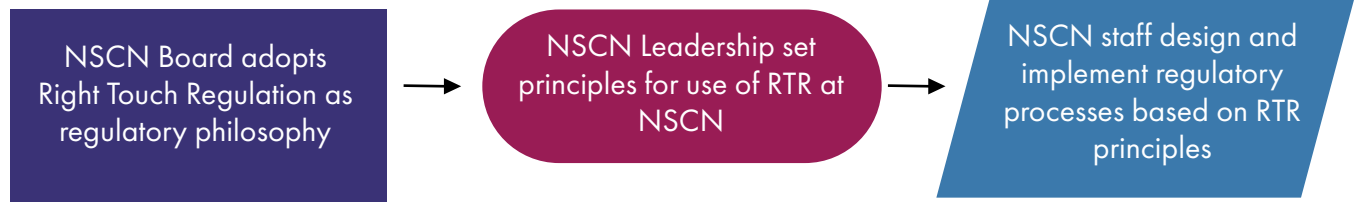




# NSCN'S PROPOSED APPROACH TO RIGHT TOUCH REGULATION

## Introduction

NSCN has adopted right touch regulation as our regulatory philosophy. The various roles in the creation and implementation of our regulatory philosophy are highlighted below:



As a 'right-touch' regulator, we approach our regulatory oversight by applying the minimal amount of regulatory force required to achieve a desired outcome. We seek to understand problems before jumping to solutions and we make sure that our level of regulation is proportionate to the level of risk to the public.

We aim to ensure that our regulatory processes follow the principles of right-touch regulation:

- **Proportionate:** We only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimized.
- **Consistent:** We align our rules and standards and implement them fairly.
- **Targeted:** We focus on the problem and minimize side effects.
- **Transparent:** We make ourselves open and accessible and keep regulations simple and user-friendly.
- **Accountable:** We justify our decisions and are open to feedback.
- **Agile:** We look forward in our environments and adapt to anticipate change.

## NSCN's Draft Guiding Principles

NSCN is inviting feedback from the public, registrants and other stakeholders on the following draft guiding principles, which are grounded in right touch regulation.



# DRAFT NSCN Regulatory Guiding Principles

**Proportionate: We only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimized. NSCN interprets this principle as including:**

1. We understand that we cannot eliminate all risk. We direct our resources at matters that pose the greatest risk, having regard to severity and frequency.
  - a) We focus on nurses' practice and client-related conduct in Nova Scotia, as well as issues that raise significant questions about the trustworthiness or integrity of a nurse as a professional.
  - b) We make decisions based on the information we have, not on speculation or assumptions about what could be.
2. We seek to manage the risk that a registrant poses to clients or members of the public in the future.
  - a) We look for the causes of a nurse's conduct. We recognize that issues related to a nurse's competence or health should be treated differently than deliberate or reckless conduct.
  - b) We remediate where possible.
  - c) The purpose of our regulatory work is not to punish for past events. We also understand that serious issues may require sanction.
  - d) We recognize that it is in the public interest to keep competent nurses in the healthcare system.

**Consistent: We align our rules and standards and implement them fairly. NSCN interprets this principle as including:**

3. We take purposeful steps toward enhancing equity, diversity, inclusion and belonging in and through our regulatory work.
  - a) We recognize that we serve multiple publics with diverse needs and interests that may conflict.
  - b) We also recognize that the effective fulfillment of our role in enhancing equity, diversity, inclusion and belonging may require different actions or outcomes for different individuals.

**Targeted: We focus on the problem and minimize side effects. NSCN interprets this principle as including:**

4. We seek to identify the issue before developing a regulatory solution. We are attentive to the outcomes and unintended consequences of the chosen solution.
  - a) When making decisions, we take the surrounding context into account, including the practice environment.
  - b) We strive to understand the impact of our processes, and assess whether our work is effective.
  - c) We seek to minimize burdens posed by regulation that are not in proportion to the risk.
5. We work collaboratively to ensure we identify the right problem and solutions.
  - a) We believe that protection of the public in their use of nursing services is a collective responsibility shared by participants in the healthcare system, including individual nurses, nursing employers, and NSCN.
  - b) We trust and support the work of regulators. We strive to work collaboratively on interjurisdictional matters.
  - c) Our staff teams recognize the interconnected nature of their work and collaborate to develop consistent and integrated regulatory processes.
  - d) We seek to understand the needs and concerns of the publics we serve, and welcome their feedback on our performance.

6. We understand that not all issues require our involvement, and some are better addressed by others with a non-regulatory solution.

- a) Employers should act first to deal with concerns about a nurse's practice, unless the risk to clients and the public is so serious that we need to take immediate action, the risk continues after an employer has intervened, or the employment relationship has ended.
- b) There are several other forums that may be better suited to a particular issue, including labour processes, a healthcare facility's internal complaints process, Human Rights, Labour Standards, or Protection for Persons in Care.

**Transparent: We make ourselves open and accessible and keep regulations simple and user-friendly. NSCN interprets this principle as including:**

7. People are the focus of our work, and we strive to build and maintain their trust.

- a) We listen openly.
- b) We explain what action we can take and why.
- c) Information on our processes, standards and ethics is publicly accessible and written in plain language.
- d) We balance open decision-making with legislative confidentiality requirements and the privacy interests of participants.

**Accountable: We justify our decisions and are open to feedback. NSCN interprets this principle as including:**

8. We recognize that our work often involves competing interests and not all stakeholders will agree with every decision. There is often not a singular "right answer". We demonstrate accountability by ensuring that our decisions, actions, and guidance are:

- a) Consistent with applicable legislative requirements;
- b) Well-reasoned;
- c) Timely;
- d) Sustainable;
- e) Compassionate;
- f) In our publics' interests. Where those interests conflict, we will strive to be equitable and mitigate the greatest risk.

**Agile: We look forward in our environments and adapt to anticipate change. NSCN interprets this principle as including:**

9. We are future-focused and engage in preventative regulation.

- a) We define the behaviour and professional standards expected of registrants in a manner that is achievable, accessible, and informed by the reality and context of nursing practice.
- b) We recognize that we have a responsibility to make sure that our work remains relevant and fit for purpose, so that we continue to effectively support the maintenance and development of a safe, ethical, competent and compassionate nursing profession.
- c) We seek to minimize risk to the public while supporting innovation within NSCN, the nursing profession, and the Nova Scotia healthcare system.