

Where a registrant meets the criteria under s. 122(3) of the *Nursing Act*, S.N.S. 2019, c.8 (*Nursing Act*) for referral to the Nova Scotia College of Nursing Fitness to Practise process, the following criteria must also be met:

1. The registrant must undergo an assessment(s) as directed by the CEO to establish whether the registrant suffers from an incapacity and, where the potential referral to the fitness to practice process arises from a complaint against the registrant, whether that incapacity is causally connected to, or has a nexus with, the issues that are the subject of the complaint.
2. If the CEO is satisfied that the assessment establishes incapacity and, where required, the nexus or causal connection set out above, the CEO must reasonably believe:
  - a. the incapacity can be successfully treated or remedied such that the registrant can practice safely, competently, and ethically; and
  - b. the registrant is likely to pursue appropriate remediation or treatment.
3. The CEO must be satisfied that the objects of the College will be better served by having the matter addressed through the Fitness to Practice process rather than the professional conduct process or other regulatory process. In considering this the CEO should take into account:
  - a. the nature and number of incidents involved;
  - b. the impact of the incidents on clients, colleagues, the workplace, the public or the reputation of the profession;
  - c. the public nature of the incidents;
  - d. the registrant's prior conduct history and/or fitness to practice history; and
  - e. such other factors relevant to the particular matter under consideration.
4. Where the CEO determines it is in the public interest to require the registrant to cease practicing the registrant must agree to the CEO's direction.
5. Where the CEO determines it is in the public interest to require the registrant to practice under terms and conditions, the registrant must agree to the CEO's direction and the Fitness to Practice Committee must approve the terms and conditions in accordance with s. 123(2).