

NSCN Complaints Committee Terms of Reference



In accordance with the requirements of the *Nursing Act*, S.N.S. 2019, c.8, and the bylaws made thereunder, the NSCN Board shall appoint a Complaints 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 eighteen (18) members, including a minimum of:
 - Four (4) licensed practical nurses;
 - Eight (8) registered nurses;
 - Two (2) nurse practitioners; and
 - Four (4) public representatives.
- The Board shall appoint a Chair and a Vice-chair of the Complaints Committee, and may appoint a second Vice Chair.

Panel Membership

- Upon receipt of a referral or a request for review of a complaint, the Chair will appoint a panel of at least three (3) Committee members to act as the Complaints Committee, including at least:
 - One (1) public representative;
 - One (1) registrant with the same designation as the designation of the respondent; 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 Complaints 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*, a quorum of the panel shall consist of two (2) Committee members, including at least one public representative.

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

Mandate

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

- Consider complaints and other matters referred to the Committee and take such steps as the Committee considers appropriate within the scope of the authority granted to it in the Act, Regulations, By-laws and policies, including:
 - Dispose of complaints and other matters referred to the Committee within the scope of the authority granted to it in the Act, Regulations, By-laws and policies.
 - Where needed in the performance of its duties, exercise the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*, except the powers of contempt, arrest and imprisonment
 - Consider whether a matter should be referred to the Fitness to Practice process
 - Upon request from the CEO, provide direction regarding an investigation.
 - Upon request from the complainant, review the decision by the CEO to dismiss a complaint, and confirm or overturn the dismissal of some or all of the complaint.
 - Consider a proposed Settlement Agreement referred by the CEO and:
 - recommend acceptance of the proposed Settlement Agreement,
 - recommend changes to the proposed Settlement Agreement, or
 - reject the proposed Settlement Agreement.
 - Where permitted by the Act, Regulations or By-laws, consider whether to impose an interim suspension of a nurse's licence or ability to obtain a licence, or conditions or restrictions on a nurse's licence.
 - Issue a written decision where required by the Act, Regulations or By-laws, and direct its distribution as required or permitted by the Act, Regulations or By-laws.
 - Where a registrant has not paid a fine for engaging in practice without a valid licence and the matter is referred by the CEO, determine whether to direct the CEO to suspend the registrant's licence or ability to obtain a licence, together with any reinstatement fee ordered by the Committee.

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 Chairs:

- The Chair and Vice-Chairs must have experience in conducting meetings.

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