

# Impairment Review Committee

## Purpose

The Impairment Review Committee investigates complaints referred to it in relation to impairment matters in accordance with Part 5 Section 50 of the Nurses and Midwives Act 2006.

## Functions

In meeting the requirements of the Nurses and Midwives Act 2006 the Impairment Review Committee:

- Shall investigate a complaint referred to it (Section 65);
- Shall provide to the nurse or midwife to whom the complaint relates a written notice of its intention to investigate. The notice must advise the nurse/midwife as to the nature of the impairment matter to be investigated, if the committee considers an examination necessary and the option to accept or decline the examination (Section 67(1)(2));
- Shall make a recommendation to Board that an allegation about the complaint be made to the State Administrative Tribunal should the nurse/midwife not agree to undertake the examination (Section 67(4));
- Consider any report given to it (Section 68(1)) and any representations made by the nurse/midwife (Section 68(4)),
- The committee shall decide whether further action should be taken and make a recommendation to Board in accordance with the same (Section 71);
- Should further action be necessary the committee is to request the nurse/midwife consent (Section 69(2) to:
  - The imposition of conditions on his or her registration;
  - The suspension of registration of a specified type and period not exceeding 2 years;
  - Undergo counselling as specified.
- Should no further action be taken then the committee is to inform the Board, complainant (if any) and nurse or midwife in writing to that effect;
- The committee shall make a recommendation to Board in regard to its decision. On considering this recommendation Board (Section 71) may;
  - Decide to take no further action;
  - Take any action to which the nurse or midwife has consented (Section 69(2));
  - Make an allegation about the complaint to the State Administrative Tribunal.

## Membership

In accordance with the Nurses and Midwives Act 2006, the Board may establish a committee to be known as the Impairment Review Committee. The Impairment review Committee is to consist of 3 persons appointed by the Board in writing (Section 52(2)) as follows:

- A nurse or midwife (who maybe a member of the Board);
- A medical practitioner; and
- Such other person (including a nurse or midwife or member of the Board) as considered appropriate by the Board.

The Board is to appoint a member of the Impairment Review Committee to be the committee chairperson. It is the responsibility of the chairperson to sign notices or appointments in accordance with the Act, unless this authority is delegated by the committee to another person.

The Board may appoint an eligible person to be a deputy of a member of the impairment review committee and may terminate such an appointment at any time. The deputy member of the chairperson (Section 53(2)) will undertake the role of deputy chairperson of the committee.

A deputy of a member may perform the functions of the member when they are unable to do so by reason of illness, absence or other cause. As a result the deputy member may continue to act as a member after the occasion of acting has ceased for the purpose of completing a function. Accordingly the deputy member, whilst acting as a member is afforded all functions and protection given to a member.

The Committee shall have the discretion and power to co-opt persons, in particular, nurses and midwives from the Network Advisory Panel, registered in a category where a complaint is reported against a nurse or midwife registered in a category not represented by the Committee members.

A quorum shall consist of 2 members of the Committee.