



Policy Name:	<b>Notification in the PCR Process</b>
Policy Category:	<b>Discipline</b>
Developed by:	<b>CLPNNL Regulatory Staff</b>
Approved by:	<b>CLPNNL Board</b>
Approval date:	<b>November 27, 2019</b>
Review:	<b>Every 3 years</b>

#### **Policy Overview:**

The College of Licensed Practical Nurses of Newfoundland and Labrador (CLPNNL) has the legislated responsibility, in accordance with the *Licensed Practical Nurses Act (2005)*, to regulate the practice of Licensed Practical Nurses (LPNs) in Newfoundland and Labrador. The mission of CLPNNL is to protect the public by actively promoting safe, competent, and ethical nursing care. It is in the interest of public protection that the Professional Conduct Review (PCR) process must be objective, accountable, fair and transparent.

The requirement for transparency and accountability has resulted in an update to policy with respect to the distribution and notification of information related to the PCR process. The following policy, developed in accordance with the *Licensed Practical Nurses Act (2005)*, will take effect December 1, 2019.

#### **Policy:**

##### **1. Notice of an Allegation**

CLPNNL will not provide public notices or disclose information to members of the public concerning an allegation filed against a Respondent<sup>1</sup> prior to the Complaints Authorization

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<sup>1</sup> Respondent means Licensed Practical Nurses or former licensed practical nurse against whom an allegation is made.



Committee (CAC) determining that the allegation constitutes a Complaint, except in the following circumstances:

- (a) CLPNNL will inform a Respondent's nursing employer where an allegation has been filed against the Respondent. The nursing employer will be directed to contact the Respondent for details of an allegation.
- (b) CLPNNL will inform a nursing regulator from another jurisdiction requesting a verification of registration that a Respondent is under review.
- (c) CLPNNL may need to disclose information about an allegation to persons who are asked to provide information which may be relevant to the investigation of that allegation.

## 2. Notice of Alternative Dispute Resolution

- (a) When an allegation is resolved through the Alternate Dispute Resolution (ADR) process, a brief description of the conduct and the remedial terms, excluding the Respondent's name, will be published on CLPNNL's website and in PRACTICE<sup>2</sup>.
- (b) This policy is subject to provisions in an ADR Agreement which may provide for greater transparency in the interest of the public.
- (c) This policy is subject to the Disclosure of Licensure Status provisions of the CLPNNL By-Laws. In case of conflict, the CLPNNL By-Laws shall govern over this policy.

## 3. Notice of Decision of the CAC

- (a) Where the CAC issues a caution or counsel to a Respondent, CLPNNL will provide a brief description of the conduct and the caution or counsel, excluding the Respondent's name, on CLPNNL's website and in PRACTICE.
- (b) Where the CAC dismisses an allegation, CLPNNL will post that an allegation has been dismissed, excluding the name of the Respondent, on the CLPNNL website.
- (c) Where the CLPNNL has informed an employer of an allegation against a Respondent, CLPNNL will inform the employer of the outcome of the allegation following a decision of the CAC.
- (d) This policy is subject to the Disclosure of Licensure Status provisions of the CLPNNL By-Laws. In case of conflict, the CLPNNL By-Laws shall govern over this policy.

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<sup>2</sup> PRACTICE is the publication of the CLPNNL.



4. Notice of Restriction/Suspension pending a Hearing before an Adjudication Tribunal

Where the CLPNNL Board restricts/suspends a Respondent's license pending referral to a disciplinary panel, the CLPNNL will publish notification of the restriction/suspension of a Respondent's license on CLPNNL website and inform the Respondent's nursing employer.

5. Notice of Referral to a Hearing Before an Adjudication Tribunal

Once the Respondent has been notified that the CAC has referred an allegation as a complaint to the Disciplinary Panel, the CLPNNL will post notification on the CLPNNL website, including:

- (a) The Respondent's name and registration number; and
- (b) The general nature of the Complaint.

6. Notice of Hearing Date

Once the Respondent has been notified of the Hearing date, the CLPNNL will post notification of the Hearing date on the CLPNNL website, including:

- (a) The Respondent's name and registration number;
- (b) The date(s), time, and location of the hearing; and
- (c) The general nature of the Complaint.

7. Decisions and Orders of an Adjudication Tribunal

- (a) A Summary of the Adjudication Tribunal finding of conduct deserving of sanction will be published on the CLPNNL website and in PRACTICE, unless a court orders otherwise.
- (b) A summary of the Adjudication Tribunal decision to dismiss a Complaint will be published on the CLPNNL website and in PRACTICE excluding the Respondent's name, except where the Respondent consents to including their name in the publication.
- (c) A copy of the decision of the Adjudication Tribunal's dismissal of a Complaint shall be provided to the Complainant<sup>3</sup> and the Respondent's employer.
- (d) Where the Respondent has successfully completed the terms and conditions of published decisions of the Adjudication Tribunal, the CLPNNL will publish notification on the CLPNNL website and in PRACTICE;

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<sup>3</sup> Complaint means a person making an allegation against a current or former member of CLPNNL.



- (e) This policy is subject to the provisions of section 22 of the *Licensed Practical Nurses Act (2005)*. In case of conflict, the Act shall govern.

## 8. De-registration

- (a) Where a Respondent has been struck off the register and ceases to have the right and privilege to practice nursing, the CLPNNL will post notification on the CLPNNL website and in PRACTICE;
- (b) Where the Respondent is granted de-registration, the CLPNNL will remove the Respondent's name from the CLPNNL website;
- (c) Where the Respondent has been granted de-registration, the CLPNNL will inform the Complainant and the Respondent's employer.

**References:** *Licensed Practical Nurse Act, 2005*

*Licensed Practical Nurse Regulations, 2011*

**Original Policy:** November 27, 2019

**Revised:**