Protection of Disclosures of Information Legislation - What does it Mean for Nurses and Midwives?

The values underpinning nursing practice, as outlined in the Scope of Nursing and Midwifery Practice Framework (An Bord Altranais, 2000), encompass advocacy for the individual patient/client and for his/her family. It also involves advocacy on behalf of nursing in the organisational and management structures within which it is delivered. Values for midwifery practice include advocacy for the individual woman and her family, and the promotion and maintenance of best quality maternity services for women and their families.

Recent health service reports such as Building a Culture of Patient Safety and Quality Assurance (Department of Health and Children, 2008) and the Commission of Investigation (Leas Cross Nursing Home) Final Report (Department of Health and Children, 2009) highlight the need for greater advocacy and accountability of healthcare professionals and their employers for safe and quality patient/client care. Nurses and midwives have a duty of care in this regard as stated in the Code of Professional Conduct for each Nurse and Midwife (An Bord Altranais, 2000):

“Any circumstance which could place patients/clients in jeopardy or which militates against safe standards of practice should be made known to appropriate persons or authorities.”

It may be difficult personally and/or professionally to share concerns about poor standards or risks identified in the workplace environment particularly if a person believes she/he may be treated unfairly by her/his employer. The government has established legislation to support such reporting. The enactment of the Protection of Disclosures of Information (Part 14 of the Health Act, 2007) provides statutory protection for individuals/employees who in good faith seek to report concerns regarding a risk to patients/clients’ or the public’s health or welfare. It also applies to reporting about a misuse of or substantial waste of public funds. Health service employees are protected from being penalised by their employers and from civil liability if they have made a disclosure to an authorised person in accordance with the legislation.

Protection of Disclosures has commonly been termed as the "whistleblowing law". In announcing its commencement the Minister for Health and Children, Ms. Mary Harney, T.D. stated:

“These new "whistleblower" provisions should encourage a culture of openness and accountability throughout the health services so that employees can report any concerns they may have in relation to their workplace. All of us working in the delivery of healthcare owe it to our patients and to ourselves to do all that we can to minimise errors and maximise the quality of services for patients. (Department of Health and Children Press Release, 1st March 2009).

This legislation* establishes the criteria for what is considered a protected disclosure. The individual raising the concerns must follow the procedures as set out in the law.

Section 103 (1) of the Health Act, 2007 details the following:

- Protected disclosure of information by an employee of a relevant body – Section 55B
- Protected disclosure of information by an employee of a designated centre – Section 55C
- Protected disclosure of information by an employee of a mental health service provider –Section 55D
- Protected disclosure of information in relation to regulated professions – Section 55E.

Additional sections provide for protected disclosure of information: monitoring, investigations and inspections (55G), Duty of relevant bodies to establish procedures (55H), Responsibilities related to protected

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Scope of Practice

An Bord Altranais introduced this column to respond to queries from nurses and midwives with regard to their scope of practice. The queries will be addressed in a manner that protects the identity of the individual nurse, midwife or healthcare facility.

QUESTION:
I work as a staff nurse in a hospital and I need to be certified in Advanced Cardiac Life Support (ACLS) for the critical care unit I work in. I recently heard that the financial cutbacks in our hospital may influence whether or not people are sent for recertification of skills such as ACLS, Basic Life Support and manual handling. I am concerned about this for my own scope of practice. Does An Bord Altranais have any requirements or guidelines on how often a nurse needs to be recertified for these competencies and skills?

RESPONSE:
Nurses and midwives require different competencies and skills dependent upon a number of variables such as their practice setting, job responsibilities and health service employer policies to list just a few. In recognition of this An Bord Altranais does not establish requirements or guidelines for recertification for programmes such as BLS, ACLS etc. It is advised that you discuss these requirements with the nurse manager and/or practice development coordinator at your place of employment. You may also want to contact the organisation that provides the specific certification and associated education and training to determine if it has established suggested guidelines and timeframes (e.g. annually, biannually). In addition there may be hospital/organisational policies that dictate particular mandatory in-service education and training or updates based on practice areas.

An Bord Altranais emphasises the requirement for continuing professional development/continued competency for nurses and midwives as part of the individual’s scope of practice and professional responsibility to provide safe quality care. This is a central principle of the Scope of Nursing and Midwifery Practice Framework (An Bord Altranais, 2000).

“Competence is not static. One may learn a specific skill, but the knowledge underpinning that skill may change over time. This can affect the ability to practice the skill. In addition practice is necessary to maintain competence.” (p. 7)

“Continuing professional development is required in order to maintain and enhance professional standards and to provide the highest quality of health care. The individual nurse and midwife has a responsibility to develop himself/herself as a professional. Health care organisations have a responsibility to assess the professional development needs of their staff and to provide appropriate support for staff to enable them to practice to high standards in the interests of quality patient/client care.” (p. 8)

Further information about the important considerations for determining your scope of practice including maintaining competency is provided by An Bord Altranais through its professional guidance documents and e-learning programme available on its website www.nursingboard.ie.

Protection of Disclosures of Information Legislation - What does it Mean for Nurses and Midwives?

Continued from page 1
disclosures e.g. role of authorised persons (55). The protections from civil liability and penalisation by employers are detailed in 55L and M respectively. Section 55S sets out the penalties and fines for making false reports.

Applications and complaints about nurses and midwives is a protected disclosure in accordance with Section 38 of the Nurses Act, 1985. Therefore, a complaint received by An Bord Altranais regarding the fitness to practise of a registered nurse or midwife will be considered as protected disclosure by the Nursing Board. An Bord Altranais’ current processes to investigate such applications and complaints are unchanged by the enactment of the Protection of Disclosures of Information. Further information about Fitness to Practise is accessible at www.nursingboard.ie/en/reporting_misconduct.aspx. An Bord Altranais, News, Volume 19, No. 3, Summer 2007 lead article is a good reference source also and can be accessed through the Newsletter Archive of the website.

Health service employers are responsible for establishing and communicating to individuals the procedure to make a protected disclosure in reporting a concern. It is important that nurses, midwives and the general public are informed of these procedures. The Health Service Executive (HSE) has developed an explanatory leaflet for its employees which is available at www.hseea.ie/Publications. The Health Service Executive Employer Agency (HSE-EA) document Procedures on Protected Disclosures of Information in the Workplace provides more detailed information on the topic and can be accessed through the following link - http://www.hseea.ie/Publications/09.01.01. In addition the Health Information and Quality Authority (HIQA) provides a question and answer summary at www.hiqa.ie/protected_disclosure.asp.

An Bord Altranais anticipates that the Protected Disclosure legislation will provide nurses, midwives and the public with a supporting legal safeguard to raise issues of quality of standards and patient care risks that may be addressed by the appropriate authorities and protect the reporter from discrimination and/or civil liability. This legislation is welcomed.

Informing the Public about Nursing Care of the Older Person

An Bord Altranais is preparing an information leaflet for the public - specially targeted for the older person, about what an individual should expect from nurses caring for older people. The leaflet is to supplement the Professional Guidance for Nurses Working with Older People (April 2009) emphasising the standards of care focusing on the principles of dignity, respect, caring and quality. Consultation has occurred with members of the public and other stakeholders in creating the document. It is intended that the leaflet will be available for distribution and placed on our website in late Autumn.

Revised Guidance for Midwives

An Bord Altranais is currently revising its Guidelines for Midwives, 3rd Edition – September 2001. The Guidelines were first published in 1990 and have undergone subsequent revisions to reflect the changes in midwifery practice, legislation and healthcare policy relevant to the midwifery profession. This project on the updated guidance is overseen by the Midwifery Committee of An Bord Altranais.

Consultation regarding the draft of the document titled Practice Standards for Midwives will take place with stakeholders (e.g. practitioners, educationalists, directors of midwifery and consumers of midwifery services) as a key part of this project. It is anticipated that the Standards will be published later this year in line with the proposed midwifery and consumers of midwifery services) as a key part of this project. It is anticipated that the Standards will be published later this year in line with the proposed Nurses and Midwives Act.

Fifty Years of Intellectual Disability Nursing

An Bord Altranais celebrates fifty years of the division of the Register for Intellectual Disability Nursing with a seminar and an unveiling of a tapestry depicting the mission and values of An Bord Altranais ‘protection of the public.’ The tapestry was designed and embroidered by residents of Stewarts of Kilcloon. The purpose of the seminar is to invite representatives of the specialty and employers from across Ireland to meet and explore the development of the nursing specialty from its historical roots through to current advanced practice nursing within the specialty. The seminar with the unveiling of the tapestry will be held on 22nd September 2009 in the premises of An Bord Altranais.

International Council of Nurses Conference

The 24th Quadrennial Congress of the International Council of Nurses (ICN) was held in Durban, South Africa from 29th June to the 3rd July 2009. Mrs. Anne Carrigy, President of An Bord Altranais, facilitated a workshop entitled ‘Assessing the Performance of Regulators’. Mrs. Carrigy also presented a paper entitled ‘Accreditation’. An Bord Altranais were also represented at the meeting by Mr. Eugene Donoghue, Chief Executive Officer and Dr. Anne-Marie Ryan, Chief Education Officer. The conference highlighted disparities in the delivery of and access to healthcare around the globe.

Global Caring Field – Million Nurse Project 2010

Dr. Jean Watson, USA, invites all nurses to join with their colleagues worldwide at 12 noon on 1st January 2010 when the Million Nurse Global Caring Field Project will be launched. Nurses can stay alert to all the happenings unfolding for the Project that will be held in conjunction with the International Year of the Nurse and in collaboration with the Nightingale declaration for global health. Further information can be obtained by logging onto www.watsoncaringscience.org.

A User Database of Palliative Care, End-of-Life Care & Bereavement Courses

The new Database of Palliative Care, End-of-life and Bereavement Courses was launched on 20 June 2009. It can be accessed by logging onto the Irish Hospice Foundation website www.hospicefoundation.ie. The aims of the database are to raise awareness and access to palliative care education for all healthcare workers whose work involves caring for people who are facing death or who are bereaved. The database centralises information about palliative care education opportunities such as formal courses/programmes, study days, workshops, seminars, meetings and conferences and are displayed free of charge.

The Change Hub

The Health Service Executive’s Organisation Development and Design team in collaboration with the Health Services National Partnership Forum published Improving Our Services – A User’s Guide to Managing Change in the Health Service Executive (July 2008). Its aim is to support nurses and midwives in preparing for, implementing and managing change. A further development is the Change Hub, an online resource that offers practical assistance and advice on managing change. It is available on www.hsland.ie. The Change Hub offers step-by-step guidance to assist in managing all aspects of change including all the required project documentation and templates, such as stakeholder analysis, risk register, project plan etc. They can be easily completed and stored on line or downloaded as Word documents. The Health Service Executive (HSE) Change Model eLearning Programme is also available through the Change Hub. To find out more about the Change Hub register on www.hsland.ie. To arrange a demonstration of the Change Hub contact Patricia Blunden, Project Manager, Improving Our Services, HSE, by telephone 01-274 4202 or by email patricia.blunden@hse.ie.
The National Conference was held on Tuesday, 26th May 2009 at the Davenport Hotel, Dublin 2. During the event the publication *Professional Guidance for Nurses Working with Older People* (An Bord Altranais, April 2009) was launched by Mr. John Moloney, T.D., Minister of State at the Department of Health and Children.

The conference which focused on some of the many complex issues and challenges in caring for the older person such as care pathways following a stroke, elder abuse and quality of life, was opened by Mrs. Anne Carrigy, President of An Bord Altranais. In her address Mrs. Carrigy stated that the conference would give nurses an opportunity to reflect on their professional roles and examining ways of enhancing the nursing care of older people in all care settings. She referred to the Review of the Leas Cross Nursing Home by Professor Des O'Neill (2006) following which An Bord Altranais established a process and a structure for the development of professional guidance for nurses working with older people. She said that older people are major users of our health services and they require evidenced based nursing care that enhances their quality of life irrespective of where they are receiving care. Mrs. Carrigy said that An Bord Altranais’ publication *Professional Guidance for Nurses Working with Older People* (April, 2009) would provide guidance and direction to facilitate safe, competent and ethical nursing practice and quality patient care. She stated “It will also serve and protect the public in detailing for them the nursing care they are entitled to and should expect to receive.”

The list of speakers and their presentations can be accessed through An Bord Altranais website www.nursingboard.ie/conferences-article.
Updates on Standards of Practice and Guidance

THE HEALTHCARE/ WORKPLACE ENVIRONMENT – VIOLENCE AND AGGRESSION

The Health Service Executive (HSE) earlier this year launched Strategy for Managing Work-related Aggression and Violence within the Workplace (December, 2008). The report consists of two parts: an executive summary outlining the key findings and recommendations of the Health Service Working Group on Work-related Aggression and Violence. It concludes with a comprehensive detailing of the methodology findings and discussion which lead to the group’s recommendations. An Bord Altranais participated in this work, with Mr. Thomas Kearns, Education Officer, serving on the training subgroup.

The Report has been eagerly anticipated by An Bord Altranais to inform the revision of its publication Guidance to Nurses and Midwives on the Management of Violence/Challenging Behaviour. An Bord Altranais’ document, published in 1997, is to be reviewed and updated acknowledging the current HSE strategy, best practice evidence, relevant legislation and health care policy. This project is due to commence in the near future. It will be overseen by the Ethics Committee of An Bord Altranais. A publication date in late Autumn is planned.

GUIDANCE FOR FIRST TIME REGISTRANTS

An Bord Altranais is currently developing guidance for nurses and midwives who are registering their primary nursing/midwifery qualification for the first time. The impetus for this guidance stemmed from queries from the profession as to what information was available to newly registered practitioners about the role and functions of An Bord Altranais and also the individual’s responsibility as a registered professional. Some of the topics to be included are: an overview of the statutory functions of An Bord Altranais, maintaining professional competency, An Bord Altranais resources available to registrants (e.g. e-learning programmes, guidance documents, professional advice), registrants’ responsibilities regarding English language competence. It is anticipated that first time registrants (and other registered nurses and midwives working with them) will find this guidance document helpful in the transition as a student or overseas registrant to a recognised registered nurse or midwife with An Bord Altranais. A publication date in late Autumn is planned.


Forthcoming Events

Care Pathway for the Dying (A framework for end-of-life care)
Date: Monday, 28th September 2009, 9am – 4pm
Venue: Education and Research Centre, St. Vincent’s University Hospital, Dublin 4
Cost: €75.00
Contact: Frances Conlon
Tel: 01 – 221 4958
Email: f.conlon@svuh.ie
Website: www.svuh.ie

Master Class: Pain Management for Advanced Practitioners
Date: Thursday, 22nd October 2009
Activity Programming for Residential Units
Date: Wednesday, 11th Nov 2009

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National Standards for the Prevention and Control of Healthcare Associated Infections

The Health Information and Quality Authority (HIQA) launched The National Standards for the Prevention and Control of Healthcare Associated Infections on Wednesday, 27th May 2009. The Standards provide direction for health and social care providers on how to minimize and prevent the occurrence of Healthcare Associated Infections. There are 12 Standards that cover such issues as governance and management; hand hygiene; medical device related infections; antibiotic resistance; staffing; the physical environment and disease control. They are designed to promote an environment that maximizes patient safety, quality and accountability in health and social care services. The Standards can be accessed by logging onto www.hiqa.ie/media/pdfs/National Standards Prevention Control Infections.pdf

How to Advise Patients with a HCAI – Guidance for Healthcare Workers in Dealing with Patients and Members of the Public

The Royal College of Physicians of Ireland launched a position paper – How to Advise Patients with a HCAI – Guidance for Healthcare Workers Dealing with Patients and Members of the Public – on the 17th June 2009. Healthcare associated infection (HCAI), such as MRSA, can generate much anxiety for patients and their relatives especially when they do not have access to credible or accurate sources of information. This publication provides guidance to healthcare workers to assist them in giving information to patients on their condition and prognosis in a professional manner. The guidance may be accessed through The Royal College of Physicians of Ireland website at http://www.rcpi.ie/News/Pages/GuidanceonHCAI.aspx

PUBLICATIONS OF INTEREST TO NURSES AND MIDWIVES

How to Advise Patients with a HCAI – Guidance for Healthcare Workers in Dealing with Patients and Members of the Public

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The Importance of Vaccinations for Nurses and Midwives

Great attention has been focused on the H1N1 influenza virus (swine flu) in relation to assessment, treatment and vaccinations for the general public regarding the pandemic. Detailed information and updates from the Health Service Executive (HSE), the Department of Health and Children, the World Health Organisation (WHO) and others are readily available on the internet. (Refer to the list of websites in the H1N1 Information for Nurses and Midwives article for references).

Vaccinations are an accepted mechanism in public health for the prevention and eradication of infectious diseases. The importance of influenza vaccination of healthcare workers is being highlighted by An Bord Altranais because of the critical responsibilities of the nurse and midwife in the day to day provision of care to the public.

An Bord Altranais support the request of the HSE to encourage all nurses and midwives to avail of vaccination programmes for health care workers offered by their employers. It is commonly recognised that vaccination of health care workers for influenza is a priority for maintaining healthcare services and reducing transmission of the virus amongst patients/service users and other healthcare workers (HSE, 2009; WHO, 2009; National Institute of Health, 2009; International Council of Nurses, 2007).

The National Immunisation Guidelines 2008 Edition (Royal College of Physicians in Ireland) has a detailed chapter - Immunisation and Health Information for Health-Care Workers and Others in At-Risk Occupations which covers influenza (and other infectious diseases). The guidelines are useful in identifying the risks and outlining immunisation management.

Nurses and midwives should be aware of their professional accountability as it relates to the prevention and treatment of infectious disease. The Code of Professional Conduct for each Nurse and Midwife (An Bord Altranais, 2000) states:

The nurse shall work in close cooperation with members of the health professions and others in promoting community and national efforts to meet the health needs of the public...The nurse must at all times take reasonable precautions to ensure that from the point of view his/her health he/she is competent to carry out his/her duties.

There is an expectation from the public that safe and competent care is provided by nurses and midwives. This includes the recognition and active limitation of healthcare risks associated with disease transmission from person to person and adherence to infection control policies/standards.

The legislative provisions of the Safety, Health and Welfare at Work Act (2005) and subsequent regulations of 2007 detail the responsibilities of both employers and employees as it relates to the safety, health and welfare of workers. Employers are required ‘as far as reasonably practicable’ to protect the health and safety of their workers. Employees must take reasonable care to protect his or her own safety, health and welfare and the safety, health and welfare of any other person who may be affected by the employee’s acts or omissions at work.

With the national and international information and best practice guidance presented here An Bord Altranais is encouraging each registered nurse and midwife to reflect upon their own responsibilities for health and safety in the work environment regarding vaccinations.

H1N1 Information for Nurses and Midwives

In addition to the article The Importance of Vaccinations for Nurses and Midwives, An Bord Altranais has identified general guidance and information for nurses and midwives for consideration of their scope of practice as it relates to the H1N1 influenza virus.

Health care professionals and the general public can locate current data about the precautions, diagnosis and treatment (including medication management) from the following organisations:

- World Health Organisation
  www.who.int/csr/disease/swineflu/en/index. This site contains extensive material to facilitate education and development of guidance for individuals, communities, health care professionals and national authorities for dealing with the H1N1 virus. Best practice guidance documents are being added on a frequent basis.

- Department of Health and Children www.doh.ie. The Department is regularly providing information about the current situation and national health care planning. The site also includes a frequently asked questions section updated daily.

- Health Protection Surveillance Centre (HPSC) www.hpsc.ie/hpsc The Centre is part of the HSE and serves to disseminate information in forecasting and taking action to outbreaks of disease and significant situations occurring at regional, national and international levels.

- Health Service Executive (HSE) www.hse.ie The HSE provides daily updates regarding the pandemic in various formats including questions and answers and information leaflets. It has also established a dedicated 24 hour telephone line for further information – 1800 941 100.
On 1st July 2009 the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 came into effect (replacing the previous Regulations of 1993 and 1994). These Regulations support the National Quality Standards for Residential Care Settings for Older People in Ireland published by the Health Information and Quality Authority (HIQA) earlier this year. In announcing the commencement of the Regulations Ms. Mary Harney, T.D., Minister for Health and Children said that the Regulations provide for the Chief Inspector for Social Services within HIQA to inspect residential care settings for older people giving effect to the HIQA standards allowing independent registration and inspections of public, private and voluntary nursing homes by the Chief Inspector (Department of Health and Children Press Release, 1st July 2009). The Explanatory Note of the Regulations provides a summary of the legislative provisions for the Care and Welfare of Residents in Designated Centres for Older People. It states:

These Regulations contain provisions for the purposes of ensuring proper standards for designated centres for older people. The Regulations contain requirements in relation to the maintenance, care, welfare and well-being of resident persons; the numbers, qualifications and availability of persons employed in a designated centre; the design, repair, cleaning and cleanliness, ventilation, heating and lighting of and the accommodation provided; the food provided for residents; the records to be kept; the insurance contracts to be effected; the management and control of the operation of; notification of incidents occurring; notification of periods when the person in charge is absent and the procedures and arrangements put in place for these periods; and the arrangements for dealing with complaints in a designated centre.

Nurses working in care of older persons settings should familiarise themselves with the legislation as there are implications for many aspects of nursing care such as assessment and care planning, documentation of nursing care, medication management, communication with members of the health care team, risk management, incident reporting and end of life care. The Regulations can be accessed at http://www.dohc.ie/legislation/statutory_instruments/pdf/s/20090236.pdf or by contacting the Government Publications Office.

Linking the Regulations with National and Professional Standards

The 2009 Regulations and HIQA Standards, in conjunction with An Bord Altranais document Professional Guidance for Nurses Working with Older People – First Edition (April, 2009) serve as robust legal and professional regulatory frameworks to facilitate and ensure quality care of the older person. An Bord Altranais welcomes these recent publications and it anticipates that the legislation, and both sets of standards will encourage and support clinical and corporate governance and individual professional and employer accountability in care of the older person services.

Decisions following Fitness to Practise Committee Inquiries

Ms. Martha Ann Redmond, P.I.N. 23546

Finding of the Fitness to Practise Committee: Professional Misconduct

Sanction: Pursuant to Section 41 (1) of the Nurses Act, 1985, Ms. Redmond was advised in relation to her professional conduct and pursuant to Section 40 (1) of the Act, a condition was attached to the retention of her name in the Register. The decision to attach the condition to the retention of Ms. Redmond’s name in the Register was confirmed by the High Court on 18th May, 2009.

FEPI - Working Group Education Training and Competences (WG ETC)

The European Council of Nursing Regulators (FEPI) working group on education, training and competences met in the office of An Bord Altranais on 21st July 2009. The main agenda item was to review the research proposal to amend Annex 5.2.1 of the Directive for General Care Nurses 2005/36/EC to include expected outcomes from an education programme. Other issues discussed were an update on two meetings attended by Dr. Anne-Marie Ryan, Chief Education Officer, An Bord Altranais, with the Director General, Internal Market of the EU; accreditation of prior learning across Europe and a response to a proposal for Bridging Courses submitted by Poland to the European Commission.

In Sympathy

It is with sadness that An Bord Altranais learned of the death of Ms. Una Doyle, a former member of staff, may she rest in peace. Ms. Doyle retired from An Bord Altranais in 1991 having given 46 years of loyal and hard working service to the Irish nursing and midwifery professions. Her appointment initially was with the Central Midwives Board. The Nurses Act 1950 dissolved the Central Midwives Board and established An Bord Altranais where Ms. Doyle worked from the time it commenced operations in 1951 until her retirement.

The President, members and staff of An Bord Altranais extend their deepest sympathy to her family.
LIBRARY ARTICLES 548 – 553

The following articles may be obtained from the library by completing the article request form on this page and posting it along with payment to the library. Please note, the article request form is specifically for the request of articles referenced in the newsletter and it must be completed and signed in accordance with copyright law.

548  SEXUALITY/MENTAL HEALTH NURSING/EDUCATION/IRELAND

549  OLDER PEOPLE/RESIDENTIAL CARE/IRELAND/QUALITY OF LIFE

550  ADVERSE EVENTS/PATIENT SAFETY/MEDICAL ERROR

551  MENTAL HEALTH/NURSING/RISK ASSESSMENT/VIOLENCE

552  PUBLIC HEALTH NURSING/MATERNAL AND INFANT HEALTH/IRELAND

553  POSTER PRESENTATION/CONFERENCES AND MEETINGS/EDUCATION