

Chapter 16

NURSING PROFESSIONS ACT

(Assented to November 9, 2023)

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NURSING PROFESSIONS ACT

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

PART 1 INTERPRETATION

Definitions

1. (1) In this Act,

"Appeals Committee" means the Appeals Committee established under subsection 91(1) of the *Nursing Profession Act* (Northwest Territories); (*comité d'appel*)

"approved nursing education program" means a nursing education program offered in Nunavut or the Northwest Territories and approved by the Board of Directors under paragraph 22(1)(a); (*programme d'études en sciences infirmières approuvé*)

"Board of Directors" means the governing body of the college established under subsection 22(1) of the *Nursing Profession Act* (Northwest Territories); (*conseil d'administration*)

"Board of Inquiry" means a Board of Inquiry established under subsection 68(2); (*commission d'enquête*)

"bylaws" means the bylaws of the college made under section 15, 16, 17 or 107 and bylaws deemed to be made under this Act under subsection 16(9); (*règlements administratifs*)

"clinical support tools" means clinical support tools for the practice of registered nurse authorized prescribers or registered psychiatric nurse authorized prescribers established or adopted under subparagraph 17(1)(a)(iii) or (b)(iii); (*outils de soutien clinique*)

"college" means the College and Association of Nurses of the Northwest Territories and Nunavut continued under subsection 16(1) of the *Nursing Profession Act* (Northwest Territories); (*ordre*)

"competence" means the combined knowledge, skills and judgment necessary to meet accepted standards in the practice of nursing; (*compétences*)

"Complaints Officer" means the Complaints Officer appointed under section 54 of the *Nursing Profession Act* (Northwest Territories); (*préposé aux plaintes*)

"drug" means medicine;

"Education Advisory Committee" means the Education Advisory Committee established under section 25 of the *Nursing Profession Act* (Northwest Territories); (*comité consultatif en matière de formation*)

"Executive Director" means the Executive Director of the college appointed under subsection 24(1) of the *Nursing Profession Act* (Northwest Territories); (*directeur general*)

"Fitness to Practice Committee" means the Fitness to Practice Committee established under subsection 48(2); (*comité sur l'aptitude professionnelle*)

"licensed practical nurse" means a person who is registered under subsection 30(1); (*infirmier auxiliaire*)

"Licensed Practical Nurse Register" means the Licensed Practical Nurse Register maintained under paragraph 23(1)(c); (*registre des infirmiers auxiliaires*)

"member" means, unless the context indicates otherwise, a person with membership in the college, who is

- (a) a registrant with a nursing designation; or
- (b) a person in another class of members set out in the bylaws;

"member of the public in the Northwest Territories" means a person resident in the Northwest Territories who is not and never has been registered under this Act and who is not and never has been a member of the nursing profession regulated by an enactment of a province or territory; (*membre du public aux Territoires du Nord-Ouest*)

"member of the public in Nunavut" means a person resident in Nunavut who is not and never has been registered under this Act and who is not and never has been a member of the nursing profession regulated by an enactment of a province or territory; (*membre du public au Nunavut*)

"membership examination" means a membership examination for nurses recognized by the Board of Directors under subsection 22(2); (*examen d'adhésion*)

"Northwest Territories Branch" means the Northwest Territories Branch of the college continued under paragraph 19(1)(a) of the *Nursing Profession Act* (Northwest Territories); (*Section des Territoires du Nord-Ouest*)

"Nunavut Branch" means the Nunavut Branch of the college continued under paragraph 19(1)(b) of the *Nursing Profession Act* (Northwest Territories); (*Section du Nunavut*)

"nurse practitioner" means a person who is registered under subsection 28(1); (*infirmier praticien*)

"nurse practitioner guidelines" means guidelines respecting the practice of nurse practitioners approved by the Minister under subsection 8(2); (*lignes directrices de la profession d'infirmier praticien*)

"Nurse Practitioner Register" means the Nurse Practitioner Register maintained under paragraph 23(1)(b); (*registre des infirmiers praticiens*)

"nursing designation" means any of the following nursing designations for active members:

- (a) registered nurse, temporary certificate holder (registered nurse), registered nurse authorized prescriber or temporary certificate holder (registered nurse authorized prescriber),
- (b) nurse practitioner or temporary certificate holder (nurse practitioner),
- (c) licensed practical nurse or temporary certificate holder (licensed practical nurse),
- (d) registered psychiatric nurse, temporary certificate holder (registered psychiatric nurse), registered psychiatric nurse authorized prescriber or temporary certificate holder (registered psychiatric nurse authorized prescriber); (*désignation de la profession infirmière*)

"practice of nursing" means the practice of registered nurses, registered nurse authorized prescribers, nurse practitioners, licensed practical nurses, registered psychiatric nurses, registered psychiatric nurse authorized prescribers or temporary certificate holders; (*exercice de la profession infirmière*)

"Professional Conduct Committee" means the Professional Conduct Committee established under subsection 52(1) of the *Nursing Profession Act* (Northwest Territories); (*comité de déontologie*)

"public register" means the public register maintained under subsection 93(1); (*registre public*)

"recognized nursing education program" means a nursing education program offered outside of Nunavut or the Northwest Territories and recognized by the Board of Directors under paragraph 22(1)(b); (*programme d'études en sciences infirmières reconnu*)

"register" means a register maintained under subsection 23(1); (*register*)

"registered nurse" means a person who is registered under subsection 24(1); (*infirmier autorisé*)

"registered nurse authorized prescriber" means a registered nurse who holds a certificate of registration that includes the notation "authorized prescriber" issued under subsection 26(1); (*infirmier autorisé prescripteur*)

"Registered Nurse Register" means the Registered Nurse Register maintained under paragraph 23(1)(a); (*registre des infirmiers autorisés*)

"registered psychiatric nurse" means a person who is registered under subsection 32(1); (*infirmier psychiatrique autorisé*)

"registered psychiatric nurse authorized prescriber" means a registered psychiatric nurse who holds a certificate of registration that includes the notation "authorized prescriber" issued under subsection 34(1); (*infirmier psychiatrique autorisé prescripteur*)

"Registered Psychiatric Nurse Register" means the Registered Psychiatric Nurse Register maintained under paragraph 23(1)(d); (*registre des infirmiers psychiatriques autorisés*)

"registrant" means a person whose name is entered in a register; (*personne inscrite*)

"Registrar" means the Registrar appointed under subsection 24(1) of the *Nursing Profession Act* (Northwest Territories); (*registraire*)

"Registration Committee" means the Registration Committee established under subsection 29(1) of the *Nursing Profession Act* (Northwest Territories); (*comité d'inscription*)

"temporary certificate holder (licensed practical nurse)" means a person who holds a temporary certificate (licensed practical nurse); (*titulaire de certificat temporaire (infirmier auxiliaire)*)

"temporary certificate holder (nurse practitioner)" means a person who holds a temporary certificate (nurse practitioner); (*titulaire de certificat temporaire (infirmier praticien)*)

"temporary certificate holder (registered nurse)" means a person who holds a temporary certificate (registered nurse); (*titulaire de certificat temporaire (infirmier autorisé)*)

"temporary certificate holder (registered nurse authorized prescriber)" means a person who holds a temporary certificate (registered nurse authorized prescriber); (*titulaire de certificat temporaire (infirmier autorisé prescripteur)*)

"temporary certificate holder (registered psychiatric nurse)" means a person who holds a temporary certificate (registered psychiatric nurse); (*titulaire de certificat temporaire (infirmier psychiatrique autorisé)*)

"temporary certificate holder (registered psychiatric nurse authorized prescriber)" means a person who holds a temporary certificate (registered psychiatric nurse authorized prescriber); (*titulaire de certificat temporaire (infirmier psychiatrique autorisé prescripteur)*)

"temporary certificate (licensed practical nurse)" means a temporary certificate issued under subsection 31(2) exempting a person from the requirement to be a licensed practical nurse; (*certificat temporaire (infirmier auxiliaire)*)

"temporary certificate (nurse practitioner)" means a temporary certificate issued under subsection 29(2) exempting a person from the requirement to be a nurse practitioner; (*certificat temporaire (infirmier praticien)*)

"temporary certificate (registered nurse)" means a temporary certificate issued under subsection 25(2) exempting a person from the requirement to be a registered nurse; (*certificat temporaire (infirmier autorisé)*)

"temporary certificate (registered nurse authorized prescriber)" means a temporary certificate issued under subsection 27(2) exempting a person from the requirement to be a registered nurse authorized prescriber; (*certificat temporaire (infirmier autorisé prescripteur)*)

"temporary certificate (registered psychiatric nurse)" means a temporary certificate issued under subsection 33(2) exempting a person from the requirement to be a registered psychiatric nurse; (*certificat temporaire (infirmier psychiatrique autorisé)*)

"temporary certificate (registered psychiatric nurse authorized prescriber)" means a temporary certificate issued under subsection 35(2) exempting a person from the requirement to be a registered psychiatric nurse authorized prescriber; (*certificat temporaire (infirmier psychiatrique autorisé prescripteur)*)

"virtual care" means the practice of nursing through information and communication technologies where the nurse and the patient are not in the same location. (*soins virtuels*)

Unprofessional conduct

(2) For the purposes of this Act, "unprofessional conduct" includes acts or omissions relevant to the practice of nursing that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional, including any act or omission of a nurse that

- (a) demonstrates a lack of knowledge, skill or judgment in the practice of nursing;
- (b) does not comply with accepted standards of practice, or if applicable, with a code of professional conduct or ethics for members;
- (c) constitutes practising nursing while
 - (i) being incapable of practising nursing, or
 - (ii) being unfit to practice nursing;
- (d) contravenes this Act, the regulations or the bylaws;
- (e) contravenes conditions placed on the nurse's certificate;
- (f) constitutes engaging in misrepresentation or fraud;
- (g) constitutes failing or refusing to cooperate during the course of an investigation under Part 7;
- (h) contravenes an undertaking given under paragraph 64(2)(d);
- (i) contravenes an order made under subsection 78(2);
- (j) contravenes a requirement made under subsection 57(4) or (6);
- (k) contravenes the terms of a settlement agreement made under subsection 58(3);
- (l) is harmful to a patient or to the public;
- (m) lowers or tends to lower the standing of the nursing profession;
- (n) results or resulted in a conviction for an offence under the *Criminal Code*, the nature of which could affect the practice of nursing; or
- (o) is prescribed by the bylaws as unprofessional conduct.

PART 2
PRACTICE OF NURSING

Registered Nurses

Practice of registered nurse

2. (1) A registered nurse is entitled, subject to the bylaws and any limitations, terms and conditions set out in their certificate of registration, to apply nursing knowledge, skills and judgment

- (a) to promote, maintain and restore health;
- (b) to prevent and alleviate illness, injury and disability;
- (c) to assist in prenatal care, childbirth, and postnatal care;
- (d) to care for the terminally ill and the dying;
- (e) in the coordination of health care services;
- (f) in administration, supervision, education, consultation, teaching, policy development and research in respect of any of the matters referred to in paragraphs (a) to (e); and
- (g) to dispense, compound, package and administer drugs, if the bylaws so permit.

Use of title

(2) A registered nurse may use the title "Registered Nurse" or the designation "R.N.".

Temporary Certificate Holders
(Registered Nurses)

Practice of temporary certificate holder

3. A temporary certificate holder (registered nurse) is entitled, subject to the bylaws and any limitations, terms and conditions set out in their temporary certificate, to apply nursing knowledge, skills and judgment as described in subsection 2(1).

Registered Nurse Authorized Prescribers

Practice of registered nurse authorized prescriber

4. (1) A registered nurse authorized prescriber is entitled, subject to the bylaws, the clinical support tools and any limitations, terms and conditions set out in their certificate of registration,

- (a) to apply nursing knowledge, skills and judgment as described in subsection 2(1); and
- (b) to apply advanced nursing knowledge, skills and judgment
 - (i) to make a diagnosis authorized in the clinical support tools, identifying a disease, disorder or condition,
 - (ii) to communicate a diagnosis to a patient,
 - (iii) to order and interpret screening and diagnostic tests authorized in the clinical support tools, and
 - (iv) to prescribe and administer drugs authorized in the clinical support tools.

Use of title

(2) A registered nurse authorized prescriber may use the title "Registered Nurse Authorized Prescriber" or the designation "R.N. Authorized Prescriber" or "R.N. – A.P.".

Temporary Certificate Holders
(Registered Nurse Authorized Prescribers)

Practice of temporary certificate holder

5. A temporary certificate holder (registered nurse authorized prescriber) is entitled, subject to the bylaws, the clinical support tools and any limitations, terms and conditions set out in their temporary certificate,

- (a) to apply nursing knowledge, skills and judgment as described in subsection 2(1); and
- (b) to apply advanced nursing knowledge, skills and judgment as described in paragraph 4(1)(b).

Nurse Practitioners

Practice of nurse practitioner

6. (1) A nurse practitioner is entitled, subject to the bylaws, the nurse practitioner guidelines and any limitations, terms and conditions set out in their certificate of registration,

- (a) to apply nursing knowledge, skills and judgment as described in subsection 2(1); and
- (b) to apply advanced nursing knowledge, skills and judgment
 - (i) to make a diagnosis identifying a disease, disorder or condition,
 - (ii) to communicate a diagnosis to a patient,
 - (iii) to order and interpret screening and diagnostic tests authorized in the nurse practitioner guidelines,
 - (iv) to select, recommend, supply, prescribe, administer and monitor the effectiveness of drugs authorized in the nurse practitioner guidelines, and
 - (v) to perform other procedures authorized in the nurse practitioner guidelines.

Use of title

(2) A nurse practitioner may use the title "Nurse Practitioner" or the designation "N.P." or "R.N. – N.P.".

Temporary Certificate Holders
(Nurse Practitioners)

Practice of temporary certificate holder

7. A temporary certificate holder (nurse practitioner) is entitled, subject to the bylaws, the nurse practitioner guidelines and any limitations, terms and conditions set out in their temporary certificate,

- (a) to apply nursing knowledge, skills and judgment as described in subsection 2(1); and
- (b) to apply advanced nursing knowledge, skills and judgment as described in paragraph 6(1)(b).

Nurse Practitioner Guidelines

Guidelines

8. (1) The college may recommend to the Minister guidelines respecting the practice of nurse practitioners.

Approval of guidelines

(2) The Minister may approve the guidelines recommended by the college under subsection (1).

Licensed Practical Nurses

Definitions

9. (1) In this section,

"unpredictable" means that a patient's response cannot reasonably be anticipated; (*imprévisible*)

"unstable" means a situation in which

- (a) a patient's health status is fluctuating with atypical responses,
- (b) the care is complex, requiring frequent assessment of the patient and modification of the care plan, and
- (c) the patient is managed with interventions that may have unpredictable outcomes or risks. (*instable*)

Definitions

(2) In this section and in section 10,

"predictable" means one can identify in advance a patient's likely response on the basis of observation, experience or scientific reason; (*prévisible*)

"stable" means a situation in which a patient's health status can be anticipated with predictable outcomes. (*stable*)

Practice of licensed practical nurse: stable patients

(3) A licensed practical nurse is entitled, subject to the bylaws and any limitations, terms and conditions set out in their certificate of registration, to apply nursing knowledge, skills and judgment, with a focus on stable or predicable states of health,

- (a) to promote, maintain and restore health;
- (b) to prevent and alleviate illness, injury and disability;
- (c) to assist in prenatal care, childbirth, and postnatal care;
- (d) to care for the terminally ill and the dying;

- (e) in the coordination of health care services;
- (f) in administration, supervision, education, consultation, teaching, policy development and research in respect of any of the matters referred to in paragraphs (a) to (e); and
- (g) to dispense, compound, package and administer drugs, if the bylaws so permit.

Practice of licensed practical nurse: unstable patients

(4) A licensed practical nurse is also entitled, subject to the bylaws and any limitations, terms and conditions set out in their certificate of registration, to apply nursing knowledge, skills and judgment as described in subsection (3) for unstable patients with unpredictable health outcomes if the nurse

- (a) is permitted to do so under the bylaws; and
- (b) does so under the supervision of a registered nurse, nurse practitioner, medical practitioner or other health care professional regulated under an Act of Nunavut and authorized to provide the supervision.

Use of title

(5) A licensed practical nurse may use the title "Licensed Practical Nurse" or the designation "L.P.N.".

Temporary Certificate Holders
(Licensed Practical Nurses)

Practice of temporary certificate holder

10. A temporary certificate holder (licensed practical nurse) is entitled, subject to the bylaws and any limitations, terms and conditions set out in their temporary certificate, to apply nursing knowledge, skills and judgment, with a focus on stable or predicable states of health, as described in subsection 9(3).

Registered Psychiatric Nurses

Practice of registered psychiatric nurse

11. (1) A registered psychiatric nurse is entitled, subject to the bylaws and any limitations, terms and conditions set out in their certificate of registration, to apply nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health,

- (a) to promote, maintain and restore health;
- (b) to prevent and alleviate illness, injury and disability;
- (c) to care for the terminally ill and the dying;
- (d) in the coordination of health care services;
- (e) in administration, supervision, education, consultation, teaching, policy development and research in respect of any of the matters referred to in paragraphs (a) to (d); and
- (f) to dispense, compound, package and administer drugs, if the bylaws so permit.

Use of title

(2) A registered psychiatric nurse may use the title "Registered Psychiatric Nurse" or the designation "R.P.N.".

Temporary Certificate Holders
(Registered Psychiatric Nurses)

Practice of temporary certificate holder

12. A temporary certificate holder (registered psychiatric nurse) is entitled, subject to the bylaws and any limitations, terms and conditions set out in their temporary certificate, to apply nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health, as described in subsection 11(1).

Registered Psychiatric Nurse Authorized Prescribers

Practice of registered psychiatric nurse authorized prescriber

13. (1) A registered psychiatric nurse authorized prescriber is entitled, subject to the bylaws, the clinical support tools and any limitations, terms and conditions set out in their certificate of registration,

- (a) to apply nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health, as described in subsection 11(1); and
- (b) to apply advanced nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health,
 - (i) to make a diagnosis authorized in the clinical support tools, identifying a disease, disorder or condition,
 - (ii) to communicate a diagnosis to a patient,
 - (iii) to order and interpret screening and diagnostic tests authorized in the clinical support tools, and
 - (iv) to prescribe and administer drugs authorized in the clinical support tools.

Use of title

(2) A registered psychiatric nurse authorized prescriber may use the title "Registered Psychiatric Nurse Authorized Prescriber" or the designation "R.P.N. Authorized Prescriber" or "R.P.N. – A.P.".

Temporary Certificate Holders
(Registered Psychiatric Nurse Authorized Prescribers)

Practice of temporary certificate holder

14. A temporary certificate holder (registered psychiatric nurse authorized prescriber) is entitled, subject to the bylaws, the clinical support tools and any limitations, terms and conditions set out in their temporary certificate,

- (a) to apply nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health, as described in subsection 11(1); and
- (b) to apply advanced nursing knowledge, skills and judgment, with a focus on psychosocial, mental or emotional health, as described in paragraph 13(1)(b).

Virtual Care Nurses

Limited scope of practice for virtual care nurses

15. For the purposes of paragraphs 16(1)(c) and (u), the college may, by bylaw, provide that the scope of practice of one or more classes of registrants is limited to practising nursing only through virtual care.

PART 3 COLLEGE AND ASSOCIATION OF NURSES OF THE NORTHWEST TERRITORIES AND NUNAVUT

Bylaws

Bylaws

- 16.** (1) The college may make bylaws
- (a) respecting the establishment or adoption of standards for the practice of nursing;
 - (b) respecting the recognition of areas of specialization in the practice of nursing;
 - (c) respecting the scope of practice, entitlements and obligations of any nursing designation or class of member, including exceptions, conditions or restrictions to be placed on their scope of practice or entitlements;
 - (d) subject to subsection (3), respecting the dispensing, compounding, packaging and administering of drugs by registered nurses, licensed practical nurses and registered psychiatric nurses;
 - (e) respecting the practice of licensed practical nurses in respect of unstable patients with unpredictable health outcomes;
 - (f) respecting the management of the property, business and affairs of the college;
 - (g) respecting classes of members, including the classification of members as active members or inactive members;
 - (h) respecting the rights and privileges of members, or any class of member, including the circumstances under which a member is or is not entitled to vote;
 - (i) respecting titles or designations that may be used by temporary certificate holders or any class of temporary certificate holder, and controlling or prohibiting the use of the titles or designations by others;

- (j) dividing Nunavut into regions, including for the purposes of electing regional members of the Board of Directors or determining different numbers of voting delegates for different regions;
- (k) respecting the establishment or adoption of a code of professional conduct or ethics for members;
- (l) respecting the establishment, constitution, proceedings, powers, duties and functions of a committee or administrative group of the college;
- (m) respecting the election or appointment of persons to fill vacancies on the Board of Directors or in any other elected position within the college;
- (m.1) authorizing the Board of Directors to maintain professional liability insurance or protection on behalf of members or any class of members;
- (n) respecting the qualifications, powers and duties of the Registrar, the Executive Director, the Complaints Officer and any other employees of the college;
- (o) respecting the fixing and collecting of annual and other fees payable by members and the fixing and collecting of fees payable by persons who are not members;
- (p) prescribing the information that is to be entered in each register in respect of each nursing designation or class of member in the register, for each member with that nursing designation or in that class;
- (q) respecting the establishment of registration criteria by the Board of Directors;
- (r) prescribing criteria for the recognition of membership examinations by the Board of Directors;
- (s) respecting the manner of proof as to matters required to be proven by applicants for registration;
- (t) respecting the issuance, suspension and cancellation of certificates of registration and temporary certificates, the renewal of certificates of registration and the extension of temporary certificates;
- (u) respecting the practice of nursing through virtual care;
- (v) prescribing additional eligibility requirements for any nursing designation or class of member;
- (w) subject to subsection (3), respecting the establishment or adoption of clinical support tools for the practice of registered nurse authorized prescribers or registered psychiatric nurse authorized prescribers;
- (x) prescribing criteria for the approval or recognition of nursing education programs by the Board of Directors;
- (y) prescribing exemptions from eligibility requirements for any nursing designation or class of member, or providing for the granting of the exemptions by the Registrar or Registration Committee;
- (z) establishing procedures for appeals of refusals of applications for registration;
- (aa) respecting the information that the college or the Registrar may require a member to supply annually or at other times as the Board of Directors or Registrar may consider appropriate;

- (ab) respecting the suspension or removal of a person from a register and the reinstatement of persons who have been suspended or removed from a register;
- (ac) respecting the establishment or approval of a continuing competence program for registrants, including a program that
 - (i) requires registrants to participate in continuing education activities to maintain and to enhance their competence,
 - (ii) provides for the conduct of reviews of the practice of registrants, and
 - (iii) provides that a complaint may be made under subsection 51(1) or (3)
 - (A) if a registrant fails to comply with the requirements of the program, or
 - (B) if, on the basis of information obtained through the program, it is determined that a registrant
 - (I) displays a lack of competence in the provision of nursing services that has not been remedied by participating in the program,
 - (II) displays unprofessional conduct that cannot be readily remedied by means of the program, or
 - (III) is providing nursing services when their capacity to provide those services, in accordance with accepted standards, is impaired by a disability or condition, including an addiction or illness;
- (ad) providing that registrants must comply with a continuing competence program established or approved under paragraph (ac);
- (ae) prescribing acts and omissions of registrants that constitute unprofessional conduct;
- (af) establishing supplementary procedures regarding the review by the Complaints Officer or the Professional Conduct Committee of complaints of unprofessional conduct;
- (ag) establishing procedures for the suspension of a registrant's registration and certificate, or for the imposition of any limitations, terms or conditions on their entitlement to practice, while their conduct is under review;
- (ah) respecting undertakings under paragraph 64(2)(d), including what must be included in undertakings and establishing procedures for processing undertakings;
- (ai) respecting investigations into the conduct of registrants and former registrants;
- (ai.1) establishing the procedure to be followed in appeals of directions to pay the costs of investigations;
- (aj) respecting rules of procedure regarding the conduct of hearings into complaints of unprofessional conduct;
- (ak) establishing the procedure to be followed in appeals to the Appeals Committee;
- (al) respecting the public register, including

- (i) prescribing information that must be included in the register, and
- (ii) respecting the length of time that the information must be kept in the register;
- (am) respecting the appointment of an auditor and legal counsel for the college;
- (an) establishing a process for making, amending or repealing bylaws under paragraph (2)(a);
- (ao) respecting the service of notices and other documents under this Act;
- (ap) respecting the determination of a member's primary place of practice, for the purpose of membership in a Branch of the college;
- (aq) respecting the executive of a Branch of the college, including the powers and duties of the executive;
- (ar) respecting the nomination, election, appointment, powers and duties, removal and terms of office of officers of a Branch of the college;
- (as) respecting the convening and conduct of and the quorum for meetings of the executive of a Branch of the college and for general meetings of the Branch;
- (at) respecting the management of the property, business and affairs of a Branch of the college;
- (au) respecting the internal organization and administration of a Branch of the college; and
- (av) respecting other matters that are provided for in this Act or that the Board of Directors considers necessary or convenient for the management of the college, the conduct of its business and the promotion of its interests.

Process for making bylaws

(2) Subject to subsections (3), (4), (6) and (7), a bylaw or an amendment to or repeal of a bylaw may be made

- (a) by the Board of Directors, in accordance with the process established in the bylaws; or
- (b) by a majority of the voting delegates at a general meeting or special meeting of the college.

Limitation

(3) A bylaw made under paragraph (1)(d) or (w) may only be made on the recommendation of the Minister.

Restriction

(4) The Board of Directors may not make bylaws within 90 days before a general meeting.

Copy of bylaws and registration criteria

(5) The college must publish on its website

- (a) a copy of any bylaw or repeal of a bylaw made under this Act within 30 days after the date it is made or repealed; and
- (b) a copy of any registration criteria established or rescinded by the Board of Directors within 30 days after the date it is established or rescinded.

Restriction of authority

(6) A majority of the voting delegates at a general or special meeting of the college may make bylaws to restrict the authority of the Board of Directors to make bylaws.

Limits on repeal

(7) The Board of Directors may not repeal or amend a bylaw made under subsection (6).

Inspection of bylaws

(8) The bylaws must be kept at the office of the college and any person is entitled to inspect them at any reasonable time.

Northwest Territories bylaws

(9) Bylaws made under the *Nursing Profession Act* (Northwest Territories) are deemed to have been made under this Act unless

- (a) they relate to matters described in paragraph 1(d) or (w); or
- (b) they are inconsistent with this Act, the regulations or the bylaws made under this Act.

Inconsistency

(10) If there is any inconsistency between the bylaws and the regulations, the regulations prevail to the extent of the inconsistency.

Standards for Practice, Codes of Professional Conduct or Ethics and Clinical Support Tools

Establishment or adoption of codes, standards or clinical support tools

- 17.** (1) For the purposes of paragraphs 16(1)(a), (k) and (w), the college may, by bylaw,
- (a) establish
 - (i) standards for the practice of nursing,
 - (ii) a code of professional conduct or ethics for members, and
 - (iii) clinical support tools for the practice of registered nurse authorized prescribers or registered psychiatric nurse authorized prescribers;or
 - (b) if a code, standards or clinical support tools of one of the following types have been established by an association, person or body of persons and are available in written form, adopt the code, standards or clinical support tools or the code, standards or clinical support tools as amended from time to time:
 - (i) standards for the practice of nursing,
 - (ii) a code of professional conduct or ethics for nurses,
 - (iii) clinical support tools for the practice of a category of nurses comparable to registered nurse authorized prescribers or registered psychiatric nurse authorized prescribers.

Codes, standards and clinical support tools have legal effect

(2) If a code, standards or clinical support tools are adopted under paragraph (1)(b), the code, standards or clinical support tools have the same legal effect as a bylaw, and are in force in respect of members either in whole or in part or with variations as specified in the bylaws.

Publication

(3) The college must publish on its website a copy of any code, standards or clinical support tools established or adopted under subsection (1) within 30 days after the date when the code, standards or clinical support tools are established or adopted.

Board of Directors

Powers and duties

18. (1) The Board of Directors must manage and conduct the business and affairs of the college and exercise the powers and duties of the college in the name of and on behalf of the college.

Delegation

(2) Subject to the bylaws and subsection (3), the Board of Directors may delegate any of its powers and duties under subsection (1) to any officer, employee or committee of the college.

Limitation

(3) The Board of Directors may not delegate the power to make bylaws.

Delegation by Registrar and Executive Director

19. Subject to the bylaws, the Registrar or the Executive Director may delegate any of their powers and duties under this Act to any officer or employee of the college.

PART 4 NURSING EDUCATION

Education Advisory Committee

Duties of the Education Advisory Committee

- 20.** The Education Advisory Committee must
- (a) recommend standards for nursing education to the Board of Directors;
 - (b) recommend a process for approval of nursing education programs offered in Nunavut or the Northwest Territories to the Board of Directors;
 - (c) recommend a process for recognition of nursing education programs offered outside of Nunavut or the Northwest Territories to the Board of Directors;
 - (d) at least once every five years, evaluate and make recommendations to the Board of Directors for changes to
 - (i) standards for nursing education,
 - (ii) nursing education programs offered in Nunavut or the Northwest Territories,

- (iii) the process for approval of nursing education programs offered in Nunavut or the Northwest Territories, and
- (iv) the process for recognition of nursing education programs offered outside of Nunavut or the Northwest Territories; and
- (e) perform any other tasks relating to nursing education referred to it by the Board of Directors.

Information to Ministers

21. The Board of Directors must forward the following information to the Minister and to the Minister responsible for post-secondary education:

- (a) the recommendations of the Education Advisory Committee respecting standards for nursing education;
- (b) the results of any evaluation of, and any recommendations for changes to,
 - (i) standards for nursing education,
 - (ii) nursing education programs offered in Nunavut or the Northwest Territories,
 - (iii) the process for approval of nursing education programs offered in Nunavut or the Northwest Territories, and
 - (iv) the process for recognition of nursing education programs offered outside Nunavut or the Northwest Territories.

Approval or recognition of nursing education programs

- 22.** (1) Subject to the bylaws, the Board of Directors may
- (a) approve nursing education programs offered in Nunavut or the Northwest Territories as acceptable prerequisites for registration; or
 - (b) recognize nursing education programs offered outside of Nunavut or the Northwest Territories as acceptable prerequisites for registration.

Recognition of membership examinations

- (2) Subject to the bylaws, the Board of Directors may recognize membership examinations for nurses as acceptable prerequisites for registration.

PART 5 REGISTRATION

DIVISION 1 REGISTERS AND REGISTRATION COMMITTEE

Registers

Registers

- 23.** (1) The Registrar must maintain
- (a) a register called the Registered Nurse Register, in which must be entered the information that is prescribed by the bylaws respecting each
 - (i) registered nurse and temporary certificate holder (registered nurse), and

- (ii) registered nurse authorized prescriber and temporary certificate holder (registered nurse authorized prescriber);
- (b) a register called the Nurse Practitioner Register, in which must be entered the information that is prescribed by the bylaws respecting each nurse practitioner and temporary certificate holder (nurse practitioner);
- (c) a register called the Licensed Practical Nurse Register, in which must be entered the information that is prescribed by the bylaws respecting each licensed practical nurse and temporary certificate holder (licensed practical nurse); and
- (d) a register called the Registered Psychiatric Nurse Register, in which must be entered the information that is prescribed by the bylaws respecting each
 - (i) registered psychiatric nurse and temporary certificate holder (registered psychiatric nurse), and
 - (ii) registered psychiatric nurse authorized prescriber and temporary certificate holder (registered psychiatric nurse authorized prescriber).

Classes of members

(2) For the purposes of subsection (1), the bylaws may prescribe different information to be entered in a register for different nursing designations or classes of members in that register.

Inspection of registers

(3) The registers must be kept at the office of the college, and any person is entitled to inspect them at any reasonable time.

DIVISION 2 REGISTRATION IN REGISTERED NURSE REGISTER

Registered Nurses

Registration of registered nurses

24. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Nurse Register as a registered nurse; and
- (b) issue a certificate of registration to the applicant.

Qualifications

- (2) An applicant is qualified to be a registered nurse if the applicant
- (a) is of good character, is competent and fit to engage in the practice of a registered nurse, and has as a satisfactory professional reputation;
 - (b) meets the qualifications set out in paragraph (3)(a) or (b); and
 - (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(3) For the purposes of paragraph (2)(b), an applicant who meets the requirements of paragraphs (2)(a) and (c) is qualified to be a registered nurse if

- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered nurses, and
 - (ii) has successfully completed the membership examinations; or
- (b) the applicant is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered nurses.

Temporary Certificate Holders (Registered Nurses)

Application for temporary certificate

25. (1) A person who is pursuing requirements to qualify, or to requalify, as a registered nurse, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a registered nurse.

Registration of temporary certificate holders

(2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Nurse Register as a temporary certificate holder (registered nurse); and
- (b) issue a temporary certificate to the applicant exempting them from the requirement to be a registered nurse.

Qualifications

(3) An applicant is qualified to be a temporary certificate holder (registered nurse) if the applicant

- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (registered nurse) as permitted by the temporary certificate;
- (b) meets the qualifications set out in paragraph (4)(a), (b), (c), (d) or (e); and
- (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (registered nurse) if

- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered nurses, and
 - (ii) is applying to take a membership examination, or is awaiting the results of a previously taken membership examination;

- (b) the applicant
 - (i) is registered in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered nurses, and
 - (ii) is in the process of completing other requirements prescribed by the bylaws;
- (c) the applicant has in the past met the requirements for qualification under paragraph 24(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (d) the applicant has had their registration and certificate suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (registered nurse) to meet the terms and conditions set for reinstatement; or
- (e) the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate under paragraph 54(1)(b) or 64(2)(c) and the applicant requires a temporary certificate (registered nurse) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (registered nurse) may be employed or engaged to provide the services of a registered nurse, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

Registered Nurse Authorized Prescribers

Registration of registered nurse authorized prescribers

26. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Nurse Register as a registered nurse authorized prescriber; and
- (b) issue a certificate of registration to the applicant that includes the notation "authorized prescriber".

Qualifications

- (2) An applicant is qualified to be a registered nurse authorized prescriber if the applicant
- (a) is a registered nurse in good standing, or has applied and is qualified to be so registered under section 24;
 - (b) is of good character, is competent and fit to engage in the practice of a registered nurse authorized prescriber, and has a satisfactory professional reputation;
 - (c) meets the qualifications set out in paragraph (3)(a) or (b); and
 - (d) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(3) For the purposes of paragraph (2)(c), an applicant who meets the requirements of paragraphs (2)(a), (b) and (d) is qualified to be a registered nurse authorized prescriber if

- (a) the applicant has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered nurse authorized prescribers; or
- (b) the applicant
 - (i) is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered nurse authorized prescribers, and
 - (ii) satisfies the Registrar that they are qualified to engage in the practice of a registered nurse authorized prescriber.

Temporary Certificate Holders (Registered Nurse Authorized Prescribers)

Application for temporary certificate

27. (1) A person who is pursuing requirements to qualify, or to requalify, as a registered nurse authorized prescriber, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a registered nurse authorized prescriber.

Registration of temporary certificate holders

(2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Nurse Register as a temporary certificate holder (registered nurse authorized prescriber); and
- (b) issue a temporary certificate to the applicant exempting them from the requirement to be a registered nurse authorized prescriber.

Qualifications

(3) An applicant is qualified to be a temporary certificate holder (registered nurse authorized prescriber) if the applicant

- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (registered nurse authorized prescriber) as permitted by the temporary certificate;
- (b) meets the qualifications set out in paragraph (4)(a), (b), (c) or (d); and
- (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (registered nurse authorized prescriber) if

- (a) the applicant is a registered nurse in good standing who

- (i) is enrolled in an approved or recognized nursing education program that prepares people to engage in the practice of registered nurse authorized prescribers, and
- (ii) requires a temporary certificate (registered nurse authorized prescriber) to obtain the required supervised practical experience;
- (b) the applicant is a registered nurse in good standing and has in the past met the requirements for qualification under paragraph 26(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (c) the applicant has a certificate of registration issued under subsection 24(1) in good standing and has had their registration and certificate as a registered nurse authorized prescriber suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (registered nurse authorized prescriber) to meet the terms and conditions set for reinstatement; or
- (d) the applicant has a certificate of registration issued under subsection 24(1) in good standing and the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate as a registered nurse authorized prescriber under paragraph 54(1)(b) or 64(2)(c), and the applicant requires a temporary certificate (registered nurse authorized prescriber) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (registered nurse authorized prescriber) may be employed or engaged to provide the services of a registered nurse authorized prescriber, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

DIVISION 3 REGISTRATION IN NURSE PRACTITIONER REGISTER

Nurse Practitioners

Registration of nurse practitioners

28. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Nurse Practitioner Register as a nurse practitioner; and
- (b) issue a certificate of registration to the applicant.

Qualifications

(2) An applicant is qualified to be a nurse practitioner if the applicant

- (a) is a registered nurse in good standing, or has applied and is qualified to be so registered under section 24;
- (b) is of good character, is competent and fit to engage in the practice of a nurse practitioner, and has a satisfactory professional reputation;

- (c) meets the qualifications set out in paragraph (3)(a) or (b); and
- (d) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(3) For the purposes of paragraph (2)(c), an applicant who meets the requirements of paragraphs (2)(a), (b) and (d) is qualified to be a nurse practitioner if

- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of nurse practitioners, and
 - (ii) has successfully completed the membership examinations; or
- (b) the applicant
 - (i) is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of nurse practitioners, and
 - (ii) satisfies the Registrar that they are qualified to engage in the practice of a nurse practitioner.

Temporary Certificate Holders (Nurse Practitioners)

Application for temporary certificate

29. (1) A person who is pursuing requirements to qualify, or to requalify, as a nurse practitioner, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a nurse practitioner.

Registration of temporary certificate holders

(2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Nurse Practitioner Register as a temporary certificate holder (nurse practitioner); and
- (b) issue a temporary certificate to the applicant exempting them from the requirement to be a nurse practitioner.

Qualifications

(3) An applicant is qualified to be a temporary certificate holder (nurse practitioner) if the applicant

- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (nurse practitioner) as permitted by the temporary certificate;
- (b) meets the qualifications set out in paragraph (4)(a), (b), (c) or (d); and
- (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (nurse practitioner) if

- (a) the applicant is a registered nurse in good standing who
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of nurse practitioners, and
 - (ii) is applying to take a membership examination, or is awaiting the results of a previously taken membership examination;
- (b) the applicant is a registered nurse in good standing and has in the past met the requirements for qualification under paragraph 28(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (c) the applicant has a certificate of registration issued under subsection 24(1) in good standing and had their registration and certificate as a temporary certificate holder (nurse practitioner) suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (nurse practitioner) to meet the terms and conditions set for reinstatement; or
- (d) the applicant has a certificate of registration issued under subsection 24(1) in good standing and the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate as a temporary certificate holder (nurse practitioner) under paragraph 54(1)(b) or 64(2)(c) and the applicant requires a temporary certificate (nurse practitioner) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (nurse practitioner) may be employed or engaged to provide the services of a nurse practitioner, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

DIVISION 4
REGISTRATION IN LICENSED PRACTICAL NURSE REGISTER

Licensed Practical Nurses

Registration of licensed practical nurses

30. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Licensed Practical Nurse Register as a licensed practical nurse; and
- (b) issue a certificate of registration to the applicant.

Qualifications

- (2) An applicant is qualified to be a licensed practical nurse if the applicant
- (a) is of good character, is competent and fit to engage in the practice of a licensed practical nurse and has a satisfactory professional reputation;
 - (b) meets the qualifications set out in paragraph (3)(a) or (b); and
 - (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

- (3) For the purposes of paragraph (2)(b), an applicant who meets the requirements of paragraphs (2)(a) and (c) is qualified to be a licensed practical nurse if
- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of licensed practical nurses, and
 - (ii) has successfully completed the membership examinations; or
 - (b) the applicant is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of licensed practical nurses.

Temporary Certificate Holders (Licensed Practical Nurses)

Application for temporary certificate

31. (1) A person who is pursuing requirements to qualify, or to requalify, as a licensed practical nurse, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a licensed practical nurse.

Registration of temporary certificate holders

(2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Licensed Practical Nurse Register as a temporary certificate holder (licensed practical nurse); and
- (b) issue a temporary certificate to the applicant exempting them from the requirement to be a licensed practical nurse.

Qualifications

(3) An applicant is qualified to be a temporary certificate holder (licensed practical nurse) if the applicant

- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (licensed practical nurse) as permitted by the temporary certificate;
- (b) meets the qualifications set out in paragraph (4)(a), (b), (c), (d) or (e); and
- (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (licensed practical nurse) if

- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of licensed practical nurses, and
 - (ii) is applying to take a membership examination, or is awaiting the results of a previously taken membership examination;
- (b) the applicant
 - (i) is registered in a province or another territory in a category of nurses that may engage in practice comparable to the practice of licensed practical nurses, and
 - (ii) is in the process of completing other requirements prescribed by the bylaws;
- (c) the applicant has in the past met the requirements for qualification under paragraph 30(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (d) the applicant has had their registration and certificate suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (licensed practical nurse) to meet the terms and conditions set for reinstatement; or
- (e) the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate under paragraph 54(1)(b) or 64(2)(c) and the applicant requires a temporary certificate (licensed practical nurse) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (licensed practical nurse) may be employed or engaged to provide the services of a licensed practical nurse, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

DIVISION 5
REGISTRATION IN REGISTERED PSYCHIATRIC NURSE REGISTER

Registered Psychiatric Nurses

Registration of registered psychiatric nurses

32. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Psychiatric Nurse Register as a registered psychiatric nurse; and
- (b) issue a certificate of registration to the applicant.

Qualifications

- (2) An applicant is qualified to be a registered psychiatric nurse if the applicant
- (a) is of good character, is competent and fit to engage in the practice of a registered psychiatric nurse and has a satisfactory professional reputation;
 - (b) meets the qualifications set out in paragraph (3)(a) or (b); and
 - (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

- (3) For the purposes of paragraph (2)(b), an applicant who meets the requirements of paragraphs (2)(a) and (c) is qualified to be a registered psychiatric nurse if
- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered psychiatric nurses, and
 - (ii) has successfully completed the membership examinations; or
 - (b) the applicant is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered psychiatric nurses.

Temporary Certificate Holders (Registered Psychiatric Nurses)

Application for temporary certificate

33. (1) A person who is pursuing requirements to qualify, or to requalify, as a registered psychiatric nurse, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a registered psychiatric nurse.

Registration of temporary certificate holders

- (2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,
- (a) register the applicant in the Registered Psychiatric Nurse Register as a temporary certificate holder (registered psychiatric nurse); and
 - (b) issue a temporary certificate to the applicant exempting them from the requirement to be a registered psychiatric nurse.

Qualifications

- (3) An applicant is qualified to be a temporary certificate holder (registered psychiatric nurse) if the applicant
- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (registered psychiatric nurse) as permitted by the temporary certificate;
 - (b) meets the qualifications set out in paragraph (4)(a), (b), (c), (d) or (e); and
 - (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (registered psychiatric nurse) if

- (a) the applicant
 - (i) has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered psychiatric nurses, and
 - (ii) is applying to take a membership examination, or is awaiting the results of a previously taken membership examination;
- (b) the applicant
 - (i) is registered in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered psychiatric nurses, and
 - (ii) is in the process of completing other requirements prescribed by the bylaws;
- (c) the applicant has in the past met the requirements for qualification under paragraph 32(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (d) the applicant has had their registration and certificate suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (registered psychiatric nurse) to meet the terms and conditions set for reinstatement; or
- (e) the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate under paragraph 54(1)(b) or 64(2)(c) and the applicant requires a temporary certificate (registered psychiatric nurse) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (registered psychiatric nurse) may be employed or engaged to provide the services of a registered psychiatric nurse, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

Registered Psychiatric Nurse Authorized Prescribers

Registration of registered psychiatric nurse authorized prescribers

34. (1) On an application made in accordance with the bylaws, the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (2) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Psychiatric Nurse Register as a registered psychiatric nurse authorized prescriber; and
- (b) issue a certificate of registration to the applicant that includes the notation "authorized prescriber".

Qualifications

(2) An applicant is qualified to be a registered psychiatric nurse authorized prescriber if the applicant

- (a) is a registered psychiatric nurse in good standing, or has applied and is qualified to be so registered under section 32;
- (b) is of good character, is competent and fit to engage in the practice of a registered psychiatric nurse authorized prescriber, and has a satisfactory professional reputation;
- (c) meets the qualifications set out in paragraph (3)(a) or (b); and
- (d) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(3) For the purposes of paragraph (2)(c), an applicant who meets the requirements of paragraphs (2)(a), (b) and (d) is qualified to be a registered psychiatric nurse authorized prescriber if

- (a) the applicant has satisfactorily completed an approved or recognized nursing education program that prepares people to engage in the practice of registered psychiatric nurse authorized prescribers; or
- (b) the applicant
 - (i) is registered and in good standing in a province or another territory in a category of nurses that may engage in practice comparable to the practice of registered psychiatric nurse authorized prescribers, and
 - (ii) satisfies the Registrar that they are qualified to engage in the practice of a registered psychiatric nurse authorized prescriber.

Temporary Certificate Holders (Registered Psychiatric Nurse Authorized Prescribers)

Application for temporary certificate

35. (1) A person who is pursuing requirements to qualify, or to requalify, as a registered psychiatric nurse authorized prescriber, may make an application to the Registrar, in accordance with the bylaws, for a temporary certificate exempting them from the requirement to be a registered psychiatric nurse authorized prescriber.

Registration of temporary certificate holders

(2) On an application made under subsection (1), the Registrar must, if satisfied that the applicant meets the requirements for qualification under subsection (3) and on payment of the registration fee prescribed by the bylaws,

- (a) register the applicant in the Registered Psychiatric Nurse Register as a temporary certificate holder (registered psychiatric nurse authorized prescriber); and
- (b) issue a temporary certificate to the applicant exempting them from the requirement to be a registered psychiatric nurse authorized prescriber.

Qualifications

(3) An applicant is qualified to be a temporary certificate holder (registered psychiatric nurse authorized prescriber) if the applicant

- (a) is of good character and is competent and fit to engage in the practice of a temporary certificate holder (registered psychiatric nurse authorized prescriber) as permitted by the temporary certificate;
- (b) meets the qualifications set out in paragraph (4)(a), (b), (c) or (d); and
- (c) has fulfilled any other requirements prescribed by the bylaws.

Additional qualifications

(4) For the purposes of paragraph (3)(b), an applicant who meets the requirements of paragraphs (3)(a) and (c) is qualified to be a temporary certificate holder (registered psychiatric nurse authorized prescriber) if

- (a) the applicant is a registered psychiatric nurse in good standing who
 - (i) is enrolled in an approved or recognized nursing education program that prepares people to engage in the practice of registered psychiatric nurse authorized prescribers, and
 - (ii) requires a temporary certificate (registered psychiatric nurse authorized prescriber) to obtain the required supervised practical experience;
- (b) the applicant is a registered psychiatric nurse in good standing and has in the past met the requirements for qualification under paragraph 34(3)(a) or (b) and is enrolled in a recognized nursing education program;
- (c) the applicant has a certificate of registration issued under subsection 32(1) in good standing and has had their registration and certificate as a registered psychiatric nurse authorized prescriber suspended or cancelled under subsection 78(2) or 81(1), and requires a temporary certificate (registered psychiatric nurse authorized prescriber) to meet the terms and conditions set for reinstatement; or
- (d) the applicant has a certificate of registration issued under subsection 32(1) in good standing and the Complaints Officer or the Professional Conduct Committee has accepted a voluntary surrender of the applicant's registration and certificate as a registered psychiatric nurse authorized prescriber under paragraph 54(1)(b) or 64(2)(c) and the applicant requires a temporary certificate (registered psychiatric nurse authorized prescriber) to meet the terms and conditions set for reinstatement.

Employment

(5) A temporary certificate holder (registered psychiatric nurse authorized prescriber) may be employed or engaged to provide the services of a registered psychiatric nurse authorized prescriber, subject to the limitations, terms and conditions, if any, set out in the temporary certificate.

DIVISION 6
CERTIFICATES OF REGISTRATION AND TEMPORARY CERTIFICATES

Certificates of Registration

Advice and registration criteria

36. (1) The Registrar, when considering an application under subsection 24(1), 26(1), 28(1), 30(1), 32(1) or 34(1), for a nursing designation for which a certificate of registration is issued,

- (a) may seek the advice of the Registration Committee; and
- (b) must consider the registration criteria established by the Board of Directors.

Terms and conditions

(2) The Registrar may place any limitations, terms and conditions on a certificate of registration that the Registrar considers appropriate.

Notification to applicant

(3) The Registrar must notify the applicant and provide them with a reasonable opportunity to provide further information or documents if

- (a) the Registrar intends to refuse the registration of the applicant; or
- (b) the Registrar intends to place limitations, terms or conditions on the applicant's certificate of registration under subsection (2), unless the applicant has already consented to those limitations, terms or conditions.

Duration of certificate

37. (1) Subject to the bylaws, a certificate of registration expires on December 31 following the date of issuance or renewal.

Renewal of certificate

(2) On an application made in accordance with the bylaws before the expiry of a certificate of registration under subsection (1), the Registrar must, on payment of any fees prescribed by the bylaws, renew the certificate.

Certificate of registered nurse authorized prescriber or nurse practitioner

(3) The certificate of registration of a registered nurse authorized prescriber or a nurse practitioner must not be renewed unless the person's certificate of registration as a registered nurse is renewed.

Certificate of registered psychiatric nurse authorized prescriber

(4) The certificate of registration of a registered psychiatric nurse authorized prescriber must not be renewed unless the person's certificate of registration as a registered psychiatric nurse is renewed.

Removal from register

38. (1) A person who fails to renew their certificate of registration must be removed from the applicable register in accordance with the bylaws.

Reinstatement

(2) If a person has been removed from a register under subsection (1), the Registrar may, on payment of any fees prescribed by the bylaws, reinstate the person's registration and grant a certificate of registration to the person in accordance with the bylaws.

Temporary Certificates

Advice and registration criteria

39. (1) The Registrar, when considering an application under subsection 25(1), 27(1), 29(1), 31(1), 33(1) or 35(1) for a nursing designation for which a temporary certificate is issued,

- (a) may seek the advice of the Registration Committee; and
- (b) must consider the registration criteria established by the Board of Directors.

Terms and conditions

(2) The Registrar may place any limitations, terms and conditions on a temporary certificate that the Registrar considers appropriate.

Notification to applicant

(3) The Registrar must notify the applicant and provide them with a reasonable opportunity to provide further information or documents if

- (a) the Registrar intends to refuse the registration of the applicant as a temporary certificate holder; or
- (b) the Registrar intends to place limitations, terms or conditions on the applicant's temporary certificate under subsection (2), unless the applicant has already consented to those limitations, terms or conditions.

Duration of temporary certificate

40. (1) Subject to subsections (2) and (3), a temporary certificate expires on the date prescribed by the bylaws.

Extension of temporary certificate

(2) The Registrar may, on payment of any fees prescribed by the bylaws, grant one or more extensions of a temporary certificate in accordance with the bylaws.

Maximum duration

(3) The total duration of a temporary certificate, including any extensions, must not exceed a period of 24 months.

DIVISION 7
REFUSAL AND APPEAL

Refusal and Appeal

Refusal to register

41. (1) If an application for registration, which may include an application for registration as a temporary certificate holder, is refused, the Registrar must provide the applicant with a written notice of and reasons for the refusal.

Limitations, terms or conditions

(2) If limitations, terms or conditions are placed on person's certificate of registration under subsection 36(2), or are placed on a person's temporary certificate under subsection 39(2), the Registrar must provide the person with a written notice of and reasons for the limitations, terms or conditions.

Appeal in accordance with bylaws

42. (1) A person whose application for registration is refused, or whose certificate of registration or temporary certificate is subject to limitations, terms or conditions under subsection 36(2) or 39(2), may, within 30 days after receiving written notice of the refusal, limitations, terms or conditions, appeal the decision to the Registration Committee in accordance with the appeal procedure established in the bylaws.

Appeal to Nunavut Court of Justice

(2) A person whose appeal under subsection (1) is unsuccessful may, within 30 days after receiving service of a copy of the decision, appeal the decision to the Nunavut Court of Justice by filing a notice of appeal with the Nunavut Court of Justice and serving it on the college.

Limitation

- (3) An appeal under subsection (2) can only be made if
- (a) the person would be a member in the Nunavut Branch if the registration had not been refused;
 - (b) an appeal of the same refusal is not pending under subsection 48(2) of the *Nursing Profession Act* (Northwest Territories); and
 - (c) an order has not been made respecting the same refusal under section 49 of the *Nursing Profession Act* (Northwest Territories).

Order of Nunavut Court of Justice

43. (1) If, on hearing an appeal under subsection 42(2), the Nunavut Court of Justice finds that a refusal to register is unreasonable, the Nunavut Court of Justice may

- (a) make an order requiring the Registrar
 - (i) to register the applicant as a registrant having the nursing designation applied for, in the applicable register, and
 - (ii) to issue a certificate of registration or temporary certificate to the applicant, as applicable; or
- (b) make any further order that is warranted in the circumstances.

Order of Nunavut Court of Justice

(2) If, on hearing an appeal under subsection 42(2), the Nunavut Court of Justice finds that the placing of limitations, terms or conditions on a certificate of registration or a temporary certificate is unreasonable, the Nunavut Court of Justice may

- (a) make an order requiring the Registrar to remove or modify the limitations, terms or conditions; or
- (b) make any further order that is warranted in the circumstances.

Costs

(3) The Nunavut Court of Justice, on hearing an appeal under subsection 42(2), may make any order as to costs that it considers appropriate.

Order is final

(4) An order made under subsection (1) is final and conclusive, and the Registrar must act on the order without delay.

PART 6 CONTINUING COMPETENCE

Distribution

44. (1) If the college requires compliance with a continuing competence program established or approved under the bylaws, the college must make available to each registrant to whom the requirement applies,

- (a) a description of the program, within 90 days of its establishment or approval; and
- (b) information respecting any amendment to the program, within 90 days of the making of the amendment.

Administration

(2) If a continuing competence program is established or approved under the bylaws, the college may

- (a) authorize any committee established under this Act or the bylaws to administer the program; or
- (b) appoint any person to administer the program.

Substantially equivalent program

(3) If the college requires compliance with a continuing competence program established or approved under the bylaws, a registrant may satisfy the requirement if the registrant

- (a) is registered in a province or another territory in a category of nurses that may engage in practice comparable to the practice of nurses to whom the requirement applies; and
- (b) complies with another continuing competence program that is recognized by the Board of Directors as being substantially equivalent to the program established or approved under the bylaws.

PART 7
REVIEW OF CONDUCT

Interpretation

Definitions

45. (1) In this Part,

"complainant" means

- (a) a person who makes a complaint under subsection 51(1), or
- (b) the Complaints Officer, if the Complaints Officer makes a complaint under subsection 51(3), or if the Professional Conduct Committee adds further allegations to a complaint under subsection 64(1); (*plaignant*)

"nurse" means a registrant or a former registrant; (*infirmier*)

"respondent" means a nurse who is the subject of a complaint made under subsection 51(1) or (3); (*infirmier visé*)

"sexual misconduct" by a nurse towards a patient means, subject to any exemptions prescribed by the bylaws,

- (a) sexual intercourse or other forms of physical sexual relations between the nurse and the patient,
- (b) touching, of a sexual nature, of the patient by the nurse, or
- (c) behaviour or remarks of a sexual nature by the nurse towards the patient. (*inconduite sexuelle*)

Reference to complaint

(2) For the purposes of sections 50, 51 and 64 to 81, a reference to a complaint includes a reference to

- (a) a complaint made by an investigator under subsection 63(9); and
- (b) further allegations referred to a Board of Inquiry under subsection 64(1).

Application

Conduct in Nunavut

46. (1) In accordance with section 18 of the *Nursing Profession Act* (Northwest Territories), the conduct of members in Nunavut must be dealt with under this Part.

Virtual Care

(2) If a person is practising nursing by virtual care, the conduct of the nurse is deemed to occur at the location of the patient.

Action by another jurisdiction

(3) A person practising nursing may be subject to a proceeding under this Act even if the person has already been subject to a proceeding with respect to the same matter in another jurisdiction.

Official Languages Act

47. When exercising functions under this Act, the Professional Conduct Committee and the Appeals Committee are deemed to be quasi-judicial bodies established by the laws of Nunavut for the exercise of adjudicative functions for the purposes of the *Official Languages Act*.

Fitness to Practice Committee

Notice of referral

48. (1) If the Complaints Officer, the Professional Conduct Committee or an investigator refers a complaint, in whole or in part, to a Fitness to Practice Committee, the Complaints Officer, the Chairperson of the Professional Conduct Committee or the investigator, as the case may be, must provide notice to the Board of Directors that the Fitness to Practice Committee must be established.

Establishment

(2) On receiving notice under subsection (1), the Board of Directors must establish the Fitness to Practice Committee, in accordance with the regulations.

Exception

(3) Subsection (1) does not apply if the Fitness to Practice Committee has already been established by the Board of Directors under this Part.

Chairperson and Deputy Chairperson

(4) The Board of Directors must designate one member of the Fitness to Practice Committee as Chairperson of the Fitness to Practice Committee and one member of the Fitness to Practice Committee as Deputy Chairperson of the Fitness to Practice Committee.

Authority of Deputy Chairperson

(5) Subject to the regulations and the direction of the Chairperson of the Fitness to Practice Committee, the Deputy Chairperson of the Fitness to Practice Committee may act for and on behalf of the Chairperson of the Fitness to Practice Committee.

Professional Conduct Committee

Panel

49. A power or duty of the Professional Conduct Committee under this Part may be carried out by a panel designated by the Chairperson of the Professional Conduct Committee, composed of at least three members of the Professional Conduct Committee, one of whom may be the Chairperson of the Professional Conduct Committee.

Complaints

Timely resolution

50. Complaints must be dealt with under this Part in a timely manner.

Making complaint

51. (1) Any person may make a complaint to the Complaints Officer, in accordance with the bylaws and the regulations, alleging that an act or omission of a nurse constitutes unprofessional conduct.

Summary of complaint

(2) On receiving a complaint under subsection (1), the Complaints Officer must, in accordance with the regulations,

- (a) provide a summary of the complaint to the respondent, and specify the name of the complainant; and
- (b) provide a copy of the complaint
 - (i) to the Chairperson of the Professional Conduct Committee, and
 - (ii) on request, to the respondent.

Complaint by Complaints Officer to Professional Conduct Committee

(3) The Complaints Officer may, on the Complaints Officer's own initiative, make a complaint to the Professional Conduct Committee, in accordance with the bylaws, if the Complaints Officer has reasonable grounds to believe that an act or omission of a nurse may constitute unprofessional conduct.

Manner of making complaint

(4) A complaint under subsection (3) may be made by submitting the complaint to the Chairperson of the Professional Conduct Committee.

Summary of complaint

(5) On receiving a complaint under subsection (3), the Chairperson of the Professional Conduct Committee must, in accordance with the regulations,

- (a) provide a summary of the complaint to the respondent, and specify the Complaints Officer as the complainant; and
- (b) provide a copy of the complaint to the respondent on request.

Notice of right to receive copy of complaint

(5.1) A summary of a complaint provided under paragraph (2)(a) or (5)(a) must include a statement advising the respondent of the right to receive a copy of the complaint under paragraph (2)(b) or (5)(b) on request.

Complaint against former registrant

(6) Despite subsection (1) or (3), a complaint respecting the conduct of a nurse who is no longer a registrant at the time of the complaint may be dealt with under this Part only if the complaint is made within two years after the day on which the nurse ceased to be a registrant.

Reporting by Employers

Definition: "employment"

52. (1) In this section, "employment" includes being engaged to provide nursing services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer.

Report by employer

(2) If, because of conduct by a registrant that in the opinion of an employer is unprofessional conduct, the employment of the registrant is terminated or suspended or their entitlements are revoked, suspended or restricted, the employer must, within 30 days after the termination, suspension, revocation or restriction, as the case may be, provide the Complaints Officer with a written report setting out the reasons.

Report by employer

(3) If, because of conduct by a registrant that in the opinion of an employer is unprofessional conduct, the registrant resigns or voluntarily relinquishes or restricts their entitlements or practices, the employer must, within 30 days after the resignation, relinquishment or restriction, as the case may be, provide the Complaints Officer with a written report setting out the reasons.

Deemed complaint

(4) A report provided under subsection (2) or (3) is deemed to be a complaint made under subsection 51(1).

Limitation of liability

(5) No action or other proceeding for damages lies or may be instituted against an employer for providing a report in good faith under subsection (2) or (3).

Review of Complaint by Complaints Officer

Review and inquiry

53. (1) The Complaints Officer must, in accordance with any procedure established in the bylaws, review and inquire into a complaint to the extent the Complaints Officer considers warranted for the purposes of this Part.

Assistance

(2) In reviewing a complaint, the Complaints Officer may engage the services of any person whom the Complaints Officer considers necessary.

Acting on complaint

54. (1) Subject to the bylaws and subsections (2) and (2.1), the Complaints Officer may, in respect of a complaint,

- (a) dismiss the complaint, in whole or in part, if the Complaints Officer is satisfied that
 - (i) the conduct described in the complaint does not amount to unprofessional conduct,

- (ii) the complaint is trivial, frivolous or vexatious, or
 - (iii) there is insufficient evidence of unprofessional conduct to provide a reasonable basis to continue with the complaints process;
- (b) accept the voluntary surrender of the respondent's registration and certificate and transfer the matter to the Professional Conduct Committee under subsection 66(1);
- (c) refer the complaint, in whole or in part, to the Fitness to Practice Committee if, in the opinion of the Complaints Officer and in accordance with the regulations, the respondent
 - (i) is incapable of practising nursing, or
 - (ii) is unfit to practice nursing;
- (d) refer the complaint, in whole or in part, to an alternative dispute resolution process under subsection 58(1) if
 - (i) the Complaints Officer is not the complainant;
 - (ii) the complainant and the respondent agree to the referral; and
 - (iii) the Complaints Officer is satisfied that the referral is appropriate in the circumstances; or
- (e) refer the complaint, in whole or in part, to the Professional Conduct Committee.

Referral to Professional Conduct Committee required

(2) If a complaint alleges sexual misconduct by a respondent towards a patient, the Complaints Officer must refer the complaint to the Professional Conduct Committee.

(2.1) Unless subsection (2) applies, the Complaints Officer must refer a complaint to the Fitness to Practice Committee if the Complaints Officer is of the opinion that

- (a) the conduct described in the complaint demonstrates that the respondent is incapable of practising nursing, but the respondent did not know and could not have reasonably known at the time of the conduct that they were incapable of practising nursing; or
- (b) the conduct described in the complaint demonstrates that respondent is unfit to practice nursing, but the respondent did not know and could not reasonably have known at the time of the conduct that they were unfit to practice nursing.

Notice of decision

- (3) The Complaints Officer must, in accordance with the regulations and without delay,
- (a) give a copy of any decision or referral made under subsection (1) or (2) to the respondent;
 - (b) give written notice of the decision or referral to the complainant; and
 - (c) in the case of a decision made under paragraph (1)(a) or (b), give written reasons for the decision to the respondent.

Notice of dismissal

(4) On dismissing a complaint under paragraph (1)(a), the Complaints Officer must, in accordance with the regulations,

- (a) give written reasons for the dismissal to the complainant; and
- (b) give written notice of the right to have the dismissal reviewed by the Professional Conduct Committee under section 55 to the complainant and to the respondent.

Review of Dismissal of Complaint

Complainant may apply for review

55. (1) The complainant may, within 30 days after receiving notice of a dismissal under paragraph 54(3)(b), apply to the Complaints Officer for a review by the Professional Conduct Committee of the decision of the Complaints Officer.

Form of application

(2) An application made under subsection (1) must be made in accordance with the regulations and include reasons.

Referral to Professional Conduct Committee

(3) The Complaints Officer must refer an application made under subsection (1) to the Professional Conduct Committee.

Decision of Professional Conduct Committee

(4) Subject to subsection (5), after reviewing a decision of a Complaints Officer to dismiss a complaint, the Professional Conduct Committee must

- (a) confirm the dismissal, if the Professional Conduct Committee is satisfied that
 - (i) the conduct described in the complaint does not amount to unprofessional conduct,
 - (ii) the complaint is trivial, frivolous or vexatious, or
 - (iii) there is insufficient evidence of unprofessional conduct to provide a reasonable basis to continue with the complaints process; or
- (b) reverse the dismissal.

Hearing not required

(5) The Professional Conduct Committee is not required to hold a hearing before making a decision under subsection (4), but must, in accordance with the regulations,

- (a) invite the complainant and the respondent to make submissions within 30 days or within such longer period of time as the Professional Conduct Committee may specify; and
- (b) consider any submissions made under paragraph (a).

Deemed referral

(6) If the Professional Conduct Committee reverses a dismissal under paragraph (4)(b), the complaint that was dismissed is deemed to have been referred to the Professional Conduct Committee under paragraph 54(1)(e).

Suspension by Complaints Officer

Suspension by Complaints Officer

56. (1) If, at any time before a complaint is referred to the Fitness to Practice Committee, an alternative dispute resolution process, or the Professional Conduct Committee, the Complaints Officer determines that a suspension of a nurse's registration and certificate is necessary to protect the public against a significant risk to health or safety, the Complaints Officer may, in accordance with the procedure established in the bylaws and in consultation with the Executive Director, suspend the nurse's registration and certificate.

Notice of suspension and referral to Professional Conduct Committee

(2) If the Complaints Officer imposes a suspension under subsection (1), the Complaints Officer must, without delay and in accordance with the regulations,

- (a) give written notice of and reasons for the suspension to the nurse;
- (b) provide the Registrar with a copy of the written notice and reasons; and
- (c) refer the suspension to the Professional Conduct Committee for the purposes of subsection (4).

Deemed suspension

(3) A suspension under subsection (1) is deemed to be a suspension imposed by the Professional Conduct Committee under paragraph 60(1)(a).

Confirmation by Professional Conduct Committee

(4) Despite subsection (3), a suspension under subsection (1) must be confirmed by the Professional Conduct Committee within three business days or it is void.

Contents of notice

(5) A notice given under paragraph (2)(a) must include a statement that the suspension must be confirmed by the Professional Conduct Committee within three business days or it is void.

Notice if suspension confirmed

(6) If a suspension is confirmed under subsection (4), the Chairperson of the Professional Conduct Committee must, without delay and in accordance with the regulations

- (a) give the nurse written notice
 - (i) that the suspension was confirmed by the Professional Conduct Committee, and
 - (ii) of the right to appeal the suspension under subsection 61(1); and
- (b) provide the Registrar with a copy of the written notice given under subparagraph (a)(i).

Notice if suspension not confirmed

(7) If a suspension is not confirmed under subsection (4), the Chairperson of the Professional Conduct Committee must, without delay and in accordance with the regulations,

- (a) give the nurse written notice that the suspension was not confirmed by the Professional Conduct Committee and is void; and
- (b) provide the Registrar with a copy of the written notice.

Review by the Fitness to Practice Committee

Review and inquiry

57. (1) On receiving a complaint referred to the Fitness to Practice Committee, the Chairperson of the Fitness to Practice Committee must, in accordance with any procedure established in the regulations, review and inquire into the complaint to the extent the Chairperson of the Fitness to Practice Committee considers warranted for the purposes of this Part.

Consent

(2) The Fitness to Practice Committee only has jurisdiction over a nurse if the nurse consents to its jurisdiction.

Refusal or revocation of consent

(3) If a nurse that is referred to the Fitness to Practice Committee does not consent to the jurisdiction of the Fitness to Practice Committee, or revokes their consent, the Fitness to Practice Committee must cease any action under this section and the complaint must be dealt with under this Part as if there had been no referral to the Fitness to Practice Committee.

Power of Fitness to Practice Committee

- (4) The Fitness to Practice Committee may require the nurse to
- (a) submit to specified physical or mental examinations, or both;
 - (b) consent to the release of the results of examinations under paragraph (a) to the Fitness to Practice Committee;
 - (c) consent to the release of their medical records to the Fitness to Practice Committee;
 - (d) upon recommendation of the person who performed a physical or mental examination of the nurse, submit to treatment by a person or at a facility specified by the Fitness to Practice Committee;
 - (e) consent to the release of the results and reports of treatments under paragraph (d) to the Fitness to Practice Committee;
 - (f) cease practising nursing, or restrict their practice of nursing in a manner specified by the Fitness to Practice Committee, until
 - (i) the results of a physical or mental examination have been released, or
 - (ii) if the results of a physical or mental examination indicate that the nurse is incapable of practising nursing or unfit to practice nursing, the Fitness to Practice Committee is satisfied that the nurse is no longer incapable of practising nursing or unfit to practice nursing; or
 - (g) consent or submit to any other action prescribed by the regulations that the Fitness to Practice Committee considers appropriate.

Right to make representations

(5) Prior to requiring a nurse to cease or restrict their practice of nursing under paragraph (4)(f), the Fitness to Practice Committee must provide the nurse a reasonable opportunity to present arguments and evidence, in accordance with the regulations, as to why the requirement should not be made.

Compliance with restrictions

(6) If the Fitness to Practice Committee requires the nurse to restrict their practice of nursing under paragraph (4)(f), the Fitness to Practice Committee may require them to, for the purpose of ensuring compliance,

- (a) consent to be monitored by a practice monitor designated by the Fitness to Practice Committee, and to the reports of the practice monitor being submitted to the Fitness to Practice Committee;
- (b) submit to site visits or practice audits by the Fitness to Practice Committee or a person designated by the Fitness to Practice Committee;
- (c) provide billing and other records to the Fitness to Practice Committee;
- (d) submit to ongoing medical care or health monitoring;
- (e) consent to the release of reports and results from ongoing medical care and health monitoring to the Fitness to Practice Committee; or
- (f) consent or submit to any other action prescribed by the regulations that the Fitness to Practice Committee considers appropriate.

Continuance of disciplinary action

(7) If, following a referral under paragraph 54(1)(c), 59(2)(b) or 64(2)(e), the Fitness to Practice Committee determines that the alleged conduct of the nurse is not caused by incapacity or being unfit to practice nursing, then the complaint, or the unsettled part, must be dealt with under this Part as if there had been no referral to the Fitness to Practice Committee.

Failure to comply

(8) In addition to the initial complaint, any failure by a nurse to comply with the requirements made under subsection (4) or (6) must, in accordance with the regulations,

- (a) be referred to the Professional Conduct Committee under subsection 54(1)(e), if the referral to the Fitness to Practice Committee was made under paragraph 54(1)(c);
- (b) be referred back to the Professional Conduct Committee to appoint an investigator under paragraph 59(2)(d), if the referral to the Fitness to Practice Committee was made under paragraph 59(2)(b); or
- (c) be referred back to the Professional Conduct Committee to take action under paragraph 64(2)(b), (c), (d), (f) or (g), if the referral to the Fitness to Practice Committee was made under paragraph 64(2)(e).

Alternative Dispute Resolution

Alternative dispute resolution referral

58. (1) At any time after a complaint is filed, but before a matter is referred to an investigator, the Complaints Officer, under paragraph 54(1)(d), or the Chairperson of the

Professional Conduct Committee, under paragraph 59(2)(c), may refer the complaint to an alternative dispute resolution process set out in the regulations.

Parties

(2) The parties of an alternative dispute resolution process are the respondent, complainant and a facilitator designated in accordance with the regulations.

Approval of agreement

(3) A settlement agreement reached in an alternative dispute resolution process is subject to the approval of the Chairperson of the Professional Conduct Committee.

Failure to reach a settlement

(4) If a complaint, or part of a complaint, that is referred to an alternative dispute resolution process under subsection (1), is not settled within 60 days after the referral or within such further period of time as agreed to by the complainant and the respondent, then the complaint, or the unsettled part, must be dealt with under this Part as if there had been no referral to an alternative dispute resolution process.

Failure to fulfill terms of agreement

(5) In addition to the initial complaint, any failure by the nurse to fulfill the terms of a settlement agreement approved under subsection (3) must, in accordance with the regulations,

- (a) be referred to the Professional Conduct Committee under paragraph 54(1)(e), if the referral to the alternative dispute resolution process was made under paragraph 54(1)(d); or
- (b) be referred back to the Professional Conduct Committee to designate an investigator under paragraph 59(2)(d) if the referral to the alternative dispute resolution process was made under paragraph 59(2)(c).

Review of Complaint by the Professional Conduct Committee

Review and inquiry

59. (1) On receiving a complaint referred or made to the Professional Conduct Committee, the Chairperson of the Professional Conduct Committee must, in accordance with any procedure established in the bylaws, review and inquire into the complaint to the extent the Chairperson of the Professional Conduct Committee considers warranted for the purposes of this Part.

Acting on complaint

- (2) The Professional Conduct Committee must, in respect of a complaint,
- (a) dismiss the complaint, if the Chairperson of the Professional Conduct Committee determines that
 - (i) the conduct described in the complaint does not amount to unprofessional conduct,
 - (ii) the complaint is trivial, frivolous or vexatious, or
 - (iii) there is insufficient evidence of unprofessional conduct to provide a reasonable basis to continue with the complaints process;

- (b) refer the complaint, in whole or in part, to the Fitness to Practice Committee if, in the opinion of the Chairperson of the Professional Conduct Committee, the respondent
 - (i) is incapable of practising nursing, or
 - (ii) is unfit to practice nursing;
- (c) refer the complaint, in whole or in part, to an alternative dispute resolution process under subsection 58(1) if
 - (i) the Complaints Officer is not the complainant,
 - (ii) the complainant and the respondent agree to the referral, and
 - (iii) the Chairperson of the Professional Conduct Committee is satisfied that the referral is appropriate in the circumstances; or
- (d) in writing, designate one or more investigators to investigate any complaint referred or made to the Professional Conduct Committee.

Notice of dismissal

(3) On dismissing a complaint under paragraph 59(2)(a), the Chairperson of the Professional Conduct Committee must give the complainant and the respondent notice of and reasons for the dismissal, in accordance with the regulations.

Suspension by the Professional Conduct Committee

Suspension by Professional Conduct Committee

- 60.** (1) If the conduct of a nurse is being reviewed under this Part, the Professional Conduct Committee may, in accordance with the procedure established in the bylaws,
- (a) suspend the nurse's registration and certificate, if the Professional Conduct Committee determines that a suspension is necessary to protect the health or safety of the public; or
 - (b) place any limitations, terms or conditions on the nurse's entitlement to practice that the Professional Conduct Committee considers necessary to protect the health or safety of the public.

Notice of suspension

(2) If the Professional Conduct Committee imposes a suspension under paragraph (1)(a), or places limitations, terms or conditions on a nurse's entitlement to practice under paragraph (1)(b), the Chairperson of the Professional Conduct Committee must, without delay and in accordance with the regulations,

- (a) give the nurse
 - (i) written notice of and reasons for the suspension, or the limitations, terms or conditions, and
 - (ii) written notice of the right to appeal the suspension, or the limitations, terms or conditions, under subsection 61(1); and
- (b) provide the Registrar with a copy of the written notice and reasons given under subparagraph (a)(i).

Non-application

(3) Subsection (2) does not apply to a suspension that is deemed under subsection 56(3) to be a suspension under paragraph (1)(a).

Effective date of suspension

(4) A suspension under paragraph (1)(a) or the placing of limitations, terms or conditions on a nurse's entitlement to practice under paragraph (1)(b)

- (a) is not effective until written notice of and reasons for the suspension, or the limitations, terms and conditions, are given to the nurse; and
- (b) is only effective until
 - (i) a decision is rendered in respect of the complaint under subsection 64(2) and the complaint is not referred, in whole or in part, to a Board of Inquiry under that subsection,
 - (ii) a decision is rendered in respect of the complaint under sections 78 to 80,
 - (iii) the complaint is referred to the Fitness to Practice Committee and the respondent has consented to a requirement made by the Fitness to Practice Committee under subsections 57(4) or (6), or
 - (iv) the complaint is referred to an alternative dispute resolution process under subsection 58(1) and the Chairperson of the Professional Conduct Committee has approved the terms of a settlement agreement under subsection 58(3).

Revocation of suspension

(5) A suspension under paragraph (1)(a) must be revoked, or limitations, terms or conditions placed on a nurse's entitlement to practice under paragraph (1)(b) must be removed, as applicable, if the Professional Conduct Committee determines that the suspension or the limitations, terms or conditions are no longer necessary to protect the health or safety of the public.

Notice of revocation

(6) If a suspension under paragraph (1)(a) is revoked, or limitations, terms or conditions placed on a nurse's entitlement to practice under paragraph (1)(b) are removed, the Chairperson of the Professional Conduct Committee must notify the Registrar without delay.

Reinstatement

(7) If the Registrar receives notice under subsection (6) that a suspension has been revoked, the Registrar must, without delay and on payment of any fees prescribed by the bylaws,

- (a) reinstate the nurse in the appropriate register; and
- (b) give written notice of the reinstatement to the nurse, in accordance with the regulations.

Notice

(8) If the Registrar receives notice under subsection (6) that limitations, terms or conditions placed on a nurse's entitlement to practice have been removed, the Registrar must, without delay, give written notice to the nurse, in accordance with the regulations.

Appeal of Suspension

Appeal

61. (1) A nurse who has had their registration and certificate suspended under subsection 56(4) or paragraph 60(1)(a), or who has had limitations, terms or conditions placed on their entitlement to practice under paragraph 60(1)(b), may, within 30 days of receiving written notice of the suspension under subparagraph 56(6)(a)(i) or subsection 60(2) or of the limitations, terms or conditions under subsection 60(2), as the case may be, appeal the decision of the Professional Conduct Committee to the Nunavut Court of Justice by filing a notice of appeal with the Nunavut Court of Justice and serving it on the college.

Decision

(2) If, on hearing an appeal under subsection (1), the Nunavut Court of Justice finds that the suspension or the placing of limitations, terms or conditions on the nurse's entitlement to practice was unreasonable, the Nunavut Court of Justice may

- (a) make a decision or an order that reverses or modifies the decision under appeal;
- (b) refer the matter, or any issue, back to the Professional Conduct Committee for further consideration; or
- (c) provide any direction that it considers appropriate.

Costs

(3) The Nunavut Court of Justice, on hearing an appeal under subsection (1), may make any order as to costs that it considers appropriate.

Investigation

Designation of investigator

62. (1) The Chairperson of the Professional Conduct Committee must, in writing, designate one or more investigators to investigate any complaint referred or made to the Professional Conduct Committee that

- (a) is not dismissed under subsection 59(2)(d);
- (b) is referred under paragraph 57(8)(b); or
- (c) is referred under paragraph 58(5)(b).

Eligibility

(2) Any person, including a member of the Professional Conduct Committee, but not including the Executive Director or the Registrar, is eligible to be designated as an investigator.

Conflict of interest

(3) If a member of the Professional Conduct Committee is appointed as an investigator under subsection (2), they must not participate in any decision under subsections 64(1) to (3).

Assistance for investigation

63. (1) With the approval of the college, an investigator may engage, at the expense of the college, any legal or other assistance that the investigator considers necessary for the purposes of the investigation.

Inquiries and production

- (2) For the purpose of investigating a complaint, an investigator may
- (a) make oral or written inquiries of any person whom the investigator reasonably believes has or may have information relevant to the complaint;
 - (b) demand the production for examination of documents, records and other materials that the investigator reasonably believes are in a person's possession or under a person's control that are or may be relevant to the complaint; and
 - (c) make copies of a document, record or other material produced for examination.

Duty to cooperate

(3) Every person to whom an inquiry is made under paragraph (2)(a) must, to the best of their ability, respond to the inquiry.

Duty to produce document

(4) Every person to whom a demand is made under paragraph (2)(b) must provide to the investigator any document, record or other material that is the subject of the demand no later than 30 days after the demand is made, or within such further period of time as the investigator may allow.

Response required

(5) A nurse must not refuse, on the grounds of professional privilege or confidentiality, to respond to inquiries from an investigator, or to produce for examination a document, record or other material.

Return of materials

(6) Within a reasonable period of time, but no later than 14 days after the completion of a hearing into a complaint, an investigator must return any document, record or other material produced for examination.

Application to Nunavut Court of Justice

(7) If a person fails or refuses to respond to an inquiry or to comply with a demand made by an investigator under subsection (2), the college may apply to the Nunavut Court of Justice for an order requiring the person to respond or to comply.

Supporting affidavit

(8) An application under subsection (7) must include a statement by the investigator, on oath or affirmation, of the grounds for believing the matter referred to in paragraph (2)(a) or (b).

Failure or refusal to respond or comply

(9) If a respondent fails or refuses to respond to an inquiry or to comply with a demand made by an investigator under subsection (2), the investigator may make a complaint to the Chairperson of the Professional Conduct Committee in accordance with the bylaws, and the failure or refusal may be found by a Board of Inquiry to be unprofessional conduct.

Additional matters

(10) An investigator may investigate any matter, in addition to the complaint, that arises during the course of an investigation that may constitute unprofessional conduct by the respondent.

Summary to respondent

(11) On investigating an additional matter, an investigator must

- (a) provide to the respondent and to the Chairperson of the Professional Conduct Committee a summary of the additional matter under investigation; and
- (b) provide the respondent with an opportunity to present information in respect of the additional matter.

Written report to Chairperson

(12) On completing an investigation, the investigator must provide a written report to the Chairperson of the Professional Conduct Committee.

Copy of report to respondent

(13) The Chairperson of the Professional Conduct Committee must give the respondent

- (a) a copy of the investigation report; and
- (b) written notice that they will be invited to make a written submission under subsection 64(4) before the Professional Conduct Committee makes a decision.

Further allegations

64. (1) After considering an investigation report, the Professional Conduct Committee may add further allegations to the complaint arising from an investigation of any additional matter under subsection 63(10).

Acting on investigation report

(2) Subject to subsection (4), after considering an investigation report, the Professional Conduct Committee must

- (a) dismiss the complaint, if the Professional Conduct Committee is satisfied that
 - (i) the conduct described in the complaint does not amount to unprofessional conduct,
 - (ii) the complaint is trivial, frivolous or vexatious, or
 - (iii) there is insufficient evidence of unprofessional conduct to provide a reasonable basis to continue with the complaints process;
- (b) censure the respondent in accordance with section 65 if

- (i) the respondent agrees to accept the censure, and
- (ii) the Professional Conduct Committee has decided that no action is to be taken against the respondent other than censure;
- (c) accept the voluntary surrender of the respondent's registration and certificate in accordance with section 66;
- (d) accept an undertaking from the respondent that provides for one or more of the following:
 - (i) the respondent to complete a specified course of studies or training,
 - (ii) the respondent to attend specified counselling or undergo specified treatment,
 - (iii) the placing of limitations, terms or conditions on the respondent's entitlement to practice, including those set out in subsection 66(9) relating to reinstatement;
- (e) refer the complaint, in whole or in part, to the Fitness to Practice Committee if, in the opinion of the investigator and in accordance with the regulations, the respondent
 - (i) is incapable of practising nursing, or
 - (ii) is unfit to practice nursing;
- (f) refer the complaint, in whole or in part, to a Board of Inquiry to conduct a hearing; or
- (g) take any other action the Professional Conduct Committee considers appropriate that is not inconsistent with or contrary to this Act, the regulations or the bylaws.

Direction to pay costs

- (3) The Professional Conduct Committee may direct the respondent to pay to the college, within the time stated in the direction, all or part of
- (a) the costs of the investigation; and
 - (b) if limitations, terms or conditions are placed on the respondent's entitlement to practice under subparagraph (2)(d)(iii), the costs incurred by the college in monitoring compliance with the limitations, terms or conditions.

Hearing not required

- (4) The Professional Conduct Committee is not required to hold a hearing before taking action under subsection (2), but must, in accordance with the regulations
- (a) invite the respondent to make a written submission within 30 days or within such longer period of time as the Professional Conduct Committee may specify; and
 - (b) consider any submission made under paragraph (a).

Notice of decision

- (5) The Chairperson of the Professional Conduct Committee must, without delay and in accordance with the regulations,

- (a) give a copy of any decision the Professional Conduct Committee makes under subsection (2) to the respondent;
- (b) give written notice of the decision to the complainant; and
- (c) other than in the case of a decision made under paragraph (2)(f), give written reasons for the decision to the respondent.

Notice of dismissal

(6) On dismissing a complaint under paragraph (2)(a), the Chairperson of the Professional Conduct Committee must also give written reasons for the dismissal to the complainant, in accordance with the regulations.

Appeal of Direction to Pay Costs of Investigation

Hearing not required

64.1. (1) The Professional Conduct Committee is not required to hold a hearing before making a direction to pay the costs of an investigation under paragraph 64(3)(a), but must, in accordance with the regulations,

- (a) invite the respondent to make a written submission within 15 days or within such longer period of time as the Professional Conduct Committee may specify; and
- (b) consider any written submission made under paragraph (a).

Notice of direction

(2) If the Professional Conduct Committee makes a direction referred to in subsection (1), the Professional Conduct Committee must, without delay, give to the respondent, in accordance with the regulations,

- (a) a copy of the direction;
- (b) written reasons for the direction; and
- (c) written notice of the right to appeal the direction under subsection (3).

Appeal

(3) A respondent who is issued a direction referred to in subsection (1) may, within 30 days after receiving a copy of the direction under paragraph (2)(a), appeal the direction to a Board of Inquiry by submitting a written notice of appeal to the Board of Directors.

Referral to Board of Inquiry

(4) On receiving a written notice of appeal under subsection (3), the Board of Directors must,

- (a) if the complaint has been referred to a Board of Inquiry under paragraph 64(2)(f), refer the appeal to the Board of Inquiry; or
- (b) if the complaint has not been referred to a Board of Inquiry under paragraph 64(2)(f),
 - (i) establish a Board of Inquiry, in accordance with section 68, to hear the appeal, and
 - (ii) refer the appeal to the Board of Inquiry.

Order

(5) A Board of Inquiry, on hearing an appeal under subsection (4), may make any order as to costs that it considers appropriate.

Censure

Appearance in person may be required

65. (1) If a respondent is censured under paragraph 64(2)(b), the Professional Conduct Committee may require the respondent to appear before the Professional Conduct Committee to be censured, in accordance with the regulations.

Notice to employer

(2) The Professional Conduct Committee must give to the following persons written notice of, and a description of the circumstances that led to, a censure:

- (a) subject to the bylaws, any employer of the respondent known to the Professional Conduct Committee;
- (b) any person or entity prescribed by the bylaws.

Information to be made publicly available

(3) Subject to subsection (4), the Professional Conduct Committee must make available to the public the following information in writing in respect of a censure, in accordance with the regulations:

- (a) the name of the respondent who has been censured;
- (b) a description of the circumstances that led to the censure.

Censure relating to disability or condition

(4) If, in agreeing to accept a censure, the respondent admits that their capacity to provide nursing services in accordance with accepted standards is impaired by a disability or condition, including an addiction or illness, the Professional Conduct Committee must not include information that the respondent has a disability or condition when making a description of the circumstances that led to the censure publicly available under paragraph (3)(b).

Voluntary Surrender of Certificate of Registration

Transfer to Professional Conduct Committee

66. (1) If the Complaints Officer accepts the voluntary surrender of a respondent's registration and certificate under paragraph 54(1)(b), the Complaints Officer must transfer the matter to the Professional Conduct Committee for the purposes of this section.

Requirements for reinstatement

(2) If a matter is transferred to the Professional Conduct Committee under subsection (1), or if the Professional Conduct Committee accepts the voluntary surrender of a respondent's registration and certificate under paragraph 64(2)(c), the Chairperson of the Professional Conduct Committee may direct the respondent to do one or more of the following before the respondent's registration and certificate may be reinstated:

- (a) to the satisfaction of the Professional Conduct Committee,

- (i) complete a specified course of studies or training or obtain supervised practical experience under a temporary certificate issued for that purpose, or
- (ii) take specified counselling or undergo specified treatment;
- (b) satisfy the Professional Conduct Committee
 - (i) as to the respondent's competence generally, or in a particular area of practice, or
 - (ii) that a disability or condition is unlikely to result in further unprofessional conduct.

Direction to pay costs

(3) The Chairperson of the Professional Conduct Committee may direct the respondent to pay to the college, within the time stated in the direction, all or part of any costs incurred by the college in monitoring compliance with a direction given under subsection (2).

Notice to employer

(4) The Chairperson of the Professional Conduct Committee must give to the following persons notice of, and a description of the circumstances that led to, a voluntary surrender:

- (a) subject to the bylaws, any employer of the respondent known to the Professional Conduct Committee;
- (b) any person or entity prescribed by the bylaws.

Information to Registrar

(5) Subject to subsection (6), the Chairperson of the Professional Conduct Committee must provide the Registrar with the following information in writing in respect of a voluntary surrender for inclusion in the public register:

- (a) the name of the respondent;
- (b) the fact that the respondent has voluntarily surrendered their registration and certificate;
- (c) a description of the circumstances that led to the voluntary surrender.

Voluntary surrender relating to disability or condition

(6) If, in agreeing to voluntarily surrender their registration and certificate, the respondent admits that their capacity to provide nursing services in accordance with accepted standards is impaired by a disability or condition, including an addiction or illness, the Professional Conduct Committee must not include information that the respondent has a disability or condition with the information provided to the Registrar under subsection (5).

Information to be made publicly available

(7) If the Registrar receives information in respect of a voluntary surrender under subsection (5), the Registrar must add the information to the public register under paragraph 93(1)(b).

Duration of voluntary surrender

(8) A voluntary surrender remains in effect until the Professional Conduct Committee is satisfied that the complaint has been resolved.

Conditions on reinstatement

(9) If the Professional Conduct Committee is satisfied that the complaint has been resolved, the Chairperson of the Professional Conduct Committee must direct the respondent's registration and certificate to be reinstated on payment of any fees prescribed by the bylaws, and may, by that direction, place limitations, terms or conditions on the respondent's entitlement to practice, including requirements that the respondent do one or more of the following:

- (a) limit their practice;
- (b) practice under supervision;
- (c) not engage in sole practice;
- (d) permit periodic inspections or audits of their practice, including inspections or audits of practice records;
- (e) report to the Professional Conduct Committee or the Registrar on specific matters;
- (f) comply with any other conditions the Professional Conduct Committee considers appropriate in the circumstances;
- (g) pay to the college, within the time stated in the direction, all or part of the costs incurred by the college in monitoring compliance with the limitations, terms or conditions.

Copy of direction

(10) If the Professional Conduct Committee makes a direction under subsection (9), the Chairperson of the Professional Conduct Committee must, without delay, give a copy of the direction to the respondent and to the Registrar in accordance with the regulations.

Reinstatement

(11) If the Registrar receives a copy of a direction under subsection (10), the Registrar must, without delay and on payment of any fees prescribed by the bylaws,

- (a) reinstate the respondent in the appropriate register; and
- (b) give notice of the reinstatement to the respondent in accordance with the regulations.

Referral to a Board of Inquiry

Referral to Board of Inquiry

67. In addition to any referral made under paragraph 64(2)(f), the Professional Conduct Committee may refer a complaint, in whole or in part, to a Board of Inquiry to conduct a hearing,

- (a) if the Complaints Officer accepts the voluntary surrender of a respondent's registration and certificate under paragraph 54(1)(b) and the matter is transferred to the Professional Conduct Committee under section 66, and the complaint is not resolved to the satisfaction of the Professional Conduct Committee under that section;
- (b) if the Professional Conduct Committee accepts the voluntary surrender of a respondent's registration and certificate under paragraph 64(2)(c), and the complaint is not resolved to the satisfaction of the Professional Conduct Committee under section 66;

- (c) if the Professional Conduct Committee provides an undertaking to the respondent for their consideration for the purposes of paragraph 64(2)(d), and the respondent does not, within 30 days after the undertaking is provided,
 - (i) sign an undertaking acceptable to the Professional Conduct Committee, and
 - (ii) submit the signed undertaking to the Professional Conduct Committee; or
- (d) if the Professional Conduct Committee accepts an undertaking from the respondent under paragraph 64(2)(d), and the respondent fails to comply with the undertaking or a condition of the undertaking.

Board of Inquiry

Notice of referral

68. (1) If the Professional Conduct Committee refers a complaint to a Board of Inquiry to conduct a hearing, the Chairperson of the Professional Conduct Committee must notify the Board of Directors and the Complaints Officer.

Establishment

(2) On receiving notice under subsection (1), the Board of Directors must, in accordance with the bylaws, establish a Board of Inquiry to hear the matter.

Composition

- (3) Subject to subsection (4) and (5), the composition of the Board of Inquiry
 - (a) must be in accordance with the bylaws; and
 - (b) must include at least one person who is a member of the public in Nunavut and who is recommended for inclusion on the Board of Inquiry by the Minister.

Application

(4) Paragraph (3)(b) applies only if the Minister recommends a person for inclusion on the Board of Inquiry within 30 days from the notice given under subsection (1).

If no recommendation by the Minister

(5) If a member of the public in Nunavut is not recommended by the Minister, at least one person who is a member of the public in Nunavut must be appointed to the Board of Inquiry.

Restriction

(6) The Complaints Officer, an investigator appointed under subsection 62(1) or a person who has taken part in an alternative dispute resolution process, Fitness to Practice Committee review or Professional Conduct Committee review, of what is to be the subject matter of the hearing, is not eligible to be designated as a member of the Board of Inquiry.

Chairperson

(7) The Board of Directors must designate one member of the Board of Inquiry as Chairperson of the Board of Inquiry.

Hearings

Rules of procedure

69. (1) The Professional Conduct Committee may, subject to this Act and the bylaws, make rules of procedure respecting the conduct of hearings.

Natural justice

(2) Hearings must be conducted in accordance with the rules of natural justice.

Hearing

70. (1) A Board of Inquiry must conduct a hearing into a complaint that is referred to it.

Notice of hearing

(2) At least 30 days before the commencement of the hearing, the Chairperson of the Board of Inquiry must serve the complainant and the respondent with a written notice stating the date, time and place of the hearing, in accordance with the regulations.

Non-attendance

(3) If the respondent does not attend the hearing, the Board of Inquiry, on proof of service of the written notice on the respondent, may proceed with the hearing and take any action authorized by this Act without further notice to the respondent.

Adjournment

71. On application by the Complaints Officer or respondent, the Board of Inquiry may, on the terms it considers appropriate, grant a temporary adjournment of a hearing.

Absence of member

72. (1) Subject to subsection (2), if a member of the Board of Inquiry becomes unable to continue with the hearing, the Board of Inquiry may, in the absence of the member, continue with and complete the hearing.

Members

- (2) A Board of Inquiry must not continue a hearing
- (a) with fewer than two members; and
 - (b) without a member of the public in Nunavut.

Public hearings

73. (1) A hearing must be open to the public, unless the Board of Inquiry is of the opinion that

- (a) personal, medical, financial or other interests of a person may be prejudiced if all or part of the hearing is held in public; and
- (b) the privacy interests of the person described in paragraph (a) outweigh the public interest in the hearing being open to the public.

Exception

(2) If the Board of Inquiry is satisfied as to the matters referred to in paragraphs (1)(a) and (b), the Board of Inquiry may exclude the public from all or part of the hearing.

Assistance for hearing

74. (1) With the approval of the college, the Board of Inquiry may engage, at the expense of the college, any legal or other assistance that the Board of Inquiry considers necessary for the purposes of a hearing.

Parties

(2) The parties to a hearing are the college and the respondent.

Complainant

(3) The complainant is not a party to a hearing.

Presentation of case

(4) The Complaints Officer, or legal counsel for the college, must present the case against the respondent at a hearing on behalf of the college.

Compellable witness

75. (1) The following persons are compellable witnesses at a hearing:

- (a) the respondent;
- (b) the complainant;
- (c) any other person whom the Board of Inquiry or a party to a hearing into a complaint reasonably believes
 - (i) may have knowledge respecting the complaint, or
 - (ii) has in their possession or under their control documents, records or other materials that are or may be relevant to the complaint.

Compelling attendance

(2) The attendance of a witness before the Board of Inquiry to testify or to produce documents, records or other materials may be compelled by a written notice issued by the Chairperson of the Board of Inquiry and served on the witness, requiring the witness to attend and stating

- (a) the date, time and place at which the witness is to attend; and
- (b) the documents, records or other materials, if any, that the witness is required to produce.

Issue of notices on request

(3) The Chairperson of the Board of Inquiry must

- (a) issue notices under subsection (2) at the written request of a party to the hearing; and
- (b) provide the notices, without charge, to the party who requested them to facilitate service on the witnesses.

Interprovincial Subpoenas Act

- (4) The *Interprovincial Subpoenas Act* applies to
- (a) a written notice issued under subsection (2), if a witness is required to
 - (i) attend a place outside Nunavut, or
 - (ii) send originals of documents, records or other materials to a place outside Nunavut; and
 - (b) a written notice issued under subsection 80(2) of the *Nursing Profession Act* (Northwest Territories).

Witness fees

(5) Subject to subsection (4), a witness, other than the respondent, who has been served with a notice to attend or a notice for the production of documents, records or other materials, is entitled to be paid the usual fees payable to witnesses in an action in the Nunavut Court of Justice by the party requiring the witness to attend or to produce.

Application to Nunavut Court of Justice

(6) The Chairperson of the Board of Inquiry or the party wanting to call a witness may apply to the Nunavut Court of Justice for an order to summon the witness to attend before the Board of Inquiry to testify or to require the witness to produce documents, records or other materials if the witness failed or refused

- (a) to attend before a hearing of the Board of Inquiry after receiving a notice to attend; or
- (b) to produce the documents, records or other materials as required by a notice for production.

Supporting affidavit

(7) An application under paragraph (6)(a) must, if the witness is not the respondent or complainant, include a statement by the applicant, on oath or affirmation, of the grounds for reasonably believing that the witness may have knowledge respecting the complaint.

Supporting affidavit

(8) An application under paragraph (6)(b) must include a statement by the applicant of the grounds for reasonably believing that the witness has in their possession or under their control documents, records or other materials that are or may be relevant to the complaint.

Oath or affirmation

(9) A member of the Board of Inquiry has the power to administer an oath or affirmation to a witness who is to give evidence before the Board of Inquiry.

Examination

(10) A witness at a hearing may be examined on oath or affirmation on all matters relevant to the hearing and must not be excused from answering a question on the grounds of professional privilege or on the grounds that the answer might

- (a) tend to incriminate the witness;
- (b) subject the witness to punishment under the disciplinary provisions of this Act or the *Nursing Profession Act* (Northwest Territories); or

- (c) tend to establish the liability of the witness
 - (i) in a civil proceeding at the instance of the Government of Nunavut or any person, or
 - (ii) to prosecution under an Act of Nunavut or an Act of Canada.

Limitation

(11) An answer given under subsection (10) must not be used or received against the witness in any civil proceedings or in any proceedings under any other Act of Nunavut, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence if the answer

- (a) tends to incriminate the witness;
- (b) subjects the witness to punishment; or
- (c) tends to establish the liability of the witness as described in paragraph 10(c).

Testimony of non-resident witness

(12) For the purpose of obtaining the testimony of a witness who is outside of Nunavut, the Nunavut Court of Justice, on *ex parte* application by the Chairperson of the Board of Inquiry, the Complaints Officer or the respondent may, under the Rules of the Nunavut Court of Justice and with such modifications as the circumstances require, make an order appointing an examiner for the obtaining of evidence of the witness.

Civil contempt

76. (1) On application to the Nunavut Court of Justice in accordance with the Rules of the Nunavut Court of Justice, proceedings for civil contempt of court may be brought against a witness

- (a) who fails
 - (i) to attend before a hearing of the Board of Inquiry after receiving a notice to attend,
 - (ii) to produce documents, records or other materials as required by a notice to produce them, or
 - (iii) in any way to comply with a notice referred to in subparagraph (i) or (ii); or
- (b) who refuses to be sworn or affirmed, or to answer any question allowed by the Board of Inquiry before whom the hearing is being conducted.

Unprofessional Conduct

(2) If the witness referred to in subsection (1) is the respondent, the failure or refusal may be held to be unprofessional conduct

Record of hearing

77. (1) The Board of Inquiry must make a record of each hearing.

Contents of record

(2) A record of a hearing must include any information prescribed by the bylaws.

Recording of oral evidence

(3) The oral evidence given at a hearing must be recorded by audio tape or by a device, machine or system approved by the Board of Inquiry for recording sound.

Transcript of recording

(4) At the request of a party who is appealing a decision of the Board of Inquiry, a transcript of a recording made under subsection (3) must be prepared and given to that party at that party's expense.

Decision

Action if conduct not unprofessional

78. (1) If, on completion of a hearing, the Board of Inquiry finds that the conduct under review is not unprofessional conduct, the Board of Inquiry must dismiss the complaint.

Action on finding of unprofessional conduct

(2) If, on completion of a hearing, the Board of Inquiry finds that an act or omission of a respondent constitutes unprofessional conduct, the Board of Inquiry may, by order,

- (a) reprimand the respondent;
- (b) suspend the registration and certificate of the respondent for a stated period;
- (c) suspend the registration and certificate of the respondent until the Professional Conduct Committee is satisfied
 - (i) that the respondent has completed a specified course of studies or training or obtained supervised practical experience under a temporary certificate issued for that purpose,
 - (ii) that the respondent has taken specified counselling or undergone specified treatment,
 - (iii) as to the respondent's competence generally, or in a particular area of practice, or
 - (iv) that a disability or condition is unlikely to result in further unprofessional conduct;
- (d) accept, in place of a suspension, the respondent's undertaking to limit their practice for a stated period or until the Professional Conduct Committee is satisfied that the limit is no longer required;
- (e) impose limitations, terms or conditions on the respondent's entitlement to practice for a stated period or until the Professional Conduct Committee is satisfied that they are no longer required;
- (f) direct the respondent to complete a specified course of studies or training or to satisfy the Professional Conduct Committee as to the respondent's competence generally, or in a particular area of practice;
- (g) direct the respondent to take specified counselling or to undergo specified treatment;
- (h) direct the respondent to satisfy the Professional Conduct Committee that a disability or condition has been, or is being, successfully treated, or that

- the disability or condition does not impair the respondent's capacity to provide nursing services in accordance with accepted standards;
- (i) direct the respondent to waive, reduce or repay a fee for services rendered by the respondent that, in the opinion of the Board of Inquiry, were not rendered or were rendered improperly;
 - (j) cancel the registration and certificate of the respondent; or
 - (k) make any further or other order that the Board of Inquiry considers appropriate that is not inconsistent with or contrary to this Act, the regulations or the bylaws.

Costs respecting undertaking or conditions

(3) If the Board of Inquiry accepts an undertaking from the respondent to limit their practice, or imposes limitations, terms or conditions on the respondent's entitlement to practice, the Board of Inquiry may order the respondent to pay to the college, within the time stated in the order, all or part of the costs incurred by the college in monitoring compliance with the undertaking or with the limitations, terms or conditions.

Costs and fine

79. The Board of Inquiry may, in addition to the orders that may be made under section 78, order the respondent to pay to the college, within the time stated in the order,

- (a) all or part of the costs of the hearing;
- (b) a fine not exceeding \$10,000; or
- (c) both costs and a fine.

Decision in writing

80. (1) A decision or an order at the completion of a hearing into a complaint must be in writing and must include the findings of fact on which the decision or order was based and the reasons for the decision or order.

Alteration of decision when public excluded from hearing

(2) If the public is excluded from all or part of a hearing under subsection 73(2), the Board of Inquiry may issue directions to the Registrar concerning the manner in which the decision or order must be altered before it is included in the public register.

Service of decision

(3) On issuing a decision or an order at the completion of a hearing into a complaint, the Chairperson of the Board of Inquiry must, without delay,

- (a) serve on the respondent
 - (i) a copy of the decision or order, and
 - (ii) written notice of the right to appeal the decision or order under section 87;
- (b) give written notice of the decision or order to the complainant; and
- (c) provide a copy of the decision or order to the Registrar.

Notice of dismissal

(4) On dismissing a complaint under subsection 78(1), the Chairperson of the Board of Inquiry must also give the complainant written reasons for the dismissal.

General

Contravention of order

81. (1) If the Professional Conduct Committee is satisfied that a nurse has contravened or failed to fulfill an order under subsection 78(2), it may, without a further hearing,

- (a) direct that the registration and certificate of the nurse be suspended; and
- (b) by that direction, set any terms and conditions that it considers appropriate for reinstatement.

Copy of direction

(2) If the Professional Conduct Committee makes a direction under subsection (1), the Chairperson of the Professional Conduct Committee must, without delay, give a copy of the direction to the nurse and to the Registrar.

Suspension for non-payment

(3) If the Registrar is satisfied that a nurse who has been ordered to pay costs under subsection 78(3), or a fine, costs or both under section 79, is able to pay the amount within the stated time but fails to do so, the Registrar may suspend the registration and certificate of the nurse until the amount is paid.

Notice of suspension

(4) If the Registrar suspends the registration and certificate of a nurse under subsection (3), the Registrar must give written notice of the suspension to the nurse without delay in accordance with the regulations.

Notice if terms and conditions met

82. (1) If a nurse has been suspended under subsection 78(2) or 81(1) and terms and conditions for reinstatement were set by a Board of Inquiry, the Professional Conduct Committee, the Appeals Committee or the Nunavut Court of Justice, the Chairperson of the Professional Conduct Committee must notify the Registrar if the terms and conditions are met.

Reinstatement following suspension

(2) If a nurse has been suspended under subsection 78(2) or 81(1), the Registrar must, on payment of any fees prescribed by the bylaws,

- (a) reinstate the nurse in the applicable register,
 - (i) on the expiry of a stated period of suspension, or
 - (ii) on being notified under subsection (1) that the terms and conditions set for reinstatement by a Board of Inquiry, the Professional Conduct Committee, the Appeals Committee or the Nunavut Court of Justice, have been met; and
- (b) give written notice of the reinstatement to the nurse, in accordance with the regulations.

Recovery of fine or costs

83. A fine or costs ordered to be paid under this Part is a debt due to the college and may be recovered by the college by civil action for debt.

Prohibition

84. (1) Subject to subsection (2), a nurse whose registration and certificate are suspended, or who has voluntarily surrendered their registration and certificate, under this Part, must not engage in the practice of nursing until notified in writing by the Registrar

- (a) that
 - (i) in the case of a suspension, the suspension has expired in accordance with its terms or has been revoked, or
 - (ii) in the case of a voluntary surrender, a direction for reinstatement has been made; and
- (b) that the nurse has been reinstated in the appropriate register.

Practice under temporary certificate

(2) Subsection (1) does not prohibit a nurse from engaging in the practice of nursing under a temporary certificate issued to them for the purpose of meeting terms and conditions for reinstatement.

Notice to Employers

Notice to employers

85. If a nurse's registration and certificate are suspended or cancelled or limitations, terms or conditions are placed on their entitlement to practice under this Part, the Registrar must, without delay, give written notice, in accordance with the regulations,

- (a) subject to the bylaws, to any employer of the nurse known to the Registrar; and
- (b) to any person or entity prescribed by the bylaws.

Appeal

Appeals Committee

86. (1) When hearing an appeal under this Act, the Appeals Committee and any panel of the Appeals Committee must include

- (a) the member of the public in Nunavut appointed under paragraph 91(3)(b) of the *Nursing Profession Act* (Northwest Territories); or
- (b) if a member of the public in Nunavut is not so appointed, or one is so appointed but they are unable to hear the appeal for any reason, another member of the public in Nunavut.

Panel

(2) An appeal under paragraph 87(a) may be heard by a panel of the members of the Appeals Committee established in accordance with the bylaws.

Appeal

87. If a decision or an order is made under section 78 or 79, the college or the nurse who is subject to the decision or order may, within 30 days after service of the decision or order,

- (a) if members are appointed to the Appeals Committee, appeal the decision or order to the Appeals Committee, in accordance with the procedure established in the bylaws; or
- (b) if members are not appointed to the Appeals Committee, appeal the decision or order to the Nunavut Court of Justice by filing a notice of appeal with the Nunavut Court of Justice and serving it on
 - (i) the nurse, in the case of an appeal by the college, or
 - (ii) the college, in the case of an appeal by a nurse.

Further appeal

88. The college or a nurse who was a party to an appeal heard by the Appeals Committee may, within 30 days after service of a decision or order of the Appeals Committee, appeal the decision or order to the Nunavut Court of Justice by filing a notice of appeal with the Nunavut Court of Justice and serving it on

- (a) the nurse, in the case of an appeal by the college; or
- (b) the college, in the case of an appeal by a nurse.

Appeal to Appeals Committee

89. (1) An appeal to the Appeals Committee must be based on the record of the hearing before the Board of Inquiry and on the decision or order of the Board of Inquiry.

Appeal to Nunavut Court of Justice

- (2) An appeal to the Nunavut Court of Justice must be based, as the case may be,
 - (a) on the record of the hearing before the Board of Inquiry and on the decision or order of the Board of Inquiry; or
 - (b) on the record of the appeal before the Appeals Committee and the decision or order of the Appeals Committee.

Decision

90. (1) The Appeals Committee or the Nunavut Court of Justice, on hearing an appeal from a decision or an order of a Board of Inquiry, may

- (a) make any finding of fact that, in its opinion, should have been made;
- (b) make an order that affirms, reverses or modifies the decision or order of the Board of Inquiry;
- (c) refer the matter, or any issue, back to the Board of Inquiry for further consideration; or
- (d) provide any direction that it considers appropriate.

Costs

(2) The Appeals Committee or the Nunavut Court of Justice, on hearing an appeal from a decision or an order of a Board of Inquiry, may make any order as to costs that it considers appropriate.

Decision

91. (1) The Nunavut Court of Justice, on hearing an appeal from a decision or an order of the Appeals Committee, may

- (a) make any finding of fact that, in its opinion, should have been made;
- (b) restore the decision or order of the Board of Inquiry;
- (c) make a decision or an order that affirms, reverses or modifies the decision or order of the Appeals Committee;
- (d) refer the matter, or any issue, back to the Board of Inquiry for further consideration; or
- (e) provide any direction that it considers appropriate.

Costs

(2) The Nunavut Court of Justice, on hearing an appeal from a decision or an order of the Appeals Committee, may make any order as to costs that it considers appropriate.

No further appeal

92. A decision or an order of the Nunavut Court of Justice on an appeal under section 90 or 91 is final and conclusive and is not subject to further appeal.

Public Register

Public register

93. (1) The Registrar must, in accordance with the bylaws and the regulations, maintain a public register of

- (a) decisions and orders made by Boards of Inquiry and the Appeals Committee under this Act;
- (b) any information provided by the Professional Conduct Committee in respect of a voluntary surrender under subsection 66(5); and
- (c) any additional information prescribed by the bylaws.

Period of retention in register

(2) The Registrar must keep in the public register a copy of each decision or order referred to in paragraph (1)(a) for a period of at least 10 years from the date when the decision or order was entered in the register.

Period of retention in register

(3) The Registrar must keep in the public register information referred to in paragraph (1)(b) or (c) for the period of time specified in the bylaws.

Inspection of public register

(4) Any person may, on reasonable notice to the Registrar, inspect the public register.

Register to be posted online

(5) The public register must be made available to the public by posting it on the college's website, and information that is required to be included in the register must be added to the website without delay.

PART 8
TERMINATION OF FUNCTIONS IN NUNAVUT

Determination by Northwest Territories Branch

94. (1) Subject to subsection (4), the Northwest Territories Branch may, by a resolution of a general meeting of the Branch made in accordance with the bylaws, determine that the college will no longer perform functions in respect of Nunavut.

Determination by Nunavut Branch

(2) The Nunavut Branch may, by a resolution of a general meeting of the Branch made in accordance with the bylaws, determine that the functions of the college in respect of Nunavut will be performed by a body other than the college.

Notice of determination

(3) If the Northwest Territories Branch or the Nunavut Branch makes a determination under subsection (1) or (2) respectively, it must provide notice of that determination to the other Branch, to the Minister and to a Minister responsible for the *Nursing Profession Act* (Northwest Territories).

Limitation

(4) If the Northwest Territories Branch makes a determination under subsection (1), the date on which the college ceases to perform functions in respect of Nunavut must not be earlier than the earliest of the following:

- (a) a date agreed to in writing by the Minister and a Minister responsible for the *Nursing Profession Act* (Northwest Territories);
- (b) the date on which the functions of the college in respect of Nunavut are performed by a body other than the college;
- (c) one year after notice is provided to the Nunavut Branch under subsection (3).

Division of assets and liabilities

95. (1) After notice is provided under subsection 94(3), the Northwest Territories Branch and the Nunavut Branch must enter into negotiations in respect of the division of the assets and liabilities of the college.

Division in accordance with membership ratio

(2) The assets and liabilities of the college must be divided between the Northwest Territories Branch and the Nunavut Branch in a ratio equal to the ratio of the number of members in each Branch.

Audited financial statements

(3) The quantum of the assets and liabilities of the college must, for purposes of division under subsection (2), be determined on the basis of the audited financial statements of the college for the most recent fiscal year ended at the time notice is provided under subsection 94(3).

Number of members in each Branch

(4) For purposes of applying the ratio referred to in subsection (2), the number of members in each Branch must be determined as at the end of the most recent year ended at the time notice is provided under subsection 94(3).

Ownership of divided assets and liabilities

- 96.** (1) Upon a division of the assets and liabilities of the college,
- (a) the assets and liabilities assigned to the Northwest Territories Branch are the property of the college; and
 - (b) the assets and liabilities assigned to the Nunavut Branch are the property of the Nunavut Branch or any other body the Branch designates to receive those assets and liabilities.

Legal personality

- (2) When the Nunavut Branch is assigned property under paragraph (1)(b),
- (a) it is deemed to be a legal person with the authority to
 - (i) acquire, hold and dispose property for its purposes, and
 - (ii) have all the powers and responsibilities of a natural person with respect to its property;
 - (b) the majority of its members may exercise the powers and responsibilities under subparagraph (a)(ii); and
 - (c) its members are exempt from personal liability for its debts, obligations or acts.

PART 9
GENERAL

Miscellaneous

Right to recover reasonable charges

97. A person may bring an action for the recovery of reasonable charges for professional services, advice or visits provided and the costs of any materials or appliances supplied by that person during the time the person was a registrant, against the person to whom the services, advice or visits were provided or to whom the materials or appliances were supplied.

Limitation of liability

98. (1) No action or other proceeding for damages lies against a member of the Board of Directors, the Registrar, the Executive Director, a member of a committee of the college, the Complaints Officer, a mediator, a facilitator, an investigator, a member of a Board of Inquiry or any officer or employee of the college for any act done or omission made by that person in good faith in the exercise of their powers or the performance of their duties.

Defamation

(2) No action for defamation may be founded on a communication regarding the conduct of a nurse or a former nurse if the communication is made or is published in good faith by a person described in subsection (1) in accordance with this Act, the regulations or the bylaws.

Service on college

99. (1) If this Act requires that a notice or other document be served on the college, the document may be

- (a) served personally on the Executive Director or the Registrar;
- (b) left with an officer or employee of the college at the head office of the college;
- (c) mailed by registered mail to the head office of the college; or
- (d) served on the college by a method prescribed by the bylaws.

Service on person

(2) If this Act requires that a notice or other document be served on a person, the document may be

- (a) served personally on the person;
- (b) mailed by registered mail to the person; or
- (c) served on the person by a method prescribed by the bylaws.

Address of complainant

(3) If a person to be served is a complainant who has made a complaint under subsection 51(1), an address provided by the person to the college at the time of the complaint is deemed to be their address unless the person has provided the college with written notice of another address.

Address of registrant

(4) If a person to be served is a registrant, the most recent address provided by the registrant in writing to the college is deemed to be their address.

Emergencies

Emergency nursing services

100. Nothing in this Act restricts the rendering of nursing services in the furnishing of first aid or other temporary assistance in cases of an emergency.

Emergency services

101. (1) Nothing in the *Dental Profession Act*, the *Medical Profession Act*, the *Midwifery Profession Act*, the *Pharmacy Act* or the *Veterinary Profession Act* prohibits a registrant from

- (a) in the course of administering emergency medical aid or treatment, doing anything for which a licence is required under those Acts; or
- (b) doing anything in an emergency in an attempt to relieve the pain and suffering of a person or animal.

Protection from action

(2) A person must not be held liable for civil damages as a result of acts done or omissions made in good faith under subsection (1) during the time the person was a registrant unless it is established that injuries or death were caused by gross negligence on their part.

Offences and Punishment

Prohibitions respecting registered nurses and temporary certificate holders

- 102.** (1) Subject to subsections (7) and (8), a person must not
- (a) hold themselves out to the public by any title, designation or description as a registered nurse or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a registered nurse;
 - (b) use the title "Registered Nurse" or the designation "R.N.", unless they are a registered nurse;
 - (c) hold themselves out to the public by any designation or description as a temporary certificate holder (registered nurse) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (registered nurse); or
 - (d) knowingly employ or engage a person to provide the services of a registered nurse unless the person so employed or engaged is a registered nurse or a temporary certificate holder (registered nurse).

Prohibitions respecting registered nurse authorized prescribers and temporary certificate holders

- (2) Subject to subsections (7) and (8), a person must not
- (a) hold themselves out to the public by any title, designation or description as a registered nurse authorized prescriber or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a registered nurse authorized prescriber;
 - (b) use the title "Registered Nurse Authorized Prescriber" or the designation "R.N. Authorized Prescriber" or "R.N. – A.P.", unless they are a registered nurse authorized prescriber;
 - (c) hold themselves out to the public by any designation or description as a temporary certificate holder (registered nurse authorized prescriber) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (registered nurse authorized prescriber); or
 - (d) knowingly employ or engage a person to provide the services of a registered nurse authorized prescriber unless the person so employed or engaged is a registered nurse authorized prescriber or a temporary certificate holder (registered nurse authorized prescriber).

Prohibitions respecting nurse practitioners and temporary certificate holders

- (3) Subject to subsections (7) and (8), a person must not
- (a) hold themselves out to the public by any title, designation or description as a nurse practitioner or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a nurse practitioner;

- (b) use the title "Nurse Practitioner" or the designation " N.P." or "R.N. – N.P.", unless they are a nurse practitioner;
- (c) hold themselves out to the public by any designation or description as a temporary certificate holder (nurse practitioner) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (nurse practitioner); or
- (d) knowingly employ or engage a person to provide the services of a nurse practitioner, unless the person so employed or engaged is a nurse practitioner or a temporary certificate holder (nurse practitioner).

Prohibitions respecting licensed practical nurses and temporary certificate holders

- (4) Subject to subsections (7) and (8), a person must not
 - (a) hold themselves out to the public by any title, designation or description as a licensed practical nurse or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a licensed practical nurse;
 - (b) use the title "Licensed Practical Nurse" or the designation "L.P.N.", unless they are a licensed practical nurse;
 - (c) hold themselves out to the public by any designation or description as a temporary certificate holder (licensed practical nurse) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (licensed practical nurse); or
 - (d) knowingly employ or engage a person to provide the services of a licensed practical nurse, unless the person so employed or engaged is a licensed practical nurse or a temporary certificate holder (licensed practical nurse).

Prohibitions respecting registered psychiatric nurses and temporary certificate holders

- (5) Subject to subsections (7) and (8), a person must not
 - (a) hold themselves out to the public by any title, designation or description as a registered psychiatric nurse or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a registered psychiatric nurse;
 - (b) use the title "Registered Psychiatric Nurse" or the designation "R.P.N.", unless they are a registered psychiatric nurse;
 - (c) hold themselves out to the public by any designation or description as a temporary certificate holder (registered psychiatric nurse) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (registered psychiatric nurse); or
 - (d) knowingly employ or engage a person to provide the services of a registered psychiatric nurse unless the person so employed or engaged is a registered psychiatric nurse or a temporary certificate holder (registered psychiatric nurse).

Prohibitions respecting registered psychiatric nurse authorized prescribers and temporary certificate holders

- (6) Subject to subsections (7) and (8), a person must not
- (a) hold themselves out to the public by any title, designation or description as a registered psychiatric nurse authorized prescriber or under that title, designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a registered psychiatric nurse authorized prescriber;
 - (b) use the title "Registered Psychiatric Nurse Authorized Prescriber" or the designation "R.P.N. Authorized Prescriber" or "R.P.N. – A.P.", unless they are a registered psychiatric nurse authorized prescriber;
 - (c) hold themselves out to the public by any designation or description as a temporary certificate holder (registered psychiatric nurse authorized prescriber) or under that designation or description render or offer to render services of any kind to a person for a fee or other remuneration, unless they are a temporary certificate holder (registered psychiatric nurse authorized prescriber); or
 - (d) knowingly employ or engage a person to provide the services of a registered psychiatric nurse authorized prescriber unless the person so employed or engaged is a registered psychiatric nurse authorized prescriber or a temporary certificate holder (registered psychiatric nurse authorized prescriber).

Exception to restriction on practice

(7) A person who is not a member but who is registered as a nurse in a province or another territory may, in the course of assisting with the care of a patient who is being transported into Nunavut from the province or territory where the nurse is registered, or out of Nunavut to the province or territory where the nurse is registered,

- (a) use any title, designation or description that they are authorized to use in the province or territory of registration, and
- (b) provide nursing services, within the scope of those authorized by their registration in the province or territory of registration.

Exception for employers

(8) A person may employ or engage a person described in subsection (7) to perform the services described in that subsection.

Offence and punishment

(9) Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 90 days, or to both.

Limitation period

(10) A prosecution for an offence under this Act or the regulations must not be commenced more than two years after the day when the offence is alleged to have been committed.

Burden of proof

(11) In a prosecution under this Act, a person against whom a charge is laid has the burden of proving that, at the time of the alleged offence,

- (a) the person was a registrant; or
- (b) the person was registered as a nurse in a province or another territory.

Regulations

Regulations

103. (1) The Minister may make regulations

- (a) respecting the manner in which a complainant may make a complaint to the Complaints Officer;
- (b) respecting the manner in which a complainant may make an application for review of a decision of the Complaints Officer to dismiss a complaint under paragraph 54(1)(a);
- (c) respecting the submissions made by a respondent and complainant to the Professional Conduct Committee under subsection 55(5);
- (d) establishing the circumstances under which a complaint should be referred to the Fitness to Practice Committee;
- (e) respecting the Fitness to Practice Committee, including
 - (i) the composition and number of members,
 - (ii) the powers and duties of the Chairperson and Deputy Chairperson of the Fitness to Practice Committee,
 - (iii) quorum,
 - (iv) the procedure to be followed when reviewing and inquiring into a complaint, and
 - (v) the procedure to be followed if a nurse fails to comply with requirements made by the Fitness to Practice Committee under subsection 57(4) or (6);
- (f) prescribing actions that the Fitness to Practice Committee may require a nurse to consent or submit to under subsection 57(4) or (6);
- (g) respecting the manner in which a nurse may present arguments and evidence to the Fitness to Practice Committee;
- (h) respecting the alternative dispute resolution process under subsection 58(1), including
 - (i) the procedure to be followed when a complaint is referred to the alternative dispute resolution process,
 - (ii) the designation of a facilitator, and
 - (iii) the procedure to be followed if a nurse fails to fulfill the terms of a settlement agreement;
- (i) respecting the manner in which a respondent must appear before the Professional Conduct Committee to be censured under subsection 65(1);
- (j) respecting the manner in which information must be made publicly available by the Professional Conduct Committee in respect of a censure;

- (k) respecting the manner in which the Registrar must give notice to employers under section 85;
- (l) respecting the keeping of a public register under section 93;
- (m) respecting the manner in which the Complaints Officer, the Chairperson of the Professional Conduct Committee or the Registrar must provide notices, summaries, decisions, directions, or other information required under this Act, to the respondent and the complainant;
- (n) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act; and
- (o) respecting any other matter that the Minister considers necessary or advisable to carry out the intent and purposes of this Act.

Consultation

(2) Before making or amending a regulation under subsection (1), the Minister must consult with the college regarding

- (a) the proposed contents of the regulation, and
- (b) a draft of the regulation.

TRANSITIONAL

Transfer of records: *Licensed Practical Nurses Act*

104. On the coming into force of this section, the Government of Nunavut must transfer to the college the records associated with the regulation of licensed practical nurses under the *Licensed Practical Nurses Act*, S.Nu. 2010,c.25, including information contained in the Licensed Practical Nurses Register kept under that Act, in a manner that will protect the security and confidentiality of the records.

Licensed practical nurses

105. (1) If, on the coming into force of this section, a person holds a practical nursing licence issued under section 4 of the *Licensed Practical Nurses Act*, S.Nu. 2010,c.25 and is registered in the Licensed Practical Nurses Register kept under that Act as a licensed practical nurse,

- (a) the person is deemed to be registered in the Licensed Practical Nurse Register maintained under this Act as a licensed practical nurse; and**
- (b) the person's practical nursing licence is deemed to be a certificate of registration as a licensed practical nurse issued under subsection 30(1) of this Act, subject to the same limitations, terms and conditions, if any, set out in the licence.**

(2) If this section comes into force on or before the date that the *Nursing Profession Act* (Northwest Territories), S.N.W.T. 2003,c.15 is repealed,

- (a) a person who, immediately prior to the repeal of that Act, was registered in the Nursing Register and held a certificate of registration as a registered nurse under that Act, is deemed to be registered in the Registered Nurse Register under this Act and to hold a certificate of registration as a registered nurse under this Act, subject to the same**

limitations, terms and conditions, if any, set out in the original certificate;

- (b) a person who, immediately prior to the repeal of that Act, was registered in the Nurse Practitioner Register and held a certificate of registration as a nurse practitioner under that Act, is deemed to be registered in the Nurse Practitioner Register under this Act and is deemed to hold a certificate of registration as a nurse practitioner under this Act, subject to the same limitations, terms and conditions, if any, set out in the original certificate;
- (c) a person who, immediately prior to the repeal of that Act, held a temporary certificate and was registered in a register maintained under that Act as a temporary certificate holder, is deemed to be registered in the applicable register under this Act as a temporary certificate holder (registered nurse) or a temporary certificate holder (nurse practitioner); and
- (d) a person's temporary certificate issued under that Act is deemed to be, as applicable, a temporary certificate (registered nurse) or a temporary certificate (nurse practitioner) issued under this Act, subject to the same limitations, terms and conditions, if any, set out in the original temporary certificate.

(3) If this section comes into force after the *Nursing Profession Act* (Northwest Territories), introduced in the Legislative Assembly of the Northwest Territories as Bill 77 on March 28, 2023, comes into force,

- (a) a person who is registered in a Register maintained under that Act is deemed, on the coming into force of this section, to be registered in the equivalent Register maintained under this Act;
- (b) a person's certificate of registration issued under that Act is deemed, on the coming into force of this section, to be a certificate of registration issued under this Act, and has the same notation, limitations, terms and conditions, if any, set out in the original certificate; and
- (c) a person's temporary certificate of registration issued under that Act is deemed, on the coming into force of this section, to be an equivalent temporary certificate of registration issued under this Act, and has the same notation, limitations, terms and conditions, if any, set out in the original temporary certificate.

Continuation of investigation proceeding

106. An application process, investigation or proceeding commenced under the *Licensed Practical Nurses Act*, S.Nu. 2010,c.25, must be continued under and in conformity with that Act as if that Act had not been repealed.

TRANSITIONAL: BYLAWS

Definition: former Act

107. (1) In this section, "former act" means the *Nursing Act*, S.N.W.T. 1998,c.38,s.4, the *Licensed Practical Nurses Act*, S.Nu. 2010,c.25, the *Nursing Profession Act* (Northwest Territories), S.N.W.T. 2003,c.15 or the *Licensed Practical Nurses Act* (Northwest Territories), R.S.N.W.T. 1988,c.C-2.

Bylaws

(2) Bylaws made under the *Nursing Profession Act* (Northwest Territories), S.N.W.T. 2003,c.15, to the extent that they are consistent with this Act, the regulations or the bylaws made under this Act, remain in force and are deemed to have been made under this Act, until they are repealed or others made in their stead.

Transitional bylaws

(3) The college may make bylaws

- (a)** respecting the transition to this Act of anything under a former Act, including the interpretation of any transitional provision in this Act; and
- (b)** to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act.

Retroactive effect

(4) A bylaw made under subsection (3) may be made retroactive to the extent set out in the bylaw.

Repeal

(5) A bylaw made under subsection (3) is repealed on the earliest of

- (a)** the coming into force of an amendment that adds the subject matter of the bylaw to this Act;
- (b)** the coming into force of a bylaw that repeals the bylaw made under subsection (3); and
- (c)** two years after the bylaw comes into force.

Effect of repeal

(6) The repeal of a bylaw under paragraph (5)(b) or (c) does not affect anything done, incurred or acquired under the authority of the bylaw before the repeal of the bylaw.

CONSEQUENTIAL AMENDMENTS

Emergency Medical Aid Act

108. Section 1 of the *Emergency Medical Aid Act* is repealed and replaced by the following:

Definition

1. In this Act, "nurse" means a licensed practical nurse, a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*.

Evidence Act

109. Section 13 of the *Evidence Act* is amended

- (a) **in the definition of "health care professional", by**
 - (i) **replacing "*Nursing Act*" with "*Nursing Professions Act*" in paragraph (d), and**
 - (ii) **repealing paragraph (e);**
- (b) **in the definition of "professional association" by repealing and replacing paragraph (d) with the following:**
- (d) the College and Association of Nurses of the Northwest Territories and Nunavut,
- (c) **in the definition of "legal proceedings" in subparagraph b(i), by deleting "or a hearing panel established under the *Licensed Practical Nurses Act*," after "*Pharmacy Act*".**

Jury Act

110. Paragraph 6(l) of the *Jury Act* is repealed and replaced by the following:

- (l) licensed practical nurses, nurse practitioners, registered nurses, registered psychiatric nurses and temporary certificate holders of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*, in active practice;
- (l.1) midwives in active practice;

Labour Standards Act

111. (1) The *Labour Standards Act* is amended by this section.

(2) Section 30 repealed and replaced by the following:

30. For the purposes of this Part, a medical certificate must be signed by a qualified medical practitioner or, in a community in Nunavut in which no qualified medical practitioner is resident, by a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*.

(3) Paragraph 32(b) is amended by replacing "or nurse," after "medical practitioner" with ", nurse practitioner, registered nurse or a temporary certificate holder of either of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*,".

Liquor Act

112. Subsection 51.2(3) of the *Liquor Act* is amended by

- (a) repealing and replacing paragraph (b) with the following:**
- (b) a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*,
- (b) repealing and replacing paragraph (c) with the following:**
- (c) a person authorized to provide nursing services under subsection 102(7) *Nursing Professions Act*; or
- (c) repealing and replacing paragraph (c.1) with the following:**
- (c.1) a licensed practical nurse or a temporary certificate holder (licensed practical nurse), each as defined in subsection 1(1) of the *Nursing Professions Act*; or

Medical Profession Act

113. (1) The *Medical Profession Act*, RSNWT 1988,c.M-9, is amended by this section.

(2) Paragraph 46(h) is repealed and replaced by the following:

- (h) the practice of nursing by a licensed practical nurse, a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*;

(3) Section 47 is amended by adding "the *Nursing Professions Act*," after "the *Midwifery Profession Act*,".

Medical Profession Act

114. Paragraph (6)(g) of the *Medical Profession Act*, S.Nu. 2020,c.16, is amended by repealing subparagraph (iv).

Mental Health Act

115. (1) The *Mental Health Act*, RSNWT 1988,c.M-10, is amended by this section.

(2) Subsection 20(2) is amended by replacing "A nurse duly registered under the *Nursing Profession Act* (Northwest Territories)" with "A person registered under the *Nursing Professions Act* and has a nursing designation as defined in subsection 1(1) of that Act".

(3) The definition of "nurse" in subsection 48(1) is repealed and replaced by the following:

"nurse" means a licensed practical nurse, a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*;

Mental Health Act

116. (1) The *Mental Health Act*, S.Nu.2021, c.19, is amended by this section.

(2) Subsection 2(1) is amended

(a) in the definition of "health professional" by

(i) repealing and replacing paragraph (b) by the following:

(b) a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*;

(ii) repealing paragraph (c); and

(b) by repealing the definitions of "nurse practitioner" and "registered nurse".

(3) Subsection 56(1) is amended by replacing "nurse practitioner" wherever it appears with "a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*".

Midwifery Profession Act

117. Subsection 54(1) of the *Midwifery Profession Act* is amended by replacing "*Nursing Act*" with "*Nursing Professions Act*".

Pharmacy Act

118. (1) The *Pharmacy Act* is amended by this section.

(2) Section 1 is amended

(a) by repealing and replacing the definition of "nurse" by the following:

"nurse" means a licensed practical nurse, a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*, or a person registered under the law of a province or territory to practice the profession of nursing or practical nursing;

(b) by repealing and replacing the definition of "nurse practitioner" by the following:

"nurse practitioner" means a nurse practitioner or a temporary certificate holder (nurse practitioner), each as defined in subsection 1(1) of the *Nursing Professions Act*;

(3) Paragraph 2(a.1) is repealed and replaced by the following:

(a.1) a nurse practitioner from exercising a privilege conferred by the *Nursing Professions Act*;

Public Health Act

119. Section 3 of the *Public Health Act* is amended by repealing and replacing the definition of "nurse" by the following:

"nurse" means a licensed practical nurse, a nurse practitioner, a registered nurse, a registered psychiatric nurse or a temporary certificate holder of any of those nursing designations, each as defined in subsection 1(1) of the *Nursing Professions Act*;

Vital Statistics Act

120. Section 11.1 of the *Vital Statistics Act* is amended in the definition of "health care professional" by adding ", temporary certificate holder (nurse practitioner)" after "nurse practitioner".

COORDINATING AMENDMENT

121. On the coming into force of section 1 of an *Act to Amend the Limitation of Actions Act, the Legal Questions Act and to Repeal and Replace the Interprovincial Subpoenas Act*, introduced as Bill 13 in the second session of the Sixth Legislative Assembly, or, if it is in

force, on Assent, subsection 75(4) of this Act is amended by replacing "*Interprovincial Subpoenas Act*" with "*Interjurisdictional Subpoena Act*".

REPEAL

Licensed Practical Nurses Act

122. The *Licensed Practical Nurses Act*, S.Nu. 2010,c.25, is repealed.

Nursing Act

123. The *Nursing Act*, S.N.W.T. 1998,c.38,s.4, is repealed.

COMING INTO FORCE

Coming into force

124. This Act comes into force on a day to be fixed by order of the Commissioner in Executive Council.