

Public consultation paper

March 2019

Proposed change to *definitions* relating to advanced practice

You are invited to provide feedback

The Nursing and Midwifery Board of Australia (NMBA) is releasing the attached paper on the proposed changes to its definitions relating to advanced practice for public consultation and invites comments and feedback from interested parties.

The NMBA currently has two definitions related to advanced practice: *advanced nursing practice* and *advanced practice nurse*. These are set out within the NMBA [Nurse practitioner standards for practice](#) and the [Registration standard: Endorsement as a nurse practitioner](#) (NP registration standard). The definitions are also found in the *Nurse practitioner accreditation standards*.

The NMBA is proposing the following changes to the current definitions:

1. The current definition of *advanced nursing practice* will be replaced by the proposed definition of **advanced practice** for use by the NMBA and the nursing profession more broadly, and
2. The current definition of *advanced practice nurse* which describes the ongoing requirements of a nurse practitioner will be replaced by a definition of **nurse practitioner**.

The focus of this consultation is the proposed definition of **advanced practice**, as it impacts the broader nursing profession. The NMBA will consider the feedback received in the public consultation phase and when finalising the definition.

The final **advanced practice** definition and the definition of **nurse practitioner** will replace the current definitions of *advanced nursing practice* and *advanced practice nurse* within the NMBA regulatory documents. It is proposed the definition of **advanced practice** also be used by the broader nursing profession.

When the definitions are finalised the NMBA will progress the revised NP registration standard, with the proposed new definitions, to Ministerial Council for approval.

Making a submission

The NMBA seeks your feedback to the public consultation paper and is interested in feedback particularly to specific questions. You can participate by emailing your comments **in a word document**¹ to nmbafeedback@ahpra.gov.au by close of business on Friday 19 April 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 individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the NMBA.

The NMBA also 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.

¹ 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 Nursing and Midwifery Board of Australia (NMBA) undertakes functions as set by the Health Practitioner Regulation National Law, 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 a revision to the NMBA definitions of **advanced nursing practice** and **advanced practice nurse**.

For nursing regulation, the NMBA requires a definition of **advanced practice** to provide guidance to the profession about what is advanced practice for the purpose of becoming a nurse practitioner (NP) and to make decisions about applications for endorsement as an NP. The NMBA also needs to clearly describe the requirements for ongoing endorsement as an NP.

A regulatory definition needs to support the NMBA to meet the objectives of the National Scheme which are:

- help keep the public safe by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered
- facilitate workforce mobility for health practitioners
- facilitate provision of high quality education and training for practitioners
- facilitate the assessment of overseas qualified practitioners
- facilitate access to services provided by health practitioners, and
- enable the continuous development of a flexible Australian health workforce.

A regulatory definition's purpose is to ensure an appropriate level of public protection, whilst ensuring a dynamic, flexible and responsive workforce.

Background

The current definitions relating to advanced practice (*advanced nursing practice* and *advanced practice nurse*) are set out within the *Nurse practitioner standards for practice (2014)* and the *Registration standard: Endorsement as a nurse practitioner (2016)* (NP registration standard). The definitions are also captured in the *Nurse practitioner accreditation standards (2015)*.

These definitions were developed as part of the development of the *Nurse practitioner standards for practice (2014)*.

In March 2017, the Commonwealth Chief Nursing and Midwifery Officer held a symposium on advanced practice, which was attended by a wide range of nursing stakeholders. As a result of the symposium it was agreed that the NMBA would progress work to provide clarity with respect to the current NMBA definitions for advanced practice. In amending the definitions, the NMBA considered the emerging evidence on advanced practice for nurses as well as definitions of advanced practice used by other regulators.

The NMBA has worked closely with the Chief Nursing and Midwifery Officers (CNMOs) to develop a definition of **advanced practice** that meets both the regulatory needs and the needs of the professions.

Purpose of proposal

Amendment and clarification to the definitions

The purpose of the change to the definitions is to provide an effective balance between setting the minimum regulatory requirements for endorsement as an NP and public protection while ensuring that the advanced level of practice required of NPs in Australia is maintained.

The proposed definitions of **advanced practice** and **nurse practitioner** have been agreed by the CNMOs and will provide greater clarity on the NMBA position about defining advanced practice in nursing for the purpose of regulation of NPs while maintaining an appropriate focus on public safety and meeting the broader needs of the registered nursing and midwifery professions.

The wording in the NMBA registration standards and other regulatory documents needs to have clear intent, and interpretation. The proposed definitions aim to clarify the existing requirements to apply for and maintain an NP endorsement. The proposed definitions are more clearly defined and demonstrable.

The NMBA is proposing the following changes to the current definitions:

1. The current definition of **advanced nursing practice** will be replaced by the proposed definition of **advanced practice** for use by the NMBA and the nursing profession more broadly, and
2. The current definition of **advanced practice nurse** describing the ongoing requirements of an NP will be replaced by a definition of **nurse practitioner**.

The proposed definitions (to be included within the NP registration standard and other relevant NMBA documents) are:

- **Advanced practice** (replacing the current *advanced nursing practice* definition)

Nurses practising at an advanced practice level incorporate professional leadership, education and research into their practice. Their practice includes relevant expertise, critical thinking, complex decision-making, autonomous practice and is effective and safe. They work within a generalist or specialist context and they are responsible and accountable in managing people who have complex healthcare requirements.

Advanced practice in nursing is a level of practice and is not related to a job title or remuneration.

When the above definition is used for the NMBA's regulatory purpose a second component will be added which is:

Advanced practice for the purpose of the nurse practitioner endorsement requires 5,000 hours clinically based practice

- **Nurse practitioner** (replacing the current definition of *advanced practice nurse*)

Nurse practitioner is a registered nurse endorsed as a nurse practitioner by the NMBA. The nurse practitioner meets and complies with the Nurse practitioner standards for practice, has direct clinical contact and practises within their scope under the legislatively protected title 'nurse practitioner' under the National Law.

You are invited to provide comment on these amendments.

Summary of issue

Options statement

The NMBA has considered a number of options in developing this proposal.

Option 1 – Status quo

Option 1 would continue with the current definitions of advanced practice (*Advanced nursing practice* and *Advanced practice nurse*) within the NP registration standard and other NMBA regulatory documents. Lack of clarity, leading to varied understanding of the definition of advanced practice in the current NP registration standard has been identified since the standard came into effect. If the NMBA continues with the current NP registration standard it is likely that this variation of understanding will continue.

Option 2 – Proposed change to definitions relating to advanced practice

The proposed definition of **advanced practice** will make the definition easier to understand and provide greater clarity of the NMBA position about the requirements for gaining endorsement as an NP while maintaining an appropriate focus on public safety and better meeting the needs of the nursing and midwifery professions. It will also provide a definition of **advanced practice** for the broader nursing profession. The addition of the definition of **nurse practitioner** will provide greater clarity of the NMBA's ongoing expectation of an NP linked directly to *the Nurse practitioner standards for practice*.

Preferred option

The NMBA prefers Option 2.

Potential benefits and costs of the proposal

Benefits

The benefits of the preferred option are that the proposed definitions:

- provide increased clarity for applicants and delegates and promotes consistent interpretation
- are more applicable to the broader nursing profession
- are simpler and clearer, and
- maintain an appropriate focus on public safety.

Costs

The costs of the preferred option are:

Applicants, other stakeholders, AHPRA and National Boards will need to become familiar with the proposed definitions.

Outcome

The **main focus** of this consultation is the proposed definition of **advanced practice**, as it impacts the broader nursing profession. The NMBA will take into account the feedback received in the public consultation phase and when finalising the definition.

The final **advanced practice** definition and the definition of **nurse practitioner** will replace the current definitions of *advanced nursing practice* and *advanced practice nurse* within the NMBA regulatory documents. It is proposed the definition of **advanced practice** also be used by the broader nursing profession.

When the definitions are finalised the NMBA will progress the NP registration standard, with the new definitions, to Ministerial Council for approval.

Questions for feedback

The NMBA is inviting feedback on the following questions.

1. Is the proposed definition of **advanced practice** helpful, clear and more workable compared to the current definition of *advanced nursing practice*?
2. Does the proposed definition of **advanced practice** meet the needs of both the regulatory and the nursing profession requirements in the Australian context?
3. Do you have any other comments on the proposed definition of **advanced practice**?
4. Does the proposed definition of **nurse practitioner** (replacing the current definition of *advanced practice nurse*) appropriately reflect the ongoing regulatory requirements of an NP?

Attachments

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

The current definitions of *advanced nursing practice* and *advanced practice nurse* are published in the [Endorsement as a nurse practitioner registration standard](#) and the [Nurse practitioner standards for practice](#).

Making a submission

The NMBA seeks your feedback on the proposal. Please provide written submissions in a word document by **close of business on Friday 19 April 2019**.

Address submissions by:

email, with the subject titled '**Proposed change to definitions related to advanced practice**' to nmbafeedback@ahpra.gov.au

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 the AHPRA *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* which are available at: 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 (National Scheme) operates in accordance with good regulatory practice.

Below is the Nursing and Midwifery Board of Australia's (the National Board) assessment of the proposed **changes to the definitions of advanced practice** against the three elements outlined in the AHPRA procedures.

1. The proposal takes into account the National Scheme's objectives and guiding principles set out in section 3 of the National Law

Board assessment

The NMBA considers that the proposed definitions of 'Advanced practice' and 'Nurse practitioner' (proposed definitions) to be reflected in the *Endorsement as a nurse practitioner registration standard* (NP registration standard) and other regulatory documents meet the objectives and guiding principles of the National Law.

The proposed definitions, if approved, will continue to provide for the protection of the public by ensuring that applicants have the skills necessary to be eligible for, and maintain, endorsement as a Nurse Practitioner (NP) and for the safety of the public. In addition, the proposed amendment will provide further clarity and reduce risk of inconsistent interpretation.

The proposed definitions also continue to support the National Scheme to operate in a transparent, accountable, efficient, effective and fair way.

2. The consultation requirements of the National Law are met

Board assessment

The National Law requires wide-ranging consultation on proposed registration standards. *The National Law also requires the National Board to consult other National Boards on matters of shared interest.*

In proposing the definitions which will be reflected in the NP registration standard and other regulatory documents the NMBA has drawn this paper to the attention of key stakeholders. The NMBA will take into account the feedback they receive when finalising their proposed definitions which will then be reflected in the NP registration standard for submission to the Ministerial Council for consideration of approval.

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

Board assessment

In considering the development of the registration standard the National Board has taken into account the Council of Australian Governments (COAG) *Principles for Best Practice Regulation*.

As an overall statement, the National Board has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The National Board 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 as the proposal provides further clarity to applicants about meeting the NP registration standard.

The NMBA considers that the proposed definitions will have a low impact on the nursing and midwifery professions. This low impact is significantly outweighed by the benefits of protecting the public and providing clearer, simpler requirements, in the public interest and to ensure applicants meet the intent of the NMBA's NP registration standard and other regulatory documents.

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

Board assessment

The NMBA considered whether the proposal could result in an unnecessary restriction of competition among health practitioners. As the proposed changes are considered minor the proposal is unlikely to significantly change the current levels of competition among health practitioners.

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

Board assessment

The NMBA considers consumer choice will not be affected by the proposed definitions. The proposed definitions continue to support consumer choice, by requiring all nurse practitioners to have the skills necessary to practise their profession safely, in accordance with the National Law.

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 considered that the overall costs of continuing the current advanced practice definitions (*advanced nursing practice* and *advanced practice nurse*) to members of the public, registrants and governments and concluded that the likely costs are appropriate when offset against the benefits that the proposed definitions contribute to the National Scheme.

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 definitions have been written in plain English that will enable applicants to understand the requirements of the NP registration standard and other NMBA regulatory documents. The NMBA has reviewed and amended the current advanced practice definitions (*advanced nursing practice* and *advanced practice nurse*) to the proposed definitions to make the standard and other documents easier to understand.

F. 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

If approved, the proposed definitions will be reflected in the NP registration standard. The NMBA will review the NP registration standard at regular intervals, 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 NP registration standard earlier, if it is necessary to ensure the standard's continued relevance and workability.