

● Medico-legal advice

Nurses and Midwives Bill 2010



Elaine Healy examines the provisions of the Nurses and Midwives Bill 2010, which will provide a modern statutory framework for the regulation of these professions

On 22 April 2010, the long-awaited Nurses and Midwives Bill 2010 (the Bill) was published. The Nurses Act 1985 established An Bord Altranais, which currently regulates the nursing and midwifery professions.

Since then, however, there have been many developments in the nursing and midwifery professions and also in the regulatory framework governing other health professionals, such as the Medical Practitioners Act 2007 and the Pharmacy Act 2007. This prompted the need for updated legislation. The Bill will not become law until it has passed through the Oireachtas.

New regulatory structure

The Bill repeals the Nurses Act 1985 and provides for a modern statutory framework for the regulation of the nursing and midwifery professions. The Bill will establish a new Board, An Bord Altranais agus Cnáimheaschais na hÉireann



(the Nursing and Midwifery Board of Ireland) to protect the public. It will have 23 members, both elected and appointed, representing nursing and midwifery, educational bodies, members of the public and stakeholders.

The National Council for the Professional Development of Nurses and Midwives will be dissolved and its staff will transfer to the new Board.

Other provisions

The main other provisions of the Bill are as follows:

1. It recognises midwifery as a separate and distinct profession. It provides for clinical supervision of midwives, who must have adequate indemnity insurance, and the establishment of a Midwives' Committee to advise the Board in relation to midwifery practice issues. The Bill also supports midwives in their continuing professional development, through the introduction of clinical supervision, to enhance midwifery practice through peer review.
2. It provides for a non-nursing/midwifery majority on the Board and on the Fitness to Practise Committee (FPC) and the new Preliminary Proceedings Committee (PPC), unlike An Bord Altranais (see further below).
3. It provides for a stronger governance and accountability structure for the Board.
4. It provides for the registration of nurses and midwives and the registration of candidates and advanced nurse/midwife practitioner posts.

It also prohibits unregistered nurses and midwives engaging in the practice of nursing or midwifery.

5. It provides that the new Board will be able to approve education programmes and to specify standards of practice for registered nurses and midwives and give guidance on professional conduct and ethics.
6. It sets out a new statutory framework for the maintenance of professional competence of registered nurses and midwives.
7. It places an obligation on employers to facilitate the maintenance of professional competence of nurses and midwives, in particular, by providing learning opportunities in the workplace.

Fitness to practise inquiries

The Bill introduces a new streamlined fitness to practise procedure, which will include a new PPC. This will screen complaints and can refer complaints to the FPC or to other procedures if the complaints are not appropriate for the Board's fitness to practise procedures.

Fitness to practise inquiries will in future generally be held in public. Currently, they are held in private. However the FPC may decide, on applica-

tion by the nurse or midwife or a witness, including the complainant, to hold some or all of an inquiry in private, depending on the circumstances.

The FPC has similar powers to those of a High Court judge. For example, it can enforce the attendance of witnesses and their examination under oath and compel the production of documents.

The Bill also provides for the resolution of complaints by mediation or other informal means in certain circumstances.

The Bill, when and if it is enacted, will provide a modern framework to the separate professions of nursing and midwifery. It has been welcomed by most sectors as the necessity for change is recognised.

It was indicated that the Bill would be brought through the Houses of the Oireachtas with a view to enacting it at the earliest possible date.

The Nurses and Midwives Bill 2010 can be accessed at:

www.oireachtas.ie/viewdoc.asp?DocID=14780&&CatID=59

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● Alcohol

Keep the pubs closed on Christian holidays



Dr Mark Hannon writes that our need to always have alcohol available for sale, 365 days a year, is a sign of our country's immature attitude to drinking and socialising

Now that the Easter holidays are a distant memory, we should probably take time to reflect on the momentous change that occurred in Ireland over the last few months. This, of course, is the fact that alcohol was made available on one of the two days a year when the pubs and off licences of Ireland are forced to close – Good Friday.

The only other day of the year when alcohol is unobtainable is Christmas Day, but somehow the debate about whether alcohol should be available or not only arises around Easter and rarely, if ever, at Christmas.

Perhaps this is because the Christmas season affords many other opportunities for excessive alcohol intake, whereas the Easter holiday consists of just one bank-holiday weekend.

Of course, it is difficult to argue *per se* with the application by Limerick publicans for a temporary exemption to be granted due to the rugby match taking place in Limerick on Good Friday; the entire country has been hit very hard by the economic downturn, and special occasions such as inter-provincial rugby matches are one of the few occasions when hard-pressed publicans, restaurateurs and hoteliers are guaranteed a good income.

Struggling

Given that many businesses in the hospitality industry are struggling this year, I can fully understand why they proceeded with the court application, and I hope they had a good day's business.

However, their successful application, and the widespread support that they re-

ceived in the media, does raise a wider question about the state of Irish society when it is deemed essential that alcohol be available for the enjoyment of a daytime sporting event. Is our culture so drink-sodden that we cannot go to a rugby match, and perhaps enjoy dinner and a night in a hotel afterwards, without the availability of alcohol?

Also, there was nothing stopping the rugby supporters from buying alcohol prior to Good Friday and then consuming it on the day; clearly this option was insufficient for many fans.

Apart from Britain and Ireland, it is difficult to imagine any other part of the world where alcohol is deemed so essential to the enjoyment of any social event. The fact that buses were organised to bring people to Limerick from

Cork, Kerry and Tipperary just to avail of the alcohol on sale, without ever attending the rugby match, says much of our attitude towards alcohol as a nation.

Restrictive laws

Some say that it is precisely the relatively restrictive licensing laws under which we live that drive us to crave alcohol more – we cannot get drink on Good Friday and so we want it more than ever, or so the argument goes. Proponents of this argument point to southern Europe, where alcohol is a part of daily life and people start to drink at a young age (but public drunkenness is rarely, if ever, seen) to support their views.

However, I cannot agree with this. The fact that transport was organised to bring people to Limerick from all parts of Munster just goes to

show how immature the relationship is between the Irish people and alcohol. Opening pubs on Good Friday is not going to address this; it will simply allow people to get drunk on one extra day per year.

As for the argument that the closure of pubs on Good Friday denies non-Christians the 'right' to obtain alcohol when they choose, it is not as if the free availability of alcohol is some sort of basic human right like food, clothing, shelter and healthcare – surely each country is free to legislate as it chooses on the availability of a substance that has a profound impact on society, especially in Ireland?

Other media commentators have stated that they have no problem with alcohol being unavailable on certain days if this is necessary to curb public alcohol consumption, but they have an issue with the fact that the days where the sale of alcohol is banned coincide with major Christian feast days. However, the alternative – a completely revised national calendar that takes no account of the religion of the vast majority of citizens – is frankly unwork-

able. Even in the United States, which goes to great lengths to emphasise its strict separation of Church and State, the majority of shops and businesses are closed on Sunday – the official day of worship for Christians. The Christmas holiday, a major official break in the national calendar, also revolves around a Christian feast – maybe we should ban that too and instead move everyone's holidays to some random week in mid-February?

An excellent concept

Although I fully agree that separation of Church and State is an excellent concept, it can never be fully achieved in a country like this where over a thousand years of Christian influence have irreversibly shaped our customs and traditions.

Therefore, let us keep pubs closed on Good Friday and Christmas Day and preserve an old custom. Just because a tradition seems archaic and out-of-touch, it does not mean it is incorrect – let us not lose our connections with our rich history in our headlong rush to become a 'modern' European nation.