

NSCN Professional Conduct 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 Professional Conduct 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 based on the pool of members for the Adjudicative Committees¹ which will consist of at least eleven (11) members, including a minimum of:

- Three (3) licensed practical nurses;
- Three (3) registered nurses;
- Two (2) nurse practitioners; and
- Three (3) public representatives.

The Board shall appoint a Chair and a Vice Chair of the Professional Conduct Committee.

Panel Membership

Upon receipt of a referral to the Professional Conduct Committee, the Chair will appoint a panel of at least three (3) Committee members to act as the Professional Conduct Committee, including at least:

- One (1) public representative;
- One (1) registrant with the same designation as the designation of the respondent; and
- One 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 Professional Conduct 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.

¹ Adjudicative committees include the Professional Conduct Committee, the Reinstatement Committee and the Registration and Licensing Review Committee.

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 three (3) Committee members, at least one of whom must be a public representative.

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

Mandate

The Professional Conduct 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 Notices of Hearing, and take such steps as the Committee considers appropriate in accordance with the authority granted to it in the Act, Regulations, By-laws and policies.
- Dispose of allegations in a Notice of Hearing referred to the Committee in accordance with the authority granted to it in the Act, Regulations and By-laws.
- 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
- Where the respondent and the CEO cannot agree on a date for a hearing, the Committee may set the date in accordance with the authority granted to it in the Act.
- Hold pre-hearing conferences to address procedural matters in advance of holding a hearing.
- Upon request from a party, or upon its own initiative, the Committee may amend a Notice of Hearing, in accordance with the authority granted to it in the Act.
- At the request of a party, the Committee may make orders relating to the exclusion of the public at a hearing or may impose publication bans.
- Determine its own processes provided they are consistent with the Act, Regulations, and By-Laws.
- During the course of a hearing, the Committee may order a respondent to submit to a health examination, audit, or competence assessment, or produce records or documents.
- Where the Committee determines that allegations in a Notice of Hearing are proven, set a date for a determination of the disposition of the matter, and then continue the hearing for that purpose in accordance with the procedure determined by the Committee.
- If the Committee makes a finding against a respondent, the Committee may impose costs and may direct the CEO with respect to the publication of the decision.

- Issue written decisions where required by the Act, Regulations or By-laws.
- Consider Settlement Agreements that have been approved by the CEO and the Complaints Committee and determine whether to accept, reject or make recommendations for changes to the proposed agreement

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 the written decision is complete.

Criteria for Membership

- Committee members will demonstrate the values, attributes, knowledge, and skills outlined in the *NSCN Competency Profile for Regulatory Committee Members* (Appendix “A”).
- 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:

- **Committee Leadership:** Understanding of and experience in facilitating meetings, developing a positive culture, conflict resolution, building consensus and fostering effective decision making.
- **Holding Hearings:** Knowledge and experience of participating in and/or chairing hearings within a legislative framework, including an understanding of the principles of administrative law and procedural fairness.
- **Decision Writing:** Knowledge and experience in writing defensible decisions.
- **Trauma and Culturally Sensitive Decision-Making:** Understanding and sensitivity to the effects of stress or potential stress on individuals involved in regulatory processes and

ability to create safe spaces and trust-building processes that are also culturally sensitive.

Approved: June 5, 2019
Revised: June 20, 2020
Revised: April 22, 2021
Revised: June 5, 2022
Revised: June 1, 2024



Appendix “A”

NSCN Competency Profile for Regulatory Committee Members

Committee Members – Registrants and Public Representatives

In order to support strong decision-making in the public interest, every committee member will demonstrate the following values and attributes:

- i. **Commitment to engage with role:** Willingness to learn and ability to devote time to committee meetings
- ii. **Information analysis and judgement:** Be able to review large amounts of written material within set timelines and use the information to analyze and support good decision making
- iii. **Integrity:** Being honest, trustworthy, and open about your opinions
- iv. **Collaboration:** Ability to work effectively with others
- v. **Commitment to fostering inclusivity:** Working towards an environment in which everyone feels valued, can fully participate and is treated with respect and dignity
- vi. **Objectivity:** Making justifiable decisions based on evidence and good information to best fulfill the committee’s public interest mandate
- vii. **Communication:** Have strong interpersonal communication skills, including the ability to articulate a perspective and engage in respectful, productive, and sometimes difficult discussions.

Every committee member will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Health Professions Regulation:** Understanding of the role and philosophy of health profession regulators, the public protection mandate of NSCN, the applicable legislation, regulations, bylaws and policies, and the core work of NSCN and its committees
- ii. **Confidentiality:** Understanding of the need to protect the privacy and confidentiality of the information reviewed by the committee
- iii. **Cultural Safety and Humility:** Understanding and practice of ongoing learning, appreciation, and respect for unique perspectives, cultural contexts, power imbalances and biases in deliberation and decision-making
- iv. **Procedural Fairness:** Understanding of administrative law principles, and using consistent and sound judgement to make decisions in accordance with procedural fairness principles
- v. **Conflicts of interest:** Understanding and ability to identify conflicts of interest

In order to reflect the communities that NSCN serves, and the context within which those communities receive healthcare, all committee members will be asked (not required) to identify whether they bring any of the following diverse background and perspectives:

- i. **Indigenous Identity:** First Nations, Inuk/Inuit, Métis, Mi'kmaq, Other Nationhood
- ii. **Cultural Diversity:** A variety of cultural backgrounds and experiences, including being a member of a historical Nova Scotian Community, such as African/Black Nova Scotian, Acadian and Gael/Gaelic
- iii. **Gender Diversity:** Includes non-binary, gender non-conforming, gender queer, trans-experience and other gender identities
- iv. **Ability Diversity:** Lived experience navigating a spectrum of physical, mental or cognitive abilities
- v. **Age Diversity**
- vi. **Practice Diversity (Registrants):** Includes practice experiences, backgrounds, specialties and locations

Committee Members – Chairs and Vice Chairs

In addition to the competencies required of committee members, every committee Chair and Vice Chair will demonstrate the following knowledge and skills:

- i. **Committee Leadership:** Understanding of and experience in facilitating meetings, developing a positive culture, conflict resolution, building consensus and fostering effective decision making
- ii. **(For adjudicative committee Chairs): Holding Hearings:** Knowledge and experience of participating in and/or chairing hearings within a legislative framework, including an understanding of the principles of administrative law and procedural fairness
- iii. **(For adjudicative committee Chairs): Decision Writing:** knowledge and experience in writing defensible decisions

Every committee Chair and Vice Chair will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Trauma and Culturally Sensitive Decision-Making:** Understanding and sensitivity to the effects of stress or potential stress on individuals involved in regulatory processes and ability to create safe spaces and trust-building processes that are also culturally sensitive.