

## Public consultation paper

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23 April 2019

### Proposed Decision-making framework for nurses and midwives

#### You are invited to provide feedback

The Nursing and Midwifery Board of Australia (the NMBA) has released the proposed *Decision-making framework for nurses and midwives* (DMF) for public consultation and invites comments and feedback from interested parties.

The NMBA seeks your feedback to the proposed DMF and the public consultation paper and is interested in feedback to specific questions. The NMBA has also released two supporting documents, the *Decision-making framework: summary for nurses* and the *Decision-making framework: summary for midwives* (the DMF summaries) to be used in conjunction with the DMF and invites feedback on these documents.

You can participate by:

- completing the questions and providing feedback via an [online survey](#) or
- emailing your responses in a Word document<sup>1</sup> with the subject line 'Decision-making framework' to [nmbafeedback@ahpra.gov.au](mailto:nmbafeedback@ahpra.gov.au) by close of business on **Monday 17 June 2019**.

#### How your submission is treated

The NMBA publishes submissions on its website to encourage discussion and inform the community and stakeholders. However, the NMBA will not publish on its website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the consultation.

Before publication, the NMBA may remove personally-identifying information from submissions, including contact details. The views expressed in the submissions are those of the submitting individual or organisation and publication does not imply any acceptance of, or agreement with, these views by the NMBA.

The NMBA accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

#### **Please let the NMBA know if you do not want your submission published, or want all or part of it treated as confidential.**

##### Privacy notice

The survey is conducted by the NMBA and is hosted on a third-party website, provided by SurveyMonkey. The information collected through the survey will be used by the NMBA to assess stakeholder views on the proposed *Decision-making framework for nurses and midwives*. This is an anonymous survey, and you should ensure that you do not include any personal information about yourself or other people in your responses. The information will be handled in accordance with the Privacy Policies of AHPRA accessible [here](#) and SurveyMonkey [here](#).

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<sup>1</sup> You are welcome to supply a PDF file of your feedback in addition to the word (or equivalent) file, however we request that you do supply a text or word file. As part of an effort to meet international website accessibility guidelines, AHPRA and National Boards are striving to publish documents in accessible formats (such as word), in addition to PDFs. More information about this is available on the [AHPRA website](#)

## Executive summary

The NMBA undertakes functions as set by the Health Practitioner Regulation National Law Act, as in force in each state and territory (the National Law). The NMBA regulates the professions of nursing and midwifery in Australia, and one of its key roles is to protect the public. The NMBA does this by developing registration standards, professional codes, guidelines and standards for practice which together establish the requirements for the professional and safe practice of nurses and midwives in Australia.

The NMBA is proposing that the *National framework for the development of decision-making tools for nursing and midwifery practice* (the national framework) is updated to become the *Decision-making framework for nurses and midwives* (the DMF). This consultation paper seeks feedback on the proposed DMF.

The proposed DMF provides a guide to decision-making relating to scope of practice and delegation to promote consistent safe, person/woman-centred and evidence-based decision-making across the nursing and midwifery professions. The proposed DMF contributes to flexibility in nursing and midwifery practice and enables reflection on current practice and practice change, based on the application of the DMF principles.

## Background

The national framework was originally developed and published by the then Australian Nursing and Midwifery Council (ANMC) in 2007. With the introduction of the National Scheme in 2010, the national framework was re-branded in July 2013 to reflect the change in copyright to the NMBA. The companion decision summary guides and flowcharts were also re-branded in 2013, with the content and intent of these documents remaining unchanged.

To inform the review of the national framework, research-based strategies have been used. These included a structured integrative scoping review of relevant literature and regulatory guidelines and a benchmarking survey of nurses and midwives.

Key findings were as follows:

- The national framework was more detailed than most, with others found to be more linear in nature and containing less detail.
- Involvement of the person receiving care in the decision-making process was a notable omission in the national framework.
- The professions requested clear direction on delegation decisions, in particular when delegating to enrolled nurses, students and health workers.
- Revised content should address who can delegate, delegation relationships and delegation responsibilities.

## Purpose of proposal

The NMBA considers that the national framework remains relevant. However, there is a need for a review of the national framework and companion documents to ensure they are contemporary and reflect current NMBA terminology and definitions.

The national framework also contains duplication of information and requires updating to improve usability. While many elements remain relevant, feedback from the literature review and public survey indicated that some areas of the national framework need to be strengthened particularly relating to delegation decisions.

The following changes are reflected in the proposed DMF:

- The content has been consolidated, reducing duplication and complexity.
- The involvement of the person receiving care in the decision-making has been strengthened.

- Clearer guidance for registered nurses and midwives on delegating to enrolled nurses and other health workers has been provided.

The proposed DMF supports decision-making about nursing or midwifery practice and delegation of nursing or midwifery care. The proposed DMF is most relevant for the clinical practice setting but may be modified or adapted for decision-making in other areas of nursing or midwifery practice such as education, research and management.

The proposed DMF consists of two parts; the principles of decision-making and the nursing and midwifery guides to practice decisions. The guides include the 'Guide to nursing practice decisions', the 'Guide to midwifery practice decisions' and the 'Guide to delegation decisions.'

### Options statement

The NMBA has considered two options in developing this proposal.

#### Option one – Retain the status quo

The national framework has not been reviewed since 2007 and may not reflect contemporary nursing and/or midwifery practice, nor be consistent with NMBA terminology and definitions and other NMBA standards, policies, guidelines and position statements.

#### Option two – Proposed DMF

The proposed DMF ensures the framework and guides are current, relevant to the contemporary role and scope of nursing practice and midwifery practice, are based on the best available evidence and aligned with international best practice.

The proposed DMF provides a current evidence base to inform decision-making and provides nurses and midwives with a reference point from which to reflect on their practice and the practice of others to guide decision-making.

### Preferred option

The preferred option of the NMBA is **Option two**.

#### Benefits

The benefits of the preferred option are that:

- the NMBA will be confident that the proposed DMF reflects current nursing and midwifery practice in Australia and international best practice
- the terminology is consistent with NMBA terminology and definitions and other NMBA standards, codes and guidelines, and
- it moves the NMBA closer to meeting NMBA and National Scheme strategic objectives and fulfilling its functions under the National Law.

#### Costs

The costs of the preferred option are:

Registered nurse, enrolled nurses, midwives, employers, other stakeholders, AHPRA and state and territory boards will need to familiarise themselves with the proposed DMF.

### Outcome

The **main focus** of this consultation is the proposed DMF and the DMF summaries. The NMBA will take into account the feedback received in the public consultation phase when finalising the DMF.

The final DMF and summaries will replace the national framework and associated tools.

## Questions for feedback

The NMBA is inviting feedback on the following questions.

1. Is the proposed DMF more helpful, clear and usable in practice when compared to the national framework?
2. Does the proposed DMF adequately include the person/woman receiving care in the decision-making?
3. Does the 'Guide to delegation decisions' within the proposed DMF clearly identify the delegation roles and responsibilities of the registered nurse and midwife?
4. Does the 'Guide to delegation decisions' within the proposed DMF clearly define the relationship and responsibilities of the enrolled nurse?
5. Does the 'Guide to nursing practice decisions' within the proposed DMF provide clear direction when making decisions about nursing practice?
6. Does the 'Guide to midwifery practice decisions' within the proposed DMF provide clear direction when making decisions about midwifery practice?
7. Is the proposed *Decision-making framework: summary for **nurses*** more helpful, clear and usable in practice compared to the current nursing practice summary guide?
8. Is the proposed *Decision-making framework: summary for **midwives*** more helpful, clear and usable in practice compared to the current midwifery practice summary guide?
9. Are the essential components from the national framework practice decision flowcharts captured in the proposed DMF summaries?
10. Please share any other comments you have on the proposed DMF and DMF summaries.

## Attachments

**Attachment 1:** The NMBA *Statement of assessment against AHPRA's Procedures for development of registration standards and COAG principles for best practice regulation.*

## Making a submission

The NMBA seeks your feedback on the proposal. You can participate by:

- completing the questions and providing feedback [online](#)
- or emailing your responses in a Word document with the subject line 'Decision-making framework' to [nmbafeedback@ahpra.gov.au](mailto:nmbafeedback@ahpra.gov.au) **by close of business on Monday 17 June 2019**
- or, post to

The Executive Officer  
Nursing and Midwifery Board of Australia  
GPO Box 9958  
Melbourne VIC 3001

## National Board's statement of assessment against AHPRA's *Procedures for development of registration standards* and COAG principles for best practice regulation

The Australian Health Practitioner Regulation Agency (AHPRA) has *Procedures for the development of registration standards, codes and guidelines* which are available at: [www.ahpra.gov.au](http://www.ahpra.gov.au)

These procedures have been developed by AHPRA in accordance with section 25 of the *Health Practitioner Regulation National Law* as in force in each state and territory (the National Law) which requires AHPRA to establish procedures for the purpose of ensuring that the National Registration and Accreditation Scheme operates in accordance with good regulatory practice.

Below is the Nursing and Midwifery Board of Australia's (NMBA) assessment of their proposal for a **Decision-making framework for nurses and midwives**.

<b>1. The proposal takes into account the National Scheme's objectives and guiding principles set out in section 3 of the National Law</b>
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### Board assessment

The NMBA considers that updating the *National framework for the development of decision-making tools for nursing and midwifery practice* (the national framework) to become the *Decision-making framework for nurses and midwives* (the DMF) meets the objectives and guiding principles of the National Law. The proposed DMF promotes safety and quality for nurses and midwives in making consistent decisions about nursing or midwifery practice where decision-making is guided by principles based on educational preparation, competence, qualifications and experience of the nurse or midwife.

The proposed DMF will provide for the protection of the public by supporting nurses and midwives in the delivery of safe practice and fulfilling their professional roles. The proposed DMF provides nurses and midwives with the foundation for guiding decision-making and promotes the provision of quality health services. The proposed DMF also supports the National Scheme to operate in a transparent, accountable, efficient, effective and fair way.

<b>2. The consultation requirements of the National Law are met</b>
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### Board assessment

The National Law requires wide-ranging consultation on proposed standards, codes and guidelines. The National Law also requires a Board to consult other boards on matters of shared interest.

The NMBA has consulted with the nursing and midwifery professions in the revision of the National framework and development of the proposed DMF with a benchmarking survey, supported by a structured integrative scoping review of relevant national and international literature and regulatory guidelines.

Consultation consists of an eight-week public consultation period to benefit from the expertise and comments from stakeholders. The NMBA will consider all feedback received before agreeing the final version of the proposed DMF.

### 3. The proposal takes into account the COAG Principles for Best Practice Regulation

#### Board assessment

In developing the proposed DMF for consultation, the NMBA has taken into account the Council of Australian Governments (COAG) *Principles for Best Practice Regulation*.

The NMBA makes the following assessment specific to each of the COAG principles expressed in the AHPRA procedures.

#### A. Whether the proposal is the best option for achieving the proposal's stated purpose and protection of the public

##### Board assessment

The NMBA considers that the proposal is the best option for achieving the stated purpose and has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The proposed DMF is based on the best available evidence and aligned with international best practice, ensuring the proposed DMF is current and relevant to the contemporary role and scope of nursing practice and midwifery practice.

The proposed DMF reflects current nursing and midwifery practice in Australia, providing nurses and midwives with a reference point that promotes consistent safe, person-centred and evidence-based decision-making and is consistent with other NMBA standards, codes and guidelines.

The review will enable the NMBA to move closer to meeting NMBA and National Scheme strategic objectives and fulfilling its functions under the National Law.

#### B. Whether the proposal results in an unnecessary restriction of competition among health practitioners

##### Board assessment

The NMBA has considered whether the proposed DMF could result in an unnecessary restriction of competition among health practitioners. The proposed DMF is unlikely to change the current levels of competition among nurses and midwives and other health practitioners.

#### C. Whether the proposal results in an unnecessary restriction of consumer choice

##### Board assessment

The NMBA considers that consumer choice will not be unnecessarily affected by the proposed DMF. The proposed DMF increases consumer choice by providing transparent information and collaboration on decisions relating to the care they receive from nurses and midwives.

#### D. Whether the overall costs of the proposal to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved

##### Board assessment

The NMBA does not anticipate that the proposed DMF will change the overall costs to the public, registrants or governments.

The proposed DMF does not change the current regulatory requirements from the currently approved National framework.

- E. Whether the requirements are clearly stated using 'plain language' to reduce uncertainty, enable the public to understand the requirements, and enable understanding and compliance by registrants

**Board assessment**

The NMBA considers the proposed DMF has been written in plain English that will enable registered nurses, enrolled nurses, midwives and other users, to understand the requirements.

- F. The proposed DMF provides clarity on scope of practice and delegation. Complexity and duplication have been reduced to increase understanding and usability. to **Whether the Board has procedures in place to ensure that the proposed registration standard, code or guideline remains relevant and effective over time**

**Board assessment**

The NMBA will review the DMF at least every five years, including an assessment against the objectives and guiding principles in the National Law and the COAG principles for best practice regulation.

However, the NMBA may choose to review the DMF earlier if necessary, to ensure the continued relevance and workability of the DMF.