

Throughout these Terms of Reference, the Act refers to the current *Registered Nurses Act* and pursuant to Section 6.2 of the Act, where the term Executive Director is used, the Executive Director may delegate an assigned function. For purposes of this policy, it is anticipated that the Executive Director would delegate to a member of professional conduct services.

MEMBERSHIP

- A minimum of six members, including a Chair and Vice-Chair to be appointed by Council, with a minimum of four registered nurses and two public representatives.
- Following the College accepting the registered nurse to the Fitness to Practise program in accordance with the Eligibility Criteria (attached as Appendix A) and when a Remedial Agreement** is going to be referred to the Fitness to Practise Committee, on the direction of the Chair, the Executive Director will co-ordinate the appointment of a panel of three members, two registered nurses and one public representative, to sit to hear the matter.

TERM OF OFFICE

- Three (3) Years (eligible to re-offer for additional terms).

QUORUM

- Any two persons from the panel constitute a quorum.
- All decisions require the vote of the majority of the panel or consensus of the quorum of the panel.

MANDATE

- Review and approve, revise or reject Remedial Agreements.
- If approved, retain jurisdiction over a member until provision of a written decision pursuant to Section 4(a) of this policy.
- If non-compliant or otherwise meets the criteria pursuant to Section 69(2) of the RN Regulations, refer the matter to a Complaints Committee.
- If compliant, upon satisfaction that all terms and conditions of the Remedial Agreement are met, send a written decision to the Executive Director;
- concluding the involvement of the Committee;
- advising that the matter has been resolved such that no further action is required;
- imposing conditions and/or restrictions on the nurse's licence to practice nursing, if required; and
- subject to any publication bans, directing distribution of the decision.
- At all times, act in accordance with the duties established by the RN Act, Regulations and policies and in accordance with applicable common law principles.
- In addition the Chair, or Vice-Chair acting as Chair, of the Fitness to Practise Committee, ensures any written decision is complete and reviewed by all members of the panel.

CRITERIA FOR REGISTERED NURSE MEMBERS

- A member of CRNNS in good standing as defined in the CRNNS By-Laws for both initial and continuing membership.
- Ability to undertake the required time commitment (approximately five to ten days per year)
- Preferably have experience with capacity issues.
- Understanding of self-regulation.
- Knowledgeable about the *Standards for Nursing Practice* and the *Code of Ethics for Nursing*.
- Working knowledge of CRNNS governing legislation.
- Ability to objectively analyze information presented and make decisions based on information.

CRITERIA FOR PUBLIC REPRESENTATIVE MEMBERS

- Ability to undertake the required time commitment (approximately five to ten days per year).
- Understanding of self-regulating professions.
- Preferably have experience with capacity issues.
- Willing to become familiar with the *Standards for Nursing Practice*, the *Code of Ethics for Nursing*, and the CRNNS governing legislation.
- Ability to provide a public perspective on matters heard by the Fitness to Practise Committee.
- Ability to objectively analyze information presented and make decisions based on information.

ADDITIONAL SKILL FOR CHAIR OF COMMITTEE

- Able to conduct a meeting.
- Able to write, or assist in writing, comprehensive decisions incorporating reasons for decision.

***"Remedial Agreement" means an agreement approved by the Fitness to Practise Committee setting out the terms and conditions to be met by a member to address issues of incapacity.

ATTACHMENT “G”- APPENDIX A

FITNESS TO PRACTISE ELIGIBILITY CRITERIA

The Executive Director or delegate has the discretion to determine eligibility for the Fitness to Practise process.

Who is Eligible?

Generally, unless considered ineligible under the criteria identified below, eligible registered nurses are those who:

- are licensed with the College of Registered Nurses of Nova Scotia or were licensed at the time of the matter giving rise to the referral;
- are or have been incapacitated to the extent that their nursing practise may be affected;
- voluntarily agree to enter the program and undergo any assessments requested by the executive director;
- demonstrate a willingness to participate in timely remediation; and
- comply with any direction to temporarily give up their licence to practise nursing or have conditions and/or restrictions applied to their licence pending resolution of the matter.

Who Is Not Eligible?

The registered nurses who are ineligible are those who have:

- an incapacity that cannot reasonably be expected to be successfully treated or remedied or where the Executive Director or delegate believes that based on factors such as the nature and extent of the incapacity and/or the relapse history, the member is unlikely to successfully pursue any required remediation or treatment.
- failed to meet the terms and conditions of a previous remedial agreement or similar arrangement from another jurisdiction.
- other allegations or matters under investigation related to potential professional misconduct, incompetence or conduct unbecoming the profession that are not principally related to the incapacity;
- particular circumstances related to the matter where referral to Fitness to Practise would not be in the best interest of the public and/or the profession or would not be consistent with the objects of the Act.

How Is The Fitness to Practise Process Initiated?

Registered nurses enter the Fitness to Practise process in one of two ways:

- Self-referral – Registered nurses seeking to enter the Fitness to Practise process.
- College referral – Registered nurses are referred by the College following receipt of a complaint or upon receipt of information from a third party.