

CLPNNS Board Decision
September 23, 2016

CRNNS Council Decision
September 28, 2016

Recommendation Regarding the Feasibility of Potential Merger of CLPNNS and CRNNS

FOR DECISION

BACKGROUND

As the regulatory organizational bodies for nurses in Nova Scotia, the College of Licensed Practical Nurses of Nova Scotia (CLPNNS) and the College of Registered Nurses of Nova Scotia (CRNNS)¹ have a shared responsibility to protect and serve the public interest of Nova Scotians by regulating the practice of licensed practical nurses (LPNs), registered nurses (RNs) and nurse practitioners (NPs), respectively. The purpose of self-regulation is to serve the interest of the public rather than in the interests of the professions themselves.

In October 2015, the Board of CLPNNS and the Council of CRNNS² met to explore the feasibility of merging to one nursing regulator in Nova Scotia. This conversation was originally triggered by CLPNNS who inquired whether the public could be better served by merging to one nursing regulator. The purpose of the October meeting was to explore the potential merits and risks of a potential merger of the two Colleges.

At the October meeting, the Boards reached consensus that the potential merger would continue to be explored and that a Joint Governance Working Group (JGW) would be established to facilitate this work and to ensure a solid risk analysis of the options, a jurisdictional review and a synopsis of the legal implications was conducted. In addition to transparency and openness, the overarching guiding principle was to examine the information through the lens of: "is this in the best interest of the public?"

On November 16, 2015 and December 9, 2015, the CLPNNS Board and CRNNS Council, respectively, approved the members for the JGW and the JGW Terms of Reference.

In December 2015, an expression of interest for a feasibility study regarding the potential merger to one nurse regulator in Nova Scotia was tendered. Three submissions were received from local consultant groups and Halifax Global Inc. was the successful firm chosen to complete the feasibility study. Between December 2015 and April 2016, the JGW met five times with Halifax Global Inc. regarding the requirements of the feasibility study and to provide on-going direction and input into the work being completed.

The feasibility study conducted by Halifax Global Inc. included consultations with staff and external stakeholders including legal counsel, the Nova Scotia Departments of Health and Wellness and Justice, the public and members. In order to gather a snapshot in time of public and members perceptions of merging to one nursing regulator, telephone and online surveys were also conducted.

1 CLPNNS and CRNNS herein referred to as the Colleges.

2 CLPNNS Board and CRNNS Council herein referred to as the two Boards



Interviews were also conducted with key informants including the College of Nurses of Ontario who has regulated both RNs and LPNs since its inception in the 1960s and two of the Colleges regulating nursing in British Columbia who were in the process of developing a business case for moving to one nursing regulator. Since then, the three Colleges regulating nurses in British Columbia have made the decision to merge to one nursing regulatory college.

The report also included a comprehensive review of the two Colleges' financials and the financial projections for the next three years. Additionally, a literature review was conducted which focused on mergers of nursing regulatory organizations, joint nursing regulation, and related issues.

At a meeting of the joint Boards on April 22, 2016, the Boards were presented with the following:

- The Feasibility Study regarding the Merger to one Nurse Regulator in Nova Scotia: Final Report **which concluded that moving forward with the merger of the two Colleges is compelling.**
- A thematic analysis of the public and members survey results **which indicated that the public and members were generally supportive of the potential merger.**
- A Literature review: Mergers in Canadian Nursing Regulatory Organizations which noted that there is **no clear cut regulatory research evidence in terms of mergers of nursing regulatory organizations in Canada.**

After reviewing the information presented, there was consensus by both Boards that the information to date was valuable and instrumental in guiding the discussions and decision-making process. However, with the common understanding that an opportunity of this magnitude is a significant undertaking, both Boards collectively determined that further exploration was still required. Among other things, the Boards expressed an interest in exploring more clearly the benefits and risks related to a potential merger.

In May 2016, each Board met separately to determine any further information they required and directed the JGW to reconvene and gather this information with a goal of bringing forward a recommendation to the respective Board meetings in September.

CURRENT STATUS

In June 2016, the JGW met to identify additional data sources that would provide further information requested by the Boards to help in their decision-making. Between June and August 2016, the JGW collected and analyzed additional information and created an inventory/repository for all material related to the merger analysis.

In order to determine if there were any outstanding stakeholder issues or risks that would have significant effect on the potential merger, the JGW conducted a Stakeholder Issue and Risk Analysis. Nineteen stakeholders were identified and plotted within a stakeholder matrix that evaluated the 'importance' and 'influence' of each stakeholder as it relates to the decision. This enabled the JGW to identify the stakeholders who may be a source of significant risk and therefore may require careful monitoring and management. These stakeholders were analyzed using the following categories: historical, ethical, legal, socio-cultural, political, economic, technological, and ecological/environmental. **The results of the analysis determined that there are no stakeholder risks that cannot be mitigated.**

The Stakeholder Issue and Risk Analysis, along with the previous information collected, enabled the JGW to determine that there was sufficient information to ultimately make a recommendation.

BENEFIT AND RISK ANALYSIS OF THE DECISION TO MERGE TO ONE NURSING REGULATOR

Using all of the information that had been collected, the JGW conducted a Benefit and Risk Analysis. Table 1 outlines the potential benefits and the ways in which each benefit protects and serves the public interest. Table 2 outlines the potential risks, risk level and mitigation strategies. **From the Benefit and Risk Analysis, the JGW concluded that the potential benefits of a potential merger of CLPNNS and CRNNS outweigh any potential risks.**

Table 1 - POTENTIAL BENEFITS

Benefits	Does this protect and serve the public interest?	In what way(s) does this benefit protect and serve the public interest?
Increased ease of access to the nursing regulator for the public, members and stakeholders.	Yes	<p>Single point of access for public, government and other stakeholders to the nursing regulator for data, licence verification and to a submit complaint. This may also result in time saved for the public, government and other stakeholders.</p> <p>A single point of contact for the public who typically do not differentiate between the three nursing designations (LPNs, RNs and NPs).</p> <p>Provides streamlined nursing human resource data to government so that they can respond to health human resource needs.</p>
A single regulatory nursing voice lends greater strength to represent the public interest and a greater opportunity to effect change in nursing in the interest of the public.	Yes	<p>More opportunity for the public to understand the role of the nursing regulator.</p> <p>Provides greater opportunity to contribute to health systems change and policy development on behalf of the public.</p>
Economies of scale may lead to greater efficiency and effectiveness in the delivery of the regulatory mandate and the operations of one nursing regulator.	Yes	<p>Operational potential for economies of scale, greater efficiencies and potential savings.</p> <p>The public sees that an advantage of merging two organizations is increased potential for cost efficiencies and cost effectiveness.</p> <p>Streamlines and simplifies decision-making, policy development and communication to the public and members.</p>
Holistic approach to nursing regulation and a more strategic approach to nursing practice.	Yes	<p>An opportunity to develop a new legislative framework for nursing in Nova Scotia that would be current, relevant and nimble enough to better meet the needs of the public.</p>
Analysis of the external and internal environments indicates support for the potential merger.	Yes	<p>Public support would be facilitated from the longstanding public trust in the nursing profession.</p> <p>The staff of both Colleges have a solid history of collaboration and working on joint initiatives, leading to positive and consistent regulatory policies and services to the public. This collaborative relationship is unique in Canada.</p> <p>Public, staff and members are generally in favor of a potential merger, providing confidence that the potential merger is the right decision on behalf of the public.</p>
A potential merger can be financed from the reserves of both Colleges.	Yes	<p>The potential merger may result in enhancing the financial soundness of the Colleges which will allow for the continued delivery of program and services to meet the needs of the public.</p>

Table 2 - POTENTIAL RISKS

Risks	Does this protect and serve the public interest?	What is the level of risk to the public?	How can the risk be mitigated?
Both Boards have a legal and ethical obligation to protect the public. There is a risk that the College’s respective members might not recognize that public interest and protection is the purpose of self-regulation and not self-interest in the profession.	No	High	The primary mitigation strategy is a robust ongoing communication, engagement and education strategy.

Risk Levels:

Low

- it is not a risk to the public
- the risk can be managed at an operational level

Medium

- it may involve a risk to the public and/or demonstrate that the public interest is not being served
- the risk needs to be managed through a combination of operational and Board resources

High

- public interest is not being served and/or there is risk to the integrity of the Colleges
- the risk needs to be actively managed by the Boards

EVIDENCE REGARDING THE POTENTIAL MERGER

A thorough review of all of the information, detailed discussions and reports has provided the JGW with the following:

- *The Feasibility Study regarding the Merger to One Nurse Regulator in Nova Scotia: Final Report* concluded that moving forward with the merger of the two Colleges is compelling.
- A thematic analysis of the public and members survey results indicated that the public and members were generally supportive of the potential merger.
- *A Literature Review: Mergers in Canadian Nursing Regulatory Organizations* noted that there is no clear cut regulatory research evidence in terms of mergers of nursing regulatory organizations in Canada.
- The Stakeholder Issue and Risk Analysis determined that there are no stakeholder risks that cannot be mitigated.
- The Benefits and Risk Analysis concluded that the potential benefits of a potential merger of CLPNNS and CRNNS outweigh the potential risks.

FOR DECISION

The CLPNNS Board and the CRNNS Council at their respective Board meetings in September 2016 will each vote on the following recommendations:

Primary Recommendation

The Joint Governance Working Group (JGW) recommends that the CLPNNS Board and the CRNNS Council approve a motion to create a new nursing regulatory college to regulate the practice of LPNs, RNs and NPs in Nova Scotia

Secondary Recommendations:

1. That the CLPNNS/CRNNS Joint Governance Working Group (JGW) be disbanded immediately.

If the primary recommendation is adopted, it is further recommended that:

2. A Transition Advisory Governance Group (TAGG) be approved, established and function in the following two phases:
 - a. Phase 1 to be effective immediately to December 31, 2016, composed of the previous JGW members, to produce a Memorandum of Understanding/Agreement for approval by the CLPNNS Board and CRNNS Council by December 31, 2016.
 - b. Phase 2 to begin January 1, 2017 until the merger agreement is signed and where feasible, composed of TAGG Phase1 members to oversee the development of the merger agreement.
3. The Executive Director of CLPNNS and the Chief Executive Officer and Registrar of CRNNS convene a Transition Operational Group (TOG) from the joint staffs effective immediately to initiate transitional operational planning and to report to the TAGG- Phase 1 until December 31, 2016 and TAGG-Phase 2 from January 1, 2017 until the merger agreement is signed.
4. Funds from the CLPNNS unrestricted funds and the CRNNS liquidity reserve may be used to fund the merger.
5. That the merger decision is embargoed until the official communication is announced, no later than October 6, 2016.