

# NSCN FITNESS TO PRACTICE COMMITTEE

## Chair Directive on Appointment of Panels



### Panel Composition

Per section 118 of the *Nursing Act*, where a matter is referred to the Fitness to Practice Committee, the Chair shall appoint a panel to act as the committee.

Per section 118 of the Act and section 17(15) of the By-laws, the panel must be composed of at least 3 members of the committee, including:

- at least one public representative;
- at least one registrant with the same designation as the respondent.

Unless otherwise directed by the Chair, where the College and the respondent intend to make joint submissions to the Committee regarding the proposed outcome, a panel will be composed of 3 members constituted as follows:

- one public representative;
- one registrant with the same designation as the respondent;
- one registrant with any designation.

Unless otherwise directed by the Chair, where the College and the respondent do not intend to make joint submissions regarding the proposed outcome, a panel will be composed of 5 members constituted as follows:

- one public representative;
- three registrants with the same designation as the respondent;
- one committee member who may be a public representative or a registrant with any designation.

The Chair retains the discretion (subject to the requirements of the Act and By-laws) to appoint a greater or lesser number of members to the panel, or to change the membership composition as the Chair considers appropriate in the circumstances.

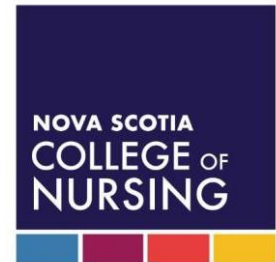
### Panel Appointment Procedure:

The Chair directs that the following procedure will typically be followed in appointing a panel. The Chair retains discretion to modify or depart from this procedure as the Chair considers appropriate in the circumstances.

1. Upon receipt of a referral, the Chair will be contacted to direct the appointment of a panel to act as the Committee. (In the absence of the Chair, the Vice-Chair shall act as Chair.)
2. The Chair will direct that:
  - An existing panel will be appointed to act as the Committee; or
  - A new panel will be appointed in accordance with the rotation appointment process below.
3. Where practicable, the Chair will give preference to referring a matter to an existing panel to promote efficiency and effective use of resources.

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### Rotation Appointment Process

4. NSCN will develop an alphabetical master list of a pool of members from the First Instance committee<sup>1</sup> membership to form the Fitness to Practise Committee.
5. The Chair will determine whether they shall sit on a particular panel.
  - If the Chair sits on the panel, they shall act as chair of the panel.
  - If the Chair of the Committee is not available to sit on the panel, the Vice-Chair of the Committee will be given the opportunity to sit on the panel and act as Chair of the panel.
    - If neither the Chair nor the Vice-Chair sits on the panel, the Chair of the Committee shall appoint a chair from the appointed panel members.
    - The person who chairs the panel fulfills the composition requirement for one member of their designation (public representative, LPN, RN, or NP).
6. Staff are directed to select the panel members (or the remaining panel members where the Chair or Vice-Chair sits on the panel) as follows:
  - Begin with the first person on the alphabetical master list whose name immediately follows the name of the last person who was appointed to a panel.
  - That person will be appointed to the panel if they:
    - Meet the composition requirements of a vacant panel position; and
    - Confirm availability to sit on the panel.
  - If that person:
    - Does not meet the composition requirements of a vacant panel position;
    - Cannot be reasonably contacted;
    - Is not available to sit on the panel; or
    - Declares a conflict of interest<sup>2</sup>,they will not be appointed to the panel and staff will consider the next person on the alphabetical list.
  - Staff will follow this same process until the requisite number and composition of panel members are appointed.
  - If there is a vacant panel position after following the above process, staff may select another First Instance Committee member outside the pool of members for the Committee.
7. Staff are to document the following for each matter referred to Committee:
  - Date the Chair is contacted and whether the Chair is available to sit on the panel.
  - If the Vice-Chair is contacted: Date of contact, and whether the Vice-Chair is available to sit on the

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<sup>1</sup> First Instance committees include the Registration and Licensing Committee, Complaints Committee, Fitness to Practise Committee, and Practice Review Committee.

<sup>2</sup> Members of the regulatory committees shall not place themselves in any position where there is a real, potential or perceived conflict of interest between their responsibilities as NSCN regulatory committee members and personal or other professional interest.

Approved by Fitness to Practice Committee Chair Loretta Manning on March 12, 2025

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panel.

- Directions provided to staff regarding panel appointment.
- Date each committee member is considered/contacted.
  - If the member is not contacted, include the rationale.
  - If the member is contacted, record whether they are assigned to the panel. If they are not assigned to the panel, include the rationale.