



COLLEGE OF LICENSED PRACTICAL NURSES OF NOVA SCOTIA PROFESSIONAL CONDUCT PROCESS

The College of Licensed Practical Nurses of Nova Scotia (CLPNNNS or the College) has an established Professional Conduct Process. The process initiates when the College receives a signed letter of complaint about a member *or* is notified that a member has been terminated from their employment. Once notified, the College sends a letter of acknowledgment to the person who laid the complaint (complainant). The letter of acknowledgement verifies receipt of the complaint and outlines the investigation process.

The licensed practical nurse (LPN) against whom the complaint is laid (respondent) is also notified of the complaint and pending investigation. They are given copies of the complaint, the [LPN Act](#) & [LPN Regulations](#), and an overview of the Professional Conduct Process. This packet is sent by registered mail.

Complaint Committee

The Complaints Committee has a minimum of three members, one of which must be an LPN and one public representative. Members of the complaints committee are appointed by the College Board of Directors, generally for a two-year term.

The mandate of the Complaints Committee is to decide the best course of action to manage a complaint about the practice of a LPN. The committee relies upon the findings of an investigation specific to the complaint and hearing testimony of the complainant and respondent to make this decision.

Investigation

When the College receives a letter of complaint it is assigned to an investigator. The investigator's role is twofold. The first is to coordinate interviews of those involved and gather data relevant to the complaint. The second is to prepare the *Investigative Report (IR)*. The IR contains summaries of relevant interviews and documents to support witness statements. Typically, the investigator begins with interviewing the complainant and then onto other persons (witnesses) who may have knowledge relevant to the complaint. The purpose of the investigation is to gather as much data as possible that is relevant to the complaint in a fair and impartial manner. All pertinent information is collected without regard to whether it supports or refutes the information cited in the letter of complaint. It is important to note that information gathered as part of the investigation process may be, at some point, disclosed to the respondent.

Investigative Report

When complete, the IR is sent to the respondent for their review and response. The respondent has thirty (30) days to provide a response (verbally or in writing) to the IR. The investigative report and the response from the respondent, is compiled into an *Investigative Summary (ISR)*. The ISR is forwarded to the Complaints Committee for review.

It is important to note that if the respondent has not responded to the IR within the 30 days (or made arrangements for an extension), the ISR is sent to the committee without it. It is equally important to note that all information obtained from the complainant, witnesses and respondent during the investigative process is the sole property of CLPNNS. The report is confidential and is only disclosed where applicable and in accordance with College policy.

Investigative Summary Report

The purpose of the ISR is to provide the committee with all the information pertinent to the complaint. Typically, committee members receive the ISR before the committee meeting to allow time for review of the information and formalize questions, comments or queries about the contents of the document.

Dismissal or Informal Resolution

The complaint can be dismissed or informally resolved in accordance with Section 35(1) (a) to (g) of the [LPN Regulations](#). The Executive Director in consultation with the committee may also decide to informally resolve the complaint whereby addressing the complaint through such a resolution is appropriate. Any one of the interested parties can approach the other parties to suggest such a resolution. Informal resolution may mean the Executive Director may direct College staff to work with the respondent (and sometimes complainant) to create a plan to address the key elements of the complaint.

Complaints Committee Meeting

The purpose of this meeting is to provide the complainant and respondent the opportunity to make representations and/or answer questions regarding the complaint for the committee.

Complainants always appear before the committee first. Typically meetings with complainants and respondents last about an hour each and the committee allows for time in-between the meetings to discuss testimony and formulate questions.

Disposition of Complaints

The committee's role is to *dispose* of the complaint. Disposition means a decision is made based on the information in the ISR and complainant and respondent testimony. Disposition of the complaint can include a (n):

1. **informal resolution** – resolved by interested parties working together;
2. **dismissal** -no further action is taken;
3. **counsel** – this is a determination that the respondent could benefit from professional guidance from CLPNNS with regard to the subject matter of the complaint, in circumstances that do not constitute professional misconduct, conduct unbecoming the profession, incompetence or

- incapacity (not a formal disciplinary finding);
4. **caution** - a finding that the respondent has breached the standards of professional ethics or practice expected of registrants, but in circumstances where such breach does not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity (not a formal disciplinary finding);
 5. **counsel and caution the respondent** – different elements within the complaint are assessed separately from each other and as such my result in different actions. ;
 6. **reprimand with consent***- a formal disciplinary finding based on proven professional misconduct, conduct unbecoming the profession, incompetence or incapacity ; or
 7. **referral to the Professional Conduct Committee.**

*Reprimands issued by the Complaints Committee require respondent consent, however reprimands issued by the Professional Conduct Committee do not. If the respondent does not consent to a reprimand issued by the Complaints Committee, the matter is automatically forwarded to the Professional Conduct Committee for a formal hearing. Regardless of the issuing committee, a reprimand is a formal disciplinary finding and as such becomes a permanent part of the respondent's record.

Other Orders

The Complaints Committee can order a respondent to undergo a physical, mental and/or practice assessments. They can also order the respondent to submit assessments reports to the committee for further review. Failure to comply with a committee order may result in license suspension until reports are produced.

The committee can order the Executive Director to suspend a respondent's nursing license if there are concerns regarding a respondent's competence and/or their ability to provide safe care to clients. The suspension can be ordered at any time in the investigative process and will remain until the committee directs otherwise.

Professional Conduct Committee

Complaints that are unable to be resolved by the Complaints Committee are automatically referred to the Professional Conduct Committee (PCC) for further review. The PCC is made up of five (5) individuals including at least one LPN and once public representative. The chairperson and members of the PCC are appointed by the College Board of Directors and serve a two year term.

The role of the PCC is twofold. First it is to hear evidence and determine if allegations as outlined in the complaint have been proven and whether such proof amounts to professional misconduct, conduct unbecoming the profession, incompetence or incapacity. Secondly the Professional Conduct Committee must decide on appropriate sanction for the allegations that have been proven.

Settlement Proposal

If a matter has been forwarded to a Professional Conduct Committee, a settlement proposal may be tendered in writing by the respondent to CLPNNS or CLPNNS to the respondent at any time prior to a formal hearing.

A settlement proposal is a consensus document to provide context to the original complaint. It must include an admission by the respondent to one or more of the allegations set out in the complaint, outline the terms of how the complaint is to be disposed and the respondents consent for disposition. The use of a settlement proposal must be agreed upon by both parties.

If agreement is reached, the proposal is sent back to the original Complaints Committee for review. The committee may accept, reject or suggest amendments to the proposal. If it is accepted (or suggests amendments), the proposal is returned to the Professional Conduct Committee for their review. If proposal is accepted, becomes part of the order of the PCC and no formal hearing is required (as long as the respondent complies with the order).

Accepting a settlement proposal eliminates the need for a formal hearing, however, if the proposal is rejected by either committee, the matter is forwarded to a Professional Conduct Committee to proceed with a hearing. Further information on settlement proposals can be found under Section 39 of the [LPN Regulations](#).

Professional Conduct Hearing

A professional conduct hearing is required when a matter is unresolved by the complaints committee and in the absence of a settlement proposal. The conduct hearing is where evidence is presented to the professional conduct committee. After the review of evidence the PCC can order one of more (in any combination) of the following:

1. dismiss a complaint;
2. issue a reprimand (respondent consent is not required);
3. restrict a license;
4. place conditions on a license;
5. mandate remedial action;
6. suspend a license;
7. revoke a license; or
8. publish and/or inform persons their findings as appropriate.

Appeal

The respondent may appeal on any point of law from the findings of the Professional Conduct Committee within thirty (30) days after service of the decision.

Additional Information

More information on the professional conduct process, fitness to practice and reinstatement can be found in the [LPN Act](#) and [LPN Regulations](#) and Professional Conduct Policies. In the event there is any conflict between this overview and the *LPN Act and Regulations* or policies, the latter shall prevail.

If you still have questions, please call Registration & Professional Conduct Services at (902) 423-8517 or toll-free in Nova Scotia at 1 (888) 718-8517.