

# BY-LAWS

MAY 1, 2023

**NOVA SCOTIA  
COLLEGE OF  
NURSING**



EXCELLENCE FOR ALL

© Revised May 1, 2023, December 8, 2022, January 1, 2022, September 23, 2021, April 7, 2021, December 17, 2020, September 1, 2020, June 20, 2020. First published June 4, 2019 as Nova Scotia College of Nursing By-Laws

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# PART I – INTERPRETATION OF BY-LAWS AND GENERAL PROVISIONS

## 1. DEFINITIONS

- 1.1 All words used in these by-laws that are defined in the *Act* or the regulations have the same meaning as set out in the *Act* or regulations.
- 1.2 In these by-laws, unless the context otherwise requires:
- a. “*Act*” means the *Nursing Act*, SNS 2019, c 8;
  - b. “ballots” refers to the form used by registrants for voting, which may be either in paper or such electronic form as determined by the Board;
  - c. “Board”, when used in these by-laws includes the initial Board and subsequent Boards, as the context requires, unless identified otherwise;
  - d. “Board Code of Conduct policy” means the policy approved by the Board governing the conduct of Board members;
  - e. “Board Composition Matrix” means the list of competencies, qualities and other criteria approved by the Board to describe the collective desired composition of the Board;
  - f. “Board Succession Committee” means the committee appointed by the Board to nominate candidates to be appointed to fill vacancies on the initial Board;
  - g. “Chief Elections Officer” means a person appointed by the Board to oversee the election process, who must not be a candidate for office, a current Board member, or a College employee;
  - h. “College of Licensed Practical Nurses of Nova Scotia” means the College charged with regulating the practice of licensed practical nurses prior to the proclamation of the *Nursing Act*;
  - i. “College of Registered Nurses of Nova Scotia” means the College charged with regulating the Practice of registered nurses and nurse practitioners prior to the proclamation of the *Nursing Act*;
  - j. “College employees” means individuals employed on a full- or part-time basis by the provincial office of the Nova Scotia College Nursing, but does not include independent contractors, consultants or facilitators who otherwise provide services to the College;
  - k. “in good standing”, for purposes of By-Law 10C, means the status of a registrant who:
    - i. holds a current NSCN licence as set out in By-Law 10C;
    - ii. is current in their continuing competence requirements;
    - iii. does not owe any outstanding fees or costs to the College; and
    - iv. is not subject to any licensing sanction or ongoing regulatory process that in the opinion of the Nominating Committee, impacts their ability to ethically and competently serve as a member of the Board, or would otherwise be contrary to the objects of the College.
  - l. “initial Board” means the Board appointed on the date of Royal Assent of the *Act*;
  - m. “initial Board member” means a Board member selected under section 6 of the *Act* to serve on the initial Board, or a person appointed to fill a vacancy of such person;
  - n. “legacy Board” means the Board of the College of Licensed Practical Nurses of Nova Scotia, or the Council of the College of Registered Nurses of Nova Scotia, in existence immediately prior to the proclamation of the *Act*, as the context requires;
  - o. “Meeting Rules” means such rules approved by the Board that govern the conduct of Board, annual or special meetings, that are not inconsistent with these by-laws;
  - p. “proclamation” means the process by which the *Act*, other than sections that took effect on Royal Assent, came into force;

- q. “Royal Assent” means the process by which certain sections of the *Act* came into force prior to proclamation;
- r. “subsequent Boards” means any Board in effect after the expiry of the term of service of any initial Board member;
- s. “voting delegates” means those registrants who:
  - i. hold either a
    - A. practising licence, or
    - B. a conditional licence, unless there is a condition on the licence restricting the registrant from voting;
  - ii. have registered to vote prior to the relevant meeting at which the vote is taking place, within such timelines and manner as set out in the Meeting Rules; and
  - iii. are not one of the following:
    - A. College employees,
    - B. Board members,
    - C. others filling an administrative position in the voting process who are exempted from voting as set out in the Meeting Rules,
    - D. in the case of a vote during an election, the Chief Elections Officer.

## 2. CORPORATE SEAL

2.1 The seal of the College shall have the words “Nova Scotia College of Nursing, incorporated 2019” endorsed thereon.

## 3. HEAD OFFICE

3.1 The head office of the College shall be maintained within the province of Nova Scotia and located as to reasonably carry on the business of the College.

## 4. FORMS

4.1 Any forms required pursuant to the *Act*, regulations or by-laws shall be as approved by the CEO.

## 5. FINES AND PENALTIES

5.1 The fine that may be imposed by the CEO for a registrant who has practised without a licence for a period less than one year, shall be \$100 for each month, or portion thereof, the registrant practised without a licence, but not to exceed in total double the amount of a registrant’s annual licence fee.

5.2 All other fines and penalties arising from the administration of the *Act*, shall be as determined by the Board.

## 6. NOTICES

6.1 All notices or materials that are required to be issued pursuant to the *Act*, regulations or by-laws that are not otherwise required by the *Act*, regulations or by-laws to be served in a specified manner, shall be deemed to be issued on the date such notices or materials are sent by the most appropriate method, as determined by the CEO; to include mail, courier, electronic communication or any other form of issuance.

## 7. RECORDS OF REGISTRANTS' HOURS OF WORK AND AUDIT

- 7.1 A registrant must keep a record of the hours that the registrant worked, and in particular:
- 7.1.1 Registrants under the “RN” designation must maintain records from at least the immediately previous five years;
  - 7.1.2 Registrants under the “NP” designation must maintain records from at least the immediately previous two years; and
  - 7.1.3 Registrants under the “LPN” designation must maintain records from at least the immediately previous five years.
- 7.2 The College may at any time conduct an audit of records kept under By-Law 7.1 to ensure the validity of data that is recorded on applications to the College respecting hours worked in the designated practices.

## 8. NURSE PRACTITIONER REQUIREMENTS TO REPORT CHANGES IN CLIENT POPULATIONS

- 8.1 For purposes of this by-law, “client population” refers to one of the following:
- 8.1.1 neonate;
  - 8.1.2 pediatric;
  - 8.1.3 family/all ages;
  - 8.1.4 adult.
- 8.2 Where a nurse practitioner is intending to practise with a different client population, the nurse practitioner must report the anticipated change to the CEO and receive approval from the Registration and Licensing Committee for the change prior to commencing practice with a different client population, in accordance with section 34 of the Act.

## PART II – THE BOARD

### 9. INITIAL BOARD

- 9.1 The composition of the initial Board is as set out in the Act and the terms of office for each individual Board member on the initial Board is as set out in the Act. A person who serves as an initial Board member for the 2 or 3 year term designated for that person by the Board, is not eligible to serve as a member of a subsequent Board until at least three years have elapsed following completion of service as an initial Board member.
- 9.2 By-Law 9.1 does not apply to an initial Board member who may be elected or appointed as the Chair or Vice-Chair of a subsequent Board.
- 9.3 The officers of the initial Board are the Chair and Vice-Chair, elected or appointed by the initial Board in such manner as determined by the legacy Boards.
- 9.4 The terms of office, filling of vacancies and duties of the initial Chair and Vice-Chair are the same as those which apply to the Chair and Vice-Chair for subsequent Boards as set out in Part III of the by-laws.
- 9.5 Meetings of the initial Board shall be held in the same manner as meetings of subsequent Boards as set out in By-Law 12.
- 9.6 The quorum for the initial Board is a majority of its members, which must include at least one public representative.
- 9.7 Where a vacancy occurs due to the resignation, removal or otherwise of an initial Board member who is a registrant member of the Board and who is not an officer, that vacancy shall be filled from the pool of registrants with the same nursing designation who served on the legacy Boards within one calendar year of Royal Assent and who were not elected to the initial Board, in accordance with the procedure set out in By-Law 9.9.

- 9.8 Where a vacancy occurs due to the resignation, removal or otherwise of an initial Board member who is a public representative and who is not an officer, that vacancy shall be filled from the pool of public representatives who served on the legacy Boards within one calendar year of Royal Assent and who were not elected to the initial Board, in accordance with the procedure set out in By-Law 9.9.
- 9.9 The Board Succession Committee shall review the composition of the Board in light of the vacancy under By-Laws 9.7 or 9.8 and make a recommendation to the Board respecting the filling of the vacancy from the pool of willing and available candidates under By-Laws 9.7 and 9.8, and the Board shall vote on such recommendation.
- 9.10 If the recommended candidate is not elected by the Board, the Board Succession Committee shall make a further recommendation from the same relevant pool and repeat the process until a candidate is elected.
- 9.11 If there are no persons meeting the requirements of By-Laws 9.7 to 9.10 who are willing and available to fill the vacancy, or are not elected by the Board, the Board Succession Committee shall recommend the next candidate from individuals who served on the legacy Boards within two calendar years of Royal Assent, who hold the relevant nursing designation or are a public representative, depending on the vacancy.
- 9.12 If there are no persons meeting the requirements of By-Laws 9.7 to 9.11 who are willing or available to fill the vacancy, or are not elected by the Board, the Board Succession Committee shall recommend the next candidate from individuals who served on regulatory committees of the legacy Colleges within two calendar years of Royal Assent, who hold the relevant nursing designation or are a public representative, depending on the vacancy.
- 9.13 Persons who are elected by the Board to fill a vacant position for an initial Board member shall serve for the duration of the term of the person whose vacancy is being filled.
- 9.14 Where a person fills a vacancy of an initial Board member under By-Laws 9.13:
- 9.14.1 and the duration of the replaced member's term is less than two years, the person filling the vacancy is eligible to offer to serve on a subsequent Board, and this replacement term does not count toward their term limit;
- 9.14.2 and the duration of the replaced member's term is two years or more, the person filling the vacancy is not eligible to serve on a subsequent Board until at least three years have elapsed following completion of service as the replacement for an initial Board member.
- 9.15 For clarity, the intent of By-Laws 9.7 to 9.14 is to ensure that the initial Board contains members with prior regulatory experience with a legacy College, and the same mix of designations and public representatives as the initial Board members.
- 9.16 If the vacancy cannot be filled in accordance with the provisions of By-Laws 9.7 to 9.14, the Board shall determine any additional or substituted procedures that may be required to reflect the intent of By-Law 9.15.

## 10. COMPOSITION AND QUORUM OF SUBSEQUENT BOARDS

- 10.1 The Board consists of 11 persons, inclusive of the Chair and Vice-Chair.
- 10.2 The Board must include at least one licensed practical nurse and one registered nurse.
- 10.3 The percentage of public representatives on the Board is 45%.
- 10.4 The officers of the Board are the Chair and the Vice-Chair, elected in accordance with By-Law 13.
- 10.5 Registrant Board members must be elected in accordance with the process set out in By-Law 10A.
- 10.6 The quorum for the Board is a majority of its members, which must include at least one public representative.

## 10A. ELECTION OF BOARD MEMBERS TO SUBSEQUENT BOARDS

10A.1 The Board shall establish a Nominating Committee comprised as follows:

10A.1.1 Subject to By-Law 10A.2, the immediate past Chair of the Board, or in the event the immediate past Chair is not available or not willing to serve, such other person the Board determines to serve as the Chair of the Nominating Committee;

10A.1.2 One public representative who is a member of the current Board ;

10A.1.3 One registrant who is a member of the current Board.

10A.2 For purposes of the election following the end of the term of the first Chair of the Board, the role of immediate past Chair of the Board will be filled by the first Chair.

10A.3 The members of the Nominating Committee shall hold office for such time as set by the Board who appoints them.

10A.4 The Board shall develop and approve the Board Composition Matrix.

10A.5 The Nominating Committee shall perform the following functions, in accordance with the process and timelines approved by the Board that are not in conflict with these by-laws:

10A.5.1 Compare the composition of the Board with the Board Composition Matrix and identify the competencies, qualities and other criteria of candidates needed to fill identified vacancies;

10A.5.2 Seek candidates to fill registrant vacancies on the Board created by either the expiration of the term of a currently serving member, or through a vacancy prior to the expiration of a serving member's term;

10A.5.3 Determine whether a candidate is eligible to be nominated in accordance with By-Law 10C;

10A.5.4 Assess the degree to which the candidates fill the desired competencies, qualities and other criteria identified by the Nominating Committee to align with the Board Composition Matrix;

10A.5.5 Advance for nomination the same number of candidates as there are vacant registrant positions, where the Nominating Committee is satisfied that a registrant:

10A.5.5.1 meets the eligibility criteria in By-Law 10C; and

10A.5.5.2 best meets the desired competencies, qualities and criteria identified by the Nominating Committee to align with the Board Composition Matrix;

10A.5.6 Perform such functions related to the election of the Chair and the Vice-Chair as set out in By-Law 13;

10A.5.7 Perform such other functions related to the election of Board members as identified by the Board.

10A.6 When the names of registrants being advanced for an election are published by the Nominating Committee, the Committee must concurrently call for any additional nominations from the pool of registrants who are eligible in accordance with By-Law 10C.

10A.7 In order for a nomination to be advanced under By-Law 10A.6, the registrant must:

10A.7.1 have completed a form approved by the Nominating Committee signifying a willingness to serve,

10A.7.2 obtain the signatures of 5 other registrants who support the nomination, and

10A.7.3 provide such other information as required by the Board to outline how the candidate's experience and qualifications align with the Board Composition Matrix;

10A.8 The form must be submitted within such timelines as approved by the Board.



- 10A.9 Upon receipt of the form under By-Law 10A.7, the Nominating Committee must confirm whether the nominee is eligible to serve as a Board member under By-Law 10C, and if so, advance the name of the candidate as a nominee, along with the names being advanced under By-Law 10A.5.
- 10A.10 If the Nominating Committee determines the candidate is not eligible for nomination as a Board member, the name must not be advanced.
- 10A.11 If the number of nominees equals the number of registrant vacancies on the Board, the nominee(s) shall be declared elected by acclamation at such time as determined by the Board, to take effect the day following the date the incumbent's term expires.
- 10A.12 The Board shall appoint a Chief Elections Officer, who shall oversee the election process, including the counting of ballots and such other functions as the Board may determine.
- 10A.13 The Chief Elections Officer shall ensure that ballots for the election are sent to all registrants who hold a licence, and that voting occurs in accordance with the procedure and timelines set by the Board.
- 10A.14 In setting the procedure for the Board elections, the Board may determine that voting will be conducted by such electronic or other means as approved by the Board.
- 10A.15 Following the close of voting, the Chief Elections Officer shall determine the number of votes cast for each nominee. Subject to By-Laws 10A.16 and 10A.17, the nominee with the highest number of votes shall be deemed elected for the first vacant position. The nominee with the next highest number of votes shall be deemed elected for the next vacant position, and that process continues until all vacancies are filled.
- 10A.16 In the event of an equality of votes cast in favour of two or more nominees, and where there are sufficient vacancies to match the number of tied votes, those nominees with tied votes shall be deemed elected to the vacant positions.
- 10A.17 In the event of an equality of votes cast in favour of two or more nominees, and where there are insufficient vacancies to match the number of tied votes, there shall be an election for the remaining vacant positions to be held at the annual meeting, a special meeting called for the purpose, or in such other manner as determined by the Board, where the ballot for the election shall be limited to the nominees with an equality of votes from the initial ballot.
- 10A.18 If an election is needed under By-law 10A.17, the process and timelines for the election shall be determined by the Board.
- 10A.19 The list of those registrants elected to the Board, prepared and signed by the Chief Elections Officer, will be final and conclusive as to the election of those registrants to the Board, notwithstanding any irregularity or informality or any accidental omission to supply a ballot to, or the non-receipt of a ballot by, any registrant, whether within the prescribed time or otherwise.
- 10A.20 The Board may establish election rules and set deadlines for the various steps in the nomination and election process that are not in conflict with these by-laws.

## 10B. VACANCY OF BOARD MEMBERS (other than members on the initial Board)

- 10B.1 A member of the Board shall be considered to have vacated that position in any of the following circumstances:
- 10B.1.1 the member resigns from office;
  - 10B.1.2 the member has been removed from the Board in accordance with By-Law 11;
  - 10B.1.3 the position is vacated in accordance with By-Law 13.10;
  - 10B.1.4 the member dies.
- 10B.2 If a public representative Board member position has been vacated, the Board shall take steps to seek a replacement through an appointment by the Governor-in-Council.

10B.3 If a registrant Board member position has been vacated, the Board shall review the Board Composition Matrix and shall appoint another registrant who meets the eligibility requirements of By-law 10C, who in the opinion of the Board best fills the requirements set out in the Board Composition Matrix, to hold office for the unexpired portion of the term.

10B.4 When filling a vacancy under By-Law 10B.3, the Board may seek the assistance of the Nominating Committee.

10B.5 A vacancy on the Board does not impair the power of the remaining members of the Board to act as long as quorum requirements are met.

10B.6 Notwithstanding By-Law 10E, where a person appointed to fill a vacancy under By-Law 10B.3 serves for less than two years, the term served to fill the vacancy is not considered a term served by that registrant, and the registrant is eligible to serve for two additional terms, if elected.

## 10C. ELIGIBILITY POOL FOR NOMINATION AS REGISTRANT BOARD MEMBER

10C.1 A registrant is eligible to be nominated as a Board member if the Nominating Committee in its discretion determines the registrant meets all of the following criteria:

10C.1.1 holds either:

10C.1.1.1 a practising licence, or

10C.1.1.2 a conditional licence, unless there is a condition on the licence restricting the registrant from eligibility to serve on the Board;

10C.1.2 is in good standing; and

10C.1.3 is in compliance with By-Law 10E.2.

10C.2 If the Nominating Committee determines a registrant is not eligible to be nominated as a Board member, the Nominating Committee shall render its decision in writing with reasons, and provide it to the registrant and to the Board.

10C.3 The decision of the Nominating Committee under By-Law 10C.2 is final.

## 10D. ELIGIBILITY TO VOTE FOR REGISTRANT BOARD MEMBERS

10D.1 A registrant is eligible to vote for registrant Board members if the registrant is a voting delegate.

## 10E. TERMS OF BOARD MEMBERS

10E.1 As set out in the regulations, the terms of both public representative and registrant Board members is three years.

10E.2 Subject to By-Law 13.4, a Board member is eligible to serve for two consecutive terms, and is not eligible to seek an additional term unless three years have expired since last serving on the Board.

## 11. REMOVAL OF REGISTRANT OFFICER OR REGISTRANT BOARD MEMBER

11.1 Notwithstanding any other provisions of the by-laws, the Board may, by a seventy-five percent majority vote of the quorum participating at any Board meeting or a special meeting called for the purpose, remove any registrant officer or registrant Board member before the expiration of their term of office, where the Board believes it is consistent with the objects of the College to do so.

11.2 A decision of the Board under By-Law 11.1 is final.

## 12. GENERAL AND SPECIAL MEETINGS OF THE BOARD

- 12.1 The Chair shall call general meetings of the Board, with not less than four general meetings being held in a twelve month period.
- 12.2 Fourteen days prior to a scheduled general meeting, notice in writing shall be issued to each Board member of the time, place and agenda for the meeting.
- 12.3 The Chair may call a special meeting of the Board at any time required by the Chair or upon the written request of one-third of Board members indicating the subject(s) to be considered.
- 12.4 At least three days prior to a special meeting, notice in writing shall be issued to each Board member. The notice shall state the purpose of the meeting. No matter shall be discussed at any special meeting apart from that specified in the notice.
- 12.5 With the exception of the Chair, each Board member shall be entitled to one vote at any meeting of the Board. The Chair shall not vote, except in the case of a tie.
- 12.6 Meetings may be conducted by teleconference or other electronic means as determined by the Board.
- 12.7 Notice of and voting at Board meetings may take place by such electronic means as determined by the Board.
- 12.8 Accidental omission to deliver notice of meetings does not invalidate proceedings at the meeting.
- 12.9 Notice requirements for meetings may be waived by unanimous vote of those participating in the meeting.
- 12.10 Board meetings will be conducted in accordance with these By-Laws and Meeting Rules.
- 12.11 Where not inconsistent with the by-laws or Meeting Rules, the Chair may make procedural rulings or determinations on any matter relevant to the meeting.

## PART III – CHIEF EXECUTIVE OFFICER, CHAIR AND VICE-CHAIR

### 13. CHAIR AND VICE-CHAIR

- 13.1 The Chair and Vice-Chair are the officers of the Board.
- 13.2 The Chair and Vice-Chair shall be elected by the Board members serving on the Board immediately prior to the end of the term of the incumbent Chair and Vice-Chair, from those Board members who are serving on the Board at that time.
- 13.3 The Chair and Vice-chair shall be elected in the following manner:
  - 13.3.1 Prior to the completion of the term of the incumbent Chair and Vice-Chair, at such time as directed by the Board, the Nominating Committee appointed in accordance with By-Laws 10A.1 and 10A.2 must request and encourage expressions of interest from Board members seeking to serve as the next Chair or Vice-Chair;
  - 13.3.2 Following interviews with candidates for the position of Chair or Vice-Chair, the Nominating Committee shall prepare a recommended slate for Chair and Vice Chair to the Board for approval;
  - 13.3.3 If the Board approves the recommended slate, the Chair and Vice-Chair are deemed elected, effective the day following the date the incumbents' term expires;
  - 13.3.4 If the Board does not approve the recommended slate, the Nominating Committee must consult with all Board members individually prior to advancing the next slate for the Board's vote, and such process shall continue until a new Chair and Vice-Chair are elected.
  - 13.3.5 If there are no members of the Board willing to serve as Chair or Vice-Chair, the Board must appoint individuals to fill these positions in such manner as the Board determines.

13.3.6 For clarity, notwithstanding any other provision of these by-laws, the Board may extend the term of a serving Chair or Vice-Chair if no other Board member is willing to serve in these roles, for such time and on such conditions as the Board may determine.

13.3.7 The Board may make election rules and set such deadlines as it deems appropriate, as long as such rules are not inconsistent with these by-laws.

13.4 Subject to By-Law 13.6 and to By-laws 14 and 15, the term of office for the positions of Chair and Vice-Chair is 2 years, which terms are independent of the terms served as Board members.

13.5 The Vice-Chair is eligible for election to the position of Chair, subject to the decision of the Board.

13.6 A person serving as Chair is not eligible to serve again on the Board until a minimum of three years has passed following completion of the term as Chair.

13.7 If a Vice-Chair is not elected or appointed to the office of Chair, then upon completion of the role of Vice-Chair the person is not eligible for further election or appointment until at least three years have elapsed following completion of service as the Vice-Chair.

13.8 The Chair shall:

13.8.1 preside at all meetings of the Board and annual and special meetings of the College;

13.8.2 act as the official spokesperson for the Board, unless this function is otherwise delegated;

13.8.3 perform all acts related to the office; and

13.8.4 perform such other functions as directed by the Board.

13.9 The Vice-Chair shall:

13.9.1 perform the duties of the Chair in the absence of the Chair; and

13.9.2 perform all other duties as delegated by the Chair or as directed by the Board.

13.10 Notwithstanding any provision of these by-laws, if a public representative is elected as the Chair or Vice-Chair of the Board and the term of office of the public representative expires during their term as Chair or Vice-Chair and is not renewed, the public representative shall be deemed to vacate the position upon the expiration of their term as set by Governor-in-Council..

## 14. VACANCY OF CHAIR POSITION

14.1 If the term of the Chair is not completed the Board shall appoint a replacement Chair, who may be the Vice-Chair, in accordance with such procedure as determined by the Board.

14.2 The replacement Chair will serve for the balance of the term of the outgoing Chair except, where the unexpired term of the outgoing Chair under By-Law 14.1 leaves the replacement Chair serving a term of one year or less, the Board must determine whether the replacement Chair may serve one or two additional years as Chair in addition to the unexpired term of the outgoing Chair.

14.3 Where the Vice-Chair is appointed to fill the role of Chair under By-Law 14.1, the Board shall appoint a new Vice-Chair whose term shall mirror the term of the replacement Chair as set out in By-Law 14.2.

14.4 Where the Vice-Chair is not appointed to fill the role of Chair under By-Law 14.1, the Vice-Chair will remain in place until the end of the Vice-Chair's term, at which time a new Vice-Chair will be appointed with a term to coincide with that of the currently serving Chair.

## 15. VACANCY OF VICE-CHAIR POSITION

15.1 If the term of Vice-Chair is not completed in circumstances other than those set out in By-law 14, the Board shall appoint a replacement Vice-Chair, in accordance with such procedure as determined by the Board.

15.2 The replacement Vice-Chair shall serve for the balance of the unexpired term of the outgoing Vice-Chair, and shall be eligible for consideration as Chair upon completion of the Vice-Chair's term.

## 16. CHIEF EXECUTIVE OFFICER (CEO)

- 16.1 The CEO shall be invited to all scheduled meetings of the Board that are not planned as stand alone *in camera* meetings, and shall receive all meeting materials circulated to members of the Board for such meetings.
- 16.2 Notwithstanding By-Law 16.1, the Board may hold *in camera* meetings at the discretion of the Board where the CEO shall not attend and shall not receive meeting materials unless otherwise determined by the Board.

## PART IV – COMMITTEES

### 17. REGULATORY COMMITTEES

- 17.1 The requirements of this section are in addition to those set out in the *Act*.
- 17.2 The Registration and Licensing Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.3 The panel of the Registration and Licensing Committee for each matter under its jurisdiction shall include at least one public representative and such other persons as are consistent with the Terms of Reference for the panel.
- 17.4 The quorum of the panel of Registration and Licensing Committee is three persons who shall include at least one public representative.
- 17.5 The Registration and Licensing Review Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.6 The panel of the Registration and Licensing Review Committee for each matter under its jurisdiction shall include at least one public representative and at least one registrant with the same designation as the designation sought by the applicant before the Committee.
- 17.7 The quorum of the panel of the Registration and Licensing Review Committee is three persons who shall include at least one public representative.
- 17.8 The Complaints Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.9 The panel of the Complaints Committee for each matter under its jurisdiction shall include at least one public representative and at least one registrant with the same designation as the designation of the respondent.
- 17.10 The quorum of the panel of the Complaints Committee is two persons who shall include at least one public representative.
- 17.11 The Professional Conduct Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.12 The panel of the Professional Conduct Committee for each matter under its jurisdiction shall include at least one public representative and at least one registrant with the same designation as the respondent.
- 17.13 The quorum of the panel of the Professional Conduct Committee shall include at least one public representative.
- 17.14 The Fitness to Practise Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.15 The panel of the Fitness to Practise Committee for each matter under its jurisdiction shall include at least one public representative and at least one registrant with the same designation as the respondent.
- 17.16 The quorum of the panel of the Fitness to Practise Committee shall include at least one public representative.

- 17.17 The Reinstatement Committee shall include at least one public representative and at least one registrant from each designation regulated by the College.
- 17.18 The quorum of the Reinstatement Committee shall include at least one public representative.
- 17.19 The activities of all committees shall be conducted in accordance with the *Act*, by-laws and relevant policies approved by the Board.
- 17.20 The Practice Review Committee shall include at least one public representative and at least one registrant from each designation subject to the Practice Review program.
- 17.21 The panel of the Practice Review Committee for each matter under its jurisdiction shall include at least one public representative and at least one registrant with the same designation as the respondent.
- 17.22 The quorum of the panel of the Practice Review Committee shall include at least one public representative.

## 18. BOARD SUCCESSION COMMITTEE

- 18.1 In addition to the regulatory committees set out in the *Act*, the Board shall establish a Board Succession Committee, with a mandate to develop a list of recommended candidates to be appointed to fill vacancies on the initial Board.
- 18.2 In fulfilling its mandate, the Board Succession Committee shall:
- 18.2.1 develop competency, skills and diversity/social inclusion matrices for the Board appointment process;
  - 18.2.2 identify the needs of the Board;
  - 18.2.3 ensure that a call for expression of interest is circulated to those eligible as set out in section 9;
  - 18.2.4 receive and review applications from candidates;
  - 18.2.5 identify candidates who meet the criteria; and
  - 18.2.6 present recommended candidates to the Board.
- 18.3 The Board Succession Committee shall be comprised of 1 LPN, 1 RN and two public representatives who have served on the Board of the CLPNNS or the Council of CRNNS within the two years prior to proclamation.
- 18.4 The Board shall select the Chair of the Board Succession Committee, who shall be one of the two public representative members of the committee.
- 18.5 A majority of the Board Succession Committee members constitutes a quorum.
- 18.6 The terms of office for the members of the Board Succession Committee shall be 2 years, to commence on proclamation of the new *Act*.
- 18.7 Notwithstanding the above, if there are insufficient candidates to populate the Board Succession Committee for any reason, the Board shall determine any additional or substituted procedures that are required to populate the Board Succession Committee.

## PART V – REGULATORY PROCESSES

### 19. NOTICE OF HEARING

- 19.1 A notice of hearing sent in accordance with By-Law 6 of these by-laws shall be deemed to have been served on the date it was sent.
- 19.2 In addition to the requirements of section 90 of the *Act*, a notice of hearing must state the allegations against the respondent and state that the respondent has the right to be represented by legal counsel, a union representative or another representative at their cost.

## 20. SUBPOENAED WITNESS FEES

20.1 Witnesses who are present under subpoena at a hearing are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

## 21. RECORDING EVIDENCE AT HEARING

21.1 All evidence presented at a hearing must be recorded by a person authorized by the College.

21.2 Evidence may be presented at a hearing in any manner that the committee conducting the hearing considers appropriate, and the committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

## 22. PRESERVING EVIDENCE

22.1 Evidence obtained during any regulatory process must be preserved electronically or otherwise for at least five years from the date the evidence is presented or the information is obtained.

# PART VI – ANNUAL AND SPECIAL MEETINGS OF THE COLLEGE

## 23. ANNUAL AND SPECIAL MEETINGS

23.1 An Annual Meeting shall be held at a time and in a format determined by the Board, with an agenda approved by the Board.

23.2 In advance of an Annual Meeting, the Board must review and approve the minutes of the previous Annual Meeting.

23.3 The agenda for an Annual Meeting must include:

23.3.1 the following items submitted for information:

- i. Board approved minutes of the previous Annual Meeting;
- ii. the Annual Reports from the CEO and the Chair;
- iii. Auditor's Annual Report;

23.3.2 Voting for registrant members of the Board, if the Board has determined an election at the Annual Meeting will occur in accordance with By-Law 10A.17;

23.3.3 such other matters needed to meet the requirements of the by-laws, or Meeting Rules; and

23.3.4 any other matters as determined by Board.

23.4 At least 30 days prior to the Annual Meeting, registrants shall be issued a notice of the meeting, indicating the time and format of the meeting, and the agenda for the meeting.

23.5 An Annual Meeting shall be open to all registrants and to the public. Public advertisement of the Annual Meeting shall be made in such manner as determined by the CEO.

23.6 Special meetings of the College shall be called to deal with unusual or extraordinary circumstances of an immediate nature. These meetings must be called:

23.6.1 when requested by at least a two-thirds majority vote of the Board; or

23.6.2 upon receipt of written requests from a minimum of 10% of the total College registrants holding a practising licence.

23.7 Requests for a special meeting shall include the subject(s) to be considered.

23.8 At least 14 days prior to a special meeting of the College, notice shall be issued to each registrant indicating the time, place and business to be transacted at the meeting. Other business shall not come before the meeting.

23.9 A special meeting must be held within 60 days after receipt of the request for such meeting.

23.10 The Board must review and approve minutes of a special meeting, and post a copy of such minutes on the College's website.

## 24. VOTING AT ANNUAL AND SPECIAL MEETINGS

24.1 At each Annual Meeting and special meeting of the College, each voting delegate may cast one (1) vote on each matter for which a vote is taken, or may abstain from the vote. A vote is deemed to be cast if:

24.1.1 the requirements of either By-Law 24.2 or 24.3 are met; and

24.1.2 the vote is for or against the motion. For greater certainty, an abstention from a vote is not counted as cast vote.

24.2 When an Annual Meeting or Special Meeting is conducted wholly or partially in-person, a voting delegate in attendance at the time of the calling of a vote, and who votes for or against the motion through such means as set out in the Meeting Rules or as otherwise approved by the Board, is deemed to have cast a vote.

24.3 When an Annual Meeting or Special Meeting is conducted wholly or partially through electronic means, a voting delegate whose vote for or against a motion is received and counted in such manner set out in the Meeting Rules or as otherwise approved by the Board, is deemed to have cast a vote.

24.4 A vote shall be passed by a majority of votes cast for or against a motion. In the case of a tie vote, the vote shall be defeated.

24.5 A declaration by the Chair that a vote has been carried or lost is conclusive without proof of the number or proportion of the votes recorded in favour or against the vote.

24.6 Meeting Rules may include rules for voting provided they are not in conflict with the foregoing.

## 25. PROCEDURES AT ANNUAL AND SPECIAL MEETINGS

25.1 Annual and special meetings will be conducted in accordance with these by-laws and Meeting Rules.

25.2 Where not inconsistent with the by-laws or Meeting Rules, the Chair may make procedural rulings or determinations on any matter relevant to the meeting.

25.3 Despite any provisions of these by-laws, notice requirements for any meetings may be waived by unanimous vote of those participating in a meeting.

25.4 Annual and special meetings may be conducted in person, electronically, a combination of both, or through any other means as may be approved by the Board.

25.5 Accidental omission to deliver a notice, or non-receipt of such notice, does not invalidate a meeting.

## PART VII – CODE OF ETHICS, STANDARDS OF PRACTICE AND COMPETENCIES

### 26. CODE OF ETHICS, STANDARDS AND COMPETENCIES

26.1 The code of ethics for Licensed Practical Nurses is the 2013 *Code of Ethics for Licensed Practical Nurses in Canada* developed by the Canadian Council for Practical Nurse Regulators.

26.2 The code of ethics for Registered Nurses is the 2017 *Code of Ethics for Registered Nurses* developed by the Canadian Nurses Association.

26.3 The code of ethics for Nurse Practitioners is the 2017 *Code of Ethics for Registered Nurses* developed by the Canadian Nurses Association.



- 26.4 The standards of practice for Licensed Practical Nurses are the 2020 *Standards of Practice for Licensed Practical Nurses in Canada* developed by the Canadian Council for Practical Nurse Regulators and the 2020 *Sexual Misconduct Standard of Practice for Nurses* developed by the Nova Scotia College of Nursing.
- 26.5 The standards of practice for Registered Nurses are the 2017 *Standards of Practice for Registered Nurses* developed by the College of Registered Nurses of Nova Scotia and the 2020 *Sexual Misconduct Standard of Practice for Nurses* developed by the Nova Scotia College of Nursing.
- 26.6 The standards of practice for Nurse Practitioners are the 2018 *Nurse Practitioner Standards of Practice* developed by the College of Registered Nurses of Nova Scotia and the 2020 *Sexual Misconduct Standard of Practice for Nurses* developed by the Nova Scotia College of Nursing.
- 26.7 The entry-level competencies for Licensed Practical Nurses are the *Entry-Level Competencies for Licensed Practical Nurses in Canada (2019)* developed by the Canadian Council for Practical Nurse Regulators.
- 26.8 The entry level competencies for Registered Nurses is the 2020 *Entry-Level Competencies for the Practice of Registered Nurses* developed by the Canadian Council of Registered Nurse Regulators.
- 26.9 The entry level competencies for Nurse Practitioners are the 2016 *Entry-Level Competencies for Nurse Practitioners in Canada* developed by the Canadian Council of Registered Nurse Regulators.
- 26.10 The standards of practice for RN Prescribers are the *Standards of Practice for Registered Nurse Prescribers* developed by the College of Registered Nurses of Nova Scotia
- 26.11 The competencies for RN Prescribers are the *Registered Nurse Prescriber Competencies* developed by the College of Registered Nurses of Nova Scotia.

## PART VIII – AFFILIATIONS

### 27. AFFILIATIONS

- 27.1 Retired affiliation may be granted by the CEO to any person who applies and meets all of the following criteria:
- 27.1.1 they previously were registered and held the equivalent of a practising licence in Nova Scotia or another jurisdiction;
  - 27.1.2 they previously were authorized to use a nursing designation in Nova Scotia or another jurisdiction;
  - 27.1.3 they have not had their licence revoked and not reinstated;
  - 27.1.4 they do not currently hold a practising licence; and
  - 27.1.5 they are not engaged in the Practice of nursing or holding themselves out as having the authority to engage in the Practice of nursing.
- 27.2 A person who is granted a retired affiliation is entitled to use the designation previously held by the person when registered with “(retired)”, or any derivation or abbreviation of it immediately following the listing of the designation.
- 27.3 Those registered nurses who were granted the affiliation “Registered Nurse (retired)” by the College of Registered Nurses of Nova Scotia prior to the date of proclamation, are eligible and permitted to use this affiliation without further application under subsection (1).
- 27.4 The Board may remove the retired affiliation for any person where the Board believes it is consistent with the objects of the *Act* to do so.
- 27.5 Prior to removing the retired affiliation under By-Law 27.4, the Board shall provide the holder of the affiliation with an opportunity to present written submissions to the Board regarding the use of the affiliation.
- 27.6 The decision of the Board under By-Law 27.4 is final.

## PART IX – EXPANDED SCOPES OF PRACTICE

### 28. APPROVAL PROCEDURE FOR EXPANDED SCOPES OF PRACTICE

28.1 The Board may by resolution approve an expanded scope of practice for a specified nursing designation when satisfied in such manner as determined by the Board of all of the following:

- 28.1.1 the proposed expanded scope of practice falls within the scope of practice of the nursing profession;
- 28.1.2 Standards of Practice and Competencies for the proposed expanded scope of practice will be approved by the Board prior to any registrant engaging in the expanded scope of practice;
- 28.1.3 a consultation process approved by the Board has been completed; and
- 28.1.4 it is consistent with the objects of the College to approve the proposed expanded scope of practice.

### 29. APPROVAL PROCEDURE FOR EDUCATIONAL PREREQUISITES FOR EXPANDED SCOPES OF PRACTICE

29.1 The Board may by resolution approve educational prerequisites for an expanded scope of practice for a specified nursing designation when satisfied in such manner as determined by the Board of all of the following:

- 29.1.1 the proposed education program includes the curriculum, resources and activities that collectively prepare the graduate of the program to safely, ethically and competently engage in the expanded scope of practice;
- 29.1.2 the proposed education program is subject to regular evaluation in such manner and at such intervals as determined by the CEO;
- 29.1.3 the institution offering the proposed education program has a system in place acceptable to the CEO to provide timely information respecting the status of registrants in the program;
- 29.1.4 the institution offering the proposed education program has a system in place acceptable to the CEO to notify and consult with the CEO respecting any proposed changes to the program;
- 29.1.5 the proposed education program meets such other criteria as determined by the Board to be relevant to the specific expanded scope of practice.

## PART X – REGISTRATION AND LICENSING EXAMINATIONS

### 30. EXAMINATIONS

30.1 Subject to By-law 32.2, an examination required for registration or licensing purposes shall be approved by the Board by resolution.

30.2 An examination approved for registration or licensing purposes under a former Act or by-laws of a legacy College is an approved examination for the same purpose.

30.3 Each candidate for a registration or licensing examination is required to pay examination fees as approved by the Board by resolution.

30.4 The Board may by resolution determine whether a registration or licensing examination is one for which candidates will be permitted an unlimited number of attempts to successfully complete that examination or whether the examination is one for which there will be a limited number of attempts to successfully complete that examination.

30.5 Where the Board determines that a registration or licensing examination is one for which there will be a limited number of attempts to successfully complete that examination, the Board may by resolution:

- 30.5.1 establish a maximum number of attempts to successfully complete the registration or licensing examination;

30.5.2 authorize CEO to determine what constitutes an attempt by a candidate to successfully complete the examination;

30.5.3 authorize the CEO to grant a candidate who has exhausted the maximum number of attempts one or more additional attempts to successfully complete the examination where the CEO is satisfied it is consistent with the objects of the College to do so.

30.6 A resolution passed by the Board pursuant to By-law 30.5 replaces the requirements set out in the by-laws of a legacy College respecting the number of times a candidate may write a registration or licensing examination. For greater certainty, if the resolution does not address a particular registration or licensing examination, the requirements set out in the by-laws of a legacy College respecting the number of times a registrant may write that examination remain in effect pursuant to Section 175(4) of the *Nursing Act*.

## Part XI – Currency of Practice

### 31. CURRENCY OF PRACTICE REQUIREMENTS

31.1 Pursuant to subsection 20(1)(b)(iv) of the Nursing Act, an applicant for licensure as an LPN, RN or NP must provide proof satisfactory to the Chief Executive Officer that the applicant meets one or more of the following currency of practice requirements:

31.1.1 licensure as a nurse in another jurisdiction in or outside of Canada as approved by the Chief Executive Officer;

31.1.2 nursing practice that meets the criteria established by Board resolution;

31.1.3 satisfaction of all requirements subsection 18(1)(c)(i) of the Nursing Act within a period of time established by Board resolution;

31.1.4 Successful completion of one of the following within a period of time established by Board by resolution:

31.1.4.1 a re-entry program;

31.1.4.2 bridging education; or

31.1.4.3 such other education as determined to be appropriate by the Chief Executive Officer;

31.1.5 Successful completion of a competence assessment within a period of time established by Board resolution;

31.1.6 Such other requirement consistent with the objects of the Act as established by Board resolution.