



Memorandum of Understanding between Health Information and Quality Authority (HIQA) and Nursing and Midwifery Board of Ireland (NMBI)

22 August 2016

Memorandum of Understanding concerning cooperation in the regulation of nurses and midwives.

1. Background

The **Nursing and Midwifery Board of Ireland (NMBI)** was established as An Bord Altranais by the Nurses Act 1950. The Nurses and Midwives Act, 2011 *inter alia* changed the name of the board, and updated the provisions relating to the regulation of nurses and midwives, reflecting the recognition of midwifery as a separate and distinct profession. Its head office is at 18/20 Carysfort Avenue, Blackrock, Co. Dublin, Ireland.

The **Health Information and Quality Authority (HIQA)**, was established under the Health Act 2007 and has its head office at Unit 1301 City Gate, Mahon, Cork, Ireland.

The NMBI and HIQA wish to establish a framework for cooperation in the regulation of nurses and midwives.

The NMBI is concerned with the protection of the public in its dealings with nurses and midwives, and the integrity of the practice of nursing and midwifery through the promotion of high standards of professional education, training and practice, and professional conduct among nurses and midwives. It maintains a register of nurses and midwives, deals with complaints about professional misconduct, and devises guidelines, including the Code of Professional Conduct and Ethics.

HIQA is the independent authority established to drive continuous improvements in Ireland's health and social care services. HIQA's mandate extends across the quality and safety of the public, private (within its social care function) and voluntary services. Its remit includes setting standards, monitoring compliance with standards and regulations, and carrying out investigations where there are reasonable grounds to do so.

2. Objectives

This Memorandum of Understanding (MOU) is intended to assist and support both the NMBI and HIQA in performing their individual functions. In particular it takes note of areas of potential cooperation and collaboration in the interest of ensuring appropriate

assessment and / or examination of information by NMBI and HIQA and protection of the health and welfare of people who use health and social services. The objectives of this MOU are:

- a) to promote cooperation in areas of strategic and high-level operational interest
- b) to facilitate cooperation on cross referral of information where one organisation believes that it falls within the remit of the other (or both);

This MOU represents the understanding reached by the NMBI and HIQA, in particular:

- that both signatories operate under separate schemes: the NMBI is concerned with regulating the professions of nursing and midwifery; HIQA is concerned with regulating and/or investigating health and social care services. This MOU is intended to cover areas of common interest where cooperation will lead to better services and better outcomes for people using services; and
- that both signatories may in particular circumstances limit the scope of disclosure of information only if the disclosure is contrary to the public interest or the interests of the participant concerned, is in breach of or is inconsistent with statutory obligations or requirements or other obligations and requirements imposed by law.

3. Governing legislation

The object of the NMBI is the protection of the public in its dealing with nurses and midwives and the integrity of the practice of nursing and midwifery through the promotion of high standards of professional education, training and practice and professional conduct among nurses and midwives.

Powers of the NMBI, as defined by the Nurses and Midwives Act 2011 include:

- To issue and publish guidelines and specify standards of practice for registered nurses and registered midwives.
- Under section 13, to make rules in respect of areas including training, professional competence, registration and other matters within the board's function.
- Under section 55, 9 grounds are specified under which any person may make a complaint about a nurse or midwife. Through the appointment of a Preliminary Proceedings Committee (PPC) and a Fitness to Practise Committee (FPC) under section 24(1) complaints about nurse and midwives may be investigated and reported upon.
- Under part 9, to give directions relating to the imposition of sanctions on registered nurses and registered midwives.

The Health Information and Quality Authority was established by the Health Act 2007 with the object to '*promote safety and quality in the provision of health and personal social services for the benefit of the health and welfare of the public*'. The principal functions under the Health Act 2007 include:

- to set standards on safety and quality in relation to services provided by the Health Service Executive (HSE) or a service provider in accordance with prescribed legislation;
- to monitor compliance with standards and to advise the Minister and HSE accordingly;
- to undertake investigations as to the safety, quality and standards of services;
- to evaluate the clinical and cost-effectiveness of health technologies including drugs and provide advice arising out of the evaluation to the Minister and the HSE;
- to evaluate available information respecting the services and the health and welfare of the population;
- to provide advice and recommendations to the Minister and the Executive about deficiencies identified by HIQA in respect of information identified respecting the services and health and welfare of the population
- to set standards as HIQA considers appropriate for the Executive and service providers respecting data and information in their possession in relation to services and the health and welfare of the population
- to operate other such schemes aimed at ensuring safety and quality in the provision of services.

The NMBI and HIQA must comply with the Data Protection Acts 1988 and 2003 and the Freedom of Information Act 2014.

4. Areas of cooperation

The NMBI and HIQA having reached the above understanding will:

- a) undertake to communicate as appropriate on all matters of strategic mutual and operational interest. Communication will be conducted on both a formal basis through scheduled meetings and informally on an ad hoc basis.
- b) facilitate cooperation on cross-referral of information where one organisation believes that it falls within the remit of the other (or both) and where there are concerns in relation to the professional standards or conduct of nurses or midwives. In the conduct of this activity, both organisations will respect, maintain and adhere to all requirements of the relevant legislation.
 - For HIQA this includes but is not limited to HIQA's statutory role under the Health Act 2007.
 - For the NMBI this includes but is not limited to the NMBI's statutory role under the Nurses and Midwives Act 2011.
 - A protocol governing the means by which the cross-referral outlined above will take place will be developed jointly by HIQA and the NMBI as part of this MOU.

5. Confidentiality

a) The Nursing and Midwifery Board of Ireland

- i. Nothing in this MOU requires the NMBI to release confidential information to HIQA except in accordance with law.
- ii. Unless otherwise required by law, the NMBI will not disclose any information received from HIQA under this MOU, except with the written consent of HIQA. If disclosure is required by law, the NMBI will take all reasonable measures to ensure that the information received from HIQA will be disclosed in a manner that protects the information from any disclosure that is not required or authorised by law.
- iii. Unless otherwise required by law, the NMBI will not use the information disclosed to it under this MOU for any other purpose other than the performance of its regulatory activities/statutory functions.

b) Health Information and Quality Authority

- i. Nothing in this MOU requires HIQA to release confidential information to the NMBI except in accordance with law.
- ii. Unless otherwise required by law, HIQA will not disclose any information received from the NMBI under this MOU, except with the written consent of the NMBI. If disclosure is required by law, HIQA will take all reasonable measures to ensure that the information received from the NMBI will be disclosed in a manner that protects the information from any disclosure that is not required or authorised by law.
- iii. Unless otherwise required by law, HIQA will not use the information disclosed to it under this MOU for any other purpose other than the performance of its regulatory activities/statutory functions.

6. Financial arrangements

Each participant will be solely responsible for the administration and expenditure of its own resources associated with activities conducted under this MOU.

7. Variation

Any provision of this MOU may be amended at any time by the mutual consent in writing of the participants via the respective signatories.

8. Status of Memorandum of Understanding

This MOU reflects the intentions of the participants. It is not intended to create legal obligations of any nature, either in domestic or international law. The participants will

however observe and give due respect to confidentiality undertakings which they have expressed in this MOU.

9. Effective date and review

This MOU will come into effect upon the date of signature of both signatories and will continue in effect until its termination in accordance with clause 11.

This MOU will be subject to formal annual review on each anniversary of its signing. In addition the content of the MOU will be reviewed to ensure that it remains relevant, for example in light of legislative changes.

This review will be conducted by the agency contacts shown under paragraph 10 and any required variations arising made in accordance with paragraph 7.

10. Agency contact

The liaison officers responsible for the administration of this MOU are:

- a) For HIQA, the person holding the position of Chief Executive Officer.
- b) For the NMBI, the person holding the position of Chief Executive Officer.

11. Termination

- a) Either participant may, at any time, give written notice of termination to the other participant. This MOU (excepting clause 5) will terminate six months after the date of receipt of the notice of termination.
- b) The termination of this MOU will not affect the confidentiality undertakings expressed by the participants in this MOU or any commitments given under, or as a consequence of, this MOU in respect of any arrangements or action taken during the period before the termination takes effect.

Signed in the *Dublin Regional Office of the Health Information and Quality Authority*

on this day of 2016

by Mary Giff
for and on behalf of the Nursing and Midwifery Board of Ireland

on this 22 day of ~~AUGUST~~ 2016

by [Signature]
for and on behalf of the Health Information and Quality Authority

