



# From Concept to Creation:

A Legislative Consultation Report for One Nursing Regulator in Nova Scotia  
2019



The journey to co-create one nursing regulator has always been one focused on creating the new and in engaging with stakeholders across the province and beyond to help ensure the new College is modern, nimble and flexible and reflects current best practice in regulation. To achieve this vision, we have engaged thought leaders, regulatory and legal experts, industry partners, registrants and staff from both Colleges and the Nova Scotian public.

Over the past two years, the Colleges consulted with stakeholders on the key regulatory concepts being proposed in the new draft Act and a summary of this work can be found online in the *Building a New Future Together: A Legislative Consultation Report (2017)* and *Inspiring the Next Phase Forward: A Legislative Consultation Report (2018)*.



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## FROM CONCEPT TO CREATION

The College of Licensed Practical Nurses of Nova Scotia (CLPNNS) and the College of Registered Nurses of Nova Scotia (CRNNS) have been working since 2017 to develop a new Act to create one nursing regulator in Nova Scotia with the authority to regulate licensed practical nurses (LPNs), registered nurses (RNs) and nurse practitioners (NPs).

When the new Act is passed and one nursing regulator is proclaimed, initial regulations are required to provide the new College with the authority to carry out specific portions of its regulatory mandate. To ensure diverse voices were involved in this work, stakeholders from across Canada were invited in November 2018 to provide feedback on the initial regulation concepts for one nursing regulator. In December, the Colleges submitted draft regulations to government for review and approval and included stakeholder feedback to assist in informing this work.

This report summarizes this most recent opportunity for stakeholders to be involved in the work to co-create one nursing regulator in Nova Scotia and we thank all those who participated in this process. Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Smith'. The signature is stylized and fluid, with a large loop at the end.

Sue Smith, RN, BN, MAOL

Transition Executive Director and Registrar, CLPNNS  
Chief Executive Officer and Registrar, CRNNS



## CONSULTATION PROCESS

The goals of our most recent consultation were to:

- Seek feedback from the public, registrants and other stakeholders in November 2018 on the initial regulation **concepts** being proposed under the new Act for one nursing regulator. These concepts were related to:
  1. Selection of Board Members
  2. Advertising for Public Representatives
  3. Practice Review
  4. Settlement Agreements and Reinstatement
- Use the feedback sought from stakeholders to help develop and submit draft regulations to government in December, 2018 for review and approval.

The process also included determining the best consultation approach and communications strategy to help us achieve our goals.

### **Consultation Approach:**

To collect feedback on the regulation concepts, stakeholders from across the country were invited to participate in a 10-minute online survey available publicly on both College websites over four weeks between November and December, 2018.

An online survey was used to collect stakeholder feedback because it allowed stakeholders to participate on any day, at any time and from any location with internet access. This helped to ensure our consultation was easily accessible for the public, as well as complemented the work habits and time constraints of registrants and other stakeholders within Nova Scotia.

The survey itself was designed to enhance the openness and transparency of the consultation process. In addition to providing the specific regulation concepts being proposed, the survey also included a comprehensive section outlining the key points and any concept changes being proposed that may be new to stakeholders. This information was included to ensure the survey content was accessible and understandable to all stakeholders and that participants could sufficiently provide feedback having fully understood the concepts being proposed.

### **Communications Strategy:**

To invite stakeholders to participate in our consultation opportunity, a link to the online survey was placed and publicly available on both College websites. Stakeholders were invited via a personalized email, through each College’s digital member newsletter and this opportunity was highlighted at the December Provincial Nursing Network (PNN) table.



## INVITED STAKEHOLDERS

Since our consultation process was open and inclusive, any individual from the Nova Scotia public was able to participate. In addition to the public's open invitation, individuals from the following stakeholder groups were invited to be part of the consultation process. **A full list of invited stakeholders can be found in Appendix A.**

### **Public of Nova Scotia**

As regulators, both Colleges make decisions that are in the best interest of the Nova Scotian public. The public must have a means to share their opinions with those making regulatory decisions and inviting the public as part of a formal consultation process is one of the ways to ensure the views of Nova Scotians are heard.

### **Industry Partners**

Given the complexity of the health care sector, we work alongside a diverse group of industry partners who fulfill different roles, including those in labour, regulation, education, employment and advocacy. While many of these partners are not regulators, they are knowledgeable about the opportunities and challenges within the nursing profession and broader health system. Over 175 individuals representing different industry groups **were invited** to participate in this consultation opportunity.

### **Nurse Registrants**

As self-regulated professionals, nurses are best positioned to understand the opportunities and issues facing the nursing profession. Their input and engagement in regulatory processes such as this consultation process helps LPNs, RNs and NPs in maintaining the public's trust in the profession and in their ability to regulate themselves in the public's interest. Over 13,775 registrants **were invited** to participate in this consultation opportunity.



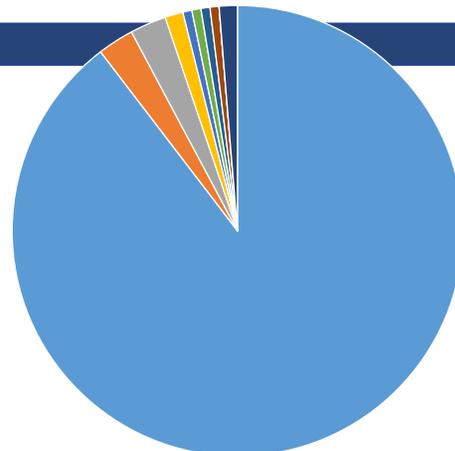
## PARTICIPANT PROFILE

Over the course of consultation, **over 150 individuals representing various stakeholder groups participated** in our consultation. Stakeholders indicated strong support for the regulation concepts proposed, along with helpful considerations for both now and in future work.

The majority of individuals who participated in this consultation identified themselves as registrants from either Colleges, which is consistent with past consultation findings. There was also participation from government, employers/management, unions, educational programs, both nursing and non-nursing regulators, and members of the public. The profile of participants is below.

### Who Participated in this Consultation?

| You are responding to this survey in what capacity...   | Responses |
|---|-----------|
| Licensed Member of CLPNNS or CRNNS – you are a nurse answering this survey as an individual nurse rather than in a specific role or on behalf of an organization listed below.  | 138       |
| Employer/Management – you work in management, human resources, or the senior leadership team for an organization that employs nurses to deliver health care to clients or an organization that represents the interests of employers. | 4         |
| Nursing Regulator – you work for, or represent, a nursing regulator, or an organization that represents the interests of a nursing regulator.   | 4         |
| Union – you work for, or represent, a union certified to represent nurses in the workplace or an organization that represents the interests of a union.   | 2         |
| Government – you work for a department or program of the provincial or federal government.  | 1         |
| Educational Program – you work for, or represent, a school, university or organization that provides education to nursing students or nurses or an organization that represents the interests of nursing educational programs.        | 1         |
| Non-Nursing Regulator – you work for, or represent, a non-nursing professional regulator, or an organization that represents the interests of a non-nursing professional regulator.   | 1         |
| Member of the Public – you are not a licensed member of CRNNS or CLPNNS and do not work for or represent an organization listed above.  | 1         |
| Professional Association – you work for, or represent, an organization that represents the professional interests of a group of professionals (including student organizations).  | 0         |
| Service Provider – you work for an organization that provides services to nurses or those applying to become a nurse.   | 0         |
| Other   | 2         |





## CONSULTATION HIGHLIGHTS

Overall, stakeholders who participated in this consultation indicated satisfaction and support for the regulation concepts being proposed. On average, **over 90% of stakeholders consistently agreed** that the concepts establish good governance and/or regulatory rules; involve both the public and registrants in regulating the nursing profession in the public's interest; and, are transparent in how the new Board and College will operate and make decisions on behalf of the public.

The findings also demonstrate that participants are interested in seeking more information about how the regulations will be implemented. More details about these topics, such as Board selection, will be available when the bylaws are developed and consulted upon in 2019. There are also topics such as practice review which will also require program and policy development and stakeholders will be engaged throughout these processes as well.

For a minority of participants, the findings also highlight that there continues to be confusion between the role of the College and its mandate to make decisions in the interest of the public rather than in the self-interest of the profession (e.g. association or union). While this is important work to address in the future, it is not directly relevant to the goal of this consultation which is focused on public interest only.



## CONSULTATION FINDINGS

### STAKEHOLDER FEEDBACK: SELECTION OF BOARD MEMBERS

As part of our consultation, we asked stakeholders to share their feedback on the following proposed regulation concepts for Board selection:

#### Selection of Board Members

| Topic                                 | Proposed Concepts   |
|---------------------------------------|---|
| Election of Registrants to the Board  | Registrants be elected to the new Board by registrants in a manner to be determined by the new Board.   |
| Appointment of public representatives | <p>The new Board has authority to appoint and dismiss public representatives as members of the Board and regulatory committees;</p> <p>The new Board will appoint public representatives who, in the opinion of the Board, will effectively represent the public interest and contribute to the attainment of the objects of the new College;</p> <p>Public representatives may be reappointed; and,</p> <p>If a public representative position becomes vacant, the new Board may fill the vacancy from among those who have previously applied, have agreed to serve and, as stated above, effectively represent the public interest and contribute to the attainment of the objects of the new College.</p> |
| Terms of Office                       | Terms of office for new Board members (both registrants and public representatives) will be 3 years.  |

#### Stakeholders Said...

The majority of stakeholders support the regulation concepts being proposed for the selection of Board members. Stakeholders thought the proposed concepts involve both the public and registrants in regulating the nursing profession in Nova Scotia and it was evident that stakeholders understood the importance of public representation on the Board and continue to advocate for this role.

- **87%** of participants are satisfied that these concepts establish good governance and/or regulatory rules to ensure that the nursing profession is serving the best interest of the public rather than the interests of the profession.
- **83%** of participants are satisfied that these concepts are transparent in how the new Board and College will operate and make decisions.
- **90%** of participants are satisfied that these concepts involve both the public and registrants in regulating the nursing profession in Nova Scotia.

For these regulatory concepts in particular, stakeholders indicated being eager to understand the implementation of the regulations as well as the authority of the Board to dismiss public representatives. These details will be addressed in bylaws, which will be shared with stakeholders for consultation in 2019 prior to approval by the College Board.



## SUMMARY OF CONSULTATION FINDINGS

### STAKEHOLDER FEEDBACK: ADVERTISING FOR PUBLIC REPRESENTATIVES

As part of our consultation, we asked stakeholders to share their feedback on the following proposed regulation concepts on advertising for public representatives:

#### Public Advertising for Public Representatives

| Topic   | Proposed Concept  |
|---|---|
| Public advertising of openings for public representatives | When vacancies exist, the CEO at the direction of the Board, will publically advertise for public representative vacancies. |

#### Stakeholders Said...

Overall, stakeholders support the regulation concepts being proposed on advertising for public representatives. Stakeholders stressed the importance of making sure the recruitment and nomination process is open and diverse as well as shared suggestions for ways to reach the public in the future.

- **92%** of participants are satisfied that these concepts establish good governance and/or regulatory rules to ensure that the nursing profession is serving the best interest of the public rather than the interests of the profession.
- **88%** of participants are satisfied that these concepts are transparent in how the new Board and College will operate and make decisions.

Stakeholder feedback on ensuring an open and diverse process aligns with the new College's values on transparency and being relational. The new College is committed to disseminating clear, relevant and useful information as well as acting in a manner that encompasses diversity, which will be reflected in all of the College work including the public advertising process.



## SUMMARY OF CONSULTATION FINDINGS

### STAKEHOLDER FEEDBACK: PRACTICE REVIEW

As part of our consultation, we asked stakeholders to share their feedback on the following proposed regulation concepts on practice review:

#### PRACTICE REVIEW

| Topic           | Proposed Concept  |
|-----------------|---|
| Practice Review | <ul style="list-style-type: none"> <li>i. The language of the Regulations will be drafted broadly enough to permit practice reviews for all registrants, but actual designations subject to review will be determined by the Board at a later date;</li> <li>ii. The function of the Practice Review Committee is to review the practice of registrants through a quality monitoring and improvement program at intervals approved by the Board and in a manner determined by the Board; and</li> <li>iii. The regulations will establish:               <ul style="list-style-type: none"> <li>a. The Committee’s authority to conduct practice reviews, select a reviewer and determine how registrants are to be selected for practice review;</li> <li>b. The registrant’s duty to participate and cooperate with the practice review;</li> <li>c. The reviewer’s authority to enter the premises of the registrant’s practice, inspect health records and receive such information required for the review;</li> <li>d. The Committee’s authority to confer with other regulated health professionals associated with the registrant’s practice;</li> <li>e. The Committee’s authority to require the registrant to undergo a competence assessment or other remediation, where the results of the practice review warrant it;</li> <li>f. The Committee’s obligation to provide a report of the review to the registrant;</li> <li>g. The Committee’s authority to refer the registrant to the professional conduct process for appropriate action when the registrant (a) has not cooperated with the review or (b) has not complied with the required remediation or (c) when the Committee has reasonable grounds to believe the registrant poses a risk to the public, and what information it may disclose.</li> </ul> </li> </ul> |

#### Stakeholders Said...

Stakeholders indicated overall support for the regulation concepts being proposed for practice review and in particular, were in agreement that the concepts assist in serving the public interest.

- **92%** of participants are satisfied that these concepts establish good governance and/or regulatory rules to ensure that the nursing profession is serving the best interest of the public rather than the interests of the profession.
- **90%** of participants are satisfied that these concepts are transparent in how the new Board and College will operate and make decisions.
- **92%** of participants are satisfied that these concepts assist in serving the public interest.

Some stakeholders showed interest in learning about the practice review process while others wanted to know more about how this process might work in tandem with the employer review conducted within the workplace. As the new College proceeds with developing a new program and under the philosophy of relational regulation, stakeholders will be consulted at various stages throughout the process.



## SUMMARY OF CONSULTATION FINDINGS

### STAKEHOLDER FEEDBACK: SETTLEMENT AGREEMENTS & REINSTATEMENT

As part of our consultation, we asked stakeholders to share their feedback on the following proposed regulation concepts on settlement agreements and reinstatement:

#### Settlement Agreements and Reinstatement

| Topic                 | Proposed Concepts  |
|-----------------------|--|
| Settlement Agreements | Incorporate the concepts with respect to the procedures for processing and addressing settlement agreements currently found in the RN and LPN regulations.   |
| Reinstatement         | Incorporate the concepts with respect to the authority of and processes to be used by the Reinstatement Committee when reviewing an application for reinstatement currently found in the RN and LPN regulations. |

#### Stakeholders Said...

Stakeholders overwhelmingly support the regulation concepts being proposed for settlement agreements and reinstatement. This is not surprising since the concepts are consistent with the current LPN Regulation and RN Regulations with respect to the procedures for processing and addressing settlement agreements and establishing the authority of and processes to be used by the Reinstatement Committee when reviewing an application for reinstatement.

- **94%** of participants are satisfied that these concepts establish good governance and/or regulatory rules to ensure that the nursing profession is serving the best interest of the public rather than the interests of the profession.
- **93%** of participants are satisfied that these concepts are transparent in how the new Board and College will operate and make decisions.



## THANK YOU & NEXT STEPS

Thank you to all stakeholders who participated in this consultation process and helped inform the direction and development of regulations for one nursing regulator in Nova Scotia.

When finalized, the regulations will come into effect when the new Act establishing one nursing regulator is proclaimed by the government. After the new regulator is established, additional regulations may be proposed and consultation with stakeholders will occur at that time.

We will continue to involve you in this work as well as the many other engagement opportunities that will be available for stakeholders in the near future.



## APPENDIX A: INVITED INDUSTRY PARTNERS

Stakeholders from the following organizations were invited to participate in our consultation process.

Assessment Strategies Inc.

Association of New Brunswick Licensed Practical Nurses

Association of Registered Nurses of Newfoundland and Labrador

Association of Registered Nurses of Prince Edward Island

Bayshore HealthCare

Canadian Association of Schools of Nursing

Canadian Council for Practical Nurse Regulators

Canadian Nurses Association

Canadian Nurses Protective Society

Canadian Union of Public Employees

Cape Breton University

College and Association of Registered Nurses of Alberta

College of Dental Hygienists of Nova Scotia

College of Licensed Practical Nurses of Newfoundland & Labrador

College of Licensed Practical Nurses of Alberta

College of Licensed Practical Nurses of British Columbia

College of Licensed Practical Nurses of Manitoba

College of Occupational Therapists of Nova Scotia

College of Paramedics of Nova Scotia

College of Physicians and Surgeons of Nova Scotia

College of Nurses of Ontario

College of Registered Nurses of British Columbia

College of Registered Nurses of Manitoba

Dalhousie University

Denturist Licensing Board of Nova Scotia



Doctors Nova Scotia  
Government of Yukon  
Health Association of Nova Scotia  
Immigrant Services Association of Nova Scotia  
IWK Health Centre  
Lloyd Sadd Insurance Brokers  
Mental Health Foundation of Nova Scotia  
Midwifery Regulatory Council of Nova Scotia  
National Council of State Boards of Nursing  
National Nursing Assessment Service  
Northwood  
Nova Scotia Association of Medical Radiation Technologists  
Nova Scotia Board of Examiners in Psychology  
Nova Scotia College of Social Workers  
Nova Scotia College of Chiropractors  
Nova Scotia College of Counselling Therapists  
Nova Scotia College of Dispensing Opticians  
Nova Scotia College of Medical Laboratory Technologists  
Nova Scotia College of Optometrists  
Nova Scotia College of Pharmacists  
Nova Scotia College of Physiotherapists  
Nova Scotia College of Respiratory Therapists  
Nova Scotia Community College  
Nova Scotia Dental Technicians Association  
Nova Scotia Dietetic Association  
Nova Scotia Government and General Employees Union  
Nova Scotia Health Authority  
Nova Scotia Health Research Foundation



Nova Scotia Nurses Union

Nova Scotia Paramedics International Union of Operating Engineers

Nova Scotia Prescription Monitoring Program

Nova Scotia Regulated Health Professions Network

Nurse Next Door

Nurse Practitioner Association of Nova Scotia

Nurses Association of New Brunswick

Ordre des infirmières et infirmiers du Québec

Ordre des infirmières et infirmiers auxiliaires du Québec

Prince Edward Island Licensed Practical Nurse Registration Board

Provincial Dental Board of Nova Scotia

Public Health Association of Nova Scotia

Registered Nurses Association of the Northwest Territories and Nunavut

Registered Nurses Professional Development Centre

Saskatchewan Association of Licensed Practical Nurses

Saskatchewan Registered Nurses' Association

Shannex

St. Francis Xavier University

Unifor

Université Sainte-Anne

VON Canada

We Care Home Health Services

Yukon Registered Nurses Association



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