

**Proposed amendments to *College of Nurses of Ontario By-Laws***  
**(Amendments in red font)**

Add definition in Article 1.01:

**“restricted by a lawful authority of Canada”, as that phrase is used in paragraph 5.02 of Article 44.1.06, includes a situation where a notice pursuant to the *Controlled Drug and Substances Act (Canada)* and/or its regulations has been issued that directly or indirectly affects a member’s ability to prescribe, procure, provide and/or dispense a controlled substance.**

**Additional Register Information**

44.1.06 In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code and subject to Article 44.1.07, the following additional information shall be kept in the register of the College:

1. Any change to each member’s name which has been made in the register of the College since he or she first became registered with the College.

2. Where a member is engaged in nursing practice in Ontario, the name and address of the person or business for whom or through which the member primarily engages in nursing practice in Ontario.

2.1 Where the College is aware of the fact that a member is currently registered or licensed to practice nursing in another jurisdiction, a notation to that effect including the name of the jurisdiction.

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3. Each member’s certificate of registration number.

4. The classes of certificate of registration held by each member and the date on which each was issued.

5. The specialty certificate held by each member and the date on which each was issued.

**5.01 Where a member holds an extended class certificate of registration as an RN (Nurse Practitioner), a notation that the member is entitled to practise with restrictions and a summary of the restriction(s) where,**

- a. the member has not satisfied the Executive Director that the member has met the prescribed requirements to be able to prescribe controlled substances; or
- b. the College is aware and the Executive Director is satisfied that the member is not entitled to prescribe controlled substances for any other reason.

**5.02 Where the College is aware and the Executive Director is satisfied that a member's ability to prescribe, procure, provide and/or dispense a controlled substance has been restricted by a lawful authority of Canada, a notation that the member is entitled to practise with restrictions and a summary of any restriction which the College has reason to believe is currently in effect.**

5.1 Where known to the College, the name of each hospital and health facility in Ontario where a member holding a Certificate of Registration as a Registered Nurse in the Extended Class has professional privileges, as well as all revocations, suspensions or restrictions of these privileges reported to the College under subsection 85.5 of the Code, which the College has reason to believe are currently in effect.

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6. Where a member resigned, the date upon which the resignation took effect and where the resignation did not relate to all certificates of registration, the certificate of registration to which the resignation applied.

7. Where the College is satisfied based upon reliable information that a person ceased to be a member as a result of his or her death, a notation to that effect and the date upon which the person ceased to be a member if that date is known to the College.

8. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is outstanding,

- a. the date of the referral;
- b. a brief summary of each specified allegation;
- c. a copy of the notice of hearing;

(Approved March 2015; Effective December 15, 2015)

- d. the date of the hearing if the hearing date has been set;
- e. if the hearing has commenced but not yet completed, the next scheduled date for the continuation of the hearing, if the hearing was adjourned to a specific date, or, if the hearing was adjourned without a specific date, a notation to that effect; and
- f. if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the panel of the Discipline Committee, a statement of that fact.

(Approved March 2015; Effective December 15, 2015)

8.01 Where a decision of the Inquiries, Complaints and Reports Committee, made on or after December 1, 2015, requires a member to attend before a panel of that committee to be cautioned, as authorized by paragraph 3 of subsection 26(1) of the Code,

- a. a notation of that fact,
- b. a summary of the caution,
- c. the date of the panel's decision, and
- d. if applicable, a notation that the panel's decision is currently under review or appeal, which notation shall be removed once the review or appeal is finally disposed of.

(Approved September 2015; Effective December 1, 2015)

8.02 Where a decision of the Inquiries, Complaints or Reports Committee, made on or after December 1, 2015, requires a member to complete a specified continuing education or remediation program, as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,

- a. a notation of that fact,
- b. a summary of the specified continuing education or remediation program,
- c. the date of the panel's decision,
- d. once all of the programs are completed, a notation to that effect, and
- e. if applicable, a notation that the panel's decision is currently under review or appeal, which notation shall be removed once the review or appeal is finally disposed of.

(Approved September 2015; Effective December 1, 2015)

8.2 If an application for reinstatement has been referred to the Discipline Committee and the hearing date has been set,

- a. the date of the hearing;
- b. if the hearing has commenced but not yet completed, the next scheduled date for the continuation of the hearing, if the hearing was adjourned to a specific date, or, if the hearing was adjourned without a specific date, a notation to that effect; and
- c. if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the panel of the Discipline Committee, a statement of that fact.

(Approved March 2015; Effective December 15, 2015)

8.3 Where the College is aware that a finding of professional misconduct or incompetence or other like finding has been made against a member by a body that governs any profession, whether inside or outside of Ontario,

- a. a notation of that fact,
- b. the date of the finding,
- c. the name of the governing body that made the finding, and
- d. where the finding is under appeal, a notation of that fact, which notation shall be removed once the appeal is finally disposed of.

(Approved June 2015; Effective December 15, 2015)

9. Where the question of the member's capacity has been referred to the Fitness to Practise Committee and not yet decided,

- a. a notation of that fact; and
- b. the date of the referral.

10. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the panel ordered any penalty.

10.1 If an application for reinstatement has been decided by a panel of the Discipline Committee, the results of the hearing including the date of the decision and any order made. (Approved March 2015; Effective December 15, 2015)

11. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium,

- a. a notation of that fact; and
- b. identification of the specific publication of the College which contains that information.

12. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.

13. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations.

14. Where a member has terms, conditions or limitations on his or her certificate of registration varied, the effective date of the variance of those terms, conditions and limitations and where applicable, the Committee responsible for the variance of those terms, conditions and limitations.

15. Where a member's certificate of registration is revoked, suspended, cancelled, expired or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, expiry or other termination which shall include but not be limited to circumstances where

- a. a member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee;

- b. a member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College; or
- c. a member's certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee.

16. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the Committee responsible for the lifting or removal of the suspension.

17. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the Committee responsible for the reinstatement.

18. Where a member's specialty certificate is revoked, suspended, cancelled or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation or other termination.

19. Where a member's specialty certificate is reinstated, the effective date of the reinstatement.

20. Where a finding of professional negligence or malpractice is contained in the College's register, the information provided by the member who was the subject of the finding including

- a. the notice of and a description of the finding;
- b. the date the finding was made against the member;
- c. the name and location of the court that made the finding against the member; and
- d. the status of any appeal respecting the finding made against the member.

20.1 A summary of any existing charge against a member, of which the College is aware, commenced on or after Dec. 1, 2015, which in the opinion of the Executive Director is relevant to the member's suitability to practise nursing, in respect of,

- i. any offence under the Criminal Code of Canada,
- ii. any offence under the Controlled Drugs and Substances Act, (Canada) or
- iii. any other offence in any jurisdiction.

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20.2 A summary of any current restriction that relates to or otherwise impacts a member's practice imposed by a court or other lawful authority against the member, of which the College is aware, including the date of and a summary of the restriction imposed.

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20.3 A summary of any finding of guilt made by a court or other lawful authority against a member, of which the College is aware, in respect of (i) any offence under the Criminal Code of Canada, (ii) any offence under the Controlled Drugs and Substances Act, (Canada), or (iii) any other offence which in the opinion of the Executive Director is relevant to the member's suitability to practice nursing, including,

- a. the date of and a brief summary of the finding;
- b. the date of and the sentence imposed, if any; and
- c. where the finding is under appeal, a notation to that effect.

(Approved March 2015; Effective December 15, 2015)

21. Any information the College and the member have agreed should be included in the register.

22. The date on which each certificate of authorization was issued by the College.

23. Where a certificate of authorization is revised, a notation of the effective date of the revision.

24. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.

25. Any information the College and a health profession corporation to which the College has issued a certificate of authorization have agreed should be included in the register.

44.1.07 All of the information referred to in Articles 44.1.05 and 44.1.06 is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Executive Director may refuse to disclose to an individual or post on the College's website any or all of that information if the Executive Director has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

44.1.08 Where as a result of an appeal or review from the decision of the Inquiries, Complaints or Reports Committee, a member is no longer required to attend before a panel of that committee to be cautioned, the information placed in the register as a result of paragraph 8.01 of Article 44.1.06 shall be removed, once the appeal or review has become final.

(Approved September 2015; Effective December 1, 2015)

44.1.08.1 Subject to Article 44.1.08.2, information placed in the register as a result of paragraph 8.01 of Article 44.1.06, shall be automatically removed once three years has expired after the member attended the Inquiries, Complaints and Reports Committee and received the caution.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.08.2 Information shall not be removed pursuant to Article 44.1.08.1 if

- i. in the opinion of the Executive Director, the caution was, related to conduct involving sexual abuse or a boundaries violation with a patient or former patient; or
- ii. after the decision was made by Inquiries, Complaints and Reports Committee requiring the member to attend to receive a caution, the College has received information relating to the member's conduct which is of concern to the Executive Director, including but not limited to a complaint or mandatory report under the Code.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.08.3 Information placed in the register as a result of paragraph 8.01 of Article 44.1.06 and not removed pursuant to article 44.1.08.2, shall be removed if

- i. the member has made a written request to the Executive Director to remove the information;
- ii. at least three years has expired after the member attended the Inquiries, Complaints and Reports Committee and received the caution; and
- iii. the Executive Director is satisfied, having considered all information in the College's possession related to the member, including the member's history with the College, that there is no public benefit to maintaining the information on the register.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.09 Where as a result of an appeal or review from the decision of the Inquiries, Complaints or Reports Committee, a member is no longer required to complete a specified continuing education or remediation program, the information placed in the register as a result of paragraph 8.02 of Article 44.1.06 shall be removed, once the review or appeal becomes final.

(Approved September 2015; Effective December 1, 2015)

44.1.09.1 Subject to Article 44.1.09.2, information placed in the register as a result of paragraph 8.02 of Article 44.1.06, shall be automatically removed once three years has expired after the member successfully completed all of the requirements of the specified continuing education or remediation program.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.09.2 Information shall not be removed pursuant to Article 44.1.09.1 if

- i. in the opinion of the Executive Director, the specified continuing education or remediation program was related to conduct involving sexual abuse or a boundaries violation with a patient or former patient; or
- ii. after the decision was made by Inquiries, Complaints and Reports Committee requiring the member to complete a specified continuing education or remediation program, the

College has received information relating to the member's conduct which is of concern to the Executive Director, including but not limited to a complaint or mandatory report under the Code.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.09.3 Information placed in the register as a result of paragraph 8.02 of Article 44.1.06 and not removed pursuant to article 44.1.09.2, shall be removed if

- i. the member has made a written request to the Executive Director to remove the information;
- ii. at least three years has expired after the member successfully completed all of the requirements of the specified continuing education or remediation program; and
- iii. the Executive Director is satisfied, having considered all information in the College's possession related to the member, including the member's history with the College, that there is no public benefit to maintaining the information on the register.

(Approved December 3, 2015; Effective December 15, 2015)

44.1.10 The information placed in the register as a result of paragraph 20.1 of Article 44.1.06 shall be removed once the charges are no longer outstanding.

**44.1.11 Information placed in the register as a result of paragraph 5.01 of Article 44.1.06 shall be removed if the Executive Director is satisfied that the member has met the prescribed requirements to be able to prescribe controlled substances and that there is no other legal impediment, of which the Executive Director is aware, preventing the member from doing so.**

**44.1.12 Information placed in the register as a result of paragraph 5.02 of Article 44.1.06 shall be removed if the Executive Director is satisfied that the restriction referred to in that paragraph is no longer in effect.**