



# **DÁIL ÉIREANN**

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## **BILLE NA nALTRAÍ AGUS NA gCNÁIMHSEACH 2010 NURSES AND MIDWIVES BILL 2010**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## BILLE NA nALTRAÍ AGUS NA gCNÁIMHSEACH 2010 —ROGHCHOISTE

### NURSES AND MIDWIVES BILL 2010 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 10, subsection (1), to delete lines 6 to 20.  
—An tAire Sláinte agus Leanaí.
2. In page 10, subsection (1), to delete lines 33 to 42.  
—An tAire Sláinte agus Leanaí.
3. In page 10, subsection (1), to delete lines 33 to 42 and substitute the following:  
“ “clinical supervising authority” in relation to a midwife, means a person or body which the Board appoints under the rules to be the clinical supervising authority, after consulting the midwife concerned, not being the midwife’s direct employer;”.  
—Jan O’Sullivan, Kathleen Lynch.
4. In page 12, subsection (1), line 13, to delete “name is entered in the nurses division of the” and substitute “name is entered in the”.  
—An tAire Sláinte agus Leanaí.

#### SECTION 4

5. In page 13, lines 21 to 27, to delete subsections (3) and (4).  
—An tAire Sláinte agus Leanaí.

#### SECTION 8

6. In page 15, lines 31 and 32, to delete all words from and including “the” where it thirdly occurs in line 31 down to and including “and” where it secondly occurs in line 32 and substitute the following:

“the promotion of excellence in nursing and midwifery and the protection of the public in connection therewith and”.

—Jan O’Sullivan, Kathleen Lynch.

#### SECTION 9

7. In page 16, subsection (2), to delete lines 1 to 5, and substitute the following:  
“(a) establish and maintain the register of nurses and midwives and the candidate register,  
  
(b) establish procedures and criteria for assessment and registration in the register of nurses and midwives and the candidate register, and the”.
- An tAire Sláinte agus Leanaí.

[ SECTION 9 ]

8. In page 16, subsection (2)(a), line 2, to delete “posts”.  
—Jan O’Sullivan, Kathleen Lynch.
9. In page 16, subsection (2)(e)(i), line 16, to delete “States” and substitute the following:  
“States or other relevant states within the meaning of the Regulations of 2008”.  
—An tAire Sláinte agus Leanaí.
10. In page 16, subsection (2)(g), to delete lines 35 to 39 and substitute the following:  
“registered midwives, including the establishment, publication, maintenance and review of—  
(i) appropriate guidance on all matters related to professional conduct and ethics for registered nurses and registered midwives,  
(ii) appropriate guidance on the maintenance of the professional competence of registered nurses and registered midwives, and  
(iii) a code of professional conduct for registered nurses and registered midwives,”.  
—An tAire Sláinte agus Leanaí.
11. In page 17, subsection (2)(l), lines 6 to 11, to delete all words from and including “of” in line 6 down to and including “and” in line 11 and substitute “of this Act, and”.  
—An tAire Sláinte agus Leanaí.

SECTION 13

12. In page 19, subsection (2)(b), to delete line 13 and substitute “midwives and the candidate”.  
—An tAire Sláinte agus Leanaí.
13. In page 19, subsection (2)(b), line 14, to delete “be maintained” and substitute “be established and maintained”.  
—An tAire Sláinte agus Leanaí.
14. In page 19, subsection (2)(i), lines 33 and 34, to delete all words from and including “midwives,” in line 33 down to and including “posts” in line 34 and substitute “midwives and the candidate”.  
—An tAire Sláinte agus Leanaí.
15. In page 19, subsection (2)(k), lines 42 and 43, to delete all words from and including “nurses” in line 42 down to and including “posts” in line 43 and substitute “nurses and midwives or the candidate”.  
—An tAire Sláinte agus Leanaí.
16. In page 20, subsection (2), lines 4 to 12, to delete paragraph (n) and substitute the following:  
“(n) the specification of standard governance frameworks for midwives, including the requirement for indemnity insurance for midwives,”.  
—An tAire Sláinte agus Leanaí.

[ SECTION 13 ]

17. In page 20, subsection (4)(c), to delete lines 39 and 40.  
—Jan O'Sullivan, Kathleen Lynch.
18. In page 21, subsection (6), line 6, to delete “and the Minister for Finance”.  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 16

19. In page 23, line 15, to delete “indictable”.  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 18

20. In page 24, subsection (1)(a), line 23, before “prepare” to insert the following:  
“following consultation with the nursing and midwifery professions in a form and manner decided by the Board.”  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 22

21. In page 27, subsection (1), line 39, after “Minister” to insert the following:  
“subject to the approval of the Oireachtas Committee on Health and Children”.  
—James Reilly.
22. In page 27, subsection (1)(a), line 46, to delete “and Science” and substitute “and Skills”.  
—An tAire Sláinte agus Leanaí.
23. In page 28, subsection (1)(d), line 38, to delete “Act 2007” and substitute the following:  
“Act 2007 and who is not and never has been a registered nurse or registered midwife in the State or in another jurisdiction”.  
—An tAire Sláinte agus Leanaí.
24. In page 28, subsection (1)(e), line 40, to delete “Science from” and substitute “Skills from”.  
—An tAire Sláinte agus Leanaí.
25. In page 29, subsection (1)(j)(ii), line 26, after “appropriate,” to insert the following:  
“and after receiving the approval of a committee of the Houses of the Oireachtas designated by the Houses for that purpose.”  
—Jan O'Sullivan, Kathleen Lynch.
26. In page 29, lines 28 to 30, to delete subsection (2) and substitute the following:  
“(2) At its first meeting, the Board shall elect a person to the position of President of the Board for the first term mentioned in the Schedule.”  
—James Reilly.
27. In page 29, subsection (5)(b), lines 44 and 45, to delete

“, or

[ SECTION 22 ]

(c) a member of a local authority.”.

—Jan O'Sullivan, Kathleen Lynch.

SECTION 24

**28.** In page 30, subsection (2)(b), line 23, after “complaints,” to insert the following:

“which shall include a Registered Nurse in any case where the complaint relates to a nurse, and which shall include a Registered Midwife in any case where the complaint relates to a midwife,”.

—Jan O'Sullivan, Kathleen Lynch.

**29.** In page 30, subsection (3), line 30, after “it,” to insert the following:

“and to carry out any functions delegated by the Board, subject to the requirement that the Board shall consult with the Committee on any matter related to midwifery which is not delegated to the Committee,”.

—Jan O'Sullivan, Kathleen Lynch.

**30.** In page 31, lines 24 to 35, to delete subsections (9) and (10) and substitute the following:

“(9) At least one third of the members of the preliminary proceedings committee, including the chairperson, shall, at the time of appointment, be registered nurse/midwife members of the Board and the majority of the membership of that committee shall consist of persons who are not and never have been registered nurses or registered midwives in the State or nurses or midwives in another jurisdiction.

(10) At least one third of the members of the fitness to practice committee, including the chairperson, shall, at the time of appointment, be registered nurse/midwife members of the Board and the majority of the membership of the committee shall consist of persons who are not and never have been registered nurses or registered midwives in the State or nurses or midwives in another jurisdiction.”.

—James Reilly.

SECTION 28

**31.** In page 35, subsection (1), line 3, to delete “shall appoint a” and substitute the following:

“shall appoint a person recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004 to be the”.

—An tAire Sláinte agus Leanaí.

**32.** In page 36, lines 5 to 9, to delete subsection (6).

—Jan O'Sullivan, Kathleen Lynch, James Reilly.

**33.** In page 36, subsection (6), line 6, to delete “under this section” and substitute “under *subsection (5)*”.

—An tAire Sláinte agus Leanaí.

[ SECTION 29 ]

SECTION 29

- 34.** In page 36, subsection (1), line 11, to delete “persons to be employees” and substitute the following:

“persons recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004 to be employees”.

—An tAire Sláinte agus Leanaí.

SECTION 30

*Section opposed.*

—Jan O'Sullivan, Kathleen Lynch.

SECTION 33

- 35.** In page 37, line 33, to delete paragraph (a).

—Jan O'Sullivan, Kathleen Lynch.

SECTION 37

- 36.** In page 39, between lines 5 and 6, to insert the following subsection:

“(2) Any expenses by the Minister in the administration of this Act shall, to such extent as may be approved by the Minister of Finance, be paid out of money provided by the Oireachtas.”.

—Jan O'Sullivan, Kathleen Lynch.

- 37.** In page 39, between lines 15 and 16, to insert the following subsection:

“(3) Any expenses incurred by the Minister in the administration of this Act shall, to such extent as maybe approved by the Minister for Finance, be paid out of monies provided by the Oireachtas.”.

—James Reilly.

SECTION 38

- 38.** In page 39, subsection (1), lines 24 to 26, to delete paragraph (a) and substitute the following:

“(a) the registration of a person in the register of nurses and midwives or a division of the register of nurses and midwives.”.

—An tAire Sláinte agus Leanaí.

- 39.** In page 39, subsection (1), lines 32 to 34, to delete paragraph (e).

—An tAire Sláinte agus Leanaí.

SECTION 39

- 40.** In page 40, lines 13 to 20, to delete subsection (2).

—An tAire Sláinte agus Leanaí.

SECTION 40

- 41.** In page 40, subsection (1), line 21, to delete “No” and substitute “Subject to subsection (2), no”.

—Jan O'Sullivan, Kathleen Lynch.

[ SECTION 46 ]

SECTION 46

- 42.** In page 43, subsection (1), lines 25 to 28, to delete paragraphs (a) to (c) and substitute the following:

“(a) a register to be known as the register of nurses and midwives, and

(b) a candidate register.”.

—An tAire Sláinte agus Leanaí.

- 43.** In page 43, subsection (2)(a), line 37, to delete “appropriate,” and substitute “appropriate, and”.

—An tAire Sláinte agus Leanaí.

- 44.** In page 43, subsection (2), lines 42 to 47 and in page 44, lines 1 to 6, to delete paragraphs (c) and (d).

—An tAire Sláinte agus Leanaí.

- 45.** In page 43, subsection (2)(c), lines 45 to 47, to delete all words from and including “including” in line 45 down to and including “occupying,” in line 47.

—Jan O'Sullivan, Kathleen Lynch, James Reilly.

- 46.** In page 44, subsection (2)(d), lines 4 to 6, to delete all words from and including “, including” in line 4 down to and including “occupying” in line 6.

—Jan O'Sullivan, Kathleen Lynch, James Reilly.

- 47.** In page 44, lines 22 to 33, to delete subsection (4).

—An tAire Sláinte agus Leanaí, Jan O'Sullivan, Kathleen Lynch.

- 48.** In page 44, subsection (5), lines 34 and 35, to delete all words from and including “midwives,” in line 34 down to and including “may” in line 35 and substitute “midwives and the candidate register may”.

—An tAire Sláinte agus Leanaí.

SECTION 47

- 49.** In page 45, subsection (1), lines 36 and 37, to delete all words from and including “midwives,” in line 36 down to and including “posts” in line 37 and substitute “midwives and the candidate”.

—An tAire Sláinte agus Leanaí.

- 50.** In page 46, lines 8 to 18, to delete subsection (4).

—An tAire Sláinte agus Leanaí.

- 51.** In page 46, lines 8 to 18, to delete subsection (4) and substitute the following:

“(4) Where, immediately before the registers establishment day, a nurse or midwife, has been formally accredited as being an advanced nurse practitioner or an advanced midwife practitioner he/she shall be deemed to be immediately on the AMP/ANP register.”.

—James Reilly.

SECTION 49

- 52.** In page 46, subsection (1), lines 36 to 38, to delete all words from and including “and” in line 36 down to and including “be” in line 38.

—James Reilly.



[ SECTION 49 ]

- 53.** In page 46, lines 39 to 45, to delete subsection (2).  
—Jan O'Sullivan, Kathleen Lynch.

*Section proposed to be deleted.*

—An tAire Sláinte agus Leanaí.

SECTION 51

*Section proposed to be deleted.*

—An tAire Sláinte agus Leanaí.

SECTION 53

- 54.** In page 48, subsection (1), line 24, after “disability” to insert the following:

“and shall declare any relevant medical disability acquired after making such an application or after registration as the case may be”.

—Jan O'Sullivan, Kathleen Lynch.

SECTION 54

- 55.** In page 48, subsection (1), lines 45 and 46, to delete all words from and including “based” in line 45 down to and including “tribunal,” in line 46 and substitute the following:

“based on the person’s qualifications, acts or omissions”.

—Jan O'Sullivan, Kathleen Lynch.

SECTION 55

- 56.** In page 49, subsection (1), line 41, to delete “midwives, the candidate register and the AMP/ANP posts” and substitute “midwives and the candidate”.

—An tAire Sláinte agus Leanaí.

- 57.** In page 50, subsection (2), lines 7 and 8, to delete all words from and including “reasons” in line 7 down to and including “concerned” in line 8 and substitute “reasons therefor”.

—An tAire Sláinte agus Leanaí.

SECTION 56

- 58.** In page 50, subsection (1), lines 44 and 45, to delete all words from and including “midwives,” in line 44 down to and including “posts” in line 45 and substitute “midwives and the candidate”.

—An tAire Sláinte agus Leanaí.

SECTION 57

- 59.** In page 51, subsection (1), line 16, to delete paragraph (c) and substitute the following:

“(c) non-compliance with a code of professional conduct,”.

—An tAire Sláinte agus Leanaí.

- 60.** In page 51, subsection (1), line 16, to delete paragraph (c).

—Jan O'Sullivan, Kathleen Lynch, James Reilly.

[ SECTION 57 ]

61. In page 51, subsection (1)(d), line 17, after “a” to insert “failure to disclose a”.  
—Jan O'Sullivan, Kathleen Lynch.
62. In page 51, subsection (1)(h), line 24, to delete “an irregularity” and substitute “an offence”.  
—James Reilly.
63. In page 52, subsection (6)(a), to delete lines 17 and 18 and substitute the following:  
“the Board shall decide under *section 71(1)* to cancel the nurse’s or midwife’s registration under *section 71(1)(f)*, and”.  
—An tAire Sláinte agus Leanaí.

SECTION 60

64. In page 55, subsection (1), line 17, to delete “*ex parte* application” and substitute “application, which may be made *ex parte*,”.  
—Jan O'Sullivan, Kathleen Lynch.
65. In page 55, between lines 36 and 37, to insert the following subsection:  
“(5) The Court shall ensure that the nurse or midwife concerned is given an opportunity to make submissions in relation to the making or continuation of the order, either before (if practicable) or as soon as practicable after the order is made.”.  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 64

66. In page 58, subsection (1), line 3, after “practicable” to insert “but not later than 30 days”.  
—James Reilly.
67. In page 58, subsection (2), line 29, after “time” to insert “, being at least 42 days,”.  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 66

68. In page 59, subsection (3)(b), line 29, after “affidavit,” to insert the following:  
“subject to the right of any other party to cross-examine the deponent,”.  
—Jan O'Sullivan, Kathleen Lynch.

SECTION 69

69. In page 61, subsection (2)(a), line 35, to delete “and”.  
—James Reilly.
70. In page 61, subsection (2)(b), line 37, after “complaint” to insert the following:  
“or relating to the working environment within which the individual the subject of the complaint found himself or herself”.  
—Jan O'Sullivan, Kathleen Lynch.

[ SECTION 69 ]

71. In page 61, subsection (2)(b), line 38, to delete “appropriate.” and substitute the following:

“appropriate, and

- (c) may include such other matters relating to the working environment within which the incident or incidents the subject of the complaint are said to have occurred.”

—James Reilly.

72. In page 61, between lines 38 and 39, to insert the following subsection:

“(3) Where a registered nurse or registered midwife, is the subject of a complaint before the fitness to practice committee, requests removal of her/his name from the nurse/midwife register the Board shall remove the name accordingly, subject to the written agreement of the complainant, and the enquiry into the complaint shall be considered to be completed.”

—James Reilly.

SECTION 71

73. In page 62, subsection (1), line 16, to delete “sections 57(6)(a) and 72” and substitute “subsection (3) and section 72”.

—An tAire Sláinte agus Leanaí.

74. In page 62, between lines 41 and 42, to insert the following subsection:

“(3) Where the Board wishes to make a decision under subsection (1)(f) in a case to which section 57(6)(a) applies, the Board may do so notwithstanding that there is no report from the Fitness to Practise Committee under section 69(1).”

—An tAire Sláinte agus Leanaí.

SECTION 79

75. In page 65, subsection (1), line 47, to delete “21 days” and substitute “42 days”.

—Jan O'Sullivan, Kathleen Lynch.

SECTION 86

76. In page 70, subsection (1), line 16, to delete “as far as practicable.”

—James Reilly.

SECTION 87

77. In page 71, subsection (1), between lines 15 and 16, to insert the following:

“(c) The Board shall ensure that the requirements relating to the education and training of candidates for registration in the nurses and midwives register satisfy the minimum standards in any relevant directive or regulation of the European Union which relates to qualifications required by nurses and midwives to secure registration.”

—James Reilly.

78. In page 71, between lines 15 and 16, to insert the following subsection:

[ SECTION 87 ]

“(2) The Board shall ensure that the standards of nursing and midwifery education and training set and published under *subsection (1)* satisfy the minimum standards in any relevant directive or regulation of the European Union which relates to qualifications required by nurses and midwives to ensure registration.”.

—Jan O'Sullivan, Kathleen Lynch.

**79.** In page 71, subsection (2)(a), line 20, to delete “Science, and” and substitute “Skills, and”.

—An tAire Sláinte agus Leanaí.

**80.** In page 71, subsection (2)(c), line 31, to delete “prepare” and substitute “set”.

—An tAire Sláinte agus Leanaí.

**81.** In page 72, subsection (2)(j), line 12, to delete “Science on” and substitute “Skills on”.

—An tAire Sláinte agus Leanaí.

SECTION 91

**82.** In page 74, lines 19 to 21, to delete subsection (2).

—Jan O'Sullivan, Kathleen Lynch.

SECTION 102

**83.** In page 77, subsection (1), line 14, after “Board” to insert the following:

“with the source of funding, to meet the full staff costs involved, also being transferred to the Board, to ensure no additional costs accrue to the Board from the dissolution of the National Council.”.

—James Reilly.

SECTION 104

*Section proposed to be deleted.*

—An tAire Sláinte agus Leanaí.

SECTION 109

**84.** In page 81, before section 109, to insert the following new section:

“Construction of references.

109.—(1) Every reference to a midwife contained in any enactment, any statutory instrument or any other document shall be construed as a reference to a registered midwife.

(2) Every reference to a nurse contained in any enactment, any statutory instrument or any other document shall, unless the context otherwise requires, be construed as a reference to a registered nurse.

(3) Every reference to An Bord Altranais or Bord Altranais agus Cnáimhseachais na hÉireann contained in any enactment, any statutory instrument or any other document shall be construed as a reference to the Board.

(4) Every reference to the register of nurses contained in any enactment, any statutory instrument or any other document shall be construed as a reference to the register of nurses and midwives.”.

—An tAire Sláinte agus Leanaí.

[ *SCHEDULE* ]

SCHEDULE

- 85.** In page 86, paragraph 21, line 6, to delete “act or matter at” and substitute “act or question at”.

—An tAire Sláinte agus Leanaí.

TITLE

- 86.** In page 9, lines 6 and 7, to delete all words from and including “THE” where it firstly occurs in line 6 down to and including “AND” where it secondly occurs in line 7 and substitute the following:

“THE PROMOTION OF EXCELLENCE IN NURSING AND MIDWIFERY  
AND THE PROTECTION OF THE PUBLIC IN CONNECTION  
THEREWITH AND”.

—Jan O'Sullivan, Kathleen Lynch.