



COLLEGE OF
REGISTERED NURSES
OF BRITISH COLUMBIA

Overview of

- Health Professions Act
- Nurses (Registered) and Nurse Practitioners Regulation
- CRNBC Bylaws

About this document

This document provides limited highlights of the *Health Professions Act*, the Nurses (Registered) and Nurse Practitioners Regulation, and CRNBC's bylaws. It also provides a snapshot of how CRNBC carries out some of its functions under the Act, Regulation and bylaws.

This document does not, itself, establish standards, limits or conditions for nurses' practice, or standards of professional ethics for nurses for the purposes of the *Health Professions Act*, the Regulation or the bylaws. The information presented here is not comprehensive. You should not rely on this document as the complete text of the Act, Regulation or bylaws, or as a complete statement of the law. [Other federal or provincial legislation](#) may be applicable to your practice.

Please also keep in mind that the Act, Regulation, bylaws and other applicable legislation may be amended from time to time, and that any errors or omissions in this document do not affect nurses' legal, professional or ethical obligations under the Act, Regulation, bylaws or other applicable legislation.

We encourage you to obtain legal advice, whenever appropriate, about your rights and obligations under the Act, Regulation, bylaws and other applicable legislation, and any particular effect they may have on you or your practice.



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INTRODUCTION

The College of Registered Nurses of British Columbia (CRNBC) is the self-governing regulatory body for registered nurses and nurse practitioners in British Columbia. Anyone who practises nursing in British Columbia as a registered nurse, licensed graduate nurse, employed student nurse or nurse practitioner must be registered with CRNBC and is subject to CRNBC's regulatory oversight.

CRNBC's authority comes from the provincial government through the *Health Professions Act* and the Nurses (Registered) and Nurse Practitioners Regulation.

- The *Health Professions Act* provides a common regulatory framework for the governance of health professions in British Columbia and gives CRNBC its mandate and powers. It also authorizes CRNBC to create and enforce bylaws and standards of practice and professional ethics.
- The Regulation sets out reserved titles and scope of practice for CRNBC registrants, including restricted activities for general and certified registered nurse practice as well as nurse practitioner practice.

DUTY AND OBJECTS OF CRNBC

Under the *Health Professions Act*, it is the duty of CRNBC to serve and protect the public at all times, and to exercise its powers and fulfill its responsibilities under all applicable legislation in the public interest. CRNBC's objects include:

- Establishing registration requirements for registered nurses and nurse practitioners;
- Establishing, monitoring and enforcing standards of professional ethics for registered nurses and nurse practitioners
- Establishing, monitoring and enforcing standards of practice to enhance the quality of practice and reduce incompetent, impaired or unethical practice by registered nurses and nurse practitioners;
- Establishing and maintaining a continuing competence program to promote high practice standards among registered nurses and nurse practitioners;
- Establishing a patient relations program with the goal of preventing professional misconduct of a sexual nature;
- Establishing and employing registration, inquiry and discipline procedures that are transparent, objective, impartial and fair;

- Promoting and enhancing
 - Collaborative relations with other health profession colleges, health authorities, other entities in the provincial health system, post-secondary educational institutions, and the provincial government,
 - Interprofessional collaborative practice between CRNBC registrants and members of other health professions, and
 - CRNBC registrants' ability to respond and adapt to changes in practice environments, advances in technology and other emerging issues.

CRNBC BYLAWS AND STANDARDS

The *Health Professions Act* gives the CRNBC Board the power to make bylaws governing both registrants and applicants for registration. As well, the Board has the power to make bylaws concerning the administration and operation of CRNBC. These powers include making bylaws to:

- Establish procedures to elect Board members;
- Establish procedures for Board meetings and for general meetings of registrants;
- Provide for mandatory payment of fees of a professional association, whether or not the registrant is a member of the association;
- Establish regulatory committees (such as the Registration Committee) and provide for their duties, powers and procedures;
- Establish classes of registration and the standards of academic achievement and other qualifications required for registration in each class;
- Give the Registration Committee the discretion to assess whether the knowledge, skills and abilities of an applicant for registration are substantially equivalent to the standards of academic achievement and other qualifications that CRNBC requires for registration;
- Establish procedures and requirements for annual renewal of registration;
- Establish a continuing competence and quality assurance program with requirements for meeting high practice standards and continuous professional development;
- Require registrants to maintain professional liability protection or insurance coverage;
- Regulate advertising and marketing activity by registrants.

CRNBC must file any amendments to its bylaws with the Minister of Health; these amendments will take effect unless the Minister disallows them.

Bylaw changes can also be initiated by the Minister of Health. He or she can ask CRNBC to repeal or amend an existing bylaw or to adopt a new bylaw. If CRNBC does not comply with such a request, the Minister (in most circumstances) has direct authority to repeal, amend or adopt a bylaw as requested.

The Board also has the authority to establish standards, limits and conditions for the practice of nursing and standards of professional ethics for CRNBC registrants. The Board has approved three types of documents setting out those standards: 1) Professional Standards, 2) Practice Standards and 3) Scope of Practice Standards (standards, limits and conditions). Section 19(8) of the *Health Professions Act* and section 8.01 of the bylaws require registrants to conduct themselves according to those standards.

The Act, Regulation and bylaws can be found online at www.crnbc.ca/CRNBC/RegulationOfNurses/Pages/Default.aspx

The standards of practice and professional ethics established by the Board can also be found online at www.crnbc.ca/Standards/Pages/Default.aspx

SCOPE OF PRACTICE AND TITLE PROTECTION

The *Health Professions Act* and the Regulation address, among other things, title protection and scope of practice, including “restricted activities.”

Scope of Practice

The Regulation states that registrants may practise nursing. It defines nursing as the health profession in which a person provides the following services:

- Health care for the promotion, maintenance and restoration of health,
- Prevention, treatment and palliation of illness and injury, primarily by
 - Assessing health status
 - Planning, implementing and evaluating interventions
 - Coordinating health services
- Medical assistance in dying (as permitted under the *Criminal Code of Canada*)

The Regulation also details those authorized professional activities, known as “restricted activities,” that registered nurses and nurse practitioners can carry out in the course of practising nursing.

More information about scope of practice can be found online in CRNBC’s Scope of Practice Standards at www.crnbc.ca/Standards/RNScopePractice/Pages/Default.aspx (RN Scope of Practice) and www.crnbc.ca/Standards/NPScopePractice/Pages/Default.aspx (NP Scope of Practice)

The Regulation also empowers CRNBC to approve certification programs for restricted activities listed in section 8(1) of the Regulation. More information about certified practice can be found at www.crnbc.ca/Standards/CertifiedPractice/Pages/Default.aspx

Title Protection

Section 3 of the Regulation reserves the following protected titles. These titles may be used only by registrants of CRNBC:

- Nurse*
- Registered nurse
- Licensed graduate nurse
- Nurse practitioner
- Registered nurse practitioner

A registrant may use a restricted title only if he or she is a member of a class of registrants entitled to use that title. As well, a registrant may use the title only in a manner permitted under Part 4 of the bylaws.

* Note that the generic title “nurse” is also used by licensed practical nurses and registered psychiatric nurses.

For more information, see the CRNBC Practice Standard on Appropriate Use of Titles at www.crnbc.ca/Standards/PracticeStandards/Pages/titles.aspx

Under the *Health Professions Act*, it is an offence for a person to use a protected title unless he or she is registered with CRNBC or another authorized health profession college. The maximum penalty for this offence is a fine of up to \$2,000, imprisonment for up to six months or both. Anyone can also apply to the Supreme Court of British Columbia for an order to prevent another person from using a title in contravention of the Act and Regulation.

CRNBC OPERATIONS

General Operations

CRNBC’s Board is responsible for governing, controlling and administering the affairs of the organization in accordance with the Act, the Regulation and CRNBC’s bylaws. The Board consists of nine registrants who are elected by CRNBC’s membership, plus five public representatives who are appointed by the provincial government.

The Registrar is the Chief Executive Officer (CEO) of CRNBC and is responsible for the organization’s operations (subject to Board policy and direction and the requirements of the Act, Regulation and bylaws). As noted above, the Board has the power to make bylaws for the administration and operation of CRNBC. Parts 1 and 2 of the bylaws address these topics and include provisions relating to:

- Nominating and electing Board members;
- Determining the composition of the Board;
- Filling the offices of the board chair and vice-chair;

- Establishing committees;
- Determining procedures for meetings of the Board, a committee, or a panel of a committee;
- Remunerating Board and committee members;
- Establishing proceedings at annual and special general meetings;
- Defining the role of the Registrar/CEO;
- Overseeing the financial administration of CRNBC;
- Mandatory fee collection on behalf of a professional association.

CRNBC Committees

Many important regulatory and administrative functions are conducted by CRNBC committees. Committees include:

- Registration Committee
- Inquiry Committee
- Discipline Committee
- Quality Assurance Committee
- Finance and Audit Committee
- Education Program Review Committee
- Nominations Committee
- Nurse Practitioner Standards Committee
- Nurse Practitioner Examination Committee
- Certified Practices Approval Committee

The Act includes specific provisions governing the powers, duties and procedures of the Registration Committee, the Inquiry Committee, the Discipline Committee and the Quality Assurance Committee.

The Regulation requires that NP standards be approved by the Board, as recommended by the Nurse Practitioner Standards Committee, before NPs are allowed to perform the autonomous restricted activities granted to NPs in the Regulation. CRNBC bylaws authorize this committee to recommend NP standards to the CRNBC Board.

CRNBC bylaws and policies further address the procedures governing committees, including their composition, their mandates and related matters. For additional information about committees, visit www.crnbc.ca/crnbc/Board/Pages/Default.aspx

Privacy and Information

The *Health Professions Act* generally requires CRNBC to preserve confidentiality with respect to matters arising in the exercise of its powers or the performance of its duties, except when disclosure is necessary to exercise the power or to perform the duty, or if the Board authorizes disclosing information because it is in the public interest to do so.

The Act also requires CRNBC to maintain a register that includes the following information about each registrant:

- Name, business address and business telephone number;
- Class of registration;
- Any limits and conditions imposed on the registrant’s practice under the Act; and
- A notation of each revocation or suspension of registration.

Members of the public are allowed to access information about a registrant that is recorded in the register unless that access could threaten the registrant’s safety, or the person seeking access is doing so for commercial purposes.

CRNBC is also subject to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and related provisions in Part 3 of CRNBC’s bylaws. FOIPPA regulates the collection, use and disclosure of personal information by “public bodies,” including CRNBC. It also gives members of the public the right to request access to records of a public body, with various exceptions.

REGISTRATION AND RENEWAL

Part 4 of CRNBC’s bylaws establishes the classes of registration listed below. It also sets the conditions and requirements to become registered and to maintain registration in each class:

- Registered nurse
- Temporary registered nurse
- Licensed graduate nurse
- Nurse practitioner
- Temporary nurse practitioner
- Grandparented nurse practitioner
- Provisional
- Non-practicing
- Grandparented student
- Employed student

Registered Nurse and Nurse Practitioner Registration

Applicants for registration as a registered nurse or nurse practitioner who graduate from a recognized education program in B.C. must successfully complete the required examination(s) and provide evidence of good character and fitness to practise.

The Education Program Review Committee reviews entry-level nursing education programs and recommends to the CRNBC Board that it recognize a particular program. The graduates of recognized programs attain the entry-level competencies and standards of practice approved by the Board. The list of recognized nursing education programs is in Schedule C of the CRNBC bylaws.

Applicants who are currently registered in another Canadian jurisdiction or elsewhere may also be eligible for registration in B.C.:

- Applicants who are registered nurses in another Canadian jurisdiction may be eligible for registration under the *Labour Mobility Act* and the Agreement on Internal Trade. However, applications for nurse practitioner registration are currently exempt from the *Labour Mobility Act*.
- Applicants who are not registered elsewhere in Canada and who have completed their education outside of Canada may be eligible for registration if they can demonstrate that they have knowledge, skills and abilities that are substantially equivalent to requirements in B.C. Such applicants must still complete the required examination(s) and provide evidence of good character and fitness to practise.

Provisional Registration

Provisional registration may be used for those who are applying for registration or reinstatement or renewal of their registration under certain circumstances in accordance with section 20(4.3) of the *Health Professions Act* and section 4.11 of the bylaws. For example, an applicant for initial registration may be granted provisional registration prior to completing required examination(s), supplementary coursework, or other required upgrading of knowledge, skills or abilities. An applicant for renewal who fails to meet practice hours requirements or other quality assurance requirements may also be granted provisional registration to allow them to complete those requirements.

Provisional registration is subject to any limits or conditions on practice that may be imposed by the Registration Committee.

Temporary Registration

An applicant registered in another Canadian jurisdiction may be granted temporary registration in B.C. for up to 90 days to allow him or her to provide services at a conference or other time-limited event, or as an instructor or participant in a clinical education program.

Nurses from other jurisdictions may also be granted temporary registration to provide services in an emergency situation.

Students

CRNBC does not require students who are in a recognized registered nurse education program to be registered while they are students and providing services to fulfill the conditions or requirements of their educational program. However, if a student wishes to work as an employed student nurse during or between the terms of the educational program, he or she must be registered with CRNBC as an employed student.

For additional information about registration classes, visit www.crnbc.ca/WhatNursesDo/TypesOfNurses/Pages/Default.aspx

QUALITY ASSURANCE

Registered nurses, licensed graduate nurses and nurse practitioners must comply with the requirements of CRNBC's Quality Assurance Program (QAP) as outlined under Part 5 of the bylaws and QAP policy.

All registrants must confirm that they meet the requirements of CRNBC's Quality Assurance Program when they renew their registration each year, and they must complete professional performance assessments in accordance with criteria established by the Board, at intervals required by the QA Committee. Registrants who do not complete their quality assurance requirements may be denied registration renewal, or they may be granted provisional registration to allow them to complete any outstanding requirements.

Information about CRNBC's Quality Assurance Program can be found at www.crnbc.ca/QA/Pages/Default.aspx

DUTY TO REPORT

Under the *Health Professions Act*, CRNBC registrants and other health professionals regulated under the Act have a duty to report to CRNBC or another college if they have good reason to believe that another regulated health professional's practice is impaired or incompetent and may pose a danger to the public.

Registrants also have a duty to report if they have good reason to believe that another health professional has engaged in sexual misconduct. However, if this belief is based on information from a client, the registrant must first obtain the client's consent before making a report. If the client does not have the capacity to consent to health care treatment, registrants must obtain the consent of the client's parent, guardian or substitute decision-maker.

An employer also has a duty to report to CRNBC if they end a registrant's employment or revoke, suspend or impose restrictions on the registrant's privileges due to a belief that the continued practice of the nurse might constitute a danger to the public.

The Act protects those who make a report in good faith from legal liability in circumstances where they have a legal duty to report under the Act.

CRNBC's Duty to Report Practice Standard further addresses the legal and ethical duties of registrants to report concerns about incompetence or impaired practice or unethical conduct of other regulated health professionals. That Practice Standard can be found at www.crnbc.ca/Standards/PracticeStandards/Pages/dutyto report.aspx

INVESTIGATIONS AND DISCIPLINE

Under Part 3 of the *Health Professions Act* and Part 6 of the bylaws, CRNBC's Inquiry Committee has the power and duty to investigate and resolve complaints about the professional conduct or competence of registrants, including their compliance with CRNBC standards of practice and professional ethics. The Committee may also start an investigation on its own initiative under section 33(4) of the Act.

The Inquiry Committee usually delegates the conduct of investigations to inspectors who are given the power to collect the evidence needed. It is an offence for any person to obstruct an inspector who is lawfully investigating a complaint.

After an investigation, the Inquiry Committee may decide to either take no further action on the matter, seek consensual resolution between the Committee and the registrant, take other appropriate action to resolve the matter between the registrant and the complainant, or direct the matter to the Discipline Committee for a hearing.

A matter might be resolved consensually by the registrant agreeing not to repeat the conduct, to complete educational courses, or to consent to a reprimand. The registrant might also agree to limits or conditions being imposed on his or her registration.

If a complaint cannot be resolved consensually or by taking other appropriate action, the Inquiry Committee may refer the matter to CRNBC's Discipline Committee for a hearing.

In extraordinary circumstances, the Inquiry Committee also has authority to temporarily suspend a registrant or impose limits or conditions on the registrant's practice while a matter is being investigated or pending a hearing. The Inquiry Committee can take this step only if it considers such temporary action to be necessary to protect the public. The Discipline Committee may take the same action, for the same reasons, during a hearing. A registrant may appeal a decision to take such temporary action to the Supreme Court of British Columbia.

If the Discipline Committee determines after a hearing that a registrant has breached CRNBC's standards of practice or professional ethics, or that the registrant has otherwise committed professional misconduct or incompetently practised nursing, the Committee may do any or all of the following:

- Reprimand the registrant;
- Impose limits or conditions on the registrant's practice;
- Suspend or cancel the registrant's registration;

- Impose a fine up to a maximum of \$35,000.

The Discipline Committee may also require the registrant to pay a portion of CRNBC's hearing costs.

Either CRNBC or the registrant may appeal a decision of the Discipline Committee to the Supreme Court of British Columbia.

PATIENT RELATIONS

CRNBC's patient relations program establishes expectations for the nurse-client relationship and seeks to protect clients from abuse, including but not limited to sexual misconduct. The nurse-client relationship is fundamental to professional practice; is based on trust, respect and intimacy; and requires the appropriate use of power. Registrants are expected to exercise good professional judgment in all situations in which they interact with clients.

Standards governing the nurse-client relationship can be found in CRNBC's Practice Standard on Boundaries in the Nurse-Client Relationships at www.crnbc.ca/Standards/PracticeStandards/Pages/boundaries.aspx

REGISTRANT RECORDS

CRNBC registrants who are employed by health authorities or other provincial public bodies are subject to the requirements of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) concerning the collection, use and disclosure of personal information. Among other things, those requirements apply to health care records within the custody or control of a public body, including nursing records containing a client's personal health information.

CRNBC registrants who work in the provincial private sector may be subject to the requirements of the *Personal Information Protection Act* (PIPA) concerning the collection, use and disclosure of personal information.

CRNBC registrants who work in federal public and private sectors face similar rules under the *Access to Information Act* (ATIA) and the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

Part 7 of CRNBC's bylaws establishes further rules concerning the collection, use, retention, disclosure and storage of client records by CRNBC registrants, as well as client access to records.

PROFESSIONAL LIABILITY PROTECTION

Section 8.02 of the bylaws requires all registrants (other than non-practicing registrants) to have professional liability protection (PLP) for negligence in the provision of nursing services for at least \$1 million per claim. Nurse practitioners are required to have coverage of at least \$5 million per claim.

The Canadian Nurses Protective Society (CNPS) provides professional liability protection up to a \$10 million limit per year per RN or NP. CRNBC registrants automatically become beneficiaries of

CNPS upon initial registration, and this status is renewed annually at registration renewal. The cost of PLP is bundled with the registrants' initial registration and registration renewal fees.

Additional information about professional liability protection for CRNBC registrants can be found at www.crnbc.ca/PracticeSupport/liability/Pages/Default.aspx.

MARKETING

Section 8.04 of the bylaws regulates advertising and other marketing activity by CRNBC registrants. Among other things, this section prohibits registrants from taking part in marketing activity that is inaccurate, misleading, or unverifiable, or which is offensive, self-laudatory, or otherwise contrary to the honour and dignity of the profession. Section 8.04 also prohibits registrants from making unauthorized use of the terms “specialist” or “certified” or a similar term that suggests recognized special status or certification; however, registrants may indicate that they are restricted to practising in a particular area of practice.

HEALTH PROFESSIONS REVIEW BOARD

The Health Professions Review Board (HPRB) is an administrative tribunal established under Part 4.2 of the *Health Professions Act* with authority to independently review certain decisions of CRNBC and other health profession colleges regarding registration of members and the investigation and resolution of complaints.

With some exceptions, applicants for registration who are denied registration by the Registration Committee, or who have limits or conditions imposed on their registration, may apply to the HPRB for a review of the Committee's decision. Review applications may be resolved through the HPRB's mediation process, or they may be referred for a written or oral hearing by a panel of the HPRB. The panel may confirm the Registration Committee's decision, or it may refer the matter back to the Committee for reconsideration with directions.

An HPRB panel may direct the Registration Committee to grant registration to an applicant, but only in very exceptional circumstances, either on the basis that the registrant is entitled to registration in B.C. under the *Labour Mobility Act* (because of his or her registration in another province), or where all three of the following conditions are met:

- The Committee failed to act fairly in considering the registration application;
- The decision was made arbitrarily, in bad faith, or for an improper purpose, or was based entirely or predominantly on irrelevant factors, or failed to take the requirements of the *Health Professions Act* and bylaws into account; and
- The panel is satisfied that the applicant's knowledge, skills and abilities are substantially equivalent to those expected of a graduate of a recognized nursing education program, and that the applicant meets any other applicable registration requirements under CRNBC's bylaws.

On application by a complainant, the HPRB may review decisions by the Inquiry Committee to take no further action on a complaint against a registrant, or to resolve the complaint consensually by agreement with the registrant. In considering such applications, an HPRB panel may conduct a written or oral hearing process to review the adequacy of the Inquiry Committee's investigation and the reasonableness of its disposition of the complaint.

A complainant or registrant may also ask the HPRB to review a delay by the Inquiry Committee in completing an investigation within the time frame specified in the Act.

Additional information about the HPRB, its Rules of Practice and Procedure, and its prior decisions may be found on the HPRB's website at www.hprb.gov.bc.ca