

2017

# ARNNL BYLAWS



Association of  
**Registered Nurses**  
of Newfoundland  
and Labrador

## **Member Information**

Changes to the *Registered Nurses Act* (2008) and the subsequent introduction of new *Registered Nurses Regulations* (2013) required a review of all the current bylaws to make the necessary amendments to align with Council's new authority and to delete articles/sections that covered topics now included in the Regulations and/or ARNNL policies. In the interceding period, Council further approved and amended other bylaws. To facilitate member awareness of the changes made from 2008-2014 all amendments and approval dates are identified in a table attached as Schedule 'A'. To ensure alignment with Section 10 of the RN Act, Council will be embarking upon a full review of the bylaw structure.

## Bylaws of the Association of Registered Nurses of Newfoundland and Labrador

### Interpretation

#### In these Bylaws, terminology is interpreted as follows:

1. Act - the Newfoundland and Labrador Registered Nurses Act, Chapter R-9.1 (2008); amended 2009 c30 s14; 2012 c35 s16.
2. Bylaws - bylaws made under Section 10 of the RN Act.
3. Association – Association of Registered Nurses of Newfoundland & Labrador.
4. Council - the governing board of the Association established in accordance with the Act, Section 5.
5. Member – a person whose name is entered on the register.
6. Practising membership – active.
7. Non-Practicing membership – sustaining, inactive.
8. Lapsed membership – not in good standing through failure to meet current requirement(s).
9. Executive Director – executive secretary.
10. Ex-officio – voting or non-voting.
11. Mail – mail will be posted to each member at the nurse's last known address.

For the purpose of Bylaw Article II section 2 c (i) and (ii):

12. Shift is defined to mean any portion of time worked as a RN or NP within a 24-hour period.
13. Proof of number of shifts worked is defined to mean completion of the ARNNL form validating the number of days worked up to the date the license was issued and returned to ARNNL by the employer.

For the purpose of Bylaw Article X section 11-15:

14. Client - individuals, families, groups, populations or entire communities who require nursing expertise. The term "client" reflects the range of individuals and/or groups with whom nurses may be interacting. In some settings, other terms may be used such as patient or resident. In education, the client may also be a student/ in administration, the client may also be an employee; and in research, the client is usually a subject or participant.
15. Tampering with medication - an intentional act without authorization where a medication, or a medication package/packaging or label, is altered, or removed (either in part or in total), and replaced by another substance or package/packaging/label.

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16. Misappropriation - an intentional act without mistake for an improper purpose.
17. Regulations - the Registered Nurses Regulations made pursuant to Section 11 of the Act.
18. Standards - authoritative and principle-based statements that articulate conduct or performance required of registered nurses and nurse practitioners as approved by Council.

### **Article 1 – Membership**

Membership in the Association, with the exception of honorary members, shall be limited to nurses duly registered according to the (Newfoundland) Registered Nurses' Act, Chapter R-9, R.S.N. 1990, and Bylaws.

#### **Types of Membership:**

##### **Section 1**

- a) Practicing membership will be granted to applicants in accordance with the Regulations – Part I, II & III.
- b) A member holding a practicing license:
  - (i) may use the designation “registered nurse”;
  - (ii) is eligible for professional liability protection in accordance with the Association and The Canadian Nurses Protective Society;
  - (iii) shall be eligible to vote and be nominated for election on the Council of the Association;
  - (iv) is eligible to receive Association news bulletins;
  - (v) shall have membership in the Canadian Nurses' Association which, in turn, provides membership in the International Council of Nurses and subscription to **Canadian Nurse**.

##### **Section 2**

- a) Non-practicing membership will be granted to applicants who have discontinued the practice of nursing in Newfoundland and Labrador, and who have paid the required fee.
- b) A member holding non-practicing membership:
  - (i) shall be eligible to nominate and to vote but shall not be eligible for nomination for election to Council;
  - (ii) shall be eligible to receive the Association communications.

##### **Section 3**

- a) Honorary membership shall be awarded for life and may be conferred upon a person who has rendered distinguished service or valuable assistance to the nursing profession in general, or the Association in particular. Such members are approved and appointed by Council in accordance with the RN Act, Section 3 (3) (c) and may be conferred at any general or annual meeting of the Association.

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- b) Honourary members who are nurses have the same rights and privileges as non-practicing members.
- c) Honourary members are not required to pay fees as long as they are not practising nursing.

### **Section 4**

- a) A practicing or non-practicing member who wishes to resign in good standing may do so by submitting a written resignation to the Executive Director.
- b) The nurse will have no voting nor membership privileges.
- c) To be reinstated to practicing membership, the nurse must meet the criteria as stated in the Act, Regulations and Bylaws and obtain a license following payment of the fees for the current year.
- d) To be reinstated to non-practicing membership, the nurse must pay the non-practicing fee.

### **Section 5**

The membership of a practicing or non-practicing member, who does not resign in good standing, and who does not pay the required fee shall lapse, the nurse shall not enjoy any rights or privileges of membership until the reinstatement and membership fee is paid, in accordance with Article II, Section 5.

### **Section 6**

The Council shall:

- a) Keep an historical register in which shall be entered the names of persons who have been granted registration under the Act together with the following information for each nurse registered:
  - (i) registration number;
  - (ii) full name at registration and change of name;
  - (iii) name of School of Nursing;
  - (iv) where, during or as a result of a proceeding under section 21, 22, 23 or 25 of the Act, a member has been granted de-registration or allowed to or directed to surrender his or her license;
  - (v) any other information as may be directed by Council from time to time.
- b) Keep an annual register in which shall be entered the names of the holders of annual licenses issued in accordance with the Act and RN Regulations together with other members of the Association. The annual register shall contain the following information for each member:
  - (i) registration number;
  - (ii) full name and change of name;
  - (iii) home address;
  - (iv) category of licensure/membership issued (RNM, NP, Interim or non-practicing);

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- (v) stream of practice, employer(s), employment address and telephone contact number(s), for a registered nurse issued a nurse practitioner license;
  - (vi) conditions or restrictions on a license as imposed by an Adjudication Tribunal of the Disciplinary Panel;
  - (vii) suspension of a license as imposed by Council or an Adjudication Tribunal;
  - (viii) where, during or as a result of a proceeding under sections 21, 22, 23 or 25 of the Act, a member has been granted de-registration or allowed to or directed to surrender his or her license;
  - (ix) the results of all disciplinary hearings held under section 25 of the Act within the past five (5) years, unless Adjudication Tribunal of the Disciplinary Panel makes no finding with regard to the proceeding;
  - (x) such other information related to a license/licensure that, in the interest of the public, Council may direct from time to time.
- c) The Executive Director shall:
- (i) maintain the register set out in section (a) in a written record and the register set out in section (b) in an electronic/digital record;
  - (ii) display the annual register or license holders and other members of the association together with the information set out in section (b), with the exception of b (iii), electronically on ARNNL's website.

## Article II – Fees

### Section 1

- a) All registration and licensure fees shall be determined by ARNNL Council.
- b) All members shall be notified of the decision to change fees a minimum of 60 days in advance or implementation of changes to fees.
- c) Such notification shall be made via the ARNNL website and the official ARNNL newsletter.

### Section 2

- a) The annual license is valid for practise between April 1 to March 31 each year unless otherwise limited or suspended by a Decision of Council or an Adjudication Tribunal.
- b)
  - (i) All nurses seeking to renew a practicing license in the province must submit the annual licensure renewal application by the administrative renewal process deadline of March 1
  - (ii) All nurses seeking to renew a practicing license in the province who submit a licensure renewal application after March 1 shall be subject to a late application fee determined by Council
  - (iii) Renewal applications received prior to or on March 1 with outstanding information required with respect to Continuing Competence Program requirements will have until March 31 (or last week day of the licensure year

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where March 31 is a weekend day) to submit updated information before a conditional license will be issued.

- c) (i) All nurses who actively practice for any part of a licensure year without a valid interim license or practicing license shall be subject to an Unauthorized Practice Fee of \$100 per shift worked with no maximum and discipline in accordance with section 21 of the RN Act where the period of practice exceeds 3 shifts from and including the first shift worked.
- (ii) Proof of number of shifts worked without a valid license shall be provided on the approved ARNNL form no later than 3 shifts following renewal of license.
- (iii) Unauthorized Practice Fee(s) shall be paid prior to the end of the licensure year in which they were incurred and before issuance of a subsequent practicing license or non-practicing membership.

### **Section 3**

In the event that a non-practicing member applies for practicing membership within the year, the member shall pay the balance of fees due.

### **Section 4**

- a) The fee for practicing license shall be pro-rated for the last quarter of the licensure year.
- b) The fee for a practicing license shall be pro-rated for a two month period during the licensure year, for the nurse who:
  - (i) is eligible for re-licensure; and
  - (ii) indicates he or she will participate in a time limited "Health Emergency Response Initiative" approved by the Council or Executive Director, and the license may be renewed at a pro-rated fee for an additional two month period;
  - (iii) in the event the nurse requests to obtain a practicing license to include the remainder of the licensure year, the member shall pay the balance of the fees due.

### **Section 5**

Any nurse whose membership has lapsed, and who is therefore not in good standing, and who is still eligible for membership according to the requirements of the Act, Regulations and Bylaws, in order to be reinstated in the Association, must pay the current fee for practicing membership plus the fee for one (1) year of lapsed membership, or pay the current fee for non-practicing membership plus the fee for one (1) year of lapsed membership.

### **Section 6**

Nurses transferring from other provinces, who have paid fees to the Canadian Nurses Association for the current year, will have such fees deducted from the registration fee.

### **Section 7**

The fee to write the nurse registration examination shall be fixed by the Council. The fee shall be submitted with the application to write.

### **Section 8**

The fee for interim licenses shall be fixed by the Council.

## **Article III – Council**

### **Section 1**

The Council of the Association shall consist of:

- a) Voting members:
  - (i) President;
  - (ii) President Elect;
  - (iii) Regional Elected Councilors (4) as defined in Article VII, Section 2 (e): one (1) registered nurse elected from each of four (4) regions: West, East, Central and Labrador/Grenfell;
  - (iv) Nursing Domain Elected Councilors (4) as defined in Article VII, Section 2 (e): One (1) registered nurse from each of administration, education/research, advanced practice, and practice;
  - (v) four (4) Public Appointed Councilors (who are not registered nurses) appointed by the Minister of Health and Community Services.
- b) Non-voting member: Executive Director.

### **Section 2**

- a) Term of Office:
  - (i) Subject to the Guidelines for Nominations and Election Process to fill a vacancy, the term of office for President and President Elect shall be two (2) years and shall commence at the close of the Association's annual meeting.
  - (ii) Subject to Article IX, Section 1, the term of office for Regional and Nursing Domain Elected Councilors and Public Appointed Councilors shall be three (3) years and shall commence at the close of the Association's annual meeting.
  - (iii) No member shall hold more than one (1) office at a time.
  - (iv) No member shall be eligible to serve more than three (3) continuous terms on Council.
  - (v) A council member who is subject to an allegation as defined in Section 18 of the Act shall not participate in Council matters with respect to the disciplinary process as set out in Sections 18-35 of the Act.
- b) Vacancy:
  - (i) A council member who is absent from three (3) consecutive meetings shall resign from the Council.
  - (ii) A council member who has been found guilty of conduct deserving of sanction by an adjudication tribunal shall resign from Council.
  - (iii) Where a vacancy occurs in the membership of council as a result of the death, retirement, resignation, or incapacity to act of that member, the vacancy shall be filled in the case of an elected member by an election in accordance with the Guidelines for Nominations and Election Process.

## **Article IV – Executive Committee**

### **Section 1**

The Executive Committee, which shall be the Officers of the Association, shall consist of:

- a) Voting members:



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- (i) President;
  - (ii) President Elect;
  - (iii) one (1) Regional Representative chosen by and from those regional representatives elected;
  - (iv) one (1) Nursing Domain Representative chosen by and from those nursing domain representatives elected.
- b) Non-voting member: Executive Director.

### **Section 2**

#### **Powers and Functions of Executive Committee**

The Executive Committee has the authority to:

- a) make urgent decisions on behalf of Council only when it is not feasible to convene the entire Council in person or by teleconference;
- b) undertake specific tasks as delegated by Council;

### **Section 3**

The President shall:

- a) preside at all meetings of the Association, the Council and Executive Committee of the Council;
- b) be an ex-officio voting member of all committees with the exception of the Committee on Nominations;
- c) in the event that the Executive Director is not available, sign with one (1) other member of the professional staff all orders for payment of money drawn in the name of the Association;
- d) perform other duties in accordance with Council policies or as may be assigned by the Council.

### **Section 4**

The President Elect, Regional Representative and Nursing Domain Representative shall perform such duties as may be assigned by Council or by the President.

The President Elect will become President in the event the incumbent vacates the office of President during her/his term of office.

### **Section 5**

The Executive Director shall:

- a) serve as a member of the Executive Committee and Council in a non-voting capacity;
- b) act as secretary of the Association maintaining records of meetings of the Association, Council and Executive Committee;

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- c) act as treasurer for the Association overseeing the receipt and deposit in a chartered bank or banks, designated by the Council, all monies payable to the Association, and to sign with the President or one other member of the professional staff all orders for payment of money drawn in the name of the Association;
- d) perform other duties in accordance with Council policies or as may be assigned by the Council;
- e) delegate when appropriate.

### **Article V – Meetings**

#### **Section 1**

##### **Annual General Meeting of the Association**

- a) The annual general meeting of the Association shall be held at such time and place as the Council may determine.
- b) Notice of the annual general meeting shall be mailed to members of the Association and the duly appointed public councilors at least twenty-one (21) days prior to the date set.
- c) Notice of the annual general meeting shall also be provided to the public by posting on the Association's website at least twenty-one (21) days prior to the date set.
- d) The agenda shall be approved by the members of the Association at the annual general meeting.
- e) The annual general meeting rules and privileges shall be approved by the members of the Association at the commencement of the annual general meeting.
- f) Prior to the annual general meeting, the Executive Director shall appoint:
  - (i) a Chief Scrutineer who shall oversee the function of scrutineers and shall perform such other functions as set out in these Bylaws or otherwise determined by Council;
  - (ii) scrutineers who shall count votes on resolutions and motions during the meeting and report in writing to the presiding officer.

#### **Section 2**

##### **Special Meetings of the Association**

- a) Special meetings of the Association may be called at any time by resolution of the Council provided that at least fourteen (14) days notice is given. In cases of emergency or in extraordinary circumstances of an immediate nature, Council can determine if a shorter notice period is needed.
- b) Special meetings may also be called upon receipt of written requests from a minimum of 10% of the total membership, which shall include requests from at least three electoral regions.

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- c) Reasons for special meetings must be stated in the notification to members.

### **Section 3**

#### **Voting at the Annual General Meeting and Special Meetings of the Association**

- a) At any annual general meeting and special meeting of the Association, only members of the Association as set out in Section 3 (3) of the Registered Nurses Act, 2008 and duly appointed public councilors shall have a vote.
- b) The council may make procedural rules for voting providing they are not in conflict with the Bylaws.

### **Section 4**

#### **Quorum at the Annual General Meeting and Special Meetings of the Association**

The number of members that shall constitute a quorum for any annual general meeting or special meeting shall be:

- a) the voting members present; and
- b) the majority of members of the Council.

### **Section 5**

#### **Council Meetings**

- a) Meetings of the Council shall be called by the President, with not less than 3 meetings being held between annual general meetings.
- b) The Council and the Executive Committee of the Council shall meet at the call of the President as often as may be necessary to attend to the affairs of the Association.
- c) Except where Council otherwise directs, Council meetings are open to the members of the Association and to nursing students enrolled in a School of Nursing.
- d) There is nothing in these Bylaws to prohibit Council from meeting by teleconference or other telecommunications devices where all members of Council consent.

### **Section 6**

#### **Special Meeting of Council**

- a) A special meeting of Council shall be called by the President upon receipt of a written request of one-third of the members of the Council.
- b) Notice in writing shall be issued to each Council member at least 14 days in advance of the meeting.
- c) The notice shall state the purpose of the meeting.

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- d) No matter shall be discussed at any special meeting apart from that specified in the notice.

### **Section 7**

#### **Voting at Council Meetings**

A decision of Council shall be made by a vote of the majority of the Council members present and voting at the meeting.

#### **Article VI – Registration – Repealed**

#### **Article VII – Committees**

##### **Section 1**

Special or adhoc committees may be set up by the Council at any time for specific purposes; the terms of reference to be clearly defined in writing, and their existence terminated when their function has been fulfilled.

##### **Section 2**

#### **Committee on Nominations**

- a) There shall be a Committee on Nominations of five (5) members; the chairperson shall be the immediate past president of Council. If the immediate past president is unable to fulfill this role, Council will appoint as Chairperson a member who has previously served for at least two years as a member of the committee.
- b) The secretary of the Committee shall be the administrative assistant to the Executive Director.
- c) The Chairperson shall hold office for two (2) years, and all other members shall hold office for three (3) years, commencing at the close of the Annual General Meeting of the Association.
- d) No member on the Committee on Nominations shall be a member of Council.
- e) The Committee on Nominations shall:
  - (i) annually provide every member in good standing the opportunity to submit nominations for the designated offices;
  - (ii) in accordance with Article III, Section 1, at the time of nomination for Regional Elected Councilor the member must reside within a region as follows:
    - (a) Eastern Region shall include the Avalon, Bonavista and Burin Peninsulas extending from St. John's West to Port Blandford inclusive;
    - (b) Central Region shall extend from Charlottetown inclusive in the east, Fogo Island in the northeast, Harbour Breton/the Connaigre Peninsula in the south to the Baie Verte Peninsula in the west;

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- (c) Western Region shall extend from Port aux Basques on the southeast coast to Francois, northwest to Bartlett's Harbour and on the eastern boundary north to Jackson's Arm; and
  - (d) Labrador-Grenfell Region shall include the area north of Bartlett's Harbour to Harbour Deep on the Northern Peninsula and all of Labrador.
- (iii) in accordance with Article III, Section 1, at the time of nomination for a Nursing Domain Elected Councilor the member must practise in the domain as follows:
  - (a) a Nursing Domain Elected Councilor for Administration: the member shall be practising in the area of nursing administration or nursing management;
  - (b) a Nursing Domain Elected Councilor for Practice: the member's main role shall be practising as a direct care provider or practising in a nursing role responsible for direct coordination of patient care or patient care services;
  - (c) a Nursing Domain Elected Councilor for Education/Research: the member shall be practising in an area providing education to nursing students or nursing staff, and be familiar with conducting nursing research and/or the implementation of research findings;
  - (d) a Nursing Domain Elected Councilor for Advanced Practice: the member shall be practising as a direct care provider in advanced practice.
- (iv) receive completed nomination forms within 4 weeks after the initial call for nominations to all members. The Committee on Nominations shall request from each nominee consent to stand for election for the office for which the nomination has been made. In the event that there are no acceptances for any one of the offices, the Committee on Nominations shall identify a list of potential candidates and secure the consent of such candidates to complete a slate of nominees for the offices;
- (v) prepare a nominations slate, hereinafter called the 'ballot' containing the names of at least one (1) candidate for each office. The election and voting process to be carried out in accordance with Article IX, Section 1 (b-e).

### **Article VIII – Board of Examiners**

Repealed February 2015

### **Article IX – Elections and Voting**

#### **Section 1**

- a) Practicing, non-practicing, and honorary members who are nurses, shall be eligible to vote in an election for the President, President elect, and all Nursing Domain Elected Councilors and Regional Elected Councilors;

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- b) Voting for elected Council positions shall be by electronic ballot through a secure network on the ARNNL official web site;
- c) Candidate information and voting instructions, including deadline dates, shall be communicated to each eligible voting member no later than sixty (60) days prior to the annual general meeting or where an election is held to fill a vacancy no later than two (2) weeks from the close of nominations;
- d) Members must sign in to the designated ARNNL secure network with their registration number and password to cast their electronic ballot no later than fourteen (14) days prior to the annual general meeting or where an election is held to fill a vacancy no later than six (6) weeks from the close of nominations; and
- e) If there is an interruption of electronic service on the day designated for the close of the election, the Executive Director may extend the election for such period of time as he or she considers necessary to compensate for the interruption.

### Section 2

A member is eligible for election if:

- a) on the deadline for receipt of nominations, the member is a holder of an annual license to practise nursing and resides within the province; and
- b) on the deadline for receipt of nominations, the member is not the subject of an allegation or has not been found guilty of conduct deserving of sanction as defined in Section 18 of the Act; and
- c) the member has not served on the Council for a continuous period exceeding 9 years; and
- d) the person is not an employee of the Association of Registered Nurses of NL; and
- e) the practicing member meets the nomination criteria for that particular nursing domain or region.

### Section 3

- a) Each candidate for election shall be notified of the date that the ballots will be tabulated. The candidate may request an observer of their choice to be present during the tabulating of ballots. This observer shall not interfere with the process, but may be present to observe the process and report any perceived discrepancies.
- b) Only electronic ballots cast through the secure network prior to the designated close of the election shall be tabulated.
- c) An electronic ballot in which no vote is cast shall be spoiled.
- d) The Executive Director shall appoint an elections officer(s) whose duties shall be:
  - (i) to tabulate electronic ballots from the secure network;
  - (ii) to determine if a ballot is spoiled;
  - (iii) to report the results of the tabulated electronic ballots to the Chairperson of the Committee on Nominations.
- e) Each candidate shall be contacted by the chairperson of the Committee on Nominations or delegate to advise of the results. The chairperson or delegate shall present a report, to the annual meeting of the Association, on the

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nomination process and shall read the results of the elections or where an election was held to fill a vacancy, the results shall be communicated electronically to members. The results of the election shall be published in the next edition of ACCESS.

- f) Unless an alternate date is identified at the annual meeting, electronic ballots shall be deleted one (1) week post the annual meeting where results are announced. Generic demographic voting data shall be retained for trending analysis.

### Section 4

- a) In the event that a candidate withdraws during the nominations and election process the election will proceed according to the Guidelines for Nominations and Election Process.
- b) If only one candidate is nominated for election to a vacant office by the close of nominations, the nominee is elected by acclamation.
- c) In the event that there is more than one (1) candidate having an equality of votes for any one (1) position, there shall be an election, by ballot, at the annual meeting for such position, or where an election is held to fill a vacancy by a draw in accordance with the Guidelines for Nominations and Election Process.

### Section 5

The new officers and councilors shall take office following the annual meeting or where an election is held to fill a vacancy at the next meeting of Council.

### Section 6

In the event that a nominee withdraws from the election process or for any reason is unable to complete their term, the vacancy on Council shall be filled according to the Guidelines for Nominations and Election Process.

## Article X - Standards of Practice, Professional Ethics and Definitions Conduct Deserving of Sanction

### Section 1

Standards of Practice and Professional Ethics:

- (i) Registrants must conduct themselves in accordance with the standards of practice and code of ethics adopted from time to time by Council.
- (ii) The Canadian Nurses Association's *Code of Ethics for Registered Nurses* constitutes the code adopted by the Council except where it may contravene the Act, Regulations or Bylaws of the Association.
- (iii) Standards of practice include all Standards documents for RN and NPs approved by Council.

### Section 2

Conduct Deserving of Sanction: Interpretation of RN Act section 18(c)(i)-(v):

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a) **Professional misconduct**

Professional misconduct for the purposes sections 18 to 35 of the Act shall include conduct of a registered nurse while directly engaged in the practice of nursing or relevant to the practice of nursing that does not adhere to the Standards of Practice for Registered Nurses, Code of Ethics and other standards of the profession, or which contravenes the Act, Regulations or Bylaws of the Association or other statutes applicable to the practice of nursing. Professional misconduct may arise from one incident or a pattern of conduct. Examples of professional misconduct are attached at Appendix A.

b) **Professional incompetence**

Professional incompetence for the purposes of sections 18 to 35 of the Act means the demonstration by a registered nurse's care of one or more clients that he or she lacks reasonable knowledge, skill, judgment and/or lack of concern for the client's welfare to the extent that client safety was placed in jeopardy, or to an extent that the registered nurse is unfit to continue to practise, or that his or her practice should be restricted, or that the registered nurse should comply with one or more of the remedial measures which may be ordered pursuant to subsection 27(2) or 28(3) of the Act or required pursuant to section 23(1) or section 22(1). Professional incompetence may arise from one incident or a pattern of careless conduct. Examples of professional incompetence are attached at Appendix B.

c) **Conduct unbecoming a nurse**

Conduct unbecoming a registered nurse for the purposes of sections 18 to 35 of the Act means conduct outside the practice of a registered nurse that would be reasonably regarded by registered nurses as disgraceful, dishonourable or harmful to the standing or reputation of the nursing profession. Conduct unbecoming a registered nurse may arise from one incident or a pattern of conduct and does not require that the conduct be relevant to the practice of nursing. Examples of conduct unbecoming registered nurse are attached at Appendix C.

d) **Incapacity or unfitness to engage in the practice of nursing**

Incapacity or unfitness to engage in the practice of nursing for the purposes of sections 18 to 35 of the Act means that a registered nurse's physical or mental condition is such that it makes it desirable in the interest of the public that the registered nurse no longer be permitted to practise or that his or her practice should be restricted. Examples of incapacity or unfitness to engage in the practice or nursing are attached at Appendix D.

e) **Acting in Breach of the Act, the Registered Nurse Regulations or the Code of Ethics**

Acting in Breach of the Act, the Regulations or the Code of Ethics for the purposes of sections 18-35 of the Act means conduct by a registered nurse that is in breach of the Act, the Regulations or Bylaws of the Association including the



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Code of Ethics for registered nurses which is approved by Council under the Bylaws. Examples of acting in breach of the Act, the Regulations or the Code of Ethics are attached at Appendix E.

### **Article XI – Special Interest Groups**

The Association may recognize groups of registered nurses who have a common interest for professional development in a defined area of practice as an ARNNL Special Interest Group provided that their mandate supports ARNNL objects. Such groups shall operate independently of the Association and according to their own By-laws and constitution. Council may establish guidelines for ARNNL Special Interest Groups.

### **Article XII – Auditors**

#### **Section 1**

The auditors shall have access to all records, documents, books, accounts and vouchers of the Association and are entitled to require from the officers and employees of the Association such information as is necessary to enable them to report pursuant to the Act and generally as required by law.

#### **Section 2**

If between the times of the annual general meetings the auditors are unable to fulfill their duties as agreed or in the event Council is dissatisfied with the auditors, the Association shall call a special meeting of the Association to appoint an interim auditor to audit the accounts and report on the financial statements of the Association.

### **Article XIII – Financial Assistance Plan for Disciplinary Process – Repealed**

### **Article XIV – Reserve Funds**

The Council may establish reserve funds for specific purposes from time to time. The guidelines and criteria governing such funds shall be established in policy and reported to members in the audited financial statements at the annual general meeting.

### **Article XV – Trust Membership Fund – Repealed**

### **Article XVI – Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this Association in all cases to which they are applicable, and in which they are not inconsistent with the Act and Bylaws.

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**Article XVII – Repeal**

All Bylaws of the Association heretofore existing are hereby repealed.

## **Appendices (from Article X)**

### **Appendix A:**

Examples of professional misconduct include but are not limited to the following:

#### **1. Contravening a federal, provincial or other law**

##### **Contravening the Act, Regulations, Bylaws**

- a. Contravening a federal, provincial or other laws applicable to the practice of nursing (examples, Controlled Drug and Substances Act, Personal Health Information Act).
- b. Contravening or failing to comply with a term, condition or limitation on a license or registration with the Association.
- c. Failing to comply with any term or condition of an order made by an Adjudication Tribunal under section 27(2) or 28(3) of the Act or an Alternative Dispute Agreement made pursuant to section 23(1) or an Agreement made pursuant to section 22(1).
- d. Failing to report conduct deserving of sanction contrary to Section 20 of the Act.

#### **2. Contravening a standard of practice of the profession, or failing to comply with the code of ethics of the profession, or failing to meet the standard of practice of the profession.**

- a. Failure to maintain confidentiality.
- b. Breach of client privacy.
- c. Failure to take action to safeguard a client(s) if endangered by a co-worker or other person.
- d. Accessing records for persons outside circle of care.
- e. Failing to practise within scope of practice.
- f. Failure to advise supervisor of one's inability to accept a specific responsibility outside one's competency level.
- g. Abuse of a client inclusive verbal, physical or sexual.
- h. Practising the profession while impaired by drugs or alcohol.
- i. Tampering with medication.
- j. Misappropriate of medication.

#### **3. Prescribing (Nurse Practitioners)**

- a. Prescribing drugs for an improper purpose.
- b. Prescribing or dispensing drugs contrary to the Act, other legislation or the NP Standards are approved by Council.
- c. Prescribing to a client without establishing an appropriate nurse practitioner-client relationship.
- d. Practising without an arrangement with a physician for the purpose of consultation with respect to the care of a client contrary to Section 8(3) of the Registered Nurses Regulations.

**4. Responsibilities to Clients**

- a. Discontinuing professional services that are needed by a client unless,
  - (i) the client requests the discontinuation;
  - (ii) alternative professional services are arranged for the client; or
  - (iii) the client is given a reasonable opportunity to arrange alternative professional services.

**5. Responsibilities to the Association**

- a. Failing to cooperate and/or respond appropriately or within a reasonable time *without reasonable cause* to a written inquiry from the Council, Executive Director, or Director of Professional Conduct Review.

**6. Misrepresentations**

- a. Making a misrepresentation to the Council in an application for registration or licensure which misrepresentation may include an act of omission.
- b. Using a name other than the member's name, or variation thereof accepted by the Council, as set out in the applicable register under the Act, in the course of providing or offering professional services.

**7. Records and Documents**

- a. Failure to document the provision of client care.
- b. Falsifying a record/document relating to the member's practice.
- c. Creating or altering a record relating to the RNs/NPs practice other than in a manner consistent with the standards of nursing practice.
- d. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know is false or misleading.

**8. Boundary Violations, Impropriety, Abuse, or Sexual Misconduct in relation to a Client**

- a. Entering into financial or legal obligations for or on behalf of a client other than any such obligations related to the professional services provided by the member.
- b. Requesting, accepting or communicating with a patient/client via a social media application (example Facebook) that is not approved as a method/tool for patient/client communication via an authorizing mechanism (examples: employer/agency policy).
- c. Accepting from, or giving to, a client any gift or benefit of a substantial nature, whether monetary or in the form of property.
- d. Influencing a person to withdraw an allegation filed under Section 21 of the Act and/or contacting for the withdrawal of an allegation.
- e. Inappropriate comments or questions reflecting a lack of respect for client's dignity or privacy.
- f. Inappropriate assessment/examination procedures or the inappropriate provision of nursing care, reflecting a lack of respect for client's dignity or privacy.
- g. Abuse of a client including verbal, physical, emotional or financial.

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- h. Abuse/impropriety of a client, including but not limited to:
  - (i) engaging in sexual intercourse or other sexual activity or sexual touching with a client, or the attempt to engage in such activity;
  - (ii) engaging in sexual activity in the presence of a client;
  - (iii) the invitation to or encouragement of a client to engage in any sexual activity in the presence of the member;
  - (iv) sexual comments in relation to a client, verbal or written including in the social media;
  - (v) the invitation to or encouragement of a client to engage in any sexual activity to be recorded by or for the member, for the personal use of the member or of others, or the acceptance of such recorded material, whether or not with the client's purported consent.

### **9. Fees**

- a. Submitting an account or charge for services that the member knows is false or misleading.
- b. Failing to issue a statement or receipt for fee for services to a client or the person or agency who is to pay, in whole or in part, for the services if requested by a client, person or agency.

### **10. General**

- a. Practising the profession while the member is in a conflict of interest.
- b. Harassing and/or discriminating conduct.
- c. Directing a member, student or other health care team member to perform functions which he/she is not adequately trained or that he/she is not competent to perform.
- d. An act or omission made in the course of the practice of nursing that, having regard to all the circumstances, is contrary to a standard or expectation of professional conduct generally recognized by the nursing profession or generally recognized within the applicable nursing specialty, and which is harmful or potentially harmful to a client, to the public interest or to the nursing profession.

### **Appendix B:**

Examples of professional incompetence include but are not limited to the following:

- a. errors in assessing patients, and/or in planning, implementing and/or evaluating care and/or documentation;
- b. failure to use judgment in relation to individual competence when accepting and delegating and/or carrying out duties;
- c. failure to record significant changes in clients' conditions or failing to notify others of significant changes;
- d. incorrect assessment/examination procedures or incorrect provision of nursing care.

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### Appendix C:

Examples of conduct unbecoming a registered nurse include but are not limited to the following:

- a. conviction of a criminal act that would reasonably be regarded by registered nurses as disgraceful, dishonourable, or harmful to the standing or reputation of the nursing profession;
- b. Persistent or egregious conduct towards professional colleagues which is contrary to the codes of ethics.

### Appendix D:

Examples of incapacity of unfitness to engage in the practice of nursing include but are not limited to:

- a. impairment due to alcohol or substance abuse;
- b. excessive, unverified absenteeism from employment;
- c. physical or mental incapacity which is likely to be long term or permanent.

### Appendix E:

Examples of acting in breach of the Act, the Regulations or the Code of Ethics include but are not limited to:

- a. practising as a registered nurse or nurse practitioner in NL without a valid license;
- b. failing to comply with the Continuing Competency Program as set out in Section 12(1)(c) of the Registered Nurse Regulations;
- c. failing to pay the annual licensure fee or other fees in accordance with the Bylaws.

### Resources:

Association of Registered Nurses of Newfoundland and Labrador. (2000). *Professional Conduct Review Process*. St. John's: Author.

College of Physicians and Surgeons of Newfoundland and Labrador. (2010). Bylaw 5: *Code of Ethics*. St. John's: Author.

College of Nurses of Ontario. (2012). *Professional Conduct Professional Misconduct*. Ontario: Author.

Merriam Webster Online Dictionary. (2013). Available at <http://www.merriam-webster.com>

Institute for Safe Medication Practices. Medication Safety Alert. (2004). Available at [https://www.ismp.org/newsletters/acutecare/articles/A2Q0\\$Action.asp](https://www.ismp.org/newsletters/acutecare/articles/A2Q0$Action.asp)

Newfoundland and Labrador Association of Social Workers. (2012). *Definitions of Conduct Deserving of Sanction*. St. John's: Author.

# Bylaws of the Association of Registered Nurses of Newfoundland and Labrador

## **Schedule A:**

### **Table of Council approved amendments with date**

Interpretations – amended October 2013

Article I – Membership:

Section 2 amended November 2013

Section 3 amended October 2010

Section 6 new – added October 2014

Article II – Fees:

Section 1 amended April 2013

Section 2 (a), (b) and (c) amended June 2014 / 2(c) also amended October 2017

Section 2 (d) repealed October 2014

Section 4 amended October 2014

Article III – Council:

Section 1 & 2 amended and 3 repealed December 2008

Section 2(a)(i) & 2(b)(iii) amended June 2016

Article IV – Executive Committee:

Article V – Meetings:

Amended April 2009

Article VI – Registration:

Repealed - replaced by RN Regulations in June 2013

Article VII – Committees:

Amended December 2008

Section 2 (e) (iii) (b) amended October 2014

Section 2 (v) repealed February 2015

Article VIII – Board of Examiners:

Repealed – February 2015

Article IX – Elections and Voting:

Amended December 2008

Section 1 and Section 2 amended October 2014

Section 1 and Section 3 amended February 2015

Sections 1(c) & (d), 3(e), 4(a) & (c), 5 & 6 amended June 2016

Article X – Chapters:

Old article repealed September 2010

New article added – Standards of Practice, Professional Ethics and Definitions of Conduct Deserving of Sanction October 2013

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Article XI – Special Interest Groups:  
Amended June 2016

Article XII – Auditors:  
Amended September 2010

Article XIII – Financial Assistance Plan for Disciplinary Process:  
Repealed September 2010

Article XIV – Reserve Funds:  
Amended September 2010

Article XV – Trust Membership Fund:  
Repealed September 2010

Article XVI – Parliamentary Authority:

Article XVII – Repeal





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