

1977 BILL 71

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 71

THE NURSING ASSISTANTS REGISTRATION ACT

MR. MUSGREAVE

First Reading

Second Reading

Third Reading

Bill 71
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THE NURSING ASSISTANTS REGISTRATION ACT

(Assented to , 1977)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 In this Act,

- (a) "Board" means the Nursing Assistants Registration Board established under section 2;
- (b) "Minister" means the Minister of Social Services and Community Health;
- (c) "registered nursing assistant" means a person registered under this Act;
- (d) "Registrar" means the Registrar designated under section 4.

2 (1) There is hereby established the Nursing Assistants Registration Board consisting of the following members appointed by the Lieutenant Governor in Council:

- (a) a chairman,
- (b) two members of the Alberta Certified Nursing Aide Association,
- (c) two members of the Alberta Association of Registered Nursing Orderlies,
- (d) one member of the Alberta Hospital Association,
- (e) one member of the Alberta Association of Registered Nurses, and
- (f) one member of the council of the College of Physicians and Surgeons of the Province of Alberta.

Explanatory Notes

1 Definitions.

2 The composition of the Nursing Assistants Registration Board.

(2) Each of the members of the Board shall be appointed for a term of not more than three years.

(3) No member shall be appointed for more than two consecutive terms.

(4) The Minister of Social Services and Community Health, the Minister of Advanced Education and Manpower and the Minister of Hospitals and Medical Care may appoint their respective representatives to attend meetings of the Board and the persons so appointed have the right to receive notice of all Board meetings and to participate in all Board meetings but do not have the right to vote on matters before the Board.

(5) The members of the Board who are not employees of the Government of Alberta may be paid remuneration for their services and allowances for their expenses necessarily incurred in the performance of their duties at rates fixed by the Lieutenant Governor in Council.

(6) The Board may make rules governing the calling of its meetings, the conduct of its meetings and any other matter pertaining to the conduct of its business and affairs.

(7) The Board shall meet not less than twice a year.

(8) The chairman shall call a meeting of the Board at the request of not less than four members of the Board.

(9) A majority of the members then holding office constitutes a quorum at a meeting of the Board.

3 (1) The Board may

(a) subject to the approval of the Minister, evaluate educational programs offered by agencies outside Alberta as being substantially the same as those offered in Alberta for nursing assistants;

(b) provide advice to the Minister of Advanced Education and Manpower with regard to training programs for nursing assistants;

(c) prescribe the examinations to be taken by applicants pursuant to section 7(5);

(d) subject to the approval of the Minister, prescribe

(i) the form of application for registration,

(ii) the form of registration,

(iii) the registration fee, annual fees and reinstatement fees payable under this Act, and

3 Powers and duties of the Board.

(iv) the times at which fees are payable.

(2) The Board shall establish and maintain a register called the "Nursing Assistants Register".

4 The Minister may designate an employee of the Department of Social Services and Community Health as the Registrar under this Act.

5 (1) A person is eligible for registration under this Act if he has completed a post-secondary program of education for nursing assistants that has been approved by the Minister of Advanced Education and Manpower.

(2) A person is eligible for registration under this Act if he has been certified as being competent and qualified to act as a nursing assistant by an agency outside Alberta whose program of education is evaluated by the Board as being substantially the same as those offered in Alberta for nursing assistants.

(3) A person is eligible for registration under this Act if, on January 1, 1978,

(a) he was the holder of a valid, subsisting licence issued under *The Nursing Aides Act*, or

(b) he was eligible for a licence under *The Nursing Aides Act*, or

(c) he was a member in good standing of the Alberta Association of Registered Nursing Orderlies, or

(d) he had satisfactorily completed a nursing orderly training program operated by the Government.

6 (1) Where the Registrar is satisfied that a person

(a) is eligible for registration under section 5,

(b) is of good character and reputation, and

(c) has paid the registration fee,

the Registrar shall enter the name and address of that person in the Register.

(2) The Registrar shall refer an application to the Board

(a) if the Registrar is not satisfied with respect to any of the matters referred to in subsection (1), or

4 This section appoints a Registrar.

5 This section stipulates the qualifications for registration.

6 This section directs the Registrar to satisfy himself as to the qualification and character of an applicant before registration and to refer any apparently unsatisfactory applicants to the Board which shall make the final decision.

(b) if the person discloses in his application that he has been the subject of disciplinary action by a regulatory body governing the provision of health services in Canada or elsewhere.

(3) The Board may review an application referred to it with respect to the circumstances of any disciplinary action or the matters mentioned in subsection (1), as the case may be, and

(a) if it is satisfied with respect to the circumstances of the disciplinary action or those matters, it shall direct the Registrar to register the person, or

(b) if it is not satisfied with respect to the circumstances of the disciplinary action or any of those matters, it shall direct the Registrar not to register the person and shall give the person written notice of the direction forthwith, giving the reasons for it.

7 (1) Every registered nursing assistant shall pay an annual fee in the amount prescribed by the Board to the Registrar or to any person authorized by the Registrar to accept payment of the fee.

(2) The Registrar may cancel the registration of a registered nursing assistant with the consent of that registered nursing assistant and the Board.

(3) The Registrar shall suspend the registration of a registered nursing assistant who does not pay the annual fee on the date prescribed by the Board.

(4) The Registrar shall cancel the suspension of any person's registration under subsection (3) if, within 5 years of the date of the commencement of the suspension, that person pays the annual fee owing for the current year plus a reinstatement fee.

(5) Where more than 5 but less than 10 years have elapsed since the date of the commencement of a suspension under subsection (3), the Board shall cancel the suspension if that person pays the annual fee for the current year plus a reinstatement fee and passes any examination prescribed by the Board.

(6) Where the registration of a registered nursing assistant is suspended under subsection (3) for a period of 10 years, the Registrar shall cancel that registration.

8 (1) A person who is refused registration pursuant to section 6(3) may apply for a review of the Board's direction by an application in writing to the Minister made within 30 days after the date of the direction of the Board.

7 This section prescribes the reasons for which the Registrar may suspend or cancel a registration and the procedure by which a person suspended may be reinstated.

8 Review panel.

(2) For the purposes of subsection (1), where the Registrar has neither registered nor refused to register a person within 60 days after the date on which the Registrar received that person's application for registration, the application shall be deemed to have been refused and the direction to refuse the application shall be deemed to have been made on the last day of that 60-day period.

(3) Upon receipt of an application under subsection (1), the Minister shall appoint a review panel of three persons, none of whom were involved in making the direction appealed from, to review the Board's direction.

(4) The Minister may authorize, fix and provide for the payment of remuneration and expenses to members of a review panel.

(5) *The Administrative Procedures Act* applies to proceedings of the review panel.

(6) The review panel may confirm, reverse or vary the Board's decision and the decision of the review panel is final and binding upon the applicant and the Board.

(7) Upon the review, the review panel may make any order as to the costs of the review as it considers just.

(8) A person in whose favour an order for costs is made under subsection (7) may recover the amount of the costs by action.

9 (1) A registered nursing assistant shall render services only

(a) under the direction of a physician or a registered nurse,
or

(b) during the course of the registered nursing assistant's employment in

(i) an approved hospital under *The Alberta Hospitals Act*, or

(ii) a contract nursing home as defined in *The Nursing Homes Act*, or

(iii) an institution or facility operated or approved by the Minister.

(2) The services rendered by a registered nursing assistant under subsection (1) shall be services for which he has been educated or trained.

9 This section specifies where a registered nursing assistant may be employed and limits the services he may render.

10 (1) For the purpose of this Act, the determination as to whether a registered nursing assistant has displayed a lack of skill or judgment in carrying out his duties as a registered nursing assistant or is incapable of or unfit to carry out his duties as a registered nursing assistant is a question of fact for the sole and final determination of the Board or, on appeal, the District Court.

(2) A person who

(a) has a complaint respecting the skill or judgment of a registered nursing assistant in carrying out his duties as a registered nursing assistant, or

(b) has reason to believe that a registered nursing assistant has provided services in contravention of the provisions of section 9,

may make a complaint in writing to the Board.

(3) The Board shall review any complaint received by it and shall decide either

(a) that no further action be taken if the Board is of the opinion that the complaint is frivolous, or

(b) that a hearing with respect to the complaint be held before the Board.

(4) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations governing the conduct of hearings under this section.

(5) A copy of the complaint and the decision of the Board under subsection (3) shall be served by registered mail on the registered nursing assistant within 15 days after the decision is made.

(6) Notice of the date of any hearing shall be served by registered mail on the registered nursing assistant concerned and on the complainant at least 30 days before the date set for a hearing under this section.

(7) *The Administrative Procedures Act* applies to proceedings under this section.

(8) Notwithstanding subsection (7), the Board shall afford a person who is entitled to make representations at a hearing under this section the opportunity to

(a) make oral representations, and

(b) be represented by legal counsel or an agent.

10 This section specifies the disciplinary powers of the Board and the procedure for dealing with complaints about registered nursing assistants.

(9) Where the Board determines that a complaint under subsection (2) is justified, the Board may by order

- (a) suspend the registration of the registered nursing assistant for a stated period, or
- (b) cancel the registration of the registered nursing assistant, or
- (c) reprimand the registered nursing assistant.

11 (1) A registered nursing assistant against whom an order has been made under section 10(9) may, within 30 days of the date of service of the order on the nursing assistant appeal to the District Court by way of originating notice.

(2) The originating notice shall

- (a) name the Board as the respondent, and
- (b) be served on the Registrar within 30 days from the date of service of the order on the registered nursing assistant.

(3) An appeal under this section shall be a rehearing of the matter on the merits.

12 (1) No person other than a nursing assistant registered under this Act and not under suspension shall take or use

- (a) the name "Registered Nursing Assistant" or the letters "R.N.A." alone or in combination with other words, or
- (b) the name "Certified Nursing Aide" or the letters "C.N.A." alone or in combination with other words, or
- (c) the name "Registered Nursing Orderly" or the letters "R.N.O." alone or in combination with other words, or
- (d) any name, title, description or abbreviation implying that he is a nursing assistant or a person registered under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

13 *The Nursing Aides Act* is repealed.

14 (1) This Act, except section 12, comes into force on the day upon which it is assented to.

(2) Section 12 comes into force on July 1, 1978.

11 Procedure for appeal from a decision of the Board.

12 This section restricts the use of the title “nursing assistant”, “nursing aide” and “nursing orderly” to those persons registered under this Act.

13 Repeals chapter 263 of the Revised Statutes of Alberta 1970.