

## NSCN Professional Conduct Committee Terms of Reference



In accordance with the requirements of the *Nursing Act*, S.N.S. 2019, c.8, and the by-laws made thereunder, the NSCN Board shall appoint a Professional Conduct Committee composed of:

- At least one (1) public representative;
- At least one (1) registrant from each designation regulated by the College; and
- Such other number of registrants and public representatives as the Board determines.

### **Committee Membership\***

Committee composition will be at least eighteen (18) members, including a minimum of:

- Four (4) licensed practical nurses;
- Eight (8) registered nurses;
- Two (2) nurse practitioners; and
- Four (4) public representatives.

The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.

### **Panel Membership**

Upon receipt of a referral to the Professional Conduct Committee, the Chair will appoint a panel of at least three (3) Committee members to act as the Professional Conduct Committee, including at least:

- One (1) public representative;
- One (1) registrant with the same designation as the designation of the respondent; and
- One other person as determined by the Chair.

### **Term of Office**

Committee members hold office for one (1), two (2) or three (3) year terms as directed by the Board, and are eligible for reappointment.

Where a proceeding is commenced before a panel of the Professional Conduct Committee and the term of office of a member sitting on the Committee expires, that member may remain part of the panel until the proceeding is concluded.

Registrant members who have a complaint filed against them shall recuse their membership on the Committee unless the Chair determines otherwise.

### **Quorum**

Pursuant to the *Nursing Act*, a quorum of the panel shall consist of three (3) Committee members, at least one of whom must be a public representative.

All decisions require the vote of the majority of the panel.

### **Mandate**

The Professional Conduct Committee is established by the *Nursing Act* to exercise the powers and functions as provided for in the Act, Regulations and By-laws, including without limitation the following activities:

- Consider Notices of Hearing, and take such steps as the Committee considers appropriate in accordance with the authority granted to it in the Act, Regulations, By-laws and policies.
- Dispose of allegations in a Notice of Hearing referred to the Committee in accordance with the authority granted to it in the Act, Regulations and By-laws.
- Where needed in the performance of its duties, exercise the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*, except the powers of contempt, arrest and imprisonment
- Where the respondent and the CEO cannot agree on a date for a hearing, the Committee may set the date in accordance with the authority granted to it in the Act.
- Hold pre-hearing conferences to address procedural matters in advance of holding a hearing.
- Upon request from a party, or upon its own initiative, the Committee may amend a Notice of Hearing, in accordance with the authority granted to it in the Act.
- At the request of a party, the Committee may make orders relating to the exclusion of the public at a hearing or may impose publication bans.
- Determine its own processes provided they are consistent with the Act, Regulations, and By-Laws.
- During the course of a hearing, the Committee may order a respondent to submit to a health examination, audit, or competence assessment, or produce records or documents.
- Where the Committee determines that allegations in a Notice of Hearing are proven, set a date for a determination of the disposition of the matter, and then continue the hearing for that purpose in accordance with the procedure determined by the Committee.
- If the Committee makes a finding against a respondent, the Committee may impose costs and may direct the CEO with respect to the publication of the decision.

- Issue written decisions where required by the Act, Regulations or By-laws.
- Consider Settlement Agreements that have been approved by the CEO and the Complaints Committee and determine whether to accept, reject or make recommendations for changes to the proposed agreement

In addition, the Committee Chair, or Vice-Chair acting as chair in the absence of the Chair:

- Directs the selection of a panel of committee members.
- Acts as Chair of the panel, or where the Chair does not sit on the panel, directs the appointment of one of the panel members to serve as Chair.

The Chair of the panel is responsible for chairing meetings of the panel, and ensuring the written decision is complete.

### **Criteria for Membership**

- For the initial Committee formed at the time of the proclamation of the *Nursing Act*, members must have been a member of a regulatory committee, board or council of the CLPNNS or CRNNS at the time of proclamation.
- No committee member may be a member of the NSCN Board or an employee of NSCN.

#### *\*Additional Criteria for Registrant Members\*:*

- A registrant must hold a licence at the time of initial appointment to the Committee (the time they are first appointed to the Committee, not including any reappointments).
- Registrants whose licences expire while serving on the Committee, who do not renew those licences, remain eligible to serve on the Committee until the expiry of their term.
- Such registrants may be eligible for reappointment if the overall composition of the Committee ensures sufficient numbers of licensed registrants are available to meet the requirements of the By-laws.
- Generally, a registrant who has not held a licence for a period of five years, will not be eligible for reappointment.

#### *Additional Skills for Chair and Vice Chair:*

- The Chair and Vice-Chair must have experience conducting meetings, previous experience in holding hearings and be able to write comprehensive decisions incorporating reasons for decisions. Prior legal experience is preferred.

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