

## NSCN Fitness to Practice Committee Terms of Reference



In accordance with the requirements of the *Nursing Act*, S.N.S. 2019, c.8, and the by-laws made thereunder, the NSCN Board shall appoint a Fitness to Practise Committee composed of:

- At least one (1) public representative;
- At least one (1) registrant from each designation regulated by the College; and
- Such other number of registrants and public representatives as the Board determines.

### **Committee Membership\***

- Committee composition will be based on the pool of members for the First Instance Committees<sup>1</sup> which will consist of at least eighteen (18) members, including a minimum of:
  - Five (5) licensed practical nurses;
  - Six (6) registered nurses;
  - Three (3) nurse practitioners; and
  - Four (4) public representatives.

The Board shall appoint a Chair and a Vice Chair of the Fitness to Practise Committee.

### **Panel Membership**

Upon receipt of a referral the Chair will appoint a panel of at least three members to act as the Fitness to Practise Committee, including at least:

- One (1) public representative;
- One (1) registrant with the same designation as the registrant; and
- One (1) other person as determined by the Chair.

### **Term of Office**

Committee members hold office for one (1), two (2) or three (3) year terms as directed by the Board, and are eligible for reappointment.

Where a proceeding is commenced before a panel of the Fitness to Practice Committee and the term of office of a member sitting on the Committee expires, that member may remain part of the panel until the proceeding is concluded.

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<sup>1</sup> First Instance committees include the Registration and Licensing Committee, Complaints Committee, Fitness to Practise Committee, and Practice Review Committee.

Registrant members who have a complaint filed against them shall recuse their membership on the Committee unless the Chair determines otherwise.

### **Quorum**

Pursuant to the *Nursing Act* and the By-Laws, a quorum of the panel shall consist of three (3) Committee members including at least one public representative.

All decisions require the vote of the majority of the panel.

### **Mandate**

The Fitness to Practise Committee is established by the *Nursing Act* to exercise the powers and functions as provided for in the Act and By-Laws, including, without limitation the following activities:

- To consider matters referred to the Committee and take such steps as the appointed panel considers appropriate within the scope of the authority granted to it under the Act, By-Laws and policies;
- Where the CEO has determined the registrant meets the eligibility criteria for the fitness to practise process and the CEO and registrant agree to terms and conditions to allow the registrant to continue in or resume practice, consider the approval of such terms and conditions.
- Upon request from the CEO, convene a meeting at any time during the fitness to practise process, to consider a registrant's progress, or to hear the CEO's request for the registrant's removal from the process.
- Upon request from a registrant, where the registrant has advised the CEO that they intend to seek to return to practice, or that they seek to remove or vary any terms and/or conditions to which they are currently subject, convene a meeting where the Committee may:
  - Approve the registrant's return to practice subject to such terms and conditions as the panel deems appropriate and to which the registrant agrees;
  - Vary the terms and conditions under which a registrant is practicing, if the registrant agrees; or
  - Deny the return to practice or variation request and refer the registrant back to the CEO.
- Retain jurisdiction over the matter until terms and conditions of practice agreed upon by the Committee have been met or the matter has been referred back to the CEO.

In addition the Committee Chair, or Vice Chair acting as chair in the absence of the Chair:

- Directs the selection of a panel of Committee members.
- Acts as Chair of the panel, or where the Chair does not sit on the panel, directs the appointment of one of the panel members to serve as Chair.

The Chair of the panel is responsible for chairing meetings of the panel, and ensuring any required decisions are complete and include sufficient reasons.

### **Criteria for Membership**

- Committee members will demonstrate the values, attributes, knowledge, and skills outlined in the *NSCN Competency Profile for Regulatory Committee Members* (Appendix “A”).
- No committee member may be a member of the NSCN Board or an employee of NSCN.

### *\*Additional Criteria for Registrant Members\*:*

- A registrant must hold a licence at the time of initial appointment to the Committee (the time they are first appointed to the Committee, not including any reappointments).
- Registrants whose licences expire while serving on the Committee, who do not renew those licences, remain eligible to serve on the Committee until the expiry of their term.
- Such registrants may be eligible for reappointment if the overall composition of the Committee ensures sufficient numbers of licensed registrants are available to meet the requirements of the By-laws.
- Generally, a registrant who has not held a licence for a period of five years, will not be eligible for reappointment.

### *Additional Skills for Chair and Vice Chair:*

- **Committee Leadership:** Understanding of and experience in facilitating meetings, developing a positive culture, conflict resolution, building consensus and fostering effective decision making.
- **Trauma and Culturally Sensitive Decision-Making:** Understanding and sensitivity to the effects of stress or potential stress on individuals involved in regulatory processes and ability to create safe spaces and trust-building processes that are also culturally sensitive.

Approved: June 5, 2019  
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## Appendix “A”

### NSCN Competency Profile for Regulatory Committee Members

#### Committee Members – Registrants and Public Representatives

In order to support strong decision-making in the public interest, every committee member will demonstrate the following values and attributes:

- i. **Commitment to engage with role:** Willingness to learn and ability to devote time to committee meetings
- ii. **Information analysis and judgement:** Be able to review large amounts of written material within set timelines and use the information to analyze and support good decision making
- iii. **Integrity:** Being honest, trustworthy, and open about your opinions
- iv. **Collaboration:** Ability to work effectively with others
- v. **Commitment to fostering inclusivity:** Working towards an environment in which everyone feels valued, can fully participate and is treated with respect and dignity
- vi. **Objectivity:** Making justifiable decisions based on evidence and good information to best fulfill the committee’s public interest mandate
- vii. **Communication:** Have strong interpersonal communication skills, including the ability to articulate a perspective and engage in respectful, productive, and sometimes difficult discussions.

Every committee member will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Health Professions Regulation:** Understanding of the role and philosophy of health profession regulators, the public protection mandate of NSCN, the applicable legislation, regulations, bylaws and policies, and the core work of NSCN and its committees
- ii. **Confidentiality:** Understanding of the need to protect the privacy and confidentiality of the information reviewed by the committee
- iii. **Cultural Safety and Humility:** Understanding and practice of ongoing learning, appreciation, and respect for unique perspectives, cultural contexts, power imbalances and biases in deliberation and decision-making
- iv. **Procedural Fairness:** Understanding of administrative law principles, and using consistent and sound judgement to make decisions in accordance with procedural fairness principles
- v. **Conflicts of interest:** Understanding and ability to identify conflicts of interest

In order to reflect the communities that NSCN serves, and the context within which those communities receive healthcare, all committee members will be asked (not required) to identify whether they bring any of the following diverse background and perspectives:

- i. **Indigenous Identity:** First Nations, Inuk/Inuit, Métis, Mi'kmaq, Other Nationhood
- ii. **Cultural Diversity:** A variety of cultural backgrounds and experiences, including being a member of a historical Nova Scotian Community, such as African/Black Nova Scotian, Acadian and Gael/Gaelic
- iii. **Gender Diversity:** Includes non-binary, gender non-conforming, gender queer, trans-experience and other gender identities
- iv. **Ability Diversity:** Lived experience navigating a spectrum of physical, mental or cognitive abilities
- v. **Age Diversity**
- vi. **Practice Diversity (Registrants):** Includes practice experiences, backgrounds, specialties and locations

### Committee Members – Chairs and Vice Chairs

In addition to the competencies required of committee members, every committee Chair and Vice Chair will demonstrate the following knowledge and skills:

- i. **Committee Leadership:** Understanding of and experience in facilitating meetings, developing a positive culture, conflict resolution, building consensus and fostering effective decision making
- ii. **(For adjudicative committee Chairs): Holding Hearings:** Knowledge and experience of participating in and/or chairing hearings within a legislative framework, including an understanding of the principles of administrative law and procedural fairness
- iii. **(For adjudicative committee Chairs): Decision Writing:** knowledge and experience in writing defensible decisions

Every committee Chair and Vice Chair will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Trauma and Culturally Sensitive Decision-Making:** Understanding and sensitivity to the effects of stress or potential stress on individuals involved in regulatory processes and ability to create safe spaces and trust-building processes that are also culturally sensitive.