



It's nearly time to [renew your registration](#) with the Nursing and Midwifery Board of Australia. As a nurse and/or midwife, annual registration renewal is due by **31 May** under the National Registration and Accreditation Scheme.

This is a great time for us all to reflect on the declarations we make before we renew our registration.

In our work as regulators, we see many common misconceptions about the declarations. You can avoid the common pitfalls that lead to false declarations by reading through the below real-life examples from our team. For a full overview of the registration and declaration requirements, re-visit this article from last year: [www.nursingandmidwiferycouncil.nsw.gov.au/are-you-registration-ready-don't-take-risk-making-false-declaration](http://www.nursingandmidwiferycouncil.nsw.gov.au/are-you-registration-ready-don't-take-risk-making-false-declaration)

Your diligence with your declarations and in your daily work is what keeps the public safe and enables positive healthcare outcomes for patients. As you prepare to renew and to re-commit to the standards for another year of work, we thank you for your dedication.

On a personal note, this is my last newsletter message to you as President of the Council. From July 2019, my term ends. We look forward to introducing the new President to you in our next newsletter. It has been a privilege to serve the professions in this role as a Board Member or Chair for over 20 years and I wish you all the best in your practice.

- Adj Prof John G Kelly AM, President, Nursing & Midwifery Council of NSW



# Do you have an impairment?

- By Annmaree Nicholls, Professional Officer

## Renewal and those questions

Each year I renew my professional registration and answer some questions, but do I really understand what they are asking me?

The questions are declarations which I'm professionally bound to answer truthfully. Making a false declaration may be considered a breach of the code of conduct.

So what are the questions asking?

Let's look at the question around impairment. What does that even mean?

Under the Health Practitioner Regulation National Law (NSW), impairment is defined as:

*impairment, in relation to a person, means the person has a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect—*

*(a) for a registered health practitioner or an applicant for registration in a health profession, the person's capacity to practise the profession; or*

*(b) for a student, the student's capacity to undertake clinical training—*

*(i) as part of the approved program of study in which the student is enrolled; or*

*(ii) arranged by an education provider.*

## Scenario

*I have diabetes. I don't really follow the guidance of my doctor or dietitian. I don't have a care plan or strategies in place at work to manage any changes in my health or blood sugar levels (BSL). I haven't told my colleagues that I have diabetes. At work I check my BSL if I feel I need to but I'm so busy, I usually don't have time. It's really no big deal. I know I go a bit vague when my blood sugar levels aren't right, I can't concentrate, and my decision making is slower but I'm fine. I manage - so what's the big deal?*

In this case the practitioner has a health condition that detrimentally affects or is likely to detrimentally impact upon their fitness and safety to practise. They meet the definition of impairment as defined by the Law. They should therefore make a declaration that they do have an impairment.

## What happens next:

AHPRA who manage registrations on behalf of the Nursing and Midwifery Board of Australia will seek further information and make a determination if further action is required. This action will be dependent on the type of health matter and your management of your health. Remember it's about the potential your health has to impact upon your fitness to practise (safety and competence).

In the above scenario, if the practitioner was engaged in treatment, had strategies in place to manage their blood sugar levels when at work, had a prevention plan or care plan that their colleagues were aware of so they could recognise early warning signs and intervene, then the potential for the practitioner's health condition to impact upon their ability to safely and competently practise is mitigated or managed. Thereby keeping the public safe.

### **Don't forget...**

The Code of Conduct for both Nurses and Midwives Principal 7 refers to the professional obligation of all nurses and midwives to manage our own health and the health of our colleagues. We must maintain physical and mental health to practise safely and effectively, including seeking expert, independent, objective advice if we are ill or impaired in our ability to practise safely.

As practitioners we must remain aware of the risks of self-diagnosis and self-treatment and act to reduce these.

Refresh yourself on the Code of Conduct here:

[www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx](http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx)

### **For discussion - Imagine if...**

What if I drink a bottle of wine after work? I mean doesn't everyone?

Sometimes if it's been a really hard shift I'm surprised to find I've had maybe two bottles of wine to help me unwind. On my days off and when I'm socialising, I might drink a bit more.

I don't drive to work in the mornings because I have previously had a low-range drink driving charge on the way to work. But I'm not intoxicated and I'm fine to work.

#### ***Talk about this situation at work and with your colleagues.***

- What are the effects of alcohol consumption on the brain and body?  
(Short term and long term)
- What does intoxicated mean?
- What does it mean to be under the influence of a substance?
- Does this practitioner meet the definition of impairment? Could their alcohol consumption potentially affect their competency and safety to practise?
- What should they do?
- What as colleagues should you do?
- What as colleagues and professionals are you required to do?

In the next newsletter we will share some thoughts about this and talk about professional obligations.



# Has your right to practise been restricted?

- By Emma Child, Professional Officer

Problems began shortly after an RN commenced a 12-month new graduate programme at a public hospital.

The nurse was involved in a number of incidents related to medication administration, patient assessment and planning care, documentation, privacy, dignity and communication.

During this time the nurse was placed on a number of Performance Improvement Plans and subsequent assessments to determine any improvement.

## What happened?

Despite being placed on four intensive plans over a 12-month period, the nurse was unable to demonstrate any improvement in practice or any insight in recognising that their practice was unsafe.

The RN's employer made a mandatory notification, as they had assessed the nurse as practising in a way that was a significant departure from accepted professional standards, and which placed the public at significant risk of harm.

As hospitals have a responsibility for patient safety and the nurse was still practising below the expected standard of a nurse with similar years' experience, the employer took further action based on the risk and imposed the following workplace practice restrictions:

- Direct supervision of practice whilst on duty
- Non-rotating roster working Monday - Friday AM shifts only

Whilst the employer took action to reduce harm to their patients through restricting the nurse's practice, the Council took further action and imposed the following condition on the nurse's registration:

- The practitioner must not work until reviewed by the Nursing & Midwifery Council of NSW

The nurse is now restricted from working as an RN on an interim basis; however, even before the Council took any action, this nurse declared her employer's practice restrictions at registration renewal.

## Why?

When renewing annual registration, declarations must be made around any workplace restrictions. If your employer has restricted you from any duties, placed you on restricted working hours or is supervising your practice, then you need to indicate 'yes' when answering your declaration when renewing your registration.



## What happens next?

If you declare 'yes,' that you have restrictions on your practice, AHPRA who manage registrations on behalf of the Nurses and Midwives Board of Australia will seek further information including detail of the restrictions and the reason practice restrictions were imposed.

Remember it's about your safety and competence to practise your profession whenever and wherever you may work.

In the above scenario, the practitioner has appropriately disclosed workplace restrictions on renewal. AHPRA then advised the Council about the nurse's disclosure and provided the further information they had received.

The Council was already aware of the practice issues because these had been raised by the employer (mandatory notification). As an interim measure the nurse was restricted by the Council from practising nursing anywhere in Australia while arrangements were made for an independent performance assessment to be conducted against the RN practice standards. Thereby keeping the public safe while further evidence was obtained.

The performance assessment report provided evidence that the nurse's practice did not meet the expected standards in a range of areas. The nurse subsequently attended a Performance Review Panel and a number of conditions were imposed on registration requiring: close supervision; regular reporting from the supervisor; further education in areas of deficit; and further performance assessment after the nurse has completed the education.

Should the reassessment show that the nurse's practice has improved with further education and professional experience, the conditions on registration can be reviewed, relaxed or removed.

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## Planning your CPD

- By Kim Bryant, Deputy Executive Officer

Each year I renew my professional registration and declare that I've met my obligations for continuing professional development (CPD).

I know that I've completed at least 20 hours (per profession) of development activities that are relevant to my area of practice. I know I've got the evidence of my CPD to show to AHPRA should I be audited.

Personally I give a sigh of relief.

So what next? How many of us take the time to reflect on the CPD we've completed and plan for the upcoming registration year?

The Nursing and Midwifery Board of Australia (NMBA) tells us that CPD is more effective when it involves reflection and planning. Reflecting on the previous registration year's CPD helps us to identify appropriate learning goals for the coming year.

To assist us the NMBA has published Guidelines:

[www.nursingmidwiferyboard.gov.au/codes-guidelines-statements/codes-guidelines/guidelines-cpd.aspx](http://www.nursingmidwiferyboard.gov.au/codes-guidelines-statements/codes-guidelines/guidelines-cpd.aspx)

These guidelines include helpful information which assists nurses and midwives in:

- Understanding their CPD obligations
- Learning what effective CPD is
- Identifying a range of CPD activities relevant to their practice
- Viewing CPD as a cycle of planning, action, documentation and reflection
- Keeping records, including learning plans, journals / portfolios and evidence of completion

The Council encourages you to take time now to plan your CPD for the 2019/20 registration year.

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## We need you: Become a Performance Assessor

Are you a registered nurse or midwife with a high level of clinical skills and knowledge, and experience in education and assessment?

Why not become a Performance Assessor for the Council?

We would love to hear from you, particularly if you specialise in perioperative, paediatrics, midwifery, community practice or emergency. All applications will be considered.

### Role Responsibilities

Performance assessors are responsible for undertaking performance assessments on behalf of the NMC as requested, and must possess the skills, knowledge and ability to conduct a fair, valid, reliable and legally defensible performance assessment. Performance assessors are responsible for the preparation and facilitation of the assessment, as well as the provision of a written report for submission to the NMC. Participation in quality improvement and education activities is also expected.

\*\*Visit our website for the full role description, criteria and advice on how to apply:

[www.nursingandmidwiferycouncil.nsw.gov.au/expressions-interest-performance-assessors](http://www.nursingandmidwiferycouncil.nsw.gov.au/expressions-interest-performance-assessors)

Closing date for submissions is **Sunday, 12 May 2019** at 23:29 hrs

For further information or questions about the role, please contact:

- Emma Child, Professional Officer, Performance and Conduct Program
- Ph: 02 9219 0219 or [EChild@hpca.nsw.gov.au](mailto:EChild@hpca.nsw.gov.au)