

STATUTES OF THE YUKON, 1992

REGISTERED NURSES PROFESSION ACT CHAPTER 11

(Assented to May 14, 1992)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Interpretation

1. In this Act,
 - "annual certificate" means a certificate issued pursuant to this Act; certificat annuel
 - "Association" means the Yukon Registered Nurses Association; Association
 - "board" means the board of directors of the Association; conseil d'administration
 - "bylaws" means the bylaws of the Association; règlements administratifs
 - "nursing" means the application of professional nursing knowledge or services for compensation for the purpose of
 - (a) promoting, maintaining, and restoring health,
 - (b) preventing illness, injury, or disability,
 - (c) caring for persons who are sick, injured, disabled, or dying,
 - (d) assisting in pre-natal care, childbirth, and post-natal care,
 - (e) health teaching and health counselling,
 - (f) coordinating health care, or
 - (g) engaging in administration, teaching, or research to implement a matter referred to in paragraphs (a) to (f). profession d'infirmière ou d'infirmier, profession
 - "nursing education program" means a program approved by the board as a prerequisite to examination prescribed by the board to qualify as a registered nurse; programme d'études en soins infirmiers
 - "register" means the register established pursuant to this Act; tableau
 - "registered nurse" means a person whose name appears on the register; infirmière autorisée ou infirmier autorisé
 - "registrar" means the registrar of the Association appointed pursuant to this Act. secrétaire-archiviste

Association

2. The Yukon Registered Nurses Association as constituted immediately before the coming into force of this Act is hereby continued as a body corporate and, subject to the provisions of this Act, has the capacity, rights, powers and privileges of a natural person.

Objects of Association

3. The objects of the Association are to serve and protect the public interest by
 - (a) regulating the practice of nursing and governing registered nurses in accordance with this Act and the regulations;
 - (b) establishing, maintaining, and developing standards of knowledge and skill for registered nurses;
 - (c) establishing, maintaining, and developing standards of qualification and practice for the practice of nursing;

- (d) establishing, maintaining, and developing standards of professional ethics for registered nurses.

Board of Directors

- 4. (1) The affairs of the Association shall be managed by a board of directors.
- (2) The number of members of the board and the manner of their appointment or election shall be governed by the regulations.
- (3) A majority of the members of the board constitutes a quorum.
- (4) The board shall appoint a registrar of the Association.
- (5) The members of the board and the officers of the Association in office on the coming into force of this Act continue in office until their successors are elected or appointed.

Registered office

- 5. The board shall designate a place to be the Association's registered office at which documents may be served on or delivered to the Association and at which people may inspect the register and the bylaws and regulations made by the board. The board shall file with the registrar of societies appointed under the Societies Act notice of where the Association's registered office is.

Bylaws

- 6. (1) The board may make bylaws not inconsistent with this Act or the regulations to
 - (a) establish the size and composition of the board and the time and manner of the election or appointment of its members;
 - (b) prescribe the terms of office of the members of the board and the manner in which vacancies on the board may be filled;
 - (c) fix annual fees and other fees, or provide a method for fixing them, and provide for their collection;
 - (d) fix the time, place, and regulate the conduct of meetings of the Association;
 - (e) provide for the organization of regional or other divisions of the Association;
 - (f) prescribe fees and expenses payable to members of the board and committees established for the purpose of attending to the business of the Association;
 - (g) govern the acquisition, management, and disposal of the property of the Association, including the borrowing of money for the purpose of the Association, give security for any money so borrowed on any of the real, or personal property of the Association by the way of mortgage, pledge, charge, or otherwise, and acquire, hold, and dispose of real and personal property;
 - (h) facilitate and promote the welfare of the Association, its members, and the nursing profession;
 - (i) establish and maintain a code of ethics for the members;
 - (j) provide for the appointment, duties, and remuneration of employees of the Association;
 - (k) establish committees as necessary;
 - (l) establish and regulate examinations and other prerequisites for qualifying as a registered nurse;
 - (m) do all other things necessary for the administration of the affairs of the Association.
- (2) Bylaws made under subsection (1) are not regulations within the meaning of the Regulations Act.

- (3) The registrar shall allow any person reasonable opportunity to inspect the bylaws and shall supply a copy to any person who requests one.

Regulations

7. (1) Subject to the approval of the Commissioner in Executive Council, the board may make regulations to
- (a) regulate the registration, renewal of registration, suspension, expulsion, and reinstatement of members;
 - (b) prescribe the situations for which temporary permits may be issued and conditions upon which they may be issued;
 - (c) prescribe the conditions for the entry and maintenance of members' names on the register and rosters of the Association, including the recognition of administration, education, teaching, or research in the field of nursing;
 - (d) develop, establish, and maintain standards for nursing education;
 - (e) develop, establish, and maintain standards for the practice of nursing;
 - (f) prescribe procedures for the discipline of members and for appeals against decisions of a discipline committee;
 - (g) create one or more classes of membership and prescribe the rights, privileges, qualifications, and obligations of the members of each class;
 - (h) approve nursing education programs;
 - (i) govern such other matters as the board considers necessary or advisable for the more effective discharge of its functions or the exercise of its powers.
- (2) Regulations made under subsection (1) are regulations within the meaning of the Regulations Act.
- (3) The registrar shall allow any person reasonable opportunity to inspect the regulations and shall supply a copy to any person who requests one.

Register

8. The registrar shall maintain a register and shall, upon payment of the prescribed fee, enter in the register the name of every person who qualifies for registration under this Act.

Roster for each class of members

9. In addition to the register, the registrar shall maintain a separate roster for each class of members as provided by the regulations and shall enter the names of the persons recorded in the register in the appropriate roster.

Annual certificate

10. The registrar shall, in accordance with the regulations, issue an annual certificate to a person who
- (a) meets the requirements or conditions for registration prescribed by this Act and the regulations,
 - (b) pays the prescribed annual fee, and
 - (c) is not currently under suspension or disqualification from practice pursuant to a disciplinary ruling of an association governing the practice of nursing in the Yukon and in any other jurisdiction.

Temporary permits

11. (1) Where a person fails to meet the requirements or conditions for registration as provided by this Act and the regulations, the registrar may approve, with or without

limitations, or refuse, an application for a temporary permit and shall notify the applicant accordingly.

- (2) If it is issued, a temporary permit
 - (a) shall be issued for a specified period or periods, not to exceed 12 months in total, and
 - (b) must set out any restriction on the nursing practice in which the permit holder may engage.
- (3) The registrar shall maintain a record of temporary permits.
- (4) The holder of a temporary permit is subject to the same procedures and powers of discipline as is a member and has the same rights in disciplinary proceedings.

Appeal

12. An applicant who is refused registration or the entry of the applicant's name in a particular roster shall be given written reasons for the refusal by the registrar; the applicant may, by written notice, appeal that decision to the complaints committee.

Inspection of register

13. The registrar shall allow any person reasonable opportunity to inspect the register and the record of temporary permits.

Use of "Registered Nurse" or "R.N."

14. No person, except a registered nurse, shall use the designation "Registered Nurse" or "R.N." in the Yukon either alone or in combination with other words, letters, or description to imply that they are a registered nurse, or are entitled to practise as a registered nurse.

Prohibition

15. No person shall engage in the practice of nursing in the Yukon unless
 - (a) they are a registered nurse and their name is entered in the roster of active practicing members and they hold a current annual certificate,
 - (b) they hold a temporary permit,
 - (c) they are a student nurse enrolled in a school of nursing which offers a nursing education program approved by the board and are required to engage in the practise of nursing in a course in the nursing education program, or
 - (d) they are otherwise permitted to engage in such nursing practice as provided in this Act or the regulations.

Out-of-Territory registered nurse

16. Nothing in this Act prohibits the practice of nursing in the Yukon or the recovery of fees or compensation for professional services rendered as a registered nurse by a person registered in another country, state, or province and whose engagement requires that person to accompany and care for a patient temporarily located in the Yukon during the period of the engagement, if that person does not represent or hold himself or herself out as a person registered under this Act.

Action to collect remuneration

17. (1) No person shall bring an action in any court to collect fees, compensation, or other remuneration for services performed as a registered nurse unless
- (a) they held an annual certificate, were a registered nurse, and were on the roster of active practicing members at the time the services were performed,
 - (b) they held a temporary permit at the time the services were performed, or
 - (c) they were the employer of, or the principal responsible for, the person who supplied the services and that person meets the conditions described in paragraph (a) or (b).
- (2) Subsection (1) does not apply to an action for the recovery of wages or other compensation payable by an employer to their employee.

Evidence of registration

18. A statement certified under the hand of the registrar respecting the registration and entry in the appropriate roster of a person's name is admissible in evidence as prima facie proof that the person is registered pursuant to this Act and is subject to the conditions and limitations, if any, set out in the statement.

Notation of conditions to practice

19. Where the right of a member to practise as a registered nurse has been limited by the imposition of conditions, particulars of all conditions imposed on that person shall be noted in the appropriate roster and on the member's annual certificate.

Removal from roster

20. (1) The board shall cause the removal of the name of a member from the appropriate roster
- (a) at the request of that member,
 - (b) where the name has been incorrectly entered,
 - (c) where notification is received of the member's death,
 - (d) for non-payment of fees or other assessments levied under this Act or the regulations,
 - (e) where the member has been suspended, for the term of the suspension, or
 - (f) where the annual certificate of the member has been revoked.

Restoration to roster

21. The board may cause the name of a person removed from a roster to be restored to it upon
- (a) payment of such sum not exceeding the annual fees,
 - (b) payment of such additional sum as may be prescribed by the bylaws, and
 - (c) compliance by the person with this Act and the regulations.

Duty of employers

22. No person shall knowingly employ a person to provide nursing services unless that person is
- (a) a registered nurse whose name is entered on the roster of active practicing members and who holds a current annual certificate, or
 - (b) the holder of a current temporary permit.

Offence for misrepresentation

23. A person is guilty of an offence and liable on summary conviction to a fine of up to \$2000 dollars or to imprisonment for a term of up to six months, or to both, if they knowingly furnish false information in any application under this Act or in any statement required to be furnished under this Act or the regulations, or if they otherwise contravene this Act.

Complaints committees

24. (1) The board shall appoint one or more complaints committees, the size of which may be determined from time to time by the board and which may consist of one or more members.
- (2) The board shall designate the chair of each complaints committee.
- (3) Upon receipt of an appeal pursuant to section 12 or upon receipt of a complaint against a member made in writing and signed by a complainant, a complaints committee shall conduct, or direct a person acting on its behalf to conduct, an investigation into the matter.
- (4) For the purpose of the investigation, the complaints committee, or the person acting on its behalf, may
- (a) request any person to answer any question and to produce for inspection any documentary, photographic, electronic, magnetic, electromagnetic, radiational record, or any other record or thing in the person's possession or under the person's control that is or might be relevant to the complaint or conduct being investigated, and
 - (b) with the consent of the person producing them, copy and keep copies of any of the records or things produced under paragraph (a).
- (5) During the course of the investigation, a complaints committee shall notify the member whose conduct is being investigated that the member may submit to the committee any explanation or representation the member may wish to make concerning the matter.

Disposition by complaints committee

25. (1) A complaints committee shall, in accordance with the information it receives,
- (a) direct that the matter be referred to the discipline committee, or
 - (b) decide that no further action be taken.
- (2) The complaints committee shall give its decision in writing and shall send to the member and the complainant a copy of the written decision by certified mail or personal service.

Membership lapse during proceedings

26. Where a complaint has been laid against a member and the member fails to pay membership dues in accordance with the requirements of the Act or the regulations, the person shall cease to be a member of the Association but remains subject to the jurisdiction of the Association and its board and committees for the purposes of an investigation or inquiry and disciplinary proceedings in respect of conduct that occurred before the person ceased to be a member.

Suspension

27. A complaints committee, acting in good faith and in the public interest, may, at its discretion, direct the registrar to suspend a member from the practice of nursing pending or following the completion of the investigation until the suspension is lifted, superseded, or annulled by the complaints committee, the board, or the discipline committee, as the case may be.

Discipline committee

28. (1) The board shall establish a discipline committee of one or more persons.
- (2) The board shall designate the chair of the discipline committee.
- (3) No member of a complaints committee may serve on the discipline committee in respect of a complaint investigated by the complaints committee of which the person is or was a member.
- (4) All decisions of the discipline committee require the vote of a majority of the quorum.
- (5) The chair of the discipline committee may vote and, if there is a tie in votes, the decision of the committee shall be according to the vote of the chair.