and accurate in respect of names and addresses of registered persons and that the Board will correct all verbal and clerical errors, remove entries procured by fraud or misrepresentation and remove the names of persons who have died. *Section 28* requires the Board to register every person who satisfies it that he or she meets the conditions for registration. This section also permits the Board to refuse to register a person on the grounds of unfitness to practise and allows for an appeal to the High Court against such refusal by the Board to register a person. The Board is obliged under *Section 29* to register nationals of EEC Member States who apply for registration and who hold recognised qualifications awarded in a Member State. *Section 31* provides for the Board, with the consent of the Minister or at his request, to register persons who are in a profession or calling ancillary to nursing. It is envisaged that this provision could be invoked in the event of the development of such a profession or calling in the future.

PART IV

Education and Training

6. This Part of the Bill contains provisions at *Sections 32 and 33* to enable the Board, in accordance with its rules, to provide or make provision for courses of training and for examinations at both pre-registration and post-registration levels. Under *Section 34*, the Board is empowered to hold examinations, regulate their conduct and appoint suitably qualified examiners. *Section 35* provides for the Board to approve of hospitals and institutions suitable for training purposes. There is a new provision under *Section 36* by which the Board may determine minimum educational requirements necessary for entry to nurse training and, if it so decides, set up a central applications system to process applications for nurse training. *Section 37* requires the Board to satisfy itself as to the suitability of education and training, the standards of knowledge needed for examinations and clinical training and experience provided in training institutions. This section also empowers the Board to engage in research into the education and training of nurses. The Board is required under *Section 38* to ensure that requirements for nurse training in this country satisfy the minimum standards specified in any relevant EEC Directive or Regulation.

PART V
Fitness to Practise

7. The aim of this Part of the Bill is to update and extend the powers of the Board in matters of discipline and fitness to practise as a nurse and to ensure that these powers are compatible with the provisions of the Constitution of the State. As well as alleged professional misconduct, the Board will be empowered, under *Section 39*, to inquire into alleged unfitness to practise by reason of physical or mental disability. The statutory power of an Bord Altranais at present provides only for erasure of a nurse's name from the register. It is proposed that the new Board should have broader powers to enable it not alone to erase from the register (*Sections 40 and 43*) but to suspend a nurse's registration (*Section 40*), to attach conditions to retention on the register (*Section 41*) and to advise, admonish or censure a nurse in relation to his or her professional conduct (*Section 42*). Where the Board has decided to erase or suspend a nurse's name from the register or to attach conditions to his or her retention on the register, the nurse will have the right to apply to the High Court for cancellation of the Board's decision and if the nurse does not make such application, the Board may itself apply to the High Court for confirmation of its decision (*Sections 40 and 41*). *Section 48* provides for the restoration to the register of the name of a nurse which had been erased or suspended for non-payment of a retention fee.

PART VI
Miscellaneous

8. This Part of the Bill contains various miscellaneous provisions connected with the Bill. *Section 50* provides for the imposition of a fine and/or a term of imprisonment on a person found to be guilty of falsely representing himself or herself to be a nurse or a midwife as defined in the Bill. *Section 51* requires the Board to prepare an annual report. Provision is made in *Section 53* for the Board to carry out functions assigned to it in regard to the implementation of any EEC Directive or Regulation relating to nurses and the practice of nursing. The Minister is empowered under *Sections 56 and 57* to make regulations to give effect to any provisions of the Bill and to make adaptations to other statutes, orders or regulations to enable them to have effect in conformity with the Bill. *Section 58* requires a midwife to notify the health board in whose area he or she practises or intends to practise and requires the health board to exercise supervision and control over such midwife. *Section 59* provides that nobody except a suitably qualified person may attend a woman in child birth except in emergency situations and provides for the imposition of a fine on anyone who acts in contravention of this section.

FIRST SCHEDULE
Enactments Repealed

9. This Schedule lists the three enactments repealed by the Bill. They are the Midwives Act, 1944, the Nurses Act, 1950 and the Nurses Act, 1961.

SECOND SCHEDULE

Rules in relation to Membership and Meetings of an Bord Altranais

10. This Schedule contains detailed rules regarding membership and meetings of an Bord Altranais.

*An Roinn Sláinte,
Bealtaine, 1984.*

7. The aim of this Part of the Bill is to update and extend the powers of the Board in matters of discipline and fitness to practise as a nurse and to ensure that these powers are compatible with the provisions of the Constitution of the State. As well as a disciplinary or professional misconduct, the Board will be empowered under section 39 to impose a fine on a nurse who is guilty of a offence or a breach of a condition of a licence or a condition of a registration. The statutory power of an Board Akinas at present provides only for the removal of a nurse's name from the register. It is proposed that the new Board should have broader powers to impose conditions on a nurse's registration (section 40 and 43) but to suspend a nurse's registration (section 40) to attach conditions to retention on the register (section 41) and to advise, admonish or censure a nurse in relation to his or her professional conduct (section 42). Where the Board has decided to censure or suspend a nurse's name from the register or to attach conditions to his or her retention on the register, the nurse will have the right to apply to the High Court for cancellation of the Board's decision and if the court does not make such application, the Board may itself apply to the High Court for confirmation of its decision (section 44). Section 45 provides for the restoration to the register of the name of a nurse which had been removed or suspended for non-payment of a retention fee.

8. This Part of the Bill contains various miscellaneous provisions connected with the Bill. Section 26 provides for the amendment of the Act and of a term of appointment or a person found to be guilty of a offence or a breach of a condition of a licence or a condition of a registration. Section 21 requires the Board to prepare an annual report. Provision is made in section 23 for the Board to carry out functions assigned to it in regard to the implementation of any EEC Directive or Regulation relating to nurses and the practice of nursing. The Minister is empowered under sections 24 and 25 to make regulations to give effect to any provisions of the Bill and to make adaptations to other statutes, orders or regulations to enable them to have effect in conformity with the Bill. Section 28 requires a midwife to notify the health board in whose area he or she practises or intends to practise and requires the health board to exercise supervision and control over such midwives. Section 29 provides that nobody except a suitably qualified person may attend a woman in child birth except in emergency situations and provides for the imposition of a fine on anyone who contravenes this section.

PART VI

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FIRST SCHEDULE

Section 34 of the Bill empowers the Board to hold examinations, regulate their conduct and appoint suitably qualified persons to do so. Section 35 provides for the Board to approve of hospitals and institutions suitable for training in nursing. This schedule lists the associations registered by the Bill. They are the Midwives Act 1961, the Nurses Act 1957 and the Nurses Act 1981.

SECOND SCHEDULE

Section 37 requires the Board to use as far as possible the suitability of education and training provided in institutions for the purpose of providing an education and training for nurses. The Board is required to ensure that requirements for nurse training in this country satisfy the minimum standards specified in any regulations or Regulations.