

Fact sheet

April 2021

Declarations and disclosure requirements about withdrawn or restricted right to practise

Introduction

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 practice 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 of the professional practice framework for the professional and safe practice of nurses and midwives in Australia.

What does it mean when I'm asked if my right to practise has been withdrawn or restricted at renewal?

This question only applies to a small number of nurses and midwives, who are given 'rights' to work at hospitals or other facilities, such as privately practising nurse practitioners or midwives who have admitting rights.

This question **does not** require you to declare if your employment has been terminated, suspended or you are being performance managed.

Only nurses and midwives in independent private practice whose right to practise has been withdrawn or restricted, based on their conduct, professional performance or health, need to declare this information under this question.

What is the intent of sections s109(1)(c) and s130(3)(a)(iv) regarding the requirement to declare if right to practise has been withdrawn or restricted at renewal or during the year?

The intent of these sections 109(1)(c) and 130(3)(a)(iv) of the Health Practitioner Regulation National Law (the National Law) was to ensure that health practitioners such as private medical specialists or health practitioners working in the private sector (for example privately practising nurse practitioners or midwives that have admitting rights) who are given 'rights' to work at hospitals or other facilities providing health services, notify the NMBA if these rights are restricted or withdrawn because of the health practitioners conduct, professional performance or health.

These sections **do not** therefore require a nurse or a midwife to notify the NMBA/Ahpra of events such as termination, suspension of employment or if they are on a performance plan.

The NMBA will **not** take action against a nurse or a midwife for a failure to disclose pursuant to these sections, where they are in employment situation, the sections and requirement to disclose **will apply** to nurses and midwives in private practice where their right to practise has been withdrawn or restricted based on their conduct, professional performance or health.

For more information

- Visit www.nursingmidwiferyboard.gov.au under *Contact us* to lodge an online enquiry form
- For registration enquiries: 1300 419 495 (within Australia) +61 3 9275 9009 (overseas callers)

Document control

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