

2 August 2010

Ms Anne Copeland
Chair
Nursing and Midwifery Board
G.P.O. Box 9958
Melbourne VIC 3001

Dear Ms Copeland

Re: Student Registration Fact Sheet

Thank you for the opportunity to review the current Fact Sheet on Student Registration as developed by the Australian Health Practitioner Regulation Agency (AHPRA). It is noted that the document outlines the commencement of the national scheme on 1st July 2010 and arrangements proposed to commence in March 2011 and that further communication with education providers and student associations will occur later this year.

Members of the Council of Deans of Nursing and Midwifery (Australia & New Zealand) have been canvassed regarding their comments and suggestions to develop a more targeted document and I am pleased to forward these for your consideration. In general, members are comfortable with the statements contained in the preamble and section **Obligations for students**. They have strongly expressed however, a need for a section outlining **Obligations /guidelines for education providers** and have highlighted some specific concerns.

Our South Australian colleagues who are already subject to the requirements of State legislation had some specific questions unique to them at the moment but do raise the need for clarity in terms of ongoing process to be included within the guidelines for education providers. They have also advised that their experiences with student registration have been relatively smooth and that they have found the ability to access the on-line register useful.

Issues raised and comments/suggestions made by members are included in the attached document. It has been suggested that further discussions/a forum be held with education providers to ensure full understanding by all stakeholders of the processes to be implemented. I would be pleased to discuss the issues with you further at your convenience.

Sincerely,

Professor Patrick Crookes
Chair, Council of Deans of Nursing and Midwifery
(Australia & New Zealand)

Response to the Fact Sheet on Student Registration (AHPRA)

1. English language requirements:

The document is silent on any specific English language level required for student registration. If there is no such requirement, this should be made clear as there has been discussion that a 'level' would be required for student registration. If a level is to be imposed in the future, timely advice for recruitment purposes is essential. It should be noted that in South Australia, the legislation clearly leaves the decision regarding English language program entry level to be decided by the university.

2. 'All students currently registered':

It is not clear what 'current registration with Registration Board' means. Does this refer, for example, to undergraduate students currently registered under State legislation such as that in South Australia or does it include postgraduate students currently registered to practice in all Australian jurisdictions?

3. 'All students':

It is not clear if all students of Nursing and /or Midwifery in an Australian institution will need to register as students or just those who seek registration or endorsement following a course of study. ie. Do postgraduate students need to register if they are already registered as a nurse/midwife in Australia? What about international students at undergraduate level (Bachelor of Nursing conversion) who do not intend to register in Australia?

Whilst it is clear that the intention is to register all students in courses leading to registration, consideration needs to be given to the notion of clinical practice and/or access to clients/patients for those in courses which include as a learning outcome the ability to influence nursing care outcomes but who do not intend to seek registration in Australia. Clarification is also needed around issues for international students enrolled in higher degree research activities which involve human subjects.

Guidelines for Student Registration under the South Australian *Nursing and Midwifery Practice Act 2008* clearly state that any nursing and midwifery student from (sic) outside South Australia

must be registered (as a student) if they are undertaking any practical components in South Australia.

4. Access to the register:

It is stated that 'information about students will be entered on the Register'. However, no details are given. The type of information to be included should be communicated to all stakeholders, as well as information regarding who has access to the register and what information will be available. Will education providers be able to ensure that students have been registered? For example, in South Australia, institutions responsible for forwarding students names for State registration are notified when registration has taken place.

5. The process of becoming/remaining registered as a student:

The need for clarity around the process of registering students and subsequent management during the duration of their student tenure was the major issue identified by Council of Deans of Nursing and Midwifery (CDNM) members.

- a) While it is clear students in the current accredited courses will be automatically transferred to a student register effective March 2011, there is no indication about how that transfer will impact on new admissions for February 2011; will they be required to be on the register prior to admission or will education providers have to screen them or will they have to self-report to ensure eligibility (or not)?

It is acknowledged that because of varying structural arrangements within individual institutions (e.g. Multicampus, distance education, offshore situations), education providers in consultation with AHPRA/NMBA will probably need to create internal mechanisms to meet the legislative requirements for student registration. For this to occur, education providers need to know their obligations with regard to initial notification of student acceptance and or enrollment into a course of study (leading to registration or not). Is application to register as a student made before or after an offer for an educational course placement has been accepted by the applicant? Will any lack of outstanding documentation regarding health or criminal history issues result in a request to delay enrollment or to not engage in clinical practice settings in the first semester of study for example? This issue is particularly important for the timely acceptance and enrollment of overseas students.

- b) How often will the enrollment information need to be updated e.g. Does NMBA/AHPRA need to be notified of withdrawals, exclusions, deferments from courses for reasons other than health impairment or criminal activity? If this is the case, who is responsible for the notification? South Australian requirements nominate the student as being responsible for notification of withdrawal from a program. This issue raises the question as to how “live” the student register will or should be.
- c) In terms of notification about health impairment of students who are registered, that may pose a risk to the public, the process by which impaired health notifications may/will be made to AHPRA/NMBA is not clear. E.g. would this be made unilaterally by a health professional, health facility or education facility and, if not being made by an education facility, will the notification be made in consultation with the education provider?

The grounds for making a notification also need to be made quite explicit. What compulsion will the education provider be under to report on the obligations 1 and 2 regarding health impairment (and public risk) and criminal offence (12 months or more imprisonment)? Is it the same as mandatory reporting or is this student self declaration? If a current student meets either 1 or 2 and is not/no longer eligible for the register, are they ineligible for the course or for registration or both? That is, what will it mean if you are not on the student register? The clauses are ambiguous. Clause 2- how long ago should the offence be in order to be reported and is there any time restriction around this report? What about a 12 month imprisonment 20 years ago? Does the offence have any bearing - would a child abuse or rape be more important than fraud or drug supply?

- d) Processes around dealing with disciplinary/health impairment issues and subsequent de-registration of students needs to be clearly articulated; in particular, time frames for dealing with such issues with regard to student progress and natural justice. Questions that arise include: Clause 1- health impairment that poses a public risk- what level of risk? Should this be reported after one event or because it could be an outcome? What benchmarks are available for the student or staff to determine this level of impairment? Should it be worded similarly to the Health Practitioner and Regulation National Law (NSW) in Part 8 division 2, sections 140-143 d) *placed the public at risk of harm because the practitioner has practiced the profession in a way that constituted a significant departure from accepted standards* or c) *Placed the public at risk of substantial harm in the practitioners practice of the profession because the practitioner has an impairment.* The document states that ‘the Board has no role to play in the academic progress or

professional conduct (other than offences punishable by 12mths imprisonment or more)'. If this is the intention of the Board then the question arises as to why the need to report impairment. What is the intention of Clause 1?

- a) Mandatory reporting : For those students who are on a register i.e. enrolled nurses or nurse division 1 - are academic staff obliged to report under mandatory reporting on the conditions for the behaviours identified in mandatory reporting and would that be practice as a student. I.e. student nurses (who are EN) can not undertake pm shifts due to anxiety medications and the drowsiness effect of these medications. That is, is a registered Enrolled Nurse, undertaking an undergraduate degree practicum for general RN registration 'judged 'as an RN student or an Enrolled Nurse?

As a final comment, it needs to be made explicit as to whether or not this process overrides State and Territory privacy and disability legislation.