

1983 BILL 59

---

First Session, 20th Legislature, 32 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 59**

**NURSING PROFESSION ACT**

---

HON. MR. KING

---

*No Reading* .....

*Second Reading* .....

*Committee of the Whole* .....

*Third Reading* .....

*Final Passage* .....

---

# BILL 59

1983

## NURSING PROFESSION ACT

(Assented to , 1983)

### TABLE OF CONTENTS

Definitions	1
-------------	---

#### PART 1

#### PRACTICE OF NURSING

Nature of nursing	2
Practice scope	3
Registration	4
Use of name	5
Use of employers	6
Education	7

#### PART 2

#### ALBERTA ASSOCIATION OF REGISTERED NURSES

Association	8
Council	9
Composition of the Council	10
Annual report	11

#### PART 3

#### REGISTRATION

Appointment of Registrar	12
Register of Registered Nurses	13
Applicants educated in Alberta	14
Applicants educated outside Alberta	15
Registration of registered nurses	16
Registration Committee	17
Decisions of Registration Committee	18
Notice of decision	19
Registration Review Committee	20
Application for review	21
Conduct of review	22
Decision of Registration Review Committee	23
Certificate of registration	24
Annual certificate	25
Removal from Register	26
Cancellation of registration	27
Removal of memorandum	28
Amendments	29
Special permit	30
Amendment of special permit	31

Temporary permit	32
Issue of temporary permit	33
Review by Registration Review Committee	34
Decision on review	35
List of registrants	36
Correction of errors	37
<b>PART 4</b>	
<b>GRADUATE NURSES</b>	
Certified Graduate Nurses Roster	38
Entry in roster	39
Ineligible persons	40
Notice of decision	41
Graduate Nurses Appeal Board	42
Appeal to Graduate Nurses Appeal Board	43
Conduct of appeal	44
Decision on appeal	45
Annual permit	46
Renewal of annual permit	47
Removal of name from roster	48
Protection of name and initials	49
<b>PART 5</b>	
<b>PRACTICE REVIEW</b>	
Practice Review Committee	50
Absence of member of the public	51
Functions of the Practice Review Committee	52
Conduct referred to Professional Conduct Committee	53
<b>PART 6</b>	
<b>NURSING EDUCATION</b>	
Rules of the Universities Co-ordinating Council	54
Powers of the Universities Co-ordinating Council	55
<b>PART 7</b>	
<b>DISCIPLINE</b>	
Definitions	56
Professional Conduct Committee established	57
Unskilled practice and professional misconduct	58
Complaints	59
Mediation	60
Admission of unskilled practice or professional misconduct	61
Investigation	62
Notice of decision	63
Complainant's appeal	64
Suspension pending investigation or decision	65
Representation by counsel	66
Investigation and hearing	67
Other conduct investigated	68
Evidence	69
Witnesses	70
Witnesses from outside Alberta	71
Notice to attend and produce	72
Proceedings for civil contempt	73
Absence of investigated person	74
Decision of Professional Conduct Committee	75
Powers of Professional Conduct Committee	76
Fines and costs	77

Recovery of fine or costs	78
Written decision	79
Record of proceedings	80
Effect of decision	81
Appeals Committee of Council appointed	82
Appeal to Appeals Committee of Council	83
Notice of hearing	84
Participation in appeal	85
Appeals Committee's powers on appeal	86
Written decision	87
Appeal to Court of Appeal	88
Parties to an appeal	89
Procedure for appeal to the Court of Appeal	90
Powers of Court of Appeal	91
False registration	92
Reinstatement following suspension or cancellation	93
Memorandum of suspension	94
Cancellation of registration or permit	95
Recognition of order	96
Termination by employer	97
Duty of employee	98

#### **PART 8**

##### **GENERAL**

Regulations	99
By-laws	100
Executive Director	101
Commissioners for oaths	102
Disclosure of unsafe conduct or danger to health	103
Registrar's certificate	104
Service of document or notice	105
Protection from liability	106
Offences and penalties	107
Burden of proof	108

#### **PART 9**

##### **ALBERTA REGISTERED NURSES EDUCATIONAL TRUST**

Definitions	109
Alberta Registered Nurses Educational Trust	110
Powers of the Trust	111
Objects of Trust	112
Board	113
By-laws of Trust	114
Annual audits and fiscal year	115
Winding up	116

#### **PART 10**

##### **TRANSITIONAL AND CONSEQUENTIAL PROVISIONS**

Definition	117
Active members	118
Council membership continues	119
Application for registration	120
Discipline proceedings	121
Alberta Registered Nurses Educational Trust	122
Rules continued	123
Special regulation	124
Consequential	125-135
Repeal of Registered Nurses Act	136
Coming into force	137

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

1 In this Act,

(a) "approved school of nursing" means a school of nursing designated as an approved school of nursing under Part 6;

(b) "Association" means the Alberta Association of Registered Nurses;

(c) "certified graduate nurse" means a person whose name is in the Roster of Certified Graduate Nurses and who holds an annual permit;

(d) "conduct" includes any act or omission;

(e) "Council" means the Council of the Association;

(f) "exclusive nursing practice" means the application of professional nursing knowledge for compensation for the purpose of

(i) caring for physically or mentally ill persons, or

(ii) caring for and assessing the health of well persons,

and includes the administration of any drug or medicine, as defined in the *Pharmaceutical Association Act*, that is permitted by law to be prescribed and administered to a person;

(g) "Executive Director" means the registered nurse appointed as the Executive Director of the Association by the Council;

(h) "Minister" means the member of the Executive Council charged with the administration of this Act;

(i) "nurse registration examination" means a nurse registration examination adopted or set under the regulations;

(j) "permit" means a special permit, temporary permit or annual permit issued pursuant to this Act;

(k) "permit holder" means a person who holds a permit;

(l) "registered nurse" means a person who is issued a certificate of registration as a registered nurse under this Act and who holds an annual certificate;

(m) "Registrar" means the registered nurse appointed as Registrar of the Association in accordance with the by-laws;

(n) "roster" means a roster established under this Act.

**PART 1**  
**PRACTICE OF NURSING**

2 A registered nurse and a certified graduate nurse are entitled to apply professional nursing knowledge for the purpose of

- (a) promoting, maintaining or restoring health;
- (b) preventing illness, injury or disability;
- (c) caring for the injured, disabled or incapacitated;
- (d) assisting in childbirth;
- (e) teaching nursing theory or practice;
- (f) caring for the dying;
- (g) co-ordinating health care;
- (h) engaging in the administration, education, teaching or research required to implement or complement exclusive nursing practice or all or any of the matters referred to in clauses (a) to (g).

3(1) Subject to the provisions of this or any other Act entitling a person to practise a science, therapy or system of practice, a person is guilty of an offence who, not being a registered nurse or permit holder, engages in exclusive nursing practice.

(2) Nothing in this Act authorizes or allows the holder of a temporary or special permit to engage in exclusive nursing practice contrary to the limitations, conditions or restrictions applicable to the permit or to the permit holder.

(3) Nothing in this Act prevents

- (a) a student enrolled in an approved school of nursing from engaging in exclusive nursing practice in the course of the student's education program, or
- (b) a student enrolled in an approved school of nursing from engaging in exclusive nursing practice in the course of her employment if the student is directly supervised by a registered nurse.

4 After the Minister has consulted with the Council of the Association, the Lieutenant Governor in Council may exempt a person or class of persons from the application of section 3(1) subject to any terms and conditions imposed by the Lieutenant Governor in Council.

5(1) No person, except a registered nurse, shall

- (a) use the name "registered nurse" or any other name or any abbreviation of those words alone or in combination with any other word, or

(b) use the initials "R.N." or any other initials either alone or in combination with any other word, letter, symbol, initial or abbreviation,

that represent expressly or by implication that she is a registered nurse, or use any title, name, description, abbreviation, letter or symbol representing the name "registered nurse" or the letters "R.N."

(2) No person, except a registered nurse or a permit holder, shall represent or hold out, expressly or by implication, that she is entitled to engage in exclusive nursing practice or that she is a registered nurse or permit holder, as the case may be.

**Duties of employers**      **6** No person shall knowingly employ or engage a person who is not a registered nurse or permit holder to provide exclusive nursing practice.

**Injunction**      **7** The Court of Queen's Bench, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act or thing that contravenes this Part or section 49, notwithstanding any penalty that may be provided by the Act or the regulations in respect of that act or thing.

## PART 2

### ALBERTA ASSOCIATION OF REGISTERED NURSES

**Association**      **8(1)** The Alberta Association of Registered Nurses is continued as a corporation.

(2) The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) A registered nurse is a member of the Association.

**Council**      **9(1)** There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

**Composition of the Council**      **10(1)** The Council shall consist of

(a) at least 10 registered nurses or a greater number that may be prescribed by or determined in accordance with the by-laws, each of whom shall be elected in accordance with the by-laws, and

(b) when the number of elected registered nurses

(i) is 10, one member of the public,

(ii) is 11 or more but not more than 20, 2 members of the public, or

(iii) is more than 20 but not more than 30, 3 members of the public,

who shall be appointed by the Minister, after consultation with the Council, for a 2 year term of office.

(2) A member of the public who is appointed to the Council continues to hold office after the expiry of her term of office until she is reappointed or a successor is appointed.

(3) The Minister may, after consultation with the Council, revoke the appointment of a member of the public appointed to the Council.

(4) The Minister may pay to a member of the public appointed to the Council travelling and living expenses incurred by that member for her attendance at any meeting of the Council while away from that member's usual place of residence, and fees in an amount prescribed by the Minister.

(5) The powers, duties and operation of the Council under this Act, the regulations and the by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Council under subsection (1)(b),

(b) the revocation of the appointment of a member of the public, or

(c) the resignation from the Council of a member of the public.

(6) The failure of a member of the public appointed to the Council to attend a meeting of the Council does not affect or restrict the Council from exercising any powers or performing any duties under this Act, the regulations and the by-laws at that meeting.

Annual report

11(1) The Council shall submit annually to the Minister, in a form satisfactory to her, a report on those matters of the business and affairs of the Association that the Minister requires.

(2) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

### PART 3

#### REGISTRATION

Appointment of Registrar

12 There shall be a registered nurse appointed as Registrar of the Association in accordance with the by-laws.

Register of Registered Nurses

13 There is hereby established the Register of Registered Nurses, which shall be maintained by the Registrar in accordance with the by-laws.

Applicants received in Alberta

14 Subject to section 15, no person shall be registered in the Register of Registered Nurses unless she

(a) produces documentation satisfactory to the Registrar that shows that she has successfully completed a basic nursing education program at an approved school of nursing, and



(b) passes the nurse registration examination.

15 A person who has obtained her nursing education outside Alberta shall not be registered in the Register of Registered Nurses unless

(a) she is or has been a nurse registered by the regulating body of another province, state or country and her right to practise as a registered nurse is not revoked or under suspension as a result of a disciplinary proceeding in any other jurisdiction,

(b) she produces documentation

(i) showing that

(A) the Universities Co-ordinating Council is satisfied that she has successfully completed, in a school of nursing, a basic nursing education program considered by the Universities Co-ordinating Council to be substantially equivalent to the basic nursing education program offered by an approved school of nursing in Alberta at the time the program was taken, or

(B) she has successfully completed a program of studies or practice that, in the opinion of the Universities Co-ordinating Council, would result in her having completed a basic nursing program that is substantially equivalent to the basic nursing program in an approved school of nursing, or

(ii) showing that the Universities Co-ordinating Council is satisfied that special circumstances exist, that she met the standards set by the regulating body of the province, state or country in which she is or was registered, and that the nursing education program she completed is satisfactory, and

(c) she

(i) passes the nurse registration examination, or

(ii) has passed, in a manner satisfactory to the Registration Committee, an examination that is approved by the Council of the Association and established by the regulating body of another jurisdiction as a requirement for registration as a registered nurse in that jurisdiction.

16 The Registrar shall enter in the Register of Registered Nurses the name of a person who meets the requirements of this Act and the regulations, and

(a) whom the Registrar is authorized by the regulations to register, or

(b) whose registration has been approved by the Registration Committee or the Registration Review Committee,

and who has paid the fee prescribed in accordance with the by-laws.

17(1) There is hereby established a Registration Committee composed of those individuals appointed by the Council in accordance with the by-laws.

(2) In addition to the duties and responsibilities that the Registration Committee has under this Act, the Registration Committee may

(a) if authorized to do so by the Universities Co-ordinating Council, evaluate the academic qualifications of an applicant for registration as a registered nurse that are obtained outside Alberta;

(b) determine whether the conditions required to be met before an annual certificate is issued have been met.

(3) The Registration Committee may require

(a) an applicant for registration, or

(b) an applicant for an annual certificate

to undergo a medical examination by a physician agreed to by the applicant and the Committee or, failing an agreement, designated by the Committee, for the purpose of assisting the Committee to determine whether that applicant's engaging in or continuing to engage in nursing as a registered nurse would create a danger to the public or be unsafe because of a disability or addiction.

18(1) Except when section 16(a) applies, the Registration Committee shall consider applications for registration as a registered nurse in accordance with this Part and the regulations.

(2) The Registration Committee may, with respect to an application for registration as a registered nurse,

(a) approve the application,

(b) refuse the application, or

(c) defer the decision pending compliance with any condition that it considers necessary.

19(1) The Registration Committee shall send a written notice of its decision to the applicant not more than 30 days after it considers the application.

(2) If the decision of the Registration Committee is to refuse or defer approval of registration of the applicant, written reasons for the decision shall be sent to the applicant.

20 There is hereby established a Registration Review Committee composed of those persons appointed by the Council in accordance with the by-laws.

21(1) An applicant whose application for registration as a registered nurse has been refused or deferred by the Registration Committee under this Part may

(a) within 30 days of receipt of the Committee's decision, request the Registration Committee to reconsider its decision, or

(b) request the Registration Review Committee to review the application.

(2) An applicant who requests a review by the Registration Review Committee shall apply to the Committee

(a) within 30 days of receipt of the Registration Committee's decision, or

(b) if the Registration Committee reconsiders its decision, within 30 days of receipt of the Registration Committee's reconsidered decision.

(3) An application for reconsideration or review under this section shall be in writing to the Registrar specifying the reasons why the applicant's application for registration as a registered nurse should be approved.

product of  
review

22(1) The Registration Review Committee shall notify the applicant in writing of the date, time and place it will review the application.

(2) The applicant is entitled to appear with counsel and to make representations to the Registration Review Committee when it reviews the matter.

(3) A member of the Registration Committee, or a person acting on its behalf, is entitled to participate in the review before the Registration Review Committee.

decision of  
Registration  
Review  
Committee

23(1) Following its review of an application, the Registration Review Committee may

(a) confirm or vary the decision of the Registration Committee, or

(b) rescind the decision of the Registration Committee and substitute any decision that the Registration Committee could have made.

(2) The Registration Review Committee shall send a written notice of its decision to the applicant not more than 30 days after the conclusion of its review.

certificate of  
registration

24 On registering the name of a person as a registered nurse in the Register of Registered Nurses, the Registrar shall issue to that person a certificate of registration and an annual certificate.

annual certificate

25(1) A person registered in the Register of Registered Nurses shall pay to the Association the annual fee prescribed in accordance with the by-laws.

(2) The Registrar shall, in accordance with the by-laws, issue an annual certificate to a person

(a) whose registration in the Register of Registered Nurses is not under suspension,

(b) who meets any requirements or conditions prescribed by the regulations for the issue of an annual certificate, and

(c) who pays the annual fee.

(3) Subject to this Act and the regulations, a registered nurse is entitled to

(a) engage in exclusive nursing practice as a registered nurse, and

(b) represent or hold out that she is a registered nurse,

during the year for which the annual certificate is issued.

(4) An annual certificate expires on the date prescribed in the by-laws.

removal from  
register

25(1) The Registrar shall not remove the registration of a registered nurse from the Register of Registered Nurses on her request unless the request has been approved by the Registration Committee.

(2) When a request for the removal of a registration from the Register of Registered Nurses is approved by the Registration Committee,

(a) the registration shall be removed from the Register, and

(b) the registered nurse requesting the removal shall, on being notified of the approval, send to the Registrar any certificate of registration issued to her.

cancellation of  
registration

27(1) The Registrar, after the expiration of 30 days following the service of a written notice on a registered nurse or a person whose name appears on the Register of Registered Nurses, may cancel the registration of that person if she

(a) is in default of payment of annual fees, or

(b) fails to pay a penalty, costs or any other fees, dues or levies payable under this Act.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration of a person unless

(a) annual fees are paid, or

(b) any other penalties, costs, dues or levies are paid as indicated in the notice.

(3) If the registration of a person is cancelled under this section, that person shall, on request, send her certificate of registration to the Registrar.

(4) If a registration is cancelled under this section, the Registrar may, subject to section 25(2) and the regulations, reinstate that registration

	in the Register of Registered Nurses and, if necessary, reissue the certificate of registration.
Removal of memorandum	23 The Registrar shall not remove from the Register of Registered Nurses any memorandum made on it except in accordance with the by-laws.
Rosters	<p>29 There is hereby established</p> <p>(a) a roster of special permit holders, and</p> <p>(b) a roster of temporary permit holders,</p> <p>that shall be maintained by the Registrar in accordance with the by-laws.</p>
Special permit	<p>30(1) A person who does not intend to apply for registration as a registered nurse in Alberta, but who</p> <p>(a) wishes to engage in exclusive nursing practice in Alberta for special purposes and for limited periods of time, and</p> <p>(b) is entitled to engage in exclusive nursing practice outside Alberta,</p> <p>may apply to the Registrar for a special permit in accordance with the regulations.</p> <p>(2) In considering an application for a special permit the Registrar may refer the application to the Registration Committee for directions or guidance.</p> <p>(3) The Registrar in accordance with the regulations may approve, with or without limitations, conditions or restrictions, or refuse an application for a special permit and shall notify the applicant accordingly.</p>
Issue of special permit	<p>31(1) If the Registrar approves an application for a special permit, the Registrar shall, in accordance with the regulations, and on payment of the fee prescribed in accordance with the by-laws, enter the name of the applicant on the roster of special permit holders and issue a special permit to her.</p> <p>(2) A special permit</p> <p>(a) shall be issued for a specified period of time, not exceeding 1 year, but may be renewed in accordance with the regulations;</p> <p>(b) shall set out any limitations on the exclusive nursing practice in which the permit holder may engage and any conditions and restrictions on the practice of the person to whom the special permit is issued;</p> <p>(c) may impose such other conditions or restrictions as the Registrar considers appropriate.</p>
Temporary permit	32(1) A person who intends to apply for or who is in the process of applying for registration or renewal of registration as a registered

nurse may apply to the Registrar for a temporary permit in accordance with the regulations.

(2) In considering an application for a temporary permit the Registrar may refer the application to the Registration Committee for directions or guidance.

(3) The Registrar may approve, with or without limitations, conditions or restrictions, or refuse an application for a temporary permit in accordance with the regulations and shall notify the applicant accordingly.

and  
any permit

33(1) If the Registrar approves an application for a temporary permit the Registrar shall, in accordance with the regulations, and on payment of the fee prescribed in accordance with the by-laws, enter the name of the applicant on the roster of temporary permit holders and issue a temporary permit to her.

(2) A temporary permit

(a) shall be issued for a specified period of time, not exceeding 6 months, but may be renewed in accordance with the regulations;

(b) shall set out any limitations on the exclusive nursing practice in which the permit holder may engage and any conditions and restrictions on the practice of the person to whom the temporary permit is issued;

(c) may impose such other conditions or restrictions as the Registrar considers appropriate.

by  
the  
Committee

34(1) An applicant for a special permit or a temporary permit may apply for a review of a decision of the Registrar to refuse the permit or the imposition of any limitation, condition or restriction on the permit.

(2) An application under subsection (1) shall be made in writing to the Registration Review Committee within 30 days of receipt of the Registrar's decision, specifying the reasons why the special or temporary permit should be granted or why a limitation, condition or restriction should be revised or struck out.

(3) The Registration Review Committee shall notify the applicant in writing of the date, time and place it will review the application.

(4) The applicant and the Registrar are entitled to appear with counsel and to make representations to the Registration Review Committee when it reviews the matter.

on

35(1) Following its review of an application, the Registration Review Committee may

(a) confirm or vary the decision of the Registrar, or

(b) rescind the decision of the Registrar and substitute any decision that the Registrar could have made.

(2) The Registration Review Committee shall send to the applicant a written notice of its decision within 30 days of the conclusion of its review.

List of registrants 36 The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the registered nurses and permit holders.

Correction of errors 37 The Registration Committee may direct the Registrar to correct or cancel any registration or entry made in error in the Register of Registered Nurses or in a roster.

#### PART 4

#### GRADUATE NURSES

Certified Graduate Nurses Roster 38 There is hereby established the Certified Graduate Nurses Roster, which shall be maintained by the Registrar in accordance with the by-laws.

Entry in roster 39(1) The Registrar shall enter in the Certified Graduate Nurses Roster the name of an applicant who

(a) is a graduate of a general nursing program, and

(b) is or has been employed as a graduate nurse in exclusive nursing practice in Alberta at any time in the 3 years preceding the coming into force of this Act,

or whose application has been approved by the Registration Committee or the Graduate Nurses Appeal Board.

(2) An application under subsection (1) that is not approved by the Registrar shall be referred to the Registration Committee and the Committee may

(a) approve the application,

(b) refuse the application, or

(c) defer the decision pending the receipt of further information.

(3) No person may apply to have her name entered in the Certified Graduate Nurses Roster more than 3 years after the coming into force of this Act.

Ineligible persons 40 No person shall be entered in the Certified Graduate Nurses Roster who is registered or eligible for registration as a registered nurse under this Act or a predecessor to this Act.

Notice of decision 41(1) The Registration Committee shall send to every applicant under this Part a written notice of its decision.

(2) If the decision of the Registration Committee is to refuse or defer the application, written reasons for the decision shall be sent to the applicant.

42(1) There is hereby established a Graduate Nurses Appeal Board composed of

- (a) 1 person appointed by the Alberta Hospital Association;
- (b) 1 person appointed by the Minister;
- (c) 1 person appointed by the Minister of Hospitals and Medical Care;
- (d) 1 person other than a registered nurse appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Council;
- (e) 3 persons appointed by the Council, 1 of whom shall be chairman.

(2) The Graduate Nurses Appeal Board shall establish its own rules of conduct and procedure.

43(1) An applicant whose application under this Part is refused by the Registration Committee may, within 30 days of receipt of the notice of refusal, appeal to the Graduate Nurses Appeal Board.

(2) An appeal under subsection (1) shall be in writing to the Registrar specifying the reasons why the application should be approved.

44(1) The Graduate Nurses Appeal Board shall notify the appellant of the date, time and place it will consider the appeal.

(2) The appellant is entitled to appear with counsel and to make representations to the Graduate Nurses Appeal Board when it considers the matter.

(3) A member of the Registration Committee, or a person acting on its behalf, is entitled to participate in the appeal before the Graduate Nurses Appeal Board.

45(1) Following its hearing of an appeal, the Graduate Nurses Appeal Board may

- (a) confirm or vary the decision of the Registration Committee, or
- (b) rescind the decision of the Registration Committee and substitute any decision that the Registration Committee could have made.

(2) The Graduate Nurses Appeal Board shall send a written notice of its decision to the appellant.

46(1) On entering the name of a person in the Certified Graduate Nurses Roster and on payment of the fee prescribed in accordance with the regulations, the Registrar shall issue an annual permit to that person.

(2) Subject to this Act, a certified graduate nurse is entitled to



(a) engage in exclusive nursing practice as a certified graduate nurse, and

(b) represent or hold out that she is a certified graduate nurse during the year for which the annual permit is issued.

(3) An annual permit expires on the date prescribed in the by-laws.

renewal of  
annual permit

47(1) A certified graduate nurse shall pay to the Association the annual fee prescribed in accordance with the regulations.

(2) The Registrar shall, in accordance with the by-laws, issue an annual permit to a certified graduate nurse

(a) who is not under suspension,

(b) who meets any requirements or conditions prescribed by the regulations for the issue of an annual permit, and

(c) who pays the annual fee.

(3) The Registration Committee may require an applicant for an annual permit to undergo a medical examination by a physician agreed to by the applicant and the Registration Committee or, failing an agreement, designated by the Registration Committee, for the purpose of assisting the Committee to determine whether the applicant's continuing to engage in nursing as a certified graduate nurse would create a danger to the public or be unsafe because of a disability or addiction.

removal of  
name from roster

48(1) The Registrar, after the expiration of 30 days following the service on a certified graduate nurse or a person whose name appears in the Certified Graduate Nurses Roster of a written notice, may remove the name of that person from the Roster if she

(a) is in default of payment of annual fees, or

(b) fails to pay a penalty, costs or any other fees, dues or levies payable under this Act.

(2) The notice under subsection (1) shall state that the Registrar may remove the name of that person from the Certified Graduate Nurses Roster unless

(a) annual fees are paid, or

(b) any other penalties, costs, dues or levies are paid as indicated in the notice.

(3) If the name of a certified graduate nurse is removed under this section, that person shall forthwith surrender her annual permit to the Registrar and the Registrar shall remove her name from the Certified Graduate Nurses Roster.

(4) If the name of a certified graduate nurse is removed from the Roster under this section, the Registrar may, subject to the regula-

tions, reinstate that name in the Certified Graduate Nurses Roster and, subject to section 47(2), issue an annual permit.

Section of  
name and initials

49 No person, except a certified graduate nurse, shall

(a) use the name "certified graduate nurse" or any other name or any abbreviation of those words alone or in combination with any other word, or

(b) use the initials "CGN" or any other initials either alone or in combination with any other word, letter, symbol, initial or abbreviation,

that represent expressly or by implication that the person is a certified graduate nurse, or use any title, name, description, abbreviation, letter or symbol representing the name "Certified Graduate Nurse" or the letters "CGN".

## PART 5

### PRACTICE REVIEW

Practice Review  
Committee

50(1) There is hereby established a committee called the Practice Review Committee composed of

(a) no fewer than 4 registered nurses appointed by the Council in accordance with the by-laws,

(b) 1 person appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Council, and

(c) such other persons as may be specified under the by-laws.

(2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make the nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Practice Review Committee without the Council's nomination.

(3) The Minister may pay to the member of the public appointed to the Practice Review Committee travelling and living expenses incurred by that member for attendance at a meeting of the Committee away from her usual place of residence, and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Council, revoke the appointment of the member of the public appointed to the Practice Review Committee.

Absence of  
member of the  
public

51(1) The powers, duties and functions of the Practice Review Committee under this Act, the regulations and by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee,

(b) the revocation of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(2) The failure of a member of the public appointed to the Practice Review Committee to attend a meeting of the Committee shall not be construed to affect or restrict the Committee from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

Functions of the  
Practice Review  
Committee

52 In addition to the jurisdiction it has under this Act, the Practice Review Committee may, in accordance with the regulations,

(a) inquire into or investigate and report on nursing and the desirable standards of competence and continuing competence of registered nurses and permit holders generally, and

(b) conduct a review of the practice of a registered nurse or permit holder.

Conduct referred  
to Professional  
Conduct  
Committee

53 The Practice Review Committee may refer the conduct of a registered nurse or permit holder to the Professional Conduct Committee and the referral shall be treated as a complaint under Part 7.

## PART 6

### NURSING EDUCATION

Rules of the  
Universities  
Co-ordinating  
Council

54(1) The Universities Co-ordinating Council may make rules

(a) prescribing the minimum standards required to acquire and retain the designation "approved school of nursing";

(b) providing for the evaluation of the academic qualifications obtained outside Alberta of applicants for registration as registered nurses;

(c) respecting any matters that are required to secure an effective program of study in nursing.

(2) A rule made under subsection (1) does not come into force unless it is approved by the Lieutenant Governor in Council, and may be amended by the Lieutenant Governor in Council at the time it is approved.

(3) The *Regulations Act* does not apply to the rules made under this section.

Powers of the  
Universities  
Co-ordinating  
Council

55 The Universities Co-ordinating Council may

(a) grant to and withdraw from a school of nursing the designation "approved school of nursing";

(b) verify compliance with any rules made under this section;

(c) maintain a continuing assessment of existing educational and practice standards;

(d) at the request of the Council of the Association, set or administer the nurse registration examination;

(e) authorize the Registration Committee to evaluate the academic qualifications that are obtained outside Alberta of applicants for registration as registered nurses;

(f) provide for the publication of any rules made under section 54.

## PART 7

### DISCIPLINE

Definitions

56 In this Part,

(a) "chairman" means the chairman of the Professional Conduct Committee and includes a vice-chairman;

(b) "complaint" means a complaint made in writing about the conduct or alleged conduct of a registered nurse or permit holder, signed by the person making it;

(c) "investigated person" means a registered nurse or a permit holder with respect to whose conduct an investigation or hearing is held under this Part;

(d) "investigator" means the person appointed by the chairman to conduct a preliminary investigation under this Part or the regulations, or the chairman when she conducts the preliminary investigation herself.

Professional  
Conduct  
Committee  
established

57(1) There is hereby established a committee called the Professional Conduct Committee composed of no fewer than

(a) 5 registered nurses appointed by the Council in accordance with the by-laws, and

(b) 2 persons appointed by the Minister from a list of no fewer than 5 members of the public nominated by the Council.

(2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make the nominations for the purposes of subsection (1)(b), the Minister may appoint 2 members of the public to the Professional Conduct Committee without the Council's nomination.

(3) The Minister may pay to a member of the public appointed to the Professional Conduct Committee travelling and living expenses incurred by that member for attendance at a meeting of the Committee away from her usual place of residence, and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Council, revoke the appointment of a member of the public appointed to the Professional Conduct Committee.

(5) The powers, duties and functions of the Professional Conduct Committee under this Act, the regulations and by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee,

(b) the revocation of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(6) The failure of a member of the public appointed to the Professional Conduct Committee to attend a meeting of the Committee shall not be construed to affect or restrict the Committee from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

unskilled  
practice and  
professional  
conduct

58 Any conduct of a registered nurse or permit holder that, in the opinion of the Professional Conduct Committee,

(a) is detrimental to the best interests of the public,

(b) contravenes this Act or the regulations,

(c) harms the standing of the nursing profession generally, or

(d) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken as a registered nurse or permit holder,

whether or not

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice or professional misconduct or both, whatever the Professional Conduct Committee finds.

complaints

59(1) A person may make a complaint to the Executive Director and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) If, after the registration of a registered nurse is removed, suspended or cancelled under this Act or any predecessor Act, or the permit of a permit holder is suspended or cancelled,

(a) a complaint is made about the former registered nurse or permit holder, and

(b) the complaint relates to conduct occurring before the removal, suspension or cancellation occurred,

the complaint may, notwithstanding the removal, suspension or cancellation, be dealt with within 2 years following the date of removal, suspension or cancellation as if the removal, suspension or cancellation had not occurred.

mediation

60(1) A person designated by the Council as a mediator may assist in settling a complaint made to the Executive Director if the com-

plainant and the registered nurse or permit holder about whose conduct the complaint is made so agree.

(2) If within 45 days of the date of receipt of a complaint, or a longer period agreed to by the persons concerned, a settlement of the complaint does not occur or in the mediator's opinion is not likely to occur, the complaint shall be referred by the mediator to the chairman forthwith.

(3) If mediation is not agreed to by the persons concerned, the Executive Director shall forward the complaint to the chairman forthwith.

division of  
unskilled practice  
or professional  
misconduct

61(1) If a registered nurse or a permit holder admits to conduct that is or is alleged to be unskilled practice or professional misconduct, with the consent of the registered nurse or permit holder,

(a) a mediator, or

(b) the Executive Director

may refer the matter to the Professional Conduct Committee without a preliminary investigation.

(2) On receipt of a reference under subsection (1), the Professional Conduct Committee may hold a hearing limiting itself to deciding

(a) whether the conduct admitted by the investigated person constitutes unskilled practice or professional misconduct or both, and

(b) the order, if any, to be made under section 76 or 77 or both.

the action

62(1) The chairman shall, within 30 days after the date on which a complaint is received by her, commence a preliminary investigation of the complaint or appoint an investigator to conduct the investigation.

(2) An investigator may

(a) request any person to answer any question and to produce to her any records, notes, photographs, x-rays, films, books, papers or other documents or things in the person's possession or under her control that are or may be relevant to the complaint or conduct being investigated, and

(b) with the consent of the person producing them, copy and keep copies of any of the documents or things that are produced to her under clause (a).

(3) An investigator shall conduct the investigation in a manner considered by her to be most suitable in all the circumstances.

(4) An investigator may investigate any other matter regarding the complaint or conduct of the investigated person that arises in the course of the investigation.

(5) If a person other than the chairman is the investigator, the person shall, on concluding the preliminary investigation, report to the chairman.

Notice of  
decision

63(1) The chairman, on concluding an investigation or after receiving the report of an investigator, shall forthwith order that

(a) no further action be taken, if the chairman is of the opinion that

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice or professional misconduct, or

(b) the complaint or a description of the conduct be referred to the Professional Conduct Committee.

(2) On making an order under subsection (1), the chairman shall cause to be served

(a) on the investigated person a copy of the complaint, a description of the conduct, if any, and a copy of her order under subsection (1), and

(b) on the complainant a copy of her order under subsection

Complainant's  
appeal

64(1) A complainant who is served with an order that no further action will be taken may, within 30 days of receipt of the order by notice in writing to the Executive Director, appeal that order to the Professional Conduct Committee.

(2) On an appeal under subsection (1), the Professional Conduct Committee shall determine whether

(a) the complaint is frivolous or vexatious,

(b) there is insufficient evidence of unskilled practice or professional misconduct, or

(c) there is sufficient evidence to warrant an investigation hearing by the Professional Conduct Committee under this Act

and shall notify the complainant in writing of its decision.

(3) If the Professional Conduct Committee determines that a complaint is frivolous or vexatious, it may order the complainant to pay the costs of the preliminary investigation and the appeal under subsection (2), determined in accordance with the regulations.

suspension  
pending  
investigation or  
decision

65(1) Notwithstanding anything in this Act, the chairman may suspend the registration of a registered nurse or the permit of a permit holder pending an investigation or a decision of the Professional Conduct Committee.

(2) If the registration of a registered nurse or the permit of a permit holder is suspended under subsection (1), she may, by filing an originating notice with the Court of Queen's Bench and serving a copy

on the Executive Director, apply for an order staying the decision of the chairman pending the investigation or the decision of the Professional Conduct Committee.

66(1) The investigated person may appear and be represented by counsel at any hearing before the Professional Conduct Committee.

(2) The Professional Conduct Committee may be represented by counsel at any hearing before the Committee.

(3) Proceedings before the Professional Conduct Committee shall be held in camera.

67(1) Subject to section 61(2), the Professional Conduct Committee shall, on referral to it of a complaint or conduct in accordance with this Act or the regulations, investigate the matter and hold a hearing.

(2) The hearing referred to in subsection (1) shall be commenced within 45 days of the date on which the matter is referred to the Professional Conduct Committee or within such other period as may be agreed to by the chairman and the investigated person.

(3) The Executive Director shall serve on the investigated person a notice of hearing stating the date, time and place that the Professional Conduct Committee will hold a hearing and giving reasonable particulars of the complaint or conduct in respect of which the hearing will be held.

68 If any other matter concerning the conduct of the investigated person arises in the course of an investigation or hearing, the Professional Conduct Committee may investigate and hear the matter, but in that event the Professional Conduct Committee shall declare its intention to hear the further matter and shall permit that person sufficient opportunity to prepare her answer to the further matter.

69 Evidence may be given before the Professional Conduct Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

70(1) The investigated person and any other person who, in the opinion of the Professional Conduct Committee, has knowledge of the complaint or the conduct being investigated is a compellable witness in any proceeding under this Part.

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Professional Conduct Committee and shall not be excused from answering any question on the ground that the answer might tend to

(a) incriminate her,

(b) subject her to punishment under this Act, or

(c) establish her liability



(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate her, subject her to punishment or establish her liability, it shall not be used or received against her in any civil proceedings or in any proceedings under any other Act.

Witnesses from  
outside Alberta

**71** For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench, on an ex parte application by the Association, may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.

Notice to attend  
and produce

**72(1)** The attendance of witnesses before the Professional Conduct Committee and the production of records, notes, photographs, x-rays, films, books, papers or other documents or things may be enforced by a notice issued by the Executive Director requiring the witness to attend and stating the date, time and place at which the witness is to attend and the records, notes, photographs, x-rays, films, books, papers or other documents or things, if any, that person is required to produce.

(2) On the written request of the investigated person or of her counsel or agent, the Executive Director shall, without charge, issue and deliver to that person or her counsel or agent any notices that that person requires for the attendance of witnesses or the production of documents or things.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents or things under subsection (1) or (2) is entitled to be paid the same fees as are payable to a witness in an action in the Court of Queen's Bench.

Proceedings for  
civil contempt

**73(1)** Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Professional Conduct Committee in compliance with a notice to attend,

(ii) to produce any records, notes, photographs, x-rays, films, books, papers or other documents or things in compliance with a notice to produce them, or

(iii) in any way to comply with either notice,

or

(b) who refuses to be sworn or to answer any question that she is directed to answer by the Professional Conduct Committee.

(2) If the witness referred to in subsection (1) is a registered nurse or permit holder, her failure or refusal may be held to be professional misconduct.

absence of  
investigated  
person

74 The Professional Conduct Committee, on proof of service in accordance with the regulations on the investigated person of the notice of hearing, may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act and decide on the matter being heard in the same way as if the investigated person were in attendance.

Decision of  
Professional  
Conduct  
Committee

75(1) The Professional Conduct Committee may find that the conduct of an investigated person constitutes neither unskilled practice nor professional misconduct.

(2) The Professional Conduct Committee may find that the conduct of an investigated person constitutes unskilled practice or professional misconduct or both and shall deal with the investigated person in accordance with this Part.

Powers of  
Professional  
Conduct  
Committee

76 If the Professional Conduct Committee finds that the conduct of an investigated person constitutes unskilled practice or professional misconduct or both, the Committee may make any one or more of the following orders:

(a) reprimand the investigated person;

(b) suspend the registration or permit of the investigated person either generally or from any aspect of exclusive nursing practice for a stated period;

(c) suspend the registration or permit of the investigated person either generally or from any field of practice until

(i) that person has completed a specified course of studies or obtained supervised practical experience, or

(ii) the Professional Conduct Committee or any other committee established under this Act is satisfied as to the competence of the investigated person generally or in a specified field of practice;

(d) accept in place of a suspension the investigated person's undertaking to limit her practice;

(e) impose conditions on the investigated person's entitlement to engage in practice as a registered nurse or permit holder generally or in any field of practice, including the conditions that that person

(i) practise under supervision,

(ii) not engage in sole practice,

(iii) permit periodic inspections by a person authorized by the Professional Conduct Committee or any other committee established under this Act, or

(iv) report to the Professional Conduct Committee or Practice Review Committee on specific matters;

(f) direct the investigated person to pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under this Act as to her competence generally or in a field of practice;

(g) direct the investigated person to satisfy the Professional Conduct Committee or any other committee established under this Act that a disability or addiction can be or has been overcome, and suspend the person until the Professional Conduct Committee or other committee is so satisfied;

(h) require the investigated person to take counselling that, in the opinion of the Professional Conduct Committee or any other committee established under this Act, is appropriate;

(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Professional Conduct Committee, were not rendered or were improperly rendered;

(j) cancel the registration or the permit of the investigated person;

(k) make any further or other order that it considers appropriate in the circumstances.

m: Fines and costs

**77(1)** The Professional Conduct Committee may, in addition to dealing with the conduct of an investigated person in accordance with section 76, order that the investigated person pay

(a) all or part of the costs of the investigation, hearing or appeal determined in accordance with the regulations,

(b) a fine not exceeding \$5000 for each finding of unskilled practice or professional misconduct, or

(c) both the costs and the fine,

to the Association within the time set by the order.

(2) If the person ordered to pay the fine, costs or both under subsection (1) fails to do so within the time ordered, the Professional Conduct Committee may suspend the registration or permit of that person until the payment is made.

recovery of fine  
/ costs

**78** A fine or costs ordered to be paid to the Association under this Part is a debt due to the Association and may be recovered by the Association by civil action for debt.

written decision

**79** The Professional Conduct Committee shall, within a reasonable time after the conclusion of a hearing before it, make a written decision on the matter, in which it shall

- (a) describe each finding made by it,
- (b) state the reasons for each finding made by it, and
- (c) state any order made by it.

60(1) The Professional Conduct Committee shall forward to the Executive Director the decision and the record of the hearing, consisting of all the evidence received by it.

(2) The Executive Director shall, on receiving the decision of the Professional Conduct Committee and the record of the hearing referred to in subsection (1),

- (a) serve a copy of the decision on the investigated person,
- (b) serve a notice of the nature of the decision on the complainant, if any, and
- (c) forward a copy of the decision to the Practice Review Committee.

(3) The investigated person and the Practice Review Committee may examine the record or any part of the record of the proceedings before the Professional Conduct Committee and hear any recording or examine any mechanical or handwritten form of record of evidence given before the Committee.

61(1) The Professional Conduct Committee may order that its decision remain in effect until the Appeals Committee or a court of competent jurisdiction makes its decision on an appeal.

(2) An investigated person may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the Executive Director, apply for an order staying the decision of the Professional Conduct Committee pending the determination of the appeal.

62 There is hereby established a committee of the Council known as the Appeals Committee composed of no fewer than 3 members of the Council designated by the Council, 1 or more of whom was appointed to the Council by the Minister under section 10.

63(1) An investigated person or the Practice Review Committee may appeal to the Appeals Committee a finding under section 75 or an order under section 76 or 77 of the Professional Conduct Committee.

(2) An appeal under subsection (1) shall be commenced by a written notice of appeal, which shall

- (a) describe the finding or order appealed, and
- (b) state the reasons for the appeal.

(3) A notice of appeal under this section shall be served on the Executive Director within 30 days after the date on which the decision of the Professional Conduct Committee is

(a) served on the investigated person, if she is appealing the decision, or

(b) forwarded to the Practice Review Committee, if it is appealing the decision.

(4) The Executive Director, on receiving a notice of appeal under subsection (3), shall give to each member of the Appeals Committee a copy of the notice of appeal and make the record of the hearing available to each member of the Appeals Committee.

notice of hearing 84(1) The Executive Director shall serve the investigated person with a notice of hearing of the appeal stating the date, time and place when the Appeals Committee will hear the appeal.

(2) The Appeals Committee shall commence to hear an appeal within a reasonable period after the date of service on the Executive Director of the notice of appeal.

participation in appeal 85(1) The Association and the investigated person may appear and be represented by counsel at the hearing of an appeal before the Appeals Committee.

(2) A member of the Professional Conduct Committee may participate in an appeal before the Appeals Committee.

(3) Proceedings before the Appeals Committee shall be held in camera.

Appeals Committee's powers on appeal 86(1) The appeal to the Appeals Committee shall be founded on the record of the proceedings before the Professional Conduct Committee and the decision of the Professional Conduct Committee.

(2) The Appeals Committee on an appeal may

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Appeals Committee;

(b) on granting special leave for that purpose, receive further evidence;

(c) draw inferences of fact and make a decision or finding that, in its opinion, ought to have been made by the Professional Conduct Committee.

(3) Sections 69 to 74 apply to proceedings before the Appeals Committee.

(4) The Appeals Committee shall, within a reasonable time from the date of the conclusion of all proceedings before it, do all or any of the following:

(a) make any finding or order that in its opinion ought to have been made by the Professional Conduct Committee,

(b) quash, vary or confirm the finding or order of the Professional Conduct Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Professional Conduct Committee for further consideration in accordance with any direction that the Appeals Committee may make.

(5) The Appeals Committee may make an award as to the costs of an appeal determined in accordance with the regulations.

(6) The Appeals Committee may order that its decision remain in effect until the Court of Appeal makes its decision on an appeal.

(7) An appellant may, by filing a notice with the Court of Appeal, and serving a copy on the Executive Director, apply for an order staying the decision of the Appeals Committee pending the determination of her appeal to the Court of Appeal under section 88.

Written decision

87(1) The Appeals Committee shall, within a reasonable time after the conclusion of the proceedings before it, make a written decision on the matter.

(2) The Executive Director shall

(a) serve a copy of the decision of the Appeals Committee on the investigated person, and

(b) forward a copy of the decision of the Appeals Committee to the Practice Review Committee

forthwith after the decision is made.

Appeal to Court of Appeal

88(1) An investigated person or the Practice Review Committee may appeal to the Court of Appeal any decision made by the Appeals Committee.

(2) An appeal under this section shall be commenced

(a) by filing a notice of appeal with the Registrar of the Court of Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal on the Executive Director,

both within 30 days from the date on which the decision of the Appeals Committee is served on the investigated person.

Parties to an appeal

89 The Association and the investigated person are the parties to an appeal under section 88.

Procedure for appeal to the Court of Appeal

90 The appeal to the Court of Appeal shall be founded on

(a) the record of the proceedings before the Appeals Committee, and

(b) a copy of the decision of the Appeals Committee.

Powers of Court of Appeal

91(1) The Court of Appeal on hearing the appeal may

(a) make any finding or order that in its opinion ought to have been made,

(b) quash, vary or confirm the decision of the Appeals Committee or any part of it,

(c) refer the matter back to the Appeals Committee for further consideration in accordance with any direction of the Court, or

(d) direct that a new trial of any mixed questions of law and fact relating to the decision of the Appeals Committee be held before the Court of Queen's Bench.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that the Court considers appropriate.

**False registration** 92(1) If the Appeals Committee is satisfied, after a hearing on the matter, that a person

(a) whose registration is entered in the Register of Registered Nurses, or

(b) whose name is entered in a roster established under this Act,

obtained registration or a permit by means of any false or fraudulent representation or declaration, either oral or written, the Appeals Committee shall order that the registration or permit be cancelled.

(2) The provisions of this Part respecting the powers and procedures of the Professional Conduct Committee apply with all necessary modifications to a hearing held by the Appeals Committee under subsection (1).

**Reinstatement  
following  
suspension or  
cancellation**

93(1) If the registration of a registered nurse or the permit of a permit holder is cancelled or suspended, the certificate of registration and annual certificate or permit is deemed to be cancelled or suspended, and that person shall surrender to the Registrar, when requested to do so, the certificate of registration and annual certificate or permit, as the case may be.

(2) If the registration of a registered nurse has been cancelled, the registration and annual certificate shall not be reinstated except by order of the Council or by a court of competent jurisdiction.

**Memorandum of  
suspension**

94 The Registrar shall enter a memorandum or indication of the suspension of a registered nurse in the Register of Registered Nurses or of a permit holder on the appropriate roster

(a) specifying the duration of the suspension, and

(b) summarizing the reason for the suspension.

**Cancellation of  
registration or  
permit**

95 On cancellation of registration or a permit the name shall be removed from the Register of Registered Nurses or the appropriate roster, as the case may be.

**Occupation of  
bed**

96 No employer or other person shall knowingly require a registered nurse or permit holder to perform a service or undertake any work that would result in the registered nurse or permit holder con-

travelling an order or direction of the Professional Conduct Committee, the Appeals Committee or a court of competent jurisdiction.

97(1) If the employment of a registered nurse or permit holder is terminated because of conduct that is, in the opinion of the former employer, or is alleged by the former employer to be unskilled practice or professional misconduct, the former employer shall report the matter to the Executive Director and provide a copy of the report to the registered nurse or permit holder concerned.

(2) On receipt of a report under subsection (1), the Executive Director may

- (a) treat the report as a complaint under this Part,
- (b) refer the report to the Practice Review Committee, or
- (c) take no action on the matter,

and shall notify the former employer and the person in respect of whom the report is made accordingly.

98 If the registration of a registered nurse or the permit of a permit holder is suspended or cancelled or the Professional Conduct Committee, the Appeals Committee or a court of competent jurisdiction orders that her practice be limited, the person who is the subject of the cancellation, suspension or limitation shall notify her employer forthwith.

## PART 8

### GENERAL

99(1) The Council may make regulations

- (a) establishing and providing for the publication of a code of ethics respecting the maintenance of the dignity and honour of the profession and the protection of the public interest;
- (b) governing the eligibility of and the examination of applicants for registration as registered nurses and permit holders;
- (c) providing for the evaluation of the practice and experience required of applicants for registration as registered nurses;
- (d) respecting a nurse registration examination;
- (e) prescribing standards and rules of practice for registered nurses and permit holders;
- (f) prescribing conditions to be met before an annual certificate or annual permit may be granted;
- (g) respecting the establishment of a continuing education program for registered nurses and permit holders;
- (h) governing the purposes for which special permits or temporary permits may be issued in addition to those prescribed in this Act;



- (i) respecting the limitations, conditions or restrictions on a special permit or temporary permit;
- (j) respecting the renewal of a special permit or temporary permit;
- (k) establishing specialty registers and governing the registration and removal of persons from those registers;
- (l) establishing specialties of nursing practice and prohibiting a registered nurse or permit holder from holding out that she is entitled to engage in a specialty of nursing practice as established in the regulations unless the registered nurse or permit holder is registered in the specialty register;
- (m) prescribing terms and conditions of registration and maintaining registration in a specialty register;
- (n) designating specialty names, initials or abbreviations that may be used by a registered nurse registered in a specialty register;
- (o) respecting the costs payable on the conclusion of an investigation or hearing by the Professional Conduct Committee or the Appeals Committee;
- (p) requiring registered nurses or permit holders or a category of registered nurses or permit holders to carry professional liability insurance and governing the minimum coverage required to be carried;
- (q) prescribing the number of members of the Council that constitutes a quorum of the Council;
- (r) respecting preliminary investigations and proceedings of the Professional Conduct Committee;
- (s) respecting the powers, duties and responsibilities of the Practice Review Committee in addition to those determined by this Act;
- (t) governing the reinstatement of any person whose registration or permit is removed, suspended or cancelled under this Act;
- (u) respecting the publication of information with respect to the removal from the register or a roster or the suspension, cancellation or limitation of the practice of a registered nurse or permit holder;
- (v) respecting registration or the entry of a name in a roster, the review of the practice of registered nurses and permit holders generally and disciplinary matters;
- (w) governing the method of approval of regulations made under this section and of by-laws made under section 100 and the persons by whom they are to be approved;
- (x) respecting the service on any person of a document or notice required to be served under this Act;

- (y) delegating any power or duty of the Council under this Act to a person, board or committee designated by the Council.
- (2) A regulation under subsection (1) does not come into force unless
  - (a) it is approved
    - (i) in accordance with a method and by the persons prescribed by the regulations, or
    - (ii) by a majority of those members voting in a mail vote conducted in accordance with the by-laws,
  - and
  - (b) it is approved by the Lieutenant Governor in Council.

by-laws

**100(1) The Council may make by-laws**

- (a) for the government of the Association and the management and conduct of its affairs including the establishment of geographic areas of the Province for the purposes described in the by-laws;
  - (a.1) determining the location of the head office of the Association and the form and use of the seal of the Association;
- (b) respecting the calling and conduct of meetings of the Association and the Council and the quorum required for a meeting of the Association;
- (c) respecting the nomination, election, number and term of office of Council members, officers of the Council, officers of the Association and any other elected positions within the Association and who may vote at an election or in a referendum;
  - (c.1) providing for the election or appointment of persons to fill vacancies on the Council or in any other elected position within the Association or any other office;
- (d) governing the appointment of individuals as members, acting members or ex officio members of the Council, the Association and any board or committee established by or under this Act in addition to any appointments required to be made by this Act, and prescribing their term of office, duties and functions;
- (e) governing the composition, internal management and operation and the conduct of proceedings of any committee established by this Act, or delegating to the committee the authority to govern its internal management and operation, with or without conditions;
- (e.1) establishing categories of membership in the Association in addition to registered nurses and prescribing the privileges and obligations of the categories of membership so established;
- (f) providing for the hiring of employees of the Association, their duties and terms and conditions of employment and the bonding of those employees;

- (g) authorizing the Executive Director or the Registrar to delegate any power or duty to another person, with or without conditions;
- (h) authorizing the Registration Committee to delegate any of its powers, duties or functions to the Registrar, with or without conditions;
- (h.1) governing the establishment of boards and committees by the Council or the Association, the appointment and revocation of members of the boards and committees, the appointment of acting members and procedures for filling vacancies on boards and committees, and governing their internal management and operation or delegating that authority to the board or committee, with or without conditions;
- (i) delegating any power or duty of the Council under section 9(2) or the by-laws to a person, board or committee designated by the Council;
- (j) governing the review by the Practice Review Committee of the practice of a registered nurse or permit holder, whether a complaint is made or not;
- (k) prescribing fees and expenses payable to members of the Council and of any boards or committees established by or under this Act for attending to the business of the Association;
- (l) respecting the establishment and payment of sums of money for seminars, courses or conferences or any educational incentive or benefit program that the Council considers appropriate;
- (m) governing the use and management of the funds and property of the Association and the fiscal year of the Association;
- (n) prescribing the date or dates on which annual certificates and annual permits expire;
- (o) respecting the fees, dues and levies payable to the Association by registered nurses, permit holders and other members of the Association or by applicants under this Act or for any service administered or provided, but in no case shall the fees, dues and levies payable by a certified graduate nurse be greater than those payable by a registered nurse;
- (p) respecting the form, content and maintenance of rosters of permit holders and of records of other categories of membership to be kept by the Registrar;
- (q) governing the form, content and operation of the Register of Registered Nurses and the establishment, form, content and operation of a historical record of members and former members of the Association and prescribing who is entitled to inspect the record so established and other matters relating to the confidentiality of that record;
- (r) respecting the removal from the registers, rosters and records of a memorandum or entry made in them under this Act;

(s) authorizing the Council to prescribe the form of a certificate of registration, an annual certificate or permit and any other document that may be required;

(t) respecting the holding of votes by mail on any matter relating to the Association or its members;

(u) governing the conduct of referendums on any matter relating to nursing, the Association or its members;

(v) providing grants in aid of or undertaking research in nursing;

(w) promoting nursing and making the members of the nursing profession more knowledgeable with respect to new nursing skills, techniques and practice;

(x) respecting the establishment of libraries, information centres and similar facilities;

(y) respecting research and education in nursing;

(z) respecting the publication, distribution or production of books, newsletters, reports, pamphlets, films and other means of communication;

(z) doing such other things as are necessary to promote the advancement and application of nursing knowledge.

(2) A by-law under subsection (1) does not come into force unless it is approved

(a) in accordance with a method and by the persons prescribed by the regulations, or

(b) by a majority of those members voting in a mail vote conducted in accordance with the by-laws.

(3) The *Regulations Act* does not apply to the by-laws of the Association.

Executive  
Director

101 The Council shall appoint a registered nurse as Executive Director of the Association.

Commissioners  
or Oaths

102 For the purpose of any investigation, hearing or review under this Act or the regulations

(a) a member of the Council or of any committee established by this Act, the regulations or the by-laws, and

(b) the Executive Director and the Registrar,

are conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

Discipline of  
nursing or health  
care

103(1) Where not otherwise prohibited by an Act, if a registered nurse or permit holder is of the opinion that another registered nurse or permit holder has, in the course of her practice as a registered nurse or permit holder, performed or failed or neglected to perform

any act or duty in such a way as to create a danger to health or to the safety of a person, she shall disclose to the Executive Director

- (a) the name of the registered nurse or permit holder concerned and
- (b) the conduct.

(2) On receipt of information under subsection (1), the Executive Director shall report the matter to the Practice Review Committee.

Registrar's  
certificate

104 A certificate purporting to be signed by the Registrar and stating that a named individual was or was not, on a specified day or during a specified period

- (a) a registered nurse or a permit holder, or
- (b) an officer of the Association, a member of the Council or a member of a committee or board established by this Act, the regulations or the by-laws,

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Service of  
document or  
notice

105 If this Act, the regulations or the by-laws require that a document or notice be served on any person, the document or notice is deemed to have been sufficiently served on that person if it is served personally on that person or in accordance with the regulations.

Protection from  
liability

106(1) No action lies against

- (a) any person conducting a preliminary investigation, a member of the Council or of a committee established by this Act, the Executive Director, the Registrar, the Association or any person acting on the instructions of any of them, or
- (b) any member, officer or employee of the Association,

for anything done by that person in good faith and in purporting to act pursuant to this Act or the regulations.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint, notification or disclosure regarding the conduct of a registered nurse or permit holder if the communication is published to or by

- (a) the Association,
- (b) a member of the Council or of a committee established by this Act,
- (c) a person conducting a preliminary investigation,
- (d) the Executive Director, the Registrar or an officer or employee of the Association, or
- (e) a person acting on the instructions of any of the persons referred to in clauses (a) to (d),

in good faith under this Act in the course of conducting an investigation, hearing or review or in the course of any proceeding under this Act.

offences and penalties

107(1) Every person and every officer, employee or agent of a corporation who contravenes a provision of this Act is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a second offence, to a fine of not more than \$4000, and
- (c) for a third and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

burden of proof

108 In a prosecution under this Act, the burden of proving that a person is a registered nurse or permit holder is on the accused.

## PART 9

### ALBERTA REGISTERED NURSES EDUCATIONAL TRUST

Definitions

109 In this Part,

- (a) "Board" means the Board of Directors of the Trust;
- (b) "Trust" means the Alberta Registered Nurses Educational Trust established by this Part.

Alberta Registered Nurses Educational Trust

110(1) There is hereby established a corporation called the "Alberta Registered Nurses Educational Trust" composed of those persons who are the members of the Trust from time to time.

(2) A member of the Board is a member of the Trust.

Powers of the Trust

111 In addition to the powers it has under section 16 of the *Interpretation Act*, the Trust may

- (a) solicit, receive and hold any gift or devise on such trusts or conditions as seem appropriate to the Board, and administer the gift or devise in accordance with those trusts or conditions;
- (b) invest its funds in such investments as are considered appropriate by the Board;
- (c) borrow money for the purposes of the Trust and mortgage or charge real or personal property of the Trust, or its sources of funds, as security;
- (d) guarantee the repayment of loans in accordance with the by-laws of the Trust.

Objects of Trust

112 The objects of the Trust are as follows:

(a) to provide grants, bursaries, scholarships and fellowships and to make loans to persons enrolled in educational institutions for the purpose of obtaining a baccalaureate, master's or doctor degree in a subject matter in or related to nursing;

(b) to provide grants, bursaries and make loans to persons enrolled in educational, administrative or clinical educational programs in or related to nursing;

(c) to do those things that the Board considers necessary to promote the advancement and application of the knowledge of nursing.

113(1) There is hereby established a governing body of the Trust called the "Board of Directors" composed of the number of persons prescribed by the by-laws of the Trust. <sup>audits 1 year</sup>

(2) The Board shall manage and conduct the business and affairs of the Trust and exercise the powers of the Trust in the name of and on behalf of the Trust.

114(1) The Board may make by-laws <sup>As of Trust</sup>

(a) establishing the head office of the Trust and governing its internal operation and management of the Trust;

(b) prescribing a seal for the use of the Trust;

(c) governing the number of persons on the Board and the categories of person that must be represented;

(d) providing for the appointment and terms and conditions of employment of employees of the Trust or entering into an agreement with the Council for the use of employees of the Association; <sup>member</sup>

(e) respecting the calling, quorum and conduct of meetings of the Board and the members of the Trust; <sup>ship</sup>

(f) governing the use and management of funds and of the real and personal property of the Trust;

(g) governing the purposes for which loans, grants, bursaries, scholarships, fellowships or guarantees of loans may be granted;

(h) prescribing applications for and conditions that may be attached to loans, grants, bursaries, scholarships, fellowships or guarantees of loans; <sup>tion for</sup>

(i) providing for the appointment of committees of the Board and delegating any power or duty of the Board to a person or committee, subject to such terms and conditions as may be prescribed;

(j) respecting the honoraria and travelling and living expenses of directors or members of committees and employees of the Trust;

(k) governing the appointment of patrons of the Trust and establishing categories of membership in the Trust and the fees, duties and privileges attached to each category and the manner in which membership may be terminated;

(l) establishing and operating one or more Funds for the purpose of carrying out the objects of the Trust.

(2) A by-law under subsection (1) does not come into force until it is approved by the Council.

(3) The *Regulations Act* does not apply to the by-laws of the Trust.

annual audits  
and fiscal year 115(1) The accounts of the Trust shall be audited annually by a chartered accountant appointed for that purpose by the Board.

(2) The fiscal year of the Trust is the calendar year unless the Board, by by-law, establishes another period as the fiscal year.

wound up 116(1) The Trust shall not be voluntarily wound up unless a special resolution to do so is passed by the members of the Trust.

(2) In the event that the Trust is wound up, the liquidator shall transfer the remaining property of the Trust to the Association to be used for the same or similar objects for which the Trust would have used the property if it had not been wound up.

## PART 10

### TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Interpretation 117 In this Part, "former Act" means the *Registered Nurses Act*, being chapter R-12 of the Revised Statutes of Alberta 1980.

former members 118 An active member of the Alberta Association of Registered Nurses under the former Act is deemed to be a registered nurse under this Act.

former membership  
periods 119(1) The members of the council elected under the former Act are deemed to be members of the Council under this Act, elected for the same period and holding the same offices.

(2) If, at the time this Act comes into force, there are more members of the Council than the number prescribed under this Act or the by-laws, those members remain in office until the expiry of their term.

application for  
registration 120 An application for registration as a registered nurse made but not concluded before the coming into force of this Act shall be continued and concluded under this Act.

disciplinary  
proceedings 121(1) Any complaint made or discipline proceedings that were commenced but not concluded before the coming into force of this Act shall be concluded under the former Act as though this Act had not come into force.

(2) Any complaint made after the coming into force of this Act when the complaint relates to conduct occurring before or partly before



and partly after the coming into force of this Act shall be dealt with under this Act.

Alberta  
Registered  
Nurses  
Educational Trust

122(1) The first Board of Directors of the Alberta Registered Nurses Educational Trust shall be the Council, who shall hold office as the Board for not longer than 1 year following the coming into force of this Act or until a replacement Board is established in accordance with the by-laws of the Trust.

(2) The Council by resolution may, on the coming into force of this Act, direct which real or personal property of the Association shall become the property of the Trust.

Rules continued

123 The regulations published by the Universities Co-ordinating Council as Regulations Governing Nursing Education Programs Leading to Nursing Registration, as amended, are deemed to be rules under section 54 unless and until they are replaced by rules under that section.

Special regulation

124 Notwithstanding section 99(2)(a), a regulation made by the Council under section 99(1)(w) before December 31, 1984 comes into force without the approval required under section 99(2)(a).

Amends RSA  
1980 cA-24

125 *The Alberta Health Care Insurance Act is amended in section 13(8) by striking out "or" at the end of clause (f), adding "or" at the end of clause (g) and adding the following after clause (g):*

(h) the Appeals Committee or the Professional Conduct Committee under the *Nursing Profession Act*.

Amends RSA  
1980 cE-9

126 *The Emergency Medical Aid Act is amended in section 1(c) by striking out "Registered Nurses Act" and substituting "Nursing Profession Act".*

Amends RSA  
1980 cH-6

127 *The Health Unit Act is amended in section 1(e) by striking out "means a nurse" and substituting "means a registered nurse".*

Amends RSA  
1980 cH-11

128 *The Hospitals Act is amended in section 40(6) by repealing clause (d) and substituting the following:*

(d) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to the Council of the College of Physicians and Surgeons or an investigating committee under the *Medical Profession Act* or the Professional Conduct Committee or the Appeals Committee under the *Nursing Profession Act*, if

(i) an officer of the College or the Alberta Association of Registered Nurses, as the case may be, makes a written request for it and the disclosure is consented to by the patient or his legal representative, or

(ii) the disclosure is made by a member of the board in compliance with a notice under section 49 of the *Medical Profession Act* or section 71 of the *Nursing Profession Act* to attend as a witness or produce documents;

- 129 *The Licensing of Trades and Businesses Act* is amended in section 2(b) by striking out "Registered Nurses Act" and substituting "Nursing Profession Act".
- 130 *The Lloydminster Hospital Act* is amended in section 10(3) by striking out "Registered Nurses Act" and substituting "Nursing Profession Act".
- 131 *The Mental Health Act* is amended in section 37(6) by repealing clause (m) and substituting the following:
- (m) to the Council of the College of Physicians and Surgeons or an investigating committee under the *Medical Profession Act* or the Professional Conduct Committee or the Appeals Committee under the *Nursing Profession Act*, if
    - (i) an officer of the College or the Alberta Association of Registered Nurses, as the case may be, makes a written request for the diagnosis, record or information and the disclosure is consented to by the person to whom the diagnosis, record or information relates or his legal representative, or
    - (ii) the disclosure is made in compliance with a notice under section 49 of the *Medical Profession Act* or section 71 of the *Nursing Profession Act* to attend as a witness or produce documents.
- 132 *The Nursing Service Act* is amended in section 1(f) by striking out "means a nurse" and substituting "means a registered nurse".
- 133 *The Provincial General Hospitals Act* is amended in section 7(1)(e) by striking out "nurses" and substituting "registered nurses and permit holders under the *Nursing Profession Act*".
- 134 *The Public Health Act* is amended in section 23(2)(a) by striking out "and nurses" and substituting ", registered nurses and permit holders under the *Nursing Profession Act*".
- 135 *The Students Finance Act* is amended in section 9(1)(d) by striking out "section 12 of the *Registered Nurses Act*" and substituting "the *Nursing Profession Act*".
- 136 *The Registered Nurses Act* is repealed.
- 137 This Act comes into force on Proclamation.