



STATUTORY INSTRUMENTS.

S.I. No. 220 of 2018



NURSES AND MIDWIVES (RECOGNITION OF PROFESSIONAL
QUALIFICATIONS) RULES 2018

NURSES AND MIDWIVES (RECOGNITION OF PROFESSIONAL
QUALIFICATIONS) 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), hereby makes the following rules:-

Citation

1. These Rules may be cited as the Nurses and Midwives (Recognition of Professional Qualifications) 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);

“applicant” has the meaning assigned to it by Rule 4;

“adaptation period” means a period of pursuit of the relevant professional activities in the State under the supervision and responsibility of a nurse or midwife registered in the appropriate division of the register of nurses and midwives, which may be accompanied by further training, and which shall be the subject of an assessment;

“aptitude test” means a test limited to the professional knowledge of the applicant, carried out or recognised by the Board, with the aim of assessing the ability of the applicant to pursue the relevant professional activities in the State;

“professional experience” means the actual and lawful full-time or equivalent part-time pursuit of the profession of nurse or midwife, as appropriate;

“professional qualifications” means qualifications attested by evidence of formal qualifications, an attestation of competence or professional experience;

“professional qualifications in nursing” means professional qualifications in general nursing, intellectual disability nursing, psychiatric nursing or children’s nursing;

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

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

Scope

4. These Rules apply to a nurse or midwife applying to the Board to have his or her professional qualifications recognised for the purpose of practice in the profession of nurse or midwife in the State (“an applicant”).

Application

5. (1) An application for recognition of professional qualifications shall be 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,
- (b) details of professional qualifications, including supporting documentation,
- (c) any further information or documentation requested by the Board.

(2) An applicant shall remit the prescribed fee for his or her application for recognition of professional qualifications, as determined by the Board pursuant to section 38(1) of the Act, in the manner and form as prescribed by the Board from time to time.

(3) The Board may seek any further information, which it considers necessary, for the verification of any aspect of an application for recognition of professional qualifications.

(4) Notwithstanding paragraphs (1) to (3), in the case of an application for recognition of professional qualifications under the Regulations of 2017, the Board shall comply with its obligations as the competent authority in the State for nurses and midwives under those Regulations and the applicant shall have the rights granted to him or her under those Regulations.

Recognition of professional qualifications in general nursing

6. An applicant for recognition of professional qualifications in general nursing must satisfy the Board that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a general nursing programme approved under Part 10 of the Act,
- (b) has been awarded a qualification in general nursing referred to in Regulation 35 or (subject to Regulation 38) Part 14 of the Regulations of 2017,
- (c) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a general nurse in the State, or

- (d) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a general nursing programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications in midwifery

7. An applicant for recognition of professional qualifications in midwifery must satisfy the Board that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a midwifery programme approved by the Board under Part 10 of the Act,
- (b) has been awarded a qualification in midwifery referred to in Regulation 47 or 51, or Part 14, of the Regulations of 2017,
- (c) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a midwife in the State, or
- (d) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a midwifery programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications in children's nursing

8. An applicant for recognition of professional qualifications in children's nursing must satisfy the Board that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a children's nursing programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a children's nurse in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a children's nursing programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications in psychiatric nursing

9. An applicant for recognition of professional qualifications in psychiatric nursing must satisfy the Board that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a psychiatric nursing programme approved under Part 10 of the Act,

- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a psychiatric nurse in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a psychiatric nursing programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications in intellectual disability nursing

10. An applicant for recognition of professional qualifications in intellectual disability nursing must satisfy the Board that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of an intellectual disability nursing programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as an intellectual disability nurse in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of an intellectual disability nursing programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications in public health nursing

11. An applicant for recognition of professional qualifications in public health nursing must satisfy the Board that his or her professional qualifications in general nursing have been recognised in accordance with Rule 6 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a public health nursing programme approved under Part 10 of the Act, which programme must include, in the case of an applicant who has not also had professional qualifications in midwifery recognised in accordance with Rule 7, a module or unit of study on maternal and child health,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a public health nurse in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a public health nursing programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as a nurse tutor

12. An applicant for recognition of professional qualifications as a nurse tutor must satisfy the Board that his or her professional qualifications in nursing have been recognised in accordance with Rule 6 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a nurse tutor programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a nurse tutor in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a nurse tutor programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as a nurse prescriber

13. An applicant for recognition of professional qualifications as a nurse prescriber must satisfy the Board that his or her professional qualifications in nursing have been recognised in accordance with Rule 6 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a nurse prescriber programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a nurse prescriber in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a nurse prescriber programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as an advanced nurse practitioner

14. An applicant for recognition of professional qualifications as an advanced nurse practitioner must satisfy the Board that his or her professional qualifications in nursing have been recognised in accordance with Rule 6, 8, 9 or 10 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of an advanced nurse practitioner programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised

by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as an advanced nurse practitioner in the State, or

- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of an advanced nurse practitioner programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as a midwife tutor

15. An applicant for recognition of professional qualifications as a midwife tutor must satisfy the Board that his or her professional qualifications in midwifery have been recognised in accordance with Rule 7 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a midwife tutor programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as midwife tutor in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a midwife tutor programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as a midwife prescriber

16. An applicant for recognition of professional qualifications as a midwife prescriber must satisfy the Board that his or her professional qualifications in midwifery have been recognised in accordance with Rule 7 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of a midwife prescriber programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as a midwife prescriber in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of a midwife prescriber programme approved by the Board under Part 10 of the Act.

Recognition of professional qualifications as an advanced midwife practitioner

17. An applicant for recognition of professional qualifications as an advanced midwife practitioner must satisfy the Board that his or her professional qualifications in midwifery have been recognised in accordance with Rule 7 and that he or she—

- (a) has been awarded a qualification arising from the satisfactory completion of an advanced midwife practitioner programme approved under Part 10 of the Act,
- (b) is an eligible person within the meaning of the Regulations of 2017 and that his or her professional qualifications should be recognised by the Board under Part 5 of the Regulations of 2017 for the purpose of practice as an advanced midwife practitioner in the State, or
- (c) has attained professional qualifications which the Board determines are at least the equivalent of a qualification awarded following the satisfactory completion of an advanced midwife practitioner programme approved by the Board under Part 10 of the Act.

Decision of Board

18. (1) Subject to paragraph (2), following assessment of the professional qualifications of an applicant, the Board shall make a provisional decision in relation to the application (“a provisional decision”)—

- (a) recognising the qualifications as satisfying the appropriate requirement(s) in Rules 6 to 17,
- (b) requiring the applicant to undergo an aptitude test or an adaptation period, to address deficits in the applicant’s qualifications, as a condition of recognition of his or her qualifications, or
- (c) refusing to recognise the applicant’s professional qualifications.

(2) In the case of an application under the Regulations of 2017, the Board shall comply with its obligations as the competent authority in the State for nurses and midwives under those Regulations and the applicant shall have the rights provided under those Regulations, including the right of appeal to the High Court under Regulation 83 of those Regulations.

(3) 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.

(4) If no appeal is brought under Regulation 83 of the Regulations of 2017 or Rule 19 against a provisional decision within 56 days from the date of the decision, the decision becomes final (“a final decision”).

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

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) recognising the qualifications as satisfying the appropriate requirement in Rules 6 to 17,
 - (ii) requiring the applicant to undergo an aptitude test or an adaptation period, to address deficits in the applicant’s qualifications, as a condition of recognition of his or her qualifications, or
 - (iii) refusing to recognise the applicant’s professional qualifications.

(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) This Rule is without prejudice to the right of appeal to the High Court under Regulation 83 of the Regulations of 2017, in applications to which those Regulations apply.

Adaptation periods

20. (1) The Board shall fix the length of an adaptation period and the time period within which it must be completed.

(2) The Board has a discretion, in exceptional circumstances, to extend the length of an adaptation period or the time period within which an adaptation period must be completed, as fixed under paragraph (1).

(3) In order to be eligible for an extension of time, as provided for in paragraph (2), the applicant required to undertake an adaptation period must write to the Board, setting out the reasons why he or she should be granted an extension.

(4) An applicant who is undertaking an adaptation period and applies for an extension of time under paragraph (3) must include, with his or her letter to the Board, a letter from the director of nursing or midwifery in the healthcare facility in which the applicant is undertaking the adaptation period (“the director”) detailing the director’s observations in relation to such an extension, and any further relevant supporting documentation that the candidate may wish the Board to consider.

(5) The director shall notify the Board, in such form as may be prescribed from time to time by the Board, following the period in which an adaptation period must be completed, as to whether or not the adaptation period was successfully completed by the applicant.

(6) Following receipt of a notification under paragraph (5), the Board shall recognise, or refuse to recognise, the professional qualifications of the applicant, as appropriate.

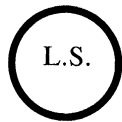
(7) In the case of an application under the Regulations of 2017, the provisions of this Rule are subject to the provisions of Regulations 22 and 23 of those Regulations.

Aptitude test

21. (1) Following the taking of an aptitude test by an applicant, the person or body providing the test shall notify the Board of the result achieved by the applicant.

(2) Following receipt of notification under paragraph (1), the Board shall recognise, or refuse to recognise, the professional qualifications of the applicant, as appropriate.

(3) In the case of an application under the Regulations of 2017, the provisions of this Rule are subject to the provisions of Regulations 22 and 24 of those Regulations.

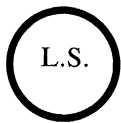


GIVEN under the Official Seal of the Nursing and Midwifery Board of Ireland,
5 June 2018.

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 and requirements for recognition of professional qualifications in nursing and midwifery by the Nursing and Midwifery Board of Ireland.

These Rules may be cited as the Nurses and Midwives (Recognition of Professional Qualifications) Rules 2018.

These Rules come into operation on 25 June 2018.

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