

# Guide to implementation

## Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Regulations 2019

### Contents

<b>Background</b> .....	<b>1</b>
Special care nurseries .....	1
Neonatal intensive care units.....	2
Postnatal wards .....	2
Regulations 7, 8 and 9 revoked.....	2

### Background

The Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Regulations 2015 (the Regulations) have been updated consequent to amendments to the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015* (the Principal Act) which commenced on 1 March 2019.

Amendments to the Regulations reflect current practices and provide consistency across hospitals as to the criteria and requirements that must be considered in determining appropriate staffing requirements for the delivery of safe and quality care.

Amendments to the Regulations affect provisions specific to special care nurseries, neonatal intensive care units, postnatal wards and provisions related to variations to ratios. Further details on each amendment are outlined below.

### Special care nurseries

#### Criteria for increasing number of nurses or midwives staffing a special care nursery above minimum

Section 27(4) of the Principal Act specifies that to ensure appropriate care and treatment of infants in a special care nursery is provided, the operator of a hospital:

- must take into account the **prescribed criteria**; and
- in accordance with the **prescribed criteria**, may staff the special care nursery with nurses or midwives in addition to the number required as a minimum as specified by the ratios in section 27(1).

The relevant **prescribed criteria** that must be considered are specified by regulation 5A of the Regulations. They are:

- (a) the conditions of the infants in the special care nursery;
- (b) the level of care required by the infants in the special care nursery;
- (c) the experience and skill mix of staff;
- (d) the number of students requiring supervision.

**Implementation: 6 March 2019**

## Neonatal intensive care units

### Criteria for increasing number of nurses staffing a neonatal intensive care unit above minimum

Section 28(2) of the Principal Act specifies that to ensure appropriate care and treatment of infants in a neonatal intensive care unit is provided, the operator of a hospital:

- must take into account the **prescribed criteria**; and
- in accordance with the **prescribed criteria**, may staff the neonatal intensive care unit with nurses in addition to the number required as a minimum as specified by the ratios in section 28(1).

The relevant **prescribed criteria** that must be considered are specified by regulation 5B of the Regulations. They are:

- (a) the conditions of the infants in the special care nursery;
- (b) the level of care required by the infants in the special care nursery;
- (c) the experience and skill mix of staff;
- (d) the number of students requiring supervision.

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## Postnatal wards

Section 31A(3) of the Principal Act specifies the requirements that a nurse must meet in order to contribute to ratios in a postnatal ward. A nurse:

- must have completed a total of 48 hours' placement in a postnatal ward; and
- must be undertaking a postgraduate midwifery program in the course of the nurse's employment by the hospital; and
- must satisfy the **prescribed requirements**.

The relevant **prescribed requirements** specified by regulation 5C of the Regulations ensure that any nurses working in a postnatal ward have the appropriate foundational skills and knowledge to care for mothers and newborn babies.

The **prescribed requirements** are:

- (a) the postgraduate midwifery program referred to in section 31A(3)(b) of the Act and being undertaken by the nurse must be a postgraduate midwifery program that, on completion, qualifies the nurse for registration as a midwife under the Health Practitioner Regulation National Law;
- (b) the nurse has completed the initial postnatal theory component of the postgraduate midwifery program;
- (c) the nurse has completed all relevant staff orientation programs required by the operator of a hospital;
- (d) the nurse has completed all orientation programs relevant to postnatal wards required by the operator of the hospital.

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## Regulations 7, 8 and 9 revoked

Consequent to the repeal of the options to make variations to ratios (as previously specified by sections 33, 34 and 35 of the Principal Act), regulations 7 (Redistribution of nursing or midwifery hours), regulation 8 (Below ratios distribution) and regulation 9 (Alternative staffing model) have been revoked.

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