



## **PLEASE NOTE**

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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**CHAPTER R-8.1**  
**REGISTERED NURSES ACT**

INTERPRETATION

1. In this Act	Definitions
(a) “approved school of nursing” means (i) a school of nursing in the province that is approved under section 20, or (ii) a school of nursing in another jurisdiction that is approved as a school of nursing in that jurisdiction by the regulatory body that has authority or responsibility to do so;	approved school of nursing
(b) “Association” means the Association of Registered Nurses of Prince Edward Island;	Association
(c) “bylaw” means a bylaw of the Association;	bylaw
(d) “complaint” means a complaint filed under section 25;	complaint
(e) “Council” means the Council established under section 7;	Council
(f) “Department” means the Department of Health and Wellness;	Department
(g) “Executive Director” means the Executive Director of the Association appointed pursuant to section 8;	Executive Director
(h) “former Act” means the <i>Nurses Act</i> R.S.P.E.I. 1988, Cap. N-4;	former Act
(i) “license” means, unless the context indicates otherwise, a license issued under section 14;	license
(j) “licensed practical nurse” means a licensed practical nurse as defined in the <i>Licensed Practical Nurses Act</i> R.S.P.E.I. 1988, Cap. L-10.1;	licensed practical nurse
(k) “member” means, unless the context indicates otherwise, a person registered as a member of the Association;	member
(l) “member in good standing” means a member (i) who either (A) is an associate member, as determined by the bylaws, or (B) is not in any way disqualified or made incapable of engaging in the practice of a registered nurse, and (ii) who has paid any assessments, fees, dues, rates and penalties that are payable under this Act, the regulations or the bylaws;	member in good standing
(m) “Minister” means the Minister of Health and Wellness;	Minister

nurse practitioner	(n) “nurse practitioner” means a registered nurse who holds a license that is endorsed with a nurse practitioner’s endorsement;
nurse practitioner’s endorsement	(o) “nurse practitioner’s endorsement” means an endorsement made under section 15 on a license;
permit	(p) “permit” means a permit issued under section 17;
permit holder	(q) “permit holder” means a person who holds a permit;
practice of a nurse practitioner	(r) “practice of a nurse practitioner” means the practice in which a nurse practitioner may, in accordance with any standards of practice for nurse practitioners established or adopted in the bylaws, <ul style="list-style-type: none"> <li>(i) diagnose or assess a disease, disorder or condition, and communicate the diagnosis or assessment to the client,</li> <li>(ii) order and interpret screening and diagnostic tests,</li> <li>(iii) select, prescribe and monitor the effectiveness of drugs, subject to subsection 12(3), and</li> <li>(iv) order the application of forms of energy;</li> </ul>
practice of a registered nurse	(s) “practice of a registered nurse” means the performance of professional services requiring specialized knowledge of nursing theory and the biological, physical, behavioural, psychological and sociological sciences as the basis for <ul style="list-style-type: none"> <li>(i) assessment, planning, intervention and evaluation in <ul style="list-style-type: none"> <li>(A) the prevention of illness and the promotion and maintenance of health,</li> <li>(B) the facilitation of the management of illness, injury or infirmity,</li> <li>(C) the restoration of optimum function, or</li> <li>(D) the provision of palliative care; and</li> </ul> </li> <li>(ii) research, education, management or administration incidental to the objectives referred to in subclause (i);</li> </ul>
professional misconduct	(t) “professional misconduct” includes <ul style="list-style-type: none"> <li>(i) engaging in the practice of a registered nurse or the practice of a nurse practitioner while suspended,</li> <li>(ii) engaging in the practice of a registered nurse or a nurse practitioner while impaired or incapacitated,</li> <li>(iii) doing any act that contravenes <ul style="list-style-type: none"> <li>(A) a provision of this Act or the regulations,</li> <li>(B) a provision of the bylaws, including a provision of any code of ethics or set of professional standards of practice established or adopted by the bylaws,</li> </ul> </li> <li>(iv) failing to respond to or cooperate with the Executive Director, the Professional Conduct Review Committee or an investigator in relation to a complaint,</li> </ul>

- (v) disclosing information without proper authorization or consent,
- (vi) falsifying or concealing records directly or indirectly related to the provision of health services, or
- (vii) abusing a person verbally, physically, emotionally or sexually;

- (u) “recognized nurse practitioner education program” means a program that is recognized by the Council under section 21; recognized nurse practitioner education program
- (v) “Register” means the Register kept pursuant to subsection 9(2); Register
- (w) “registered nurse” means a person who is registered or deemed to be registered as a member under subsections 2(2) and 13(1); registered nurse
- (x) “Registrar” means the Registrar of the Association appointed under section 9; Registrar
- (y) “Review Committee” means the Professional Conduct Review Committee appointed under section 24; Review Committee
- (z) “student nurse” means a student nurse who is enrolled in an approved school of nursing; student nurse
- (aa) “student nurse practitioner” means a student nurse who is enrolled in a recognized nurse practitioner education program. 2004,c.15,s.1; 2009,c.73,s.2; 2010,c.31,s.3. student nurse practitioner

## PART I ASSOCIATION

2. (1) The Association of Nurses of Prince Edward Island continued under the former Act is continued under this Act as a body corporate under the name of “the Association of Registered Nurses of Prince Edward Island” and is vested with all of the rights and assumes all of the obligations of the Association of Nurses of Prince Edward Island. Continuation of Association

(2) Every person who, immediately before the date this section comes into force, is a member of the Association of Nurses of Prince Edward Island, is deemed, on the date this section comes into force, Deemed initial membership, registration and licenses

- (a) to be a member of the Association of Registered Nurses of Prince Edward Island and to be registered as a member under this Act until October 31, 2005, unless the person sooner ceases to be registered under this Act; and
- (b) if the person holds a license under the former Act immediately before the date this section comes into force, to hold a license under this Act until October 31, 2005, unless the license that is deemed to be held is sooner revoked under this Act.

Membership on registration	(3) Every person who is registered under this Act is a member of the Association, unless the person subsequently ceases to be registered under this Act. 2004,c.15,s.2.
Property	<b>3.</b> The Association may acquire, hold and enjoy any property, moveable or immovable, by gift or legacy, or otherwise, and may sell, lease or otherwise dispose of the same. 2004,c.15,s.3.
Head office	<b>4.</b> The Association shall have its head office in Charlottetown. 2004,c.15,s.4.
Member in good standing	<b>5.</b> (1) No individual is entitled to attend, speak or vote at any meeting of the Association, to be elected to the Council or to hold any other office in the Association unless that individual is a member in good standing.
Exceptions	(2) Notwithstanding subsections (1) and 11(2), any public representative or student nurse appointed to the Council pursuant to subsection 7(2) may vote at meetings of the Council and at meetings of the members of the Association. 2004,c.15,s.5.
Objects of Association	<b>6.</b> The objects of the Association are <ul style="list-style-type: none"> <li>(a) to regulate the practice of nursing in the province through education, registration, licensing and maintenance of professional conduct standards;</li> <li>(b) to establish, monitor and enforce professional standards to enhance the quality of nursing practice;</li> <li>(c) to protect the public from, and to strive to eliminate practice by, incompetent, impaired, incapable and unethical practitioners of nursing;</li> <li>(d) to maintain, improve and advance the standards of nursing practice in the province;</li> <li>(e) to assist members to engage in quality nursing practice;</li> <li>(f) to work in collaboration with other health professions towards the improvement of health services;</li> <li>(g) to promote research in nursing; and</li> <li>(h) to promote health. 2004,c.15,s.6.</li> </ul>
Council	<b>7.</b> (1) The affairs of the Association shall be governed by a Council.
Composition	(2) The Council shall be composed of <ul style="list-style-type: none"> <li>(a) not less than 11 members in good standing of the Association elected in the manner provided in the bylaws;</li> <li>(b) one public representative, who is not a member of the Association, appointed by the Minister; and</li> <li>(c) one student nurse, who is enrolled in an approved school of nursing in the province, appointed by the members of the Council referred to in clause (a).</li> </ul>

- (3) The public representative referred to in clause (2)(b) may be chosen by the Minister from a list of persons provided by the Council. Public representative
- (4) A majority of the members of the Council constitutes a quorum at a meeting of the Council. Quorum
- (5) Members of the Council shall be elected or appointed to office, as the case may be, for a term of two years and may be re-elected or reappointed. Term of office
- (6) A member of the Council ceases to hold office if, Termination
- (a) in the case of any member of the Council,
    - (i) the member resigns by notice in writing delivered to the Executive Director, and
    - (ii) the Council accepts the resignation; or
  - (b) in the case of an elected member of the Council, the member
    - (i) ceases to be a member of the Association, or
    - (ii) ceases to be a member in good standing.
- (7) Where an elected member of the Council ceases to hold office before completing the member's term, the Council may appoint a new member who shall hold office for the unexpired portion of the original term. Completion of term
- (8) The persons who, immediately before the date this section comes into force, are members of the council established under the former Act are deemed, on the date this section comes into force, to be the members of the Council referred to in clause (2)(a) until the election of Council members next following the date this section comes into force. 2004,c.15,s.7. Initial Council members
- 8.** (1) The Council shall appoint an Executive Director of the Association and shall determine the term of office and the duties of the Executive Director. Executive Director
- (2) The Executive Director may delegate any function assigned to the Executive Director by this Act, the regulations or the bylaws. 2004,c.15,s.8. Delegation
- 9.** (1) The Council shall appoint a Registrar of the Association and may determine the term of office and the duties of the Registrar. Registrar
- (2) The Registrar shall keep or cause to be kept a Register in which shall be entered the name and address of every person who has met the qualifications for registration as a member under this Act. Register
- (3) The Registrar may delegate any function assigned to the Registrar by this Act, the regulations or the bylaws. 2004,c.15,s.9. Delegation

Bylaws	<p><b>10.</b> (1) The Council may make bylaws, not inconsistent with this Act, respecting the efficient administration of the business and affairs of the Association, including bylaws respecting</p> <ul style="list-style-type: none"> <li>(a) the election or appointment and remuneration and duties of officers and such persons or employees as the Association may contract with or employ;</li> <li>(b) the time, place and conduct of the meetings and proceedings of the Association and the role and duties of the Council;</li> <li>(c) the affiliation of the Association with other associations or organizations to promote the interests of the Association;</li> <li>(d) the fees to be paid to the Association with respect to examinations or membership and licenses;</li> <li>(e) the classifications of membership, including associate members, and the rights and obligations applicable thereto;</li> <li>(f) the procedures for election of members of the Council and officers of the Association;</li> <li>(g) the composition and mandate of committees not created by the Act or the regulations;</li> <li>(h) the establishment or adoption of <ul style="list-style-type: none"> <li>(i) a code of ethics, and</li> <li>(ii) professional standards of practice.</li> </ul> </li> </ul>
Ratifications and effect	<p>(2) No bylaw made under subsection (1), including a bylaw amending or revoking another bylaw, comes into effect until</p> <ul style="list-style-type: none"> <li>(a) a notice of the bylaw is given in writing to all voting members of the Association at least six weeks prior to the annual or special meeting of members at which the bylaw is to be considered; and</li> <li>(b) at least two-thirds of the voting members of the Association present at the meeting vote in favour of the bylaw.</li> </ul>
Inspection of bylaws	<p>(3) The bylaws shall be kept at the head office of the Association and any member may inspect them at any reasonable time without charge. 2004,c.15,s.10.</p>

## PART II MEMBERSHIP AND LICENSING

Classifications of membership	<p><b>11.</b> (1) The membership of the Association shall be composed of the classifications that are established by the bylaws.</p>
Listing members	<p>(2) Members in good standing have the right to vote at meetings of the Association. 2004,c.15,s.11.</p>
Practice of a registered nurse	<p><b>12.</b> (1) No person shall engage in the practice of a registered nurse unless the person</p> <ul style="list-style-type: none"> <li>(a) holds a license;</li> <li>(b) is a permit holder; or</li> </ul>

(c) is engaging in the practice of a registered nurse as a student nurse.

(2) No person shall engage in the practice of a nurse practitioner unless the person

Practice of a nurse practitioner

- (a) has a nurse practitioner's endorsement; or
- (b) is engaging in the practice of a nurse practitioner as a student nurse practitioner.

(3) No person who

- (a) is a nurse practitioner; or
- (b) is engaging in the practice of a nurse practitioner as a student nurse practitioner,

Giving prescriptions—authorization required

shall give a prescription for any drug or class of drugs unless the person has first been authorized to do so by the Minister under section 14.1 of the *Pharmacy Act* R.S.P.E.I. Cap. P-6. 2004,c.15,s.12.

**13.** (1) Subject to this section, the Registrar shall, on the application of a person, register the person as a member if the person

Registration

- (a) is
  - (i) a graduate from an approved school of nursing in the province, or
  - (ii) registered as a registered nurse in another jurisdiction;
- (b) has
  - (i) the educational qualifications required by the regulations, and
  - (ii) successfully completed the examinations approved by the Council;
- (c) has paid the fees prescribed by the bylaws; and
- (d) has satisfied all other requirements for registration as set out in the regulations.

(2) The Registrar may defer the decision on the registration of an applicant who is involved in a pending or ongoing discipline or professional conduct proceeding in another jurisdiction until that proceeding has been completed.

Pending discipline proceeding

(3) A nurse who has been suspended, or is otherwise restricted in or disqualified from practising nursing in another jurisdiction by reason of illness, incapacity, professional misconduct, dishonesty or incompetence, is not entitled to be registered under this section until such time as the suspension, restriction or disqualification has been removed in the other jurisdiction.

Person not entitled to be registered

(4) The Council may require an applicant to provide evidence, as determined by the Council, to establish that the applicant is competent to be registered, and the Council may direct an applicant to take further education and examinations. 2004,c.15,s.13.

Evidence

License	<p><b>14.</b> (1) The Registrar shall, on application, issue a license to an applicant if the applicant</p> <ul style="list-style-type: none"> <li>(a) is registered as a member;</li> <li>(b) satisfies all licensing requirements set out in the regulations;</li> <li>(c) pays the fees required by the bylaws;</li> <li>(d) does not have a registration or license in another province that is suspended or revoked at the time of the application; and</li> <li>(e) has not been refused a new license in a decision of the Review Committee under section 31.</li> </ul>
Conditions	<p>(2) The Council may attach such conditions as it considers appropriate to a license. 2004,c.15,s.14.</p>
Nurse practitioner's endorsement	<p><b>15.</b> (1) The Registrar shall, on application, endorse a license with a nurse practitioner's endorsement if the applicant</p> <ul style="list-style-type: none"> <li>(a) is registered as a member;</li> <li>(b) has successfully completed a recognized nurse practitioner education program;</li> <li>(c) pays the fees required by the bylaws; and</li> <li>(d) satisfies any endorsement requirements set out in the regulations.</li> </ul>
Record of endorsements	<p>(2) The Registrar shall keep, or cause to be kept, a record of all nurse practitioner endorsements made. 2004,c.15,s.15.</p>
Expiry of license	<p><b>16.</b> (1) A license and a nurse practitioner's endorsement expire on the date specified by the Registrar on the license or endorsement.</p>
<i>Idem</i>	<p>(2) The date of expiry specified on a license or a nurse practitioner's endorsement by the Registrar may not be more than 12 months after the day on which the license is issued, or the endorsement is made, as the case may be. 2004,c.15,s.16.</p>
Permit	<p><b>17.</b> (1) Where a person</p> <ul style="list-style-type: none"> <li>(a) has applied for registration, but does not meet all the requirements in subsection 13(1);</li> <li>(b) has the minimum qualifications for a permit as set out in the regulations; and</li> <li>(c) pays the fees required by the laws,</li> </ul> <p>the registrar may, subject to subsection (2), issue to the person one or more permits, each to expire on the date specified by the Registrar on the permit, on such conditions as the Registrar may determine.</p>
Six months maximum	<p>(2) The duration or term of the permits issued to one person under subsection (1) may not exceed six months in total.</p>
Record of permits	<p>(3) The Registrar shall keep, or cause to be kept, a record of all permits issued.</p>

(4) A permit holder is subject to the same procedures and powers of discipline under this Act as is a member and has the same rights in disciplinary proceedings. 2004,c.15,c.17. Discipline of permit holders

**18.** (1) No person shall use the designations “Nurse”, “Registered Nurse”, “R.N.”, “RN”, or “Reg. N.”, either alone or in combination with other words, letters or descriptions to imply that the person is entitled to engage in the practice of a registered nurse, unless the person is a registered nurse or holds a permit. Designations

(2) No person shall use the designations “Nurse Practitioner”, “NP”, “RNNP”, or “RN(NP)”, with or without periods following any of these letters, either alone or in combination with other words, letters or descriptions to imply that the person is entitled to engage in the practice of a nurse practitioner, unless the person is a nurse practitioner. 2004,c.15,s.18. Idem

### PART III EDUCATION

**19.** The Council shall appoint an Education Committee to advise and make recommendations to the Council with respect to Education Committee

- (a) education regulations made or authorized under this Act;
- (b) standards for nursing education courses and programs;
- (c) reviewing periodically the curricula offered by schools of nursing;
- (d) addressing programs or curricular components which do not meet the minimum standards as established by the Association; and
- (e) such other matters as the Council may direct. 2004,c.15,s.19.

**20.** (1) A school of nursing in the province may be approved for the purposes of this Act by the Minister, after consultation with the Council, if Approved schools of nursing

- (a) it is under the direction of a dean of nursing who is a member and has the qualifications required by the regulations;
- (b) it has an instructional staff composed of members who have the qualifications required by the regulations; and
- (c) it meets the other standards for schools of nursing required by the regulations.

(2) The approval of a school of nursing that is given under subsection (1) may be revoked by the Minister, if the Minister, after consultation with the Council, is satisfied that the school of nursing does not meet the standards required by the regulations. 2004,c.15,s.20. Revocation of approval

Recognized nurse practitioner education program **21.** The Council may, for the purpose of this Act, recognize a nurse practitioner education program offered by an approved school of nursing. 2004,c.15,s.21.

Examinations **22.** The Council shall appoint a Board of Examiners to examine and report to the Council on issues including and related to the development and writing of examinations of applicants for registration in the Association, and to conduct such activities and perform such functions as may be specified in the regulations. 2004,c.15,s.22.

#### PART IV PROFESSIONAL CONDUCT REVIEW

Definitions **23.** In this Part,

member (a) “member” means, unless the context indicates otherwise,  
(i) a person registered as a member of the Association, and  
(ii) a person who is a permit holder;

respondent (b) “respondent” means a member who is the subject of a complaint. 2004,c.15,s.23.

Professional Conduct Review Committee **24.** (1) The Council shall, in accordance with the regulations, appoint a Professional Conduct Review Committee to inquire into, investigate, hear and decide complaints and the consequences of the conduct of members.

Chairperson (2) The Council shall appoint a chairperson of the Review Committee from among the members of the Review Committee.

Panels (3) The Review Committee may, in accordance with the regulations, appoint or establish panels to perform the duties and exercise the powers of the Review Committee.

Authority of panel (4) A panel of the Review Committee may act on behalf of the Review Committee with respect to any complaint, and a decision made by a panel is a decision of the Review Committee. 2004,c.15,s.24.

Complaint **25.** Any person may file with the Executive Director a written complaint alleging professional misconduct, conduct unbecoming the profession of nursing, incompetence, incapability or lack of fitness to practise by a member, but the complaint need not refer specifically to any of these phrases. 2004,c.15,s.25.

Frivolous complaints **26.** (1) The Executive Director may dismiss any complaint which the Executive Director believes is frivolous or vexatious, but a complainant may request the Council to reconsider such a dismissal, and the Council may allow the complaint to proceed or may confirm the decision of the Executive Director.

(2) Any two persons from among the Association's President, President-elect, Executive Director and Registrar may suspend the license or permit of a member with immediate effect, for a period not to exceed 10 working days, where there is a likely a risk of harm or injury to any person receiving nursing services from the member and there is apparent need for urgent intervention.

Temporary suspension or conditions

(3) The persons who suspend the license or permit of a member under subsection (2) shall forthwith file a complaint under section 25 against the member.

Complaint

(4) The Council shall review any suspension made pursuant to subsection (2) within 10 days of the date the suspension was imposed, and may impose a further suspension where the Council has reason to believe that a further suspension is required to prevent harm or injury to any person receiving nursing services from the member. 2004,c.15,s.26.

Review

**27.** (1) At any time until a resolution of a complaint is reached, the Executive Director or the Review Committee may attempt to mediate the complaint or may refer the complaint to a mediator for mediation.

Mediation

(2) The mediator shall

Report

- (a) conduct the mediation of a complaint in accordance with the regulations; and
- (b) after resolving the complaint or determining that mediation is unlikely to resolve the complaint, provide a report of the results of the mediation to the chairperson of the Review Committee. 2004,c.15,s.27.

**28.** (1) Where a complaint is not

Referral of complaint to Committee

- (a) dismissed by the Executive Director under section 26; or
- (b) referred to a mediator under section 27,

the Executive Director shall, in accordance with the regulations, refer the complaint to the Review Committee.

(2) Where a complaint is referred to the Review Committee, the chairperson of the Review Committee shall refer the complaint to an investigator for an investigation.

*Idem*

(3) Where an investigator of a complaint is a member of the Review Committee, the investigator may not, after conducting an investigation, sit as a member of the Review Committee or a panel of the Review Committee, during the conduct of a formal inquiry into the complaint. 2004,c.15,s.28.

Where investigator is a member of Review Committee

**29.** (1) On receipt of a complaint from the chairperson of the Review Committee, an investigator shall

Investigation

- (a) conduct an investigation into the complaint in accordance with the regulations; and
  - (b) on completing the investigation, submit a written report of the investigation to the Review Committee.
  
- Decision
  - (2) On receipt of the report of an investigation, the Review Committee shall review the report and, following that review, the Review Committee may
    - (a) dismiss the complaint;
    - (b) conduct a formal inquiry into the complaint in accordance with this Act and the regulations; or
    - (c) refer the complaint to a mediator, if mediation has not already been attempted. 2004,c.15,s.29.
  
- Hearing
  - 30.** (1) Where the Review Committee decides to conduct a formal inquiry into a complaint, the Review Committee shall,
    - (a) as soon as possible, fix a date, time and place for holding a hearing; and
    - (b) in accordance with the regulations, send a notice of the hearing to the complainant, the respondent and such other interested parties as the Review Committee considers appropriate.
  
- Representative, disclosure and submissions
  - (2) In a formal inquiry before the Review Committee, the respondent has the right to
    - (a) be represented by legal counsel or another representative;
    - (b) disclosure of
      - (i) the complaint,
      - (ii) any written report of the investigator provided to the Review Committee, and
      - (iii) any other document to be presented as evidence to the Review Committee at the formal inquiry; and
    - (c) a reasonable opportunity to present evidence and make submissions, including the right to cross-examine witnesses.
  
- Rules of Evidence
  - (3) The Review Committee is not bound by strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11.
  
- Decision
  - (4) After considering the evidence presented at a hearing, the Review Committee shall determine whether
    - (a) the complaint should be dismissed; or
    - (b) the respondent suffered or suffers from incapacity or is guilty of professional misconduct, conduct unbecoming the profession, incompetence, incapability or lack of fitness to practise, as the case may be.
  
- Assessment
  - (5) The Review Committee may, after it has decided to hold a formal inquiry into a complaint, require the respondent to submit to a physical,

psychological, mental or other assessment, including a clinical assessment of the respondent's nursing practice, as the Review Committee determines is required, where the Review Committee has reasonable grounds to believe that the respondent

- (a) is incompetent;
- (b) is suffering from a mental or physical condition; or
- (c) has a dependence on alcohol, drugs, or other chemical substances that impairs the respondent's ability to practise nursing.

(6) The person who conducts an assessment shall provide a written Report to the chairperson of the Review Committee within 10 days of the assessment being completed. 2004,c.15,s.30.

**31.** (1) Where the Review Committee determines that a member was or is incapacitated or guilty of any of the matters alleged in a complaint, the Committee shall determine and impose an appropriate penalty. Disciplinary penalty

(2) A penalty imposed on a member under subsection (1) may include *Idem* any one or more of the following:

- (a) a reprimand;
- (b) a fine payable to the Association;
- (c) a requirement that the member pay to the Association all or part of the expenses of the Association, including legal expenses, in respect of the investigation and adjudication of the complaint;
- (d) conditions to be attached to the license or permit of the member including, but not restricted to, the completion of an addiction treatment or education program;
- (e) suspension of the license, permit, or the nurse practitioner's endorsement;
- (f) a refusal to issue a new license or permit to the member;
- (g) revocation of the license or permit of the member;
- (h) dismissal of the member from the Association and the revocation of the member's registration.

(3) Where the Review Committee determines that a complaint against a member should be dismissed, the Review Committee shall dismiss the complaint. 2004,c.15,s.31. Dismissal of complaint

**32.** The Review Committee shall report the outcome of a complaint to the respondent, the complainant and to the Council, and the Council may, in its discretion, disclose information respecting the outcome. 2004,c.15,s.32. Report

**33.** All proceedings prior to formal inquiry shall be closed to the public, and the formal inquiry may be closed to the public, unless the chairperson of the Committee determines that the public interest requires Private proceedings

that the formal inquiry, or a part of it, shall be open to the public. 2004,c.15,s.33.

Appeals Committee **34.** (1) The Council shall, in accordance with the regulations, appoint an Appeals Committee.

Notice of appeal (2) Where  
 (a) a license or permit is suspended pursuant to subsection 26(4); or  
 (b) following a formal inquiry, the Review Committee decides to impose on a member a disciplinary penalty referred to in clauses 31(2)(d) to (h),  
 the member may appeal the decision to the Appeals Committee by filing a written notice of appeal, setting forth the grounds of the appeal and the relief sought, not later than 20 days from the date that the report of the Review Committee is delivered to the member.

Appeals conducted in accordance with regulations (3) An appeal shall be conducted by the Appeals Committee in accordance with the regulations.

Decision (4) Upon hearing an appeal, the Appeals Committee may confirm, vary or reverse the decision appealed from. 2004,c.15,s.34.

#### PART V GENERAL

Regulations **35.** Subject to the approval of the Lieutenant Governor in Council, the Association may make regulations relating to matters associated with entitlement to practise, licenses, permits, standards of practice and professional conduct or for any purpose authorized by this Act and, in particular, regulations respecting  
 (a) the minimum standards required to be met by any school of nursing for approval under section 20, including standards relating to the qualifications of instructors, content of curricula, and all other things and matters deemed necessary to fix and determine the nursing educational capability of a nursing school;  
 (b) the educational qualifications of applicants for registration;  
 (c) the examination of applicants for registration;  
 (d) the qualifications required of a dean of a school of nursing;  
 (e) the approval and continued monitoring of schools of nursing;  
 (f) the revocation of the approval of approved schools of nursing;  
 (g) the licenses and permits, including the establishment of requirements or qualifications for the issuance of licenses and permits;  
 (h) the registration of members;  
 (i) the participation of members in programs of continuing education, including, but not limited to, continuing competence and refresher programs;

- (j) the investigation of a complaint, including the appointment of an investigator;
- (k) the review of the professional conduct of members and permit holders and the imposition of penalties, including the revocation or suspension of licenses or permits;
- (l) the Review Committee, including
  - (i) the appointment of the Review Committee and the appointment or establishment of panels of the Review Committee,
  - (ii) the procedures to be followed by the Review Committee or a panel of the Review Committee, and
  - (iii) the powers of the Review Committee, or a panel of the Review Committee, to issue subpoenas for witnesses and documents;
- (m) the reporting and publication of decisions in professional conduct review matters;
- (n) the mediation of complaint, including the appointment of the mediator;
- (o) the Appeals Committee, including
  - (i) the appointment of the Appeals Committee, and
  - (ii) the conduct of appeals by the Appeals Committee;
- (p) nurse practitioners including, but not limited to, their scope of practice and the establishment of requirements or qualifications for a nurse practitioner's endorsement; and
- (q) the mandatory reporting by members and permit holders of professional conduct matters to the Association. 2004,c.15,s.35.

**36. (1) Every person who**

Offence

- (a) engages in the practice of a registered nurse while his or her license or permit is suspended;
- (b) engages in the practice of a registered nurse without complying with all of the conditions attached to his or her license or permit;
- (c) knowingly furnishes false information in any application or proceeding or in any statement or document required to be furnished under this Act or the regulations;
- (d) intentionally damages, destroys or withholds any information required to be kept or produced by or under this Act or the regulations;
- (e) intentionally discloses confidential information where such disclosure is not authorized by the Council or required by law; or
- (f) otherwise contravenes this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000, or to imprisonment for a term of not more than six months, or to both.

**(2) This Act does not prohibit**

Exception

- (a) a legally qualified nurse of another province

- (i) to accompany and care for a patient who is travelling or temporarily residing in this province, or
- (ii) to provide advice to a patient in this province by telephone or electronic means,

if such person does not hold himself or herself out as a registered nurse or a permit holder authorized to practise in this province;

- (b) a licensed practical nurse to practise as a licensed practical nurse;
- (c) a person to care for a member of his or her family;
- (d) a medical practitioner to practise medicine;
- (e) a dentist to practise as such and to attend to his or her patients;
- (f) any person who is employed, in regular or temporary service, or in emergency service, to give care to a patient, if such person does not hold himself or herself out as a registered nurse or a permit holder authorized to practise in this province; and
- (g) a person to care for or render assistance to another person in an emergency situation.

Prosecution,  
limitation period

(3) No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed. 2004,c.15,s.36.

Proof of contents of  
Register

**37.** Where proof of registration or want of registration under this Act is required, a copy or an extract from the Register, or a statement from the Registrar under the seal of the Association and the signature of the Registrar, shall be sufficient evidence of the contents of the Register without it being necessary to produce the original. 2004,c.15,s.37.

Confidentiality

**38.** The Council may determine that any information in the possession of the Association, including information acquired during professional conduct review proceedings, is confidential and shall not be disclosed without permission of the Council, or as required by law. 2004,c.15,s.38.

Pending complaints

**39.** All complaints made under the former Act that have not been decided and are pending on the date this section comes into force shall be dealt with by the Discipline Committee appointed pursuant to the former Act, as though this Act had not come into force. 2004,c.15,s.39.

Liability

**40.** The Association, its Council, committees, panels, officers, and employees shall not be liable for any loss or damage suffered or incurred by any person as a result of anything done or not done, or any proceedings taken or not taken, in good faith pursuant to this Act or the regulations. 2004,c.15,s.40.

Limitation

**41.** No action shall be brought against a registered nurse or a permit holder for negligence or malpractice in the practice of his or her profession except within two years from the date the alleged negligence or malpractice occurred. 2004,c.15,s.41.

**42.** The *Nurses Act* R.S.P.E.I. 1988, Cap. N-4, is repealed. Repeal  
2004,c.15,s.42.