



STATUTORY INSTRUMENTS.

S.I. No. 221 of 2018



NURSES AND MIDWIVES (REGISTRATION) RULES 2018

NURSES AND MIDWIVES (REGISTRATION) RULES 2018

The Nursing and Midwifery Board of Ireland, in exercise of the powers conferred on it by section 13 of the Nurses and Midwives Act 2011 (No. 41 of 2011), with the approval of the Minister for Health, hereby makes the following rules:-

Part 1

Preliminary

Citation

1. These Rules may be cited as the Nurses and Midwives (Registration) Rules 2018.

Commencement

2. These Rules come into operation on 25 June 2018.

Definitions

3. In these Rules—

“Act” means the Nurses and Midwives Act 2011 (No. 41 of 2011);

“candidate number” means the personal identification number (PIN) attached to the registration of a candidate in the candidate register;

“Recognition Rules” means the Nurses and Midwives (Recognition of Professional Qualifications) Rules 2018 (S.I. No. 220 of 2018);

“Registration Committee” means the committee of that name established by the Board under section 24 of the Act;

“registration number” means the personal identification number (PIN) attached to the registration of a nurse or midwife in the register of nurses and midwives.

Part 2

Registration in register of nurses and midwives

Scope of Part 2

4. This Part applies to a nurse or midwife (in this Part referred to as an “applicant”) seeking to be registered in the register of nurses and midwives, other than—

- (a) a nurse or midwife applying for restoration of his or her registration under section 50(4) of the Act and Part 3, following voluntary removal of registration,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th June, 2018.

- (b) a nurse or midwife applying for restoration of his or her registration under section 78 of the Act and Part 3, following removal of registration for failure to pay a fee,
- (c) a nurse or midwife applying for annual retention of his or registration under Part 6,
- (d) a nurse or midwife applying for registration on return to practice in the profession following a period out of practice, and
- (e) a nurse or midwife seeking to provide services in the State on a temporary and occasional basis under Part 4 of the Regulations of 2017.

Criteria for registration

5. An applicant must satisfy the Board that—

- (a) his or her professional qualifications have been recognised by the Board under the Recognition Rules for registration in the particular division(s) of the register of nurses and midwives in which he or she is applying to be registered,
- (b) he or she has sufficient knowledge of the English or Irish language necessary to practise as a nurse or midwife in the State, in accordance with Rule 7,
- (c) he or she is a fit and proper person to practise nursing or midwifery in the State, in accordance with Rule 17, and
- (d) in the case of an applicant for registration in the nurse prescribers division or the midwife prescribers division of the register of nurses and midwives, he or she is employed by a health service provider in a hospital, nursing home, clinic or other health service setting (including any case where the health service is provided in a private home).

Manner and form of application

6. (1) An application for registration in the register of nurses and midwives shall be made in such manner and form as may be prescribed by the Board from time to time, and shall include—

- (a) personal information in relation to the applicant, together with the appropriate proofs as specified by the Board, including—
 - (i) first name and surname,
 - (ii) if applicable, any other name by which the applicant is known,
 - (iii) date and place of birth,
 - (iv) nationality,
 - (v) gender,

- (vi) postal address for correspondence,
 - (vii) email address for correspondence,
 - (viii) contact telephone number(s),
 - (ix) languages spoken,
 - (x) if applicable, place of work and position held,
- (b) evidence of recognition of the applicant's professional qualifications by the Board,
 - (c) details of the applicant's registration in the candidate register, if applicable,
 - (d) details of the applicant's registration history and professional experience, if applicable,
 - (e) a completed declaration as to English or Irish language competency in accordance with Rule 7(1) and any further information requested by the Board under Rule 7(2),
 - (f) a completed fit and proper person declaration in accordance with Rule 17(1) and any further information requested by the Board under Rule 17(2),
 - (g) a completed declaration as to relevant medical disability in accordance with section 51(1) of the Act,
 - (h) such further information as may be requested by the Board in relation to a relevant medical disability declared under section 51(1) of the Act, and
 - (i) any further information or documentation prescribed or requested by the Board.

(2) Where an applicant has held nursing or midwifery registration previously with the Board or with any licensing or registration nursing or midwifery body, the application shall include, in addition to the matters required under paragraph (1)—

- (a) details of all nursing or midwifery registrations currently or previously held by the applicant, including, in the case of an applicant previously registered with the Board, the registration number associated with such registration, and
- (b) evidence of the applicant's good standing or current professional status in relation to all nursing or midwifery registrations currently or previously held by the applicant.

(3) An application form for registration in the register of nurses and midwives shall be completed in full and dated by the applicant, and shall be accompanied by the appropriate fee.

Language competence

7. (1) An applicant must provide such evidence of competency in the English or Irish language as may be prescribed by the Board from time to time.

(2) An applicant must complete a declaration as to English or Irish language competency in such form as may be prescribed by the Board from time to time.

Part 3

Restoration of registration in register of nurses and midwives

Scope of Part 3

8. (1) Subject to paragraph (2), this Part applies to a nurse or midwife (in this Part referred to as an “applicant”) seeking the restoration of his or her registration in the register of nurses and midwives, or a division thereof—

- (a) under section 50(4) of the Act following voluntary removal of registration, or
- (b) in circumstances where his or her registration was removed pursuant to section 77 of the Act and he or she is not entitled to have his or her registration restored under section 78 of the Act.

(2) This Part does not apply to a nurse or midwife seeking to provide services in the State on a temporary and occasional basis under Part 4 of the Regulations of 2017.

Criteria for restoration

9. In considering an application for restoration under this Part, the Board shall consider—

- (a) the length of time since the applicant was removed from the register of nurses and midwives, or the division(s) thereof concerned,
- (b) in the case of removal from the register of nurses and midwives—
 - (i) whether the nurse or midwife has practised as a nurse or midwife outside the State since such removal, or
 - (ii) if the applicant has not practised outside the State since such removal, what steps the nurse or midwife has taken to keep his or her nursing or midwifery knowledge up to date in order to demonstrate professional competencies to the satisfaction of the Board,
- (c) in the case of removal from a division of the register of nurses and midwives, what steps the nurse or midwife has taken to keep his or

her knowledge relevant to that division up to date in order to demonstrate professional competencies to the satisfaction of the board,

- (d) the applicant's fit and proper person declaration submitted in accordance with Rule 17(1) and any further information provided under Rule 17(2),
- (e) the applicant's declaration as to relevant medical disability submitted pursuant to section 51(1) of the Act, and
- (f) any further information or documentation provided by the applicant on request from the Board.

Manner and form of application

10. (1) An application for restoration to the register of nurses and midwives, or a division thereof, shall be made in such form and manner as may be prescribed by the Board from time to time, and shall include—

- (a) the registration number previously attached to the applicant's registration,
- (b) the applicant's postal address for correspondence,
- (c) the applicant's email address for correspondence,
- (d) the applicant's contact telephone number(s),
- (e) details of the applicant's occupation and any employment (whether paid or unpaid) during the period as a nurse or midwife since his or her removal from the register,
- (f) in circumstances where the applicant engaged in the practice of nursing or midwifery outside the State since his or her removal from the register of nurses and midwives, particulars regarding his or her nursing or midwifery outside the State, as appropriate, and a certificate of good standing or current professional status or equivalent from the regulatory body in the country where he or she was engaged in such practice, as appropriate,
- (g) if the nurse or midwife has not been practising outside the State since he or she was voluntarily removed from the register of nurses and midwives, details of the nursing or midwifery activities he or she has been engaged in, to include professional and voluntary activities, and details of steps taken by the nurse or midwife to maintain his or her professional competence,
- (h) a completed declaration as to relevant medical disability in accordance with section 51(1) of the Act,

- (i) such further information as may be requested by the Board in relation to a relevant medical disability declared under section 51(1) of the Act,
- (j) a completed fit and proper person declaration in accordance with Rule 17(1) and any further information provided under Rule 17(2), and
- (k) any further information or documentation requested by the Board.

(2) An application form for restoration to the register of nurses and midwives shall be completed in full and dated by the applicant, and shall be accompanied by the appropriate fee.

Part 4

Registration in candidate register

Criteria for registration — programme of study

11. The Board shall register in the candidate register, and the appropriate division(s) thereof, a candidate who is undertaking a programme approved under Part 10 of the Act for pre first time registration in the register of nurses and midwives and the corresponding division(s) thereof (in this Part referred to as “a programme of study”).

Provisions in relation to programmes of study

12. (1) Not later than thirty days after he or she commences a programme of study, a candidate shall apply to the Board in accordance with this Part to have her or his name entered in the candidate register and the appropriate division(s) thereof.

(2) For the purpose of paragraph (1), a candidate’s programme of study shall be taken to have commenced on the date certified in the appropriate form by the head of nursing or midwifery studies, or another officer delegated such function, in the educational body providing the programme.

(3) If a candidate ceases to be a participant in a programme of study before its successful completion, the head of nursing or midwifery studies, or another officer delegated such function, in the educational body providing the course shall inform the Board in writing of the candidate’s cessation, including the reason therefor, within 30 days of the date of cessation.

(4) If a candidate to whom paragraph (3) applies resumes the programme of study in which her or she previously participated, that candidate shall, not later than 30 days after such resumption, apply to the Board in such form as the Board may require to have his or her name re-entered in the candidate register.

(5) The head of nursing or midwifery studies, or another officer delegated such function, in the educational body providing a programme of study shall inform the Board in writing within 30 days of a decision being made to allow a candidate an additional period of time to complete the programme of study.

Criteria for registration — adaptation period

13. The Board shall register in the candidate register, and the appropriate division(s) thereof, a candidate who—

- (a) is undertaking an adaptation period imposed by the Board under the Recognition Rules as a pre-condition for recognition of his or her professional qualifications in nursing or midwifery (in this Part referred to as an “adaptation period”), and
- (b) satisfies the Board under Rule 17 that he or she is a fit and proper person.

Provisions in relation to adaptation periods

14. (1) Prior to commencing an adaptation period in accordance with requirements imposed by the Board under the Recognition Rules, a candidate shall apply to the Board in accordance with this Part to have his or her name entered in the candidate register.

(2) If a candidate ceases participation in an adaptation period before its successful completion, the director of nursing or midwifery in the healthcare facility in which the candidate was undertaking the adaptation period shall inform the Board in writing of the candidate’s cessation and the reason therefor.

(3) If a candidate is granted an extension of time under Rule 20(2) of the Recognition Rules to complete his or her adaptation period, the Board shall extend the period of registration accordingly.

Manner and form of application

15. (1) An application for registration in the candidate register shall be made in such form and manner as may be prescribed from time to time by the Board and shall include—

- (a) personal information in relation to the candidate, together with the appropriate proofs as specified by the Board, including—
 - (i) first name and surname,
 - (ii) if applicable, any other name by which the candidate is known,
 - (iii) date and place of birth,
 - (iv) nationality,
 - (v) gender,
 - (vi) postal address for correspondence,
 - (vii) email address for correspondence,
 - (viii) contact telephone number(s),
 - (ix) languages spoken, and

(b) any further information or documentation requested by the Board.

(2) In the case of a candidate referred to in Rule 11, an application for registration in the candidate register shall also include details of the programme of study being undertaken, or to be undertaken, by the candidate.

(3) In the case of a candidate referred to in Rule 13, an application for registration in the candidate register shall also include—

(a) a completed fit and proper person declaration in accordance with Rule 17(1) and any further information provided under Rule 17(2), and

(b) if the candidate has engaged in the practice of nursing or midwifery outside the State, particulars regarding his or her nursing or midwifery practice outside the State, as appropriate, and a certificate of good standing or current professional status or equivalent from the regulatory body in the country where he or she was engaged in such practice, as appropriate.

(4) An application form for registration in the candidate register shall be completed in full and dated by the applicant, and shall be accompanied by the appropriate fee.

Part 5

Common provisions

Scope of Part 5

16. This Part applies to a person applying to the Board under Part 2, 3 or 4 (in this Part referred to as “an applicant”).

Fit and proper person

17. (1) An applicant (other than a candidate referred to in Rule 11) must complete a declaration to the effect that he or she is a fit and proper person to engage in the practice of nursing or midwifery in the State, in such form as may be prescribed by the Board from time to time.

(2) An applicant must provide such further information in relation to issues raised in the declaration referred to in paragraph (1) as may be requested by the Board.

Decision

18. (1) Following receipt of a completed application under Part 2, 3 or 4, the Board shall make a provisional decision in relation to the application (“a provisional decision”).

(2) Where a provisional decision is made, within 21 days of that decision being made, the Board shall, by notice in writing, inform the applicant of the provisional decision and the reason for same and of the rights of that person to appeal that provisional decision to the Registration Committee.

(3) If no appeal is brought under Rule 19 against a provisional decision within 56 days from the date of the decision, the decision becomes final (“a final decision”).

(4) The Board shall inform the applicant, by notice in writing, when a provisional decision becomes a final decision under paragraph (3).

(5) In the case of an application under Part 2 or 3 and if applicable to the decision in question, the Board shall inform the applicant, in the notice referred to in paragraph (4), of his or her right to appeal the final decision to the High Court not later than 3 months after the date of such notice pursuant to section 52(3) of the Act.

Appeal

19. (1) An applicant may appeal a provisional decision made pursuant to Rule 18(1) to the Registration Committee within 56 days of the date of the provisional decision.

(2) An appeal must be brought in such form and manner as may be prescribed by the Board from time to time, stating the grounds for the appeal, and must be accompanied by the appropriate fee.

(3) On considering an appeal under this Rule, the Registration Committee shall—

(a) confirm the provisional decision, or

(b) quash the provisional decision and substitute such other decision as it considers appropriate, which may be a decision—

(i) to register, or restore the registration of, the applicant in the register of nurses and midwives or the candidate register, as appropriate, and the appropriate division(s) thereof, as it considers appropriate and with no conditions attached to the registration, or

(ii) to register, or restore the registration of, the applicant—

(I) in the register of nurses and midwives or the candidate register, as appropriate, and the appropriate division(s) thereof, as it considers appropriate, and

(II) with such conditions attached to that registration as it considers appropriate,

(4) The Registration Committee shall, within 21 days of making its decision under paragraph (3), inform the applicant, by notice in writing, of the decision and the reasons for the decision.

(5) In the case of an appeal from a decision in an application under Part 2 or 3 and if applicable to the decision in question, the Registration Committee shall,

in the notice referred to in paragraph (4), inform the applicant of his or her right to appeal the decision to the High Court not later than 3 months after the date of the notice pursuant to section 52(3) of the Act.

Part 6

Annual retention of registration in register of nurses and midwives

Requirement to apply for retention of registration

20. A registered nurse or midwife who wishes to retain his or her registration in the register of nurses and midwives for a further period of registration must, before 31 December in the year preceding the year of the period of registration for which he or she is applying—

(a) pay the appropriate fee, and

(b) make any declaration required to be made under section 53(6) of the Act.

Issuing of certificate

21. Where a registered nurse or midwife complies with Rule 20, the Board shall retain the registration of the nurse or midwife in the register of nurses and midwives for the period the subject of the application and shall issue the nurse or midwife with a new certificate to that effect in accordance with section 46(7) of the Act.

Part 7

Miscellaneous

Registration and candidate number

22. A registered nurse or midwife, or registered candidate nurse or midwife, shall, following receipt of the certificate issued by the Board pursuant to section 46(7) of the Act, cause the registration number or candidate number, as appropriate, stated on that certificate to be included on all prescriptions issued by him or her, if applicable, and all other documentation and records relating to his or her practice as a nurse, midwife or candidate.

Use of contact details

23. The Board, and any committee established by it under section 24 of the Act, may use any of the contact details provided by any person to the Board in the course of an application under these Rules, for the purpose of providing any information or formal notification to that person, as the Board considers necessary, to include information or notification in relation to disciplinary matters.

Part 8

Revocations and transitional provisions

Revocation

24. The Nurses Rules 2010 (S.I. No. 689 of 2010) are revoked.

Transitional provisions

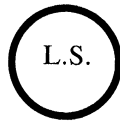
25. (1) Subject to paragraph (2), an application for registration in the register of nurses and midwives or the candidate register which has, on the commencement of these Rules, been submitted to the Board, but has not yet been the subject of a decision by the Board, shall proceed as an application under these Rules.

(2) In the case of an application for registration in—

(a) the advanced nurse practitioners division, or

(b) the advanced midwife practitioner division,

of the register of nurses and midwives, which was submitted to the Board before 30 April 2018, but has not yet been the subject of a decision by the Board, the Rules revoked by Rule 24 shall continue to apply as if they had not been revoked.



GIVEN under the Official Seal of the Nursing and Midwifery Board
of Ireland,
5 June 2018.

ESSENE CASSIDY,
President.

MARY GRIFFIN,
Chief Executive Officer.

I, SIMON HARRIS, Minister for Health, approve of the making of the foregoing Rules.



GIVEN under my Official Seal,
20 June 2018.

SIMON HARRIS,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Rules provide for the procedures for applying to the Nursing and Midwifery Board of Ireland for registration in the register of nurses and midwives and the candidate register. In addition, they provide for the retention of registration in the register of nurses and midwives.

These Rules may be cited as the Nurses and Midwives (Registration) Rules 2018.

These Rules come into operation on 25 June 2018.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.81

