



College of **Registered Nurses**
of Newfoundland & Labrador

2024

By-laws



Revised February 2022: Article IV, Sections 2 & 5 AND Article III, Section 4 (a)

Revised February 2023: Article I, Sections 1 (b) and 2 (b)
AND Article VI, Section 1 (f and g) & Sections 2-4 & Section 5 (b) AND Article X, Section 2

Revised September 2023: Article IV, Section 2 (h, i, j and k)

Revised February 2024: Article II, Section 2 (e)

Revised August 2024: Article IV, Section 7 AND Article V, Section 2



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Interpretation

In these By-laws, terminology is interpreted as follows:

1. *Act* - the *Newfoundland and Labrador Registered Nurses Act*, Chapter R-9.1 (2008) as amended.
2. *Regulations* - the *Registered Nurses Regulations*, 2013 made pursuant to Section 11 of the *Act*.
3. *By-laws* - By-laws made pursuant to Section 10 of the *Act*.
4. *College* - College of Registered Nurses of Newfoundland and Labrador as defined under Section 2 of the *Act*.
5. *Continuing Competency Program* - as approved by Council under Section 17 of the *Regulations*.
6. *Council* - the governing board of the College established in accordance with Section 5 of the *Act*.
7. *Councillor* - an elected or appointed person to the College's governing Council.
8. *Annual licence* - means a licence to practise nursing issued under subsection 14(2) of the *Act*.
9. *Emergency licence* - means a licence to practise nursing issued under subsection 5.1(1) of the *Regulations*.
10. *Interim licence* - means a licence to practise nursing issued under subsection 6(1) of the *Regulations*.
11. *Licensure Fees* - means the required fees determined by Council for the issuance of a practicing licence, excluding professional liability protection.
12. *Unauthorized Practice* - means practising as a registered nurse or nurse practitioner without being issued an annual licence, interim licence or emergency licence.
13. *Unauthorized Practice Fee* - means the fee determined by Council for a nurse who has engaged in *Unauthorized Practice*.
14. *Good Standing* - a Registered Nurse who has met the requirements for licensure in accordance with the *Act* and *Regulations*, and who does not have conditions or restrictions on their licence as a result of a proceeding under section 21, 22, 23 or 25 of the *Act*.
15. *Membership* - Membership comprises three categories: Registered Nurse, Non-Practising Member, and Honorary Member.



16. Communication Processes - Membership communications shall include but is not limited to, website, postal mail, newsletters, email or such other communications established by the Executive Director.

17. Shift - means any portion of time worked as a Registered Nurse or Nurse Practitioner within a 24-hour period.

For the purpose of By-law Article IX and Appendices:

18. Client - means "client" as defined in the Standards of Practice for Registered Nurses and Nurse Practitioners approved by Council.

19. Tampering with medication - means an intentional act without authorization where a medication, or a medication package/package or label, is altered, or removed (either in part or in total), and replaced by another substance or package/package or label.

20. Misappropriation - means an intentional act without mistake for an improper purpose.

21. Standards - means authoritative and principle-based statements that articulate conduct or performance required of Registered Nurses and Nurse Practitioners, including but not limited to, Standards of Practice for Registered Nurses and Nurse Practitioners and the Code of Ethics for Registered Nurses as approved by Council.

Article I - Membership

Types of Membership:

Section 1

- a) Practising Membership will be granted to applicants in accordance with the *Act* and *Regulations*.
- b) A nurse holding a practising licence:
 - (i) shall be referred to as Registered Nurse and includes a Registered Nurse issued a Nurse Practitioner licence under Section 8 of the *Regulations*;
 - (ii) may use the designation "registered nurse";
 - (iii) shall be eligible to vote and be nominated for election on Council of the College;
 - (iv) shall be eligible to vote at the annual general meeting of the College;
 - (v) shall receive the College communications; and
 - (vi) shall maintain professional liability protection approved by Council.

Section 2

- a) Non-Practising Membership will be granted to applicants who have discontinued the practice of nursing in Newfoundland and Labrador, and who have paid the required fee.
- b) A nurse holding Non-Practising Membership:



- (i) shall be referred to as Non-Practising Member;
- (ii) shall not use the designation “registered nurse”;
- (iii) shall be eligible to vote at the annual general meeting of the College; and
- (iv) shall receive the College communications.

Section 3

- a) Council’s appointment of Honorary Membership is discontinued.
- b) Honorary members previously appointed by Council who are nurses continue to have the same rights and privileges as Non-Practising Members.
- c) Honorary members previously appointed by Council who are not Registered Nurses are not required to pay the Non-Practising Membership fee.
- d) Council may revoke a Honorary Membership where the reputation of the profession may be jeopardized.

Section 4

- a) A Registered Nurse or Non-Practising Member who wishes to resign may do so by submitting a request to resign through the appropriate process on the College website.
- b) A Registered Nurse or Non-Practising Member who has resigned will have neither voting nor Membership privileges.
- c) To be reinstated as a Registered Nurse, an applicant must meet the criteria as stated in the *Act*, *Regulations* and By-laws and obtain a licence following payment of the required fees.
- d) To be reinstated as a Non-Practising Member, an applicant must pay the non-practising fee.

Section 5

The Council shall:

- a) Maintain a database with all relevant information to manage the affairs and requirements of the College.
- b) Maintain a historical register in which shall be entered the names of nurses who have been granted registration under the *Act* together with the following information for each nurse registered:
 - (i) registration number;
 - (ii) full name at registration and any change of name;
 - (iii) name of the Faculty or School of Nursing from which they graduated;



- (iv) where, during or as a result of a proceeding under section 21, 22, 23 or 25 of the *Act*, a former Registered Nurse has been granted de-registration or is allowed to or directed to surrender his or her licence; and
 - (v) any other information as may be directed by Council from time to time.
- c) Maintain an annual register in which shall be entered the names of Registered Nurses issued licensure in accordance with the *Act* and *Regulations*. The annual register shall contain the following information for each Registered Nurse:
- (i) registration number;
 - (ii) full name and any change of name;
 - (iii) category of licensure issued (RN, NP or Interim I or II);
 - (iv) stream of practice, employer(s), employment address and telephone contact number(s), for a registered nurse issued a nurse practitioner license;
 - (v) conditions or restrictions on a licence as imposed by an Adjudication Tribunal of the Disciplinary Panel;
 - (vi) suspension of a licence as imposed by Council or an Adjudication Tribunal;
 - (vii) where, during or as a result of a proceeding under sections 21, 22, 23 or 25 of the *Act*, a former Registered Nurse has been granted de-registration or is allowed to or directed to surrender his or her licence;
 - (viii) the results of all disciplinary hearings held under section 25 of the *Act* for a minimum of five (5) years, where an Adjudication Tribunal determined that a Registered Nurse was guilty of conduct deserving of sanction; and
 - (ix) such other information related to a licence/licensure that, in the interest of the public, Council may direct from time to time.
- d) The Executive Director shall:
- (i) maintain the register set out in section (b) in a written record and the register set out in section (c) in an electronic/digital record; and
 - (ii) maintain other necessary information to support overall work of the College respecting the Membership but not publicly available.

Article II - Licensure

Section 1

The annual licence to practise nursing is valid for practice between April 1 and March 31 each year unless suspended by a Decision of Council or an Adjudication Tribunal.

Section 2

- a) Applicants renewing a practising licence must submit the annual licensure renewal application by the administrative renewal process deadline of March 1;
- b) The administrative renewal process deadline of March 1 may be extended by Council or the Executive Director where the College experiences unforeseen circumstances impacting the renewal process for that year;



- c) Where the administrative renewal deadline of March 1 is extended by Council or the Executive Director, the Membership shall be notified of the extended deadline for that year through the College's Communication Processes;
- d) Applicants renewing a practising licence who submit a licensure renewal application after March 1 or the extended deadline for that year shall be subject to a late application fee determined by Council; and
- e) Renewal applications received prior to March 1 or the extended deadline for that year with outstanding information required with respect to the Continuing Competence Program requirements will have until March 31 (or the last weekday of the licensure year where March 31 is not a weekday) to submit updated information.

Section 3

In circumstances where the Executive Director may issue an emergency licence to practise nursing, applicants must submit an application for the emergency licence, inclusive of any requirements as the Executive Director or Council may determine are necessary and practicable in the circumstances.

Article III - Fees

Section 1

- a) Registration and licensure fees shall be determined by Council pursuant to the *Act*.
- b) Registered Nurses and Non-Practising Members shall be notified of the decision to change fees in accordance with the relevant Council Policy(s).
- c) Such notification shall be made through established communication processes.

Section 2

- a) A Non-Practising Member who applies for a practising licence during the licensure year shall pay the annual licensure fee less the fee for Non-Practising Membership.
- b) The fee for a practising licence issued from January to March (the last quarter of the licensure year) shall be pro-rated.

Section 3

- a) Unless otherwise determined by Council, there shall be no licensure fee for an emergency licence issued by the Executive Director.
- b) Applicants who apply for an annual licence during a licensure year where they were issued an emergency licence shall pay the annual licensure fee, less any emergency licensure fee (if applicable), and Non-Practising Membership fee.



Section 4

- a) All nurses who practise for any part of a licensure year without an annual licence, interim licence or emergency licence shall be subject to an Unauthorized Practice Fee of \$100 per shift worked with a maximum fee of three times the regular licensure cost and be subject to discipline in accordance with section 21 of the *Act* where the period of practice exceeds 3 shifts from and including the first shift worked.
- b) Proof of number of shifts worked without a valid licence shall be provided on the approved College form no later than 3 shifts following renewal of licence.
- c) An Unauthorized Practice Fee shall be paid in accordance with a payment plan established by the Director of Professional Conduct Review. Failure to comply with the established payment plan shall require the Unauthorized Practice Fee to be paid in full by the end of the licensure year and an annual licence shall not be renewed until the Unauthorized Practice Fee is paid.
- d) All practice hours accrued as a result of Unauthorized Practice shall be excluded from the computation of hours to determine licensure eligibility under Section 12 of the *Regulations*.

Section 5

Any nurse whose Membership has lapsed and who is eligible for Membership according to the requirements of the *Act*, *Regulations* and By-laws, in order to have their Membership reinstated, must pay the current fee for the category of Membership required plus the lapsed Membership fee.

Article IV - Council

Section 1

The Council of the College shall consist of:

- a) Voting members:
 - (i) Regional Elected Councillors (4): One (1) Registered Nurse elected from each of four (4) regions: West, East, Central and Labrador/Grenfell;
 - (ii) Nursing Domain Elected Councillors (4): One (1) Registered Nurse from each of administration, education/research, advanced practice, and practice;
 - (iii) Two Elected At-Large Councillors; and
 - (iv) At least four (4) Public Appointed Councillors appointed by the Minister.
- b) Non-voting member: Executive Director.
- c) Voting members of Council shall elect a Chairperson and a Vice-Chairperson in accordance with Council policy.



Section 2

Term of Office for Elected Council Members:

- a) The term of office for Chairperson and Vice-Chairperson shall be two (2) years and continues until his or her successor is elected. The term shall commence at a meeting of Council immediately following the College's annual general meeting.
- b) The term of office for Regional, Nursing Domain and At-Large Elected Councillors shall be three (3) years and shall commence at the close of the College's annual general meeting.
- c) The term of office for Public Councillors shall be three (3) years as appointed by the Minister.
- d) No Councillor shall be eligible to serve more than three (3) continuous terms on Council.
- e) The Chairperson or the Vice-Chairperson may be re-elected to a maximum of three (3) consecutive terms in the Executive position.
- f) An Elected Councillor who is absent without cause from three (3) consecutive meetings shall resign from Council.
- g) An Elected Councillor who is no longer a resident of Newfoundland and Labrador shall resign from Council.
- h) An Elected Councillor who is subject to an allegation as defined in Section 18 of the Act shall disclose to the Council the existence of the allegation and step aside from participating in Council matters if a conflict of interest is identified.
- i) If an allegation filed against an elected Council member is referred to the Quality Assurance Program; or dismissed by the Complaints Authorization Committee (CAC) or an Adjudication Tribunal, the elected Council member shall be permitted to continue in their role.
- j) An elected Councillor who has been cautioned or counselled by the CAC shall step aside from their role, complete any terms of the Caution or Counsel, and may return to their role once the terms of the Caution or Counsel have been completed.
- k) An Elected Councillor who has admitted to conduct deserving of sanction and entered into Alternative Dispute Resolution (ADR) or been found guilty of conduct deserving of sanction by an Adjudication Tribunal shall resign from Council and will be eligible to become an elected Council member after the expiration of three years from the date the terms of the ADR or Adjudication Tribunal Order have been completed.

Section 3

Where a vacancy occurs in the membership of an elected member of Council as a result of the death, retirement, resignation, or incapacity to act, the vacancy shall be filled by an election in accordance with Council policy.

Section 4

The Chairperson shall:

- a) Preside at meetings of the College and Council;
- b) Participate in national forums as deemed relevant to the advancement of the College's mandate; and



- c) Perform other duties in accordance with Council policies or as may be assigned by Council.

Section 5

- a) If the Chairperson withdraws from their position, is unable or no longer eligible to continue as Chairperson, Council shall appoint the Vice-Chairperson to assume the Chair role until the end of the Chairperson's term and select a new Vice-Chair in accordance with Council policy.
- b) If the Vice-Chairperson is unable to accept the appointment, Council will select a new Chairperson and Vice-Chairperson in accordance with Council policy.
- c) The Vice-Chairperson, Regional Councillors, Nursing Domain Councillors and the At-Large Councillors shall perform such duties as may be assigned by Council or by the Chairperson.

Section 6

The Executive Director shall:

- a) Serve as a member of Council and where relevant Council committees, in a non-voting capacity;
- b) Act as secretary of the College maintaining the records of meetings of the College and Council;
and
- c) Perform other duties in accordance with Council policies or as may be assigned by Council.

Section 7

- a) The Chairperson is entitled to a \$10,000 annual base allowance, payable in equal monthly installments.
- b) All Council members (including the Chairperson) shall receive an annual allowance of \$3000, payable as a one-time lump sum prior to fiscal year end (March).
- c) Council members attending in-person Council meetings shall be reimbursed for travel, accommodation and allowable meals (per diem) in accordance with the rate specified in the CRA Directive on Travel Appendix A: CRA Kilometric rates and Appendix B: Meals and Allowance (<https://www.canada.ca/en/revenue-agency/corporate/about-canada-revenue-agency-cra/travel-directive.html#toc12>).

Article V - Committees of Council

Section 1

Committees may be established by Council at any time for specific purposes with the terms of reference to be defined in Council policy.



Section 2

Adjudication tribunal members attending in-person to a hearing of a complaint shall be reimbursed for travel, accommodation and allowable meals (per diem) in accordance with the rate specified in the CRA Directive on Travel Appendix A: CRA Kilometric rates and Appendix B: Meals and Allowance (<https://www.canada.ca/en/revenue-agency/corporate/about-canada-revenue-agency-cra/travel-directive.html#toc12>).

Article VI - Meetings

Section 1

Annual General Meeting of the College

- a) Council authority:
 - (i) Approve agenda;
 - (ii) Approve minutes of past annual general meeting;
 - (iii) Set rules and privileges for the annual general meeting; and
 - (iv) Present the annual audited financial statements to the Membership.
- b) Notice of the annual general meeting shall be sent to the Membership and the duly appointed public Councillors at least twenty-one (21) days prior to the scheduled date.
- c) Notice of the annual general meeting shall also be provided to the public by posting on the College's website at least twenty-one (21) days prior to the scheduled date.
- d) The annual general meeting rules and privileges shall be presented to the Membership in attendance at the annual general meeting at the commencement of the meeting.
- e) Prior to the annual general meeting, the Executive Director shall appoint a Chief Scrutineer who shall oversee the voting at the meeting and shall perform such other functions as set out in these By-laws or otherwise determined by Council.
- f) The Membership may vote on the appointment of auditors at the annual general meeting.

Section 2

Voting Privileges at the Annual General Meeting of the College

- a) At any annual general meeting of the College, only the Membership and duly appointed public Councillors shall have a vote.
- b) The procedural rules for voting as established by Council shall direct the process.



Section 3

Quorum and Voting at the Annual General Meeting of the College

- a) A quorum at the annual general meeting of the College shall be the Membership present and the presence of seven members of Council, two of which are publicly appointed Councillors; and
- b) Decision on any motion at the annual general meeting of the College shall be determined by a majority of the votes cast at the meeting.

Section 4

Council Meetings

- a) Meetings of Council shall be called by the Chairperson, with not less than 3 meetings being held between annual general meetings.
- b) Except where Council otherwise directs, Council meetings are open for observation to the public.
- c) Council may meet by teleconference or other telecommunications devices where all members of Council consent.

Section 5

Special Meeting of Council

- a) A special meeting of Council may be called by the Chairperson, or upon receipt of a written request of one-third of the Councillors.
- b) Notice in writing shall be issued to each Councillor at least 14 days in advance of the meeting.
- c) The notice shall state the purpose of the meeting.
- d) No matter shall be discussed at any special meeting apart from that specified in the notice.

Section 6

Voting at Council Meetings

At meetings of Council, each member of the Council shall have one vote and in the case of a tie, the Chairperson or, in the absence of the Chairperson, the Vice-Chairperson shall have a second or casting vote.



Article VII - Nominations for Council

Section 1

Nominations Committee

Council shall appoint a Nominations Committee who shall:

- a) Oversee the request for nominations sent to the Registered Nurses annually and as needed if a by-election is required. The request for nominations shall be to fill any vacancy in accordance with the College's By-laws;
- b) Ensure that the candidate(s) nominated meet the eligibility criteria;
- c) Validate the integrity of the voting process;
- d) Address any disputes related to the election of elected Councillors, as provided in the By-laws and Council policies; and
- e) Report at the next annual general meeting of the College on the nomination process and election results.

Section 2

Nominations Process

- a) Annually every Registered Nurse in good standing shall have the opportunity to submit their name for nomination for the designated Council offices in accordance with Article IV, Section 1; provided that, at the time of nomination:
 - (i) For Regional Elected Councillor the Registered Nurse resides within a region as follows:
 - Eastern Region shall include the Avalon, Bonavista and Burin Peninsulas extending from St. John's West to Port Blandford inclusive;
 - Central Region shall extend from Charlottetown inclusive in the east, Fogo Island in the northeast, Harbour Breton/the Connaigre Peninsula on the south to the Baie Verte Peninsula in the West;
 - Western Region shall extend from Port aux Basques on the southeast coast to Francois, northwest to Bartlett's Harbour and on the eastern boundary north to Jackson's Arm; and
 - Labrador-Grenfell Region shall include the area north of Bartlett's Harbour on the Northern Peninsula and all of Labrador.
 - (ii) For a Nursing Domain Elected Councillor the Registered Nurse practises in the domain as follows:
 - A Nursing Domain Elected Councillor for Administration: the Registered Nurse shall be practising in the area of nursing administration or nursing management;
 - A Nursing Domain Elected Councillor for Practice: the Registered Nurse's main role shall be practising as a direct care provider or practising in a nursing role responsible for direct coordination of client care or client care services;
 - A Nursing Domain Elected Councillor for Education/Research: the Registered Nurse shall be practising in an area providing education to nursing students or nursing staff, and be familiar with conducting nursing research and/or the implementation of research findings; and



- A Nursing Domain Elected Councillor for Advanced Practice: the Registered Nurse shall be practising as a direct care provider in advanced practice.
 - (iii) For an At-Large Elected Councillor the Registered Nurse shall have experience in leadership; informal or formal role or position with the following being identified as assets:
 - Cross-cultural experience working with diverse, marginalized or vulnerable client groups, including knowledge of indigenous health; and
 - Understanding of the unique needs and health care challenges in rural Newfoundland and Labrador.
- b) Each nominee must provide their consent to stand for election for the office for which the nomination has been made. In the event that there are no acceptances for any one of the offices, the Committee on Nominations shall identify a list of potential candidates and secure the consent of such candidates to complete a slate of nominees for the offices.

Article VIII - Elections and Voting

Section 1

A Registered Nurse is eligible for election if:

- a) The Registered Nurse resides within the province;
- b) On the deadline for receipt of nominations, the Registered Nurse is in good standing;
- c) The Registered Nurse has not served on Council for a continuous period exceeding nine (9) years;
- d) The person is not an employee of the College; and
- e) The Registered Nurse meets the nomination criteria for that particular Region, Nursing Domain, or At-Large position.

Section 2

- a) Where an election is held to fill positions due to expiration of Councillors term of office the process for nominations shall be in accordance with the following:
 - (i) The Committee on Nominations shall make a call for nominations in September through the College's established communications processes to fill the designed Council office(s);
 - (ii) The call for nominations will close six weeks after the initial call; and
 - (iii) The Committee on Nominations shall prepare the slate of all eligible candidates who have been nominated for election to fill the designated Council office(s) and the slate of candidates for election shall be announced to the Membership no later than November 30 through the College's established communications processes.
- b) Where a vacancy on Council, in accordance with Section 6(2) of the Act or Council's Code of Conduct, cannot be filled in accordance with Council policy the process for nominations shall be in accordance with the following:



- (i) The Committee on Nominations shall make a call for nominations through the College's established communication processes to fill the vacancy within seven (7) days of receiving notification of a vacancy;
- (ii) The call for nominations shall close four weeks after the initial call;
- (iii) The Committee on Nominations shall prepare a slate of all eligible candidates who have been nominated to fill the vacancy; and
- (iv) The slate of candidates shall be announced to the Membership through the College's established communications processes within 14 days of the close of nominations.

Section 3

- a) The election and voting process shall be in accordance with the following:
 - (i) Registered Nurses shall be eligible to vote in an election for all Regional Elected Councillors, Nursing Domain Elected Councillors, and At-Large Elected Councillors; and
 - (ii) Voting for elected designated Council offices shall be by electronic ballot through a secure network on the College's official web site.
- b) Where an election is held to fill positions due to expiration of Councillors' term of office:
 - (i) Candidate information and voting instructions shall be communicated to each eligible voting Registered Nurse prior to the launch of annual licensure renewal process;
 - (ii) Voting for designated Council offices shall be contemporaneous with the annual licensure renewal process;
 - (iii) Registered Nurses must sign in to the designated College's secure network with their registration number and password to cast their electronic ballot no later than March 31;
 - (iv) Election results shall be shared with candidates through the Nominations Committee Chairperson and to the Membership in the College's established communications processes within 14 days after close of the election; and
 - (v) The chairperson or delegate of the Committee on Nomination shall present a report at the annual general meeting on the nomination and election process and shall read the results of the elections.
- c) Where an election is held to fill a vacancy on Council:
 - (i) Candidate information, voting instructions, including deadline dates, shall be communicated to Registered Nurses no later than 14 days from the close of nominations;
 - (ii) Registered Nurses must sign in to the designated College's secure network with their registration number and password to cast their electronic ballot no later than six weeks from the close of nominations; and
 - (iii) Election results shall be shared with candidates through the Nominations Committee Chairperson and to the Membership through the College's established communications processes within 14 days after the close of the election.
- d) If there is an interruption of electronic service on the day designated for the close of the election, the Executive Director may extend the election for such period of time as he or she considers necessary to compensate for the interruption.
- e) Only electronic ballots cast through the secure network prior to the designated close of the election shall be tabulated.



- f) An electronic ballot in which no vote is cast shall be spoiled.
- g) The Executive Director shall appoint an elections officer(s) whose duties shall be:
 - (i) To tabulate electronic ballots from the secure network;
 - (ii) To determine if a ballot is spoiled; and
 - (iii) To report the results of the tabulated electronic ballots to the Chairperson of the Committee on Nominations.
- h) Electronic ballots shall be deleted one (1) week post the annual general meeting where results are announced. Generic demographic voting data shall be retained for trending analysis.

Section 4

- a) In the event that a candidate withdraws during the nominations and election process the election will proceed according to the approved Council policy.
- b) If only one candidate is nominated for election to a vacant office by the close of nominations, the nominee is elected by acclamation.
- c) In the event of a tie, such that the candidate(s) for a specific position have equal number of votes, the successful applicant will be determined by a draw at the College's office in accordance with approved Council policy.

Section 5

The new Councillors shall take office following the annual general meeting or where an election is held to fill a vacancy at the next meeting of Council.

Article IX - Standards of Practice, Professional Ethics and Definitions Conduct Deserving of Sanction

Section 1

Conduct Deserving of Sanction: Interpretation of the *Act* section 18(c)(i)-(v):

- a) **Professional misconduct**
Professional misconduct for the purposes of sections 18 to 35 of the *Act* shall include conduct of a Registered Nurse engaged in the practice of nursing or relevant to the practice of nursing that does not adhere to the Standards or which contravenes the *Act*, *Regulations* or By-laws of the College or other statutes applicable to the practice of nursing. Professional misconduct may arise from one incident or a pattern of conduct. Examples of professional misconduct are attached at Appendix A.



b) **Professional incompetence**

Professional incompetence for the purposes of sections 18 to 35 of the *Act* means the demonstration by a Registered Nurse's care of one or more clients that the Registered Nurse lacks reasonable knowledge, skill, judgement and/or lack of concern for the client's welfare to the extent that client safety was placed in jeopardy, or to an extent that the Registered Nurse is unfit to continue to practise, or that the Registered Nurse practice should be restricted, or that the Registered Nurse should comply with one or more of the remedial measures which may be ordered pursuant to subsection 27(2) or 28(3) of the *Act* or required pursuant to section 23(1) or section 22(1). Professional incompetence may arise from one incident or a pattern of careless conduct. Examples of professional incompetence are attached at Appendix B.

c) **Conduct unbecoming a nurse**

Conduct unbecoming a Registered Nurse for the purposes of sections 18 to 35 of the *Act* means conduct outside the practice of a Registered Nurse that would be reasonably regarded by Registered Nurses as disgraceful, dishonorable or harmful to the standing reputation of the nursing profession. Conduct unbecoming a Registered Nurse may arise from one incident or a pattern of conduct and does not require that the conduct be relevant to the practice of nursing. Examples of conduct unbecoming a Registered Nurse are attached at Appendix C.

d) **Incapacity or unfitness to engage in the practice of nursing**

Incapacity or unfitness to engage in the practice of nursing for the purposes of sections 18 to 35 of the *Act* means that a Registered Nurse's health is such that it makes it desirable in the interest of the public that the Registered Nurse no longer be permitted to practise or that his or her practice should be restricted. Examples of incapacity or unfitness to engage in the practice of nursing are attached at Appendix D.

e) **Acting in Breach of the Act, the Registered Nurse Regulations or the Code of Ethics**

Acting in Breach of the *Act*, the *Regulations* or the Code of Ethics for the purposes of sections 18-35 of the *Act* means conduct by a Registered Nurse that is in breach of the *Act*, the *Regulations* or By-laws of the College including the Code of Ethics for registered nurses which is approved by Council under the By-laws. Examples of acting in breach of the *Act*, the *Regulations* or the Code of Ethics are attached in Appendix E.

Article X - Financial Oversight

Section 1 - Finance and Audit Committee

Council shall appoint a Finance and Audit Committee to oversee the financial matters of the College.

Section 2

If, between the times of annual general meetings, the College's appointed auditor is unable to fulfill its duties as agreed, the Council shall appoint an auditor to act in the interim.



Section 3 - Reserve Funds

The Council may establish reserve funds for specific purposes from time to time. The guidelines and criteria governing such funds shall be established in Council policy and reported to the Membership in audited financial statements at the annual general meeting.

Article XI - By-laws Review

Council shall engage in a full review of the By-laws every five years.

Article XII - Repeal

All By-laws of the Association of Registered Nurses of Newfoundland and Labrador heretofore existing are hereby repealed



Appendices (from Article IX)

Appendix A:

Examples of professional misconduct include but are not limited to the following:

1. Contravening a federal, provincial or other law Contravening the Act, Regulations, By-laws

- a) Contravening a federal, provincial or other laws applicable to the practice of nursing (examples, *Controlled Drug and Substances Act*, *Personal Health Information Act*).
- b) Contravening or failing to comply with a term, condition or limitation on a licence or registration with the College.
- c) Failing to comply with any term or condition of an order made by an Adjudication Tribunal under section 27(2) or 28(3) of the *Act* or an Alternative Dispute Agreement made pursuant to section 23(1) or an Agreement made to pursuant to section 22(1).
- d) Failing to report conduct deserving of sanction contrary to Section 20 of the *Act*.

2. Contravening a standard of practice of the profession, or failing to comply with the code of ethics of the profession, or failing to meet the standard of practice of the profession.

- a) Failure to maintain confidentiality.
- b) Breach of client privacy.
- c) Failure to take action to safeguard a client(s) if endangered by a co-worker or other person.
- d) Accessing records for persons outside the circle of care.
- e) Failing to take practise within scope of practice.
- f) Failure to advise supervisor of one's inability to accept a specific responsibility outside one's competency level.
- g) Abuse of a client inclusive verbal, physical, or sexual.
- h) Practising the profession while impaired by drugs and alcohol.
- i) Tampering with medication.
- j) Misappropriate of medication.



3. Prescribing (a Registered Nurse issued a Nurse Practitioner licence in accordance with Section 8 of the Regulations)

- a) Prescribing drugs for an improper purpose.
- b) Prescribing or dispensing drugs contrary to the *Act*, other legislation or Standards.
- c) Prescribing to a client without establishing an appropriate nurse practitioner-client relationship.

4. Responsibilities to Clients

- a) Discontinuing professional services that are needed by a client unless,
 - (i) the client requests the discontinuation;
 - (ii) alternative professional services are arranged for the client; or
 - (iii) the client is given a reasonable opportunity to arrange alternative professional services.

5. Responsibilities to the College

- a) Failing to cooperate and/or respond appropriately or within a reasonable time *without reasonable cause* to written inquiry from the Council, Executive Director, or Director of Professional Conduct Review.

6. Misrepresentations

- a) Making a misrepresentation to the Council in an application for registration or licensure which misrepresentation may include an act of omission.
- b) Using a name other than the Registered Nurse's name, or variation thereof accepted by the Council, as set out in the applicable register under the *Act*, in the course of providing or offering professional services.

7. Records and Documents

- a) Failure to document the provision of client care.
- b) Falsifying a record/document relating to the Registered Nurse's practice.
- c) Creating or altering a record relating to the Registered Nurse's or Nurse Practitioner's practice other than in a manner consistent with the Standards.



- d) Signing or issuing, in the Registered Nurse's professional capacity, a document that the Registered Nurse knows or ought to know is false or misleading.

8. Boundary Violations, Impropriety, Abuse, or Sexual Misconduct in relation to a Client

- a) Entering into financial or legal obligations for or on behalf of a client other than any such obligations related to the professional services provided by the Registered Nurse.
- b) Requesting, accepting or communicating with a client via social media application (example Facebook) that is not approved as a method/tool for client communication via an authorizing mechanism (examples: employer/agency policy).
- c) Accepting from, or giving to, a client any gift or benefit of a substantial nature, whether monetary or in the form of property.
- d) Influencing a person to withdraw an allegation filed under Section 21 of the *Act* and/or contracting for the withdrawal of an allegation.
- e) Inappropriate comments or questions reflecting a lack of respect for client's dignity or privacy.
- f) Inappropriate assessment/examination procedures or the inappropriate provision of nursing care, reflecting a lack of respect for client's dignity or privacy.
- g) Abuse of a client including verbal, physical, emotional or financial.
- h) Abuse/impropriety of a client, including but not limited to:
 - (i) engaging in sexual intercourse or other sexual activity or sexual touching with a client, or the attempt to engage in such activity;
 - (ii) the invitation to or encouragement of a client to engage in any sexual activity in the presence of a Registered Nurse;
 - (iii) sexual comments in relation to a client, verbal or written including in the social media; and
 - (iv) the invitation to or encouragement of a client to engage in any sexual activity to be recorded by or for the Registered Nurse, for the personal use of the Registered Nurse or of others, or the acceptance of such recorded material, whether or not with the client's purported consent.

9. Fees

- a) Submitting an account or charge for services that the Registered Nurse knows is false or misleading.
- b) Failing to issue a statement or receipt for fee for services to a client or the person or agency who is to pay, in whole or in part, for the services if requested by a client, person or agency.



10. General

- a) Practising the profession while the Registered Nurse is in a conflict of interest.
- b) Harassing and/or discriminating conduct.
- c) Directing a Registered Nurse, student or other health care team member to perform functions which he/she is not adequately trained or that he/she is not competent to perform.
- d) An act or omission made in the course of practice of nursing that, having regard to all the circumstances, is contrary to a standard of expectation of professional conduct generally recognized by the nursing profession or generally recognized within the applicable nursing specialty, and which is harmful or potentially harmful to a client, to the public interest or to the nursing profession.

Appendix B:

Examples of professional incompetence include but are not limited to the following:

- a) errors in assessing clients, and/or in planning, implementing and/or evaluating care and/or documentation;
- b) failure to use judgement in relation to individual competence when accepting and delegating and/or carrying out duties;
- c) failure to record significant changes in clients' conditions or failing to notify others of significant changes; and
- d) incorrect assessment/examination procedures or incorrect provision of nursing care.

Appendix C:

Examples of conduct unbecoming a Registered Nurse include but are not limited to the following:

- a) conviction of a criminal act that would reasonably be regarded by Registered Nurses as disgraceful, dishonorable, or harmful to the standing or reputation of the nursing profession; and
- b) persistent or egregious conduct towards professional colleagues which is contrary to the codes of ethics.

Appendix D:

Examples of incapacity or unfitness to engage in the practice of nursing include but are not limited to:



- a) impairment due to alcohol or substance abuse; and
- b) physical or mental incapacity which impacts fitness to practise.

Appendix E:

Examples of acting in breach of the *Act*, the *Regulations* or the Code of Ethics include but are not limited to:

- a) practising as Registered Nurse or Nurse Practitioner in NL without a valid licence;
- b) failing to comply with the Continuing Competency Program as set out in Section 12(1)(c) of the *Regulations*; and
- c) failing to pay the annual licensure fee or other fees in accordance with the By-laws.



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