

NSCN Fitness to Practice Committee Terms of Reference



In accordance with the requirements of the *Nursing Act*, S.N.S. 2019, c.8, and the by-laws made thereunder, the NSCN Board shall appoint a Fitness to Practise Committee composed of:

- At least one (1) public representative;
- At least one (1) registrant from each designation regulated by the College; and
- Such other number of registrants and public representatives as the Board determines.

Committee Membership*

- Committee composition will be at least fifteen (15) members, including a minimum of:
 - Four (4) licensed practical nurses;
 - Six (6) registered nurses;
 - Three (3) nurse practitioners; and
 - Three (3) public representatives.

The Board shall appoint a Chair and a Vice-Chair of the Fitness to Practise Committee.

Panel Membership

Upon receipt of a referral the Chair will appoint a panel of at least three members to act as the Fitness to Practise Committee, including at least:

- One (1) public representative;
- One (1) registrant with the same designation as the registrant; and
- One (1) other person as determined by the Chair.

Term of Office

Committee members hold office for one (1), two (2) or three (3) year terms as directed by the Board, and are eligible for reappointment.

Where a proceeding is commenced before a panel of the Fitness to Practice Committee and the term of office of a member sitting on the Committee expires, that member may remain part of the panel until the proceeding is concluded.

Registrant members who have a complaint filed against them shall recuse their membership on the Committee unless the Chair determines otherwise.

Quorum

Pursuant to the *Nursing Act* and the By-Laws, a quorum of the panel shall consist of three (3) Committee members including at least one public representative.

All decisions require the vote of the majority of the panel.

Mandate

The Fitness to Practise Committee is established by the *Nursing Act* to exercise the powers and functions as provided for in the Act and By-Laws, including, without limitation the following activities:

- To consider matters referred to the Committee and take such steps as the appointed panel considers appropriate within the scope of the authority granted to it under the Act, By-Laws and policies;
- Where the CEO has determined the registrant meets the eligibility criteria for the fitness to practise process and the CEO and registrant agree to terms and conditions to allow the registrant to continue in or resume practice, consider the approval of such terms and conditions.
- Upon request from the CEO, convene a meeting at any time during the fitness to practise process, to consider a registrant's progress, or to hear the CEO's request for the registrant's removal from the process.
- Upon request from a registrant, where the registrant has advised the CEO that they intend to seek to return to practice, or that they seek to remove or vary any terms and/or conditions to which they are currently subject, convene a meeting where the Committee may:
 - Approve the registrant's return to practice subject to such terms and conditions as the panel deems appropriate and to which the registrant agrees;
 - Vary the terms and conditions under which a registrant is practicing, if the registrant agrees; or
 - Deny the return to practice or variation request and refer the registrant back to the CEO.
- Retain jurisdiction over the matter until terms and conditions of practice agreed upon by the Committee have been met or the matter has been referred back to the CEO.

In addition the Committee Chair, or Vice-Chair acting as chair in the absence of the Chair:

- Directs the selection of a panel of Committee members.
- Acts as Chair of the panel, or where the Chair does not sit on the panel, directs the appointment of one of the panel members to serve as Chair.

The Chair of the panel is responsible for chairing meetings of the panel, and ensuring any required decisions are complete and include sufficient reasons.

Criteria for Membership

- For the initial Committee formed at the time of the proclamation of the *Nursing Act*, members must have been a member of a regulatory committee, board or council of the CLPNNS or CRNNS at the time of proclamation.
- No committee member may be a member of the NSCN Board or an employee of NSCN.

**Additional Criteria for Registrant Members*:*

- A registrant must hold a licence at the time of initial appointment to the Committee (the time they are first appointed to the Committee, not including any reappointments).
- Registrants whose licences expire while serving on the Committee, who do not renew those licences, remain eligible to serve on the Committee until the expiry of their term.
- Such registrants may be eligible for reappointment if the overall composition of the Committee ensures sufficient numbers of licensed registrants are available to meet the requirements of the By-laws.
- Generally, a registrant who has not held a licence for a period of five years, will not be eligible for reappointment.

Additional Skills for Chair and Vice Chair:

- The Chair and Vice-Chair must have experience in conducting meetings.
- The Chair and/or Vice Chair must have prior legal experience.

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