

**NURSING PROFESSIONS ACT**  
R-003-2024  
Registered with the Chief Legislative Counsel  
2024-01-12

**NURSING PROFESSIONS REGULATIONS**

The Minister, under section 103 of the *Nursing Professions Act*, S.Nu. 2023,c.16, and every enabling power, makes the annexed *Nursing Professions Regulations*.

Complaints

Making a complaint

1. (1) A complainant may make a complaint to the Complaints Officer,
  - (a) by writing to the Complaints Officer in any Official Language; or
  - (b) in the case of an illiterate person, orally in any Official Language with a person designated by the Complaints Officer.

Recording

- (2) In the case of a complaint filed orally under paragraph (1)(b), the person designated by the Complaints Officer must
  - (a) record the complaint in a manner approved by the Complaints Officer;
  - (b) if the complaint is recorded as a sound recording,
    - (i) play back the recording to the complainant, and
    - (ii) allow the complainant to have their words re-recorded until the complainant is satisfied that the recording accurately captures their words; and
  - (c) if the complaint is recorded in writing,
    - (i) record the words of the complaint in the Official Language they were provided in,
    - (ii) read back the recorded words to the complainant, and
    - (iii) make any corrections to the written record that the complainant requests until the complainant is satisfied that the recording accurately captures their words.

Transmission of complaint

- (3) A person recording a complaint under subsection (2) must provide the recorded complaint to the Complaints Officer as soon as practicable after it is made.

Designation

- (4) The Complaints Officer may designate persons for the purposes of receiving oral complaints under paragraph (1)(b) either individually or by class.

Review of a dismissal of a complaint

2. An application made by a complainant for the review of a dismissal of a complaint, made under subsection 55(1) of the Act, may be made in the same manner as a complaint.

## Fitness to Practice Committee

### Referral to Fitness to Practice Committee

3. When determining whether it is appropriate to refer a complaint to the Fitness to Practice Committee, the Complaints Officer or the Chairperson of the Fitness to Practice Committee as the case may be, must take into consideration all relevant factors, including
- (a) the respondent's prior conduct history and fitness to practice history; and
  - (b) other factors relevant to the particular matter under consideration.

### Members

4. (1) Subject to subsection (2), the Fitness to Practice Committee is composed of
- (a) at least four members of the college, including
    - (i) one registered psychiatric nurse,
    - (ii) one licensed practical nurse,
    - (iii) one or two registered nurses, and
    - (vi) one or two nurse practitioners; and
  - (b) two other persons who are
    - (i) residents of Nunavut,
    - (ii) not qualified to practice nursing in Nunavut, a province, or another territory, and
    - (iii) not employees of the department responsible for the administration of the Act.

### Exception

(2) Subparagraph (1)(a)(i) does not apply if there are no registered psychiatric nurses willing to serve on the Fitness to Practice Committee.

### Restriction

(3) A member of the Fitness to Practice Committee must not be a member of the Board of Directors, the Professional Conduct Committee, the Board of Inquiry or the Appeals Committee.

### Term of membership

(4) A member of the Fitness to Practice Committee holds office for a term of two years and may be re-appointed.

### Expiration of registration

(5) If a member of the Fitness to Practice Committee's registration with the college expires while serving on the Committee, and it is not renewed, the member remains eligible to serve on the Committee until the expiry of their term.

### Term of Chairperson and Deputy Chairperson

(6) The Chairperson and the Deputy Chairperson of the Fitness to Practice Committee hold office for a term of two years and may be re-appointed.

### Quorum

(7) The quorum for meetings of the Fitness to Practice Committee is three members, one of whom must be a member meeting the requirements under paragraph 4(1)(b).

### Complaint against members

(8) If a complaint is made against a member of the Fitness to Practice Committee under subsection 51(1) of the Act, the member must recuse their membership on the Committee unless the Chairperson of the Committee determines otherwise.

### Conflict of interest

(9) A member of the Fitness to Practice Committee who has a conflict of interest in respect of a matter that is before the Committee must

- (a) disclose the general nature of the conflict of interest to the Committee; and
- (b) refrain from participating in consideration of the matter.

### Representations to the Fitness to Practice Committee

**5.** Arguments and evidence may be presented to the Fitness to Practice Committee under subsection 57(5) of the Act

- (a) in person;
- (b) by telecommunication;
- (c) by electronic mail; or
- (d) in the case of a document, by serving the document on the college.

### Failure to comply

**6.** The Chairperson of the Fitness to Practice Committee must make a referral under subsection 57(8) of the Act if the Chairperson is of the opinion that a respondent has failed to comply with any of the requirements made by the Fitness to Practice Committee.

## Alternative Dispute Resolution Process

### Procedure

**7.** If the Complaints Officer or Chairperson of the Professional Conduct Committee determines that a complaint should be referred to an alternative dispute resolution process, they must provide to the complainant and the respondent

- (a) written notice of the referral; and
- (b) a form for written consent to participate in the alternative dispute resolution process.

### Facilitator

**8.** The Chairperson of the Professional Conduct Committee must designate a facilitator for an alternative dispute resolution process, giving consideration to

- (a) the ability of the facilitator to communicate in the preferred Official Languages of the complainant and the respondent; and
- (b) if appropriate for the complainant or the respondent, the ability of the facilitator to resolve the matter in a manner consistent with Inuit culture and Inuit societal values.

Fulfillment of terms of agreement

**9.** The Chairperson of the Professional Conduct Committee must determine whether a respondent has properly fulfilled the terms of a settlement agreement for the purposes of subsection 58(5) of the Act.

Censure

Appearance

**10.** A respondent may appear before the Professional Conduct Committee to be censured in person or by videoconference.

Public information

**11.** Any information required to be made public in respect of a censure under the Act must

- (a) be made available on the college's website;
- (b) be written in the preferred Official Language of the complainant and respondent; and
- (c) include a written statement in all Official Languages indicating that upon request, the information can be made available in any Official Language.

Notice to Employers

Notice to Employer requirements

**12.** Notice of the suspension or cancellation of a respondent's registration and certificate, or the placing of limitations, terms or conditions on a respondent's entitlement to practice, required under subsection 85 of the Act, must

- (a) be written in any Official Language;
- (b) include a written statement in all Official Languages indicating that, upon request, the notice can be made available in any Official Language.

Public Register

Public register requirements

**13.** The public register under section 93 of the Act must

- (a) be written in any Official Language;
- (b) include a written statement in all Official Languages indicating that, upon request, information on the public register can be made available, in any Official Language.

Correspondence

Correspondence

**14.** (1) For the purposes of this section, "correspondence" means invitations under subsection 55(5) of the Act, notices, summaries, decisions, directions or other information required under the Act, that must be provided in accordance with regulations.

Correspondence to the complainant or respondent

(2) Correspondence provided to the complainant or the respondent by the Complaints Officer, the Professional Conduct Committee, the Chairperson of the Professional Conduct Committee, the Chairperson of the Board of Inquiry or the Registrar must

- (a) be written in any Official Language;
- (b) include a written statement in all Official Languages indicating that, upon request, the correspondence can be made available in any Official Language.

Preferred Official Language

(3) If the preferred Official Language of correspondence of the complainant or respondent is known, correspondence must be in that language unless otherwise requested by the respondent.

General

Request in any Official Language

**15.** If information, notice or correspondence includes a written statement indicating that it may be made available in any Official Language under paragraphs 11(c), 12(b), 13(b) or 14(2)(b), it must be made available as soon as reasonably practicable after a request for has been made.

Service

**16.** For the purposes of subsections 99(1) and (2) of the Act, service by registered mail is deemed to be effected no more than 28 days after the notice or other document is sent.