

## CONSULTATION February 2009

### CONSULTATION DRAFT February 2009

#### An Act to Amend the Registered Nurses Profession Act

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

**1 This Act amends the *Registered Nurses Profession Act*.**

#### Section 1 amended

**2(1) The definition of “annual certificate” in section 1 is repealed and replaced with the following**

"annual licence" means a licence issued under section 10; « *licence annuel* »"

**(2) The definition of “Association” in section 1 is amended by adding the expression “continued under section 2” at the end of the definition.**

**(3) The definition of “board” in section 1 is amended by adding the expression “continued under section 4” at the end of the definition.**

**(4) The definition of “bylaws” in section 1 is amended by adding the expression “made under section 6” at the end of the definition.**

**(5) Section 1 is amended by adding the following**

“‘member’ means a member of the Association according to subsection 2(2); « *membe* »

“nurse practitioner” means a person whose name appears on the register and who holds an annual licence as a member in a class prescribed for nurse practitioners; « *infirmière praticienne* »

“nurse practitioner practice advisory committee” means the nurse practitioner practice advisory committee established under

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section 13.2; « »”

(6) **The definition of “nursing” in section 1 is amended by repealing the expression “knowledge or services for compensation” and replacing it with the expression “knowledge, skills, and judgment”.**

(7) **The definition of “nursing education program” in section 1 is amended by repealing the expression “examination prescribed by the board to qualify as a registered nurse” and replacing it with the expression “an examination established or approved by the board to qualify as a registered nurse or a nurse practitioner”.**

(8) **Section 1 is amended by adding the following**

““practice of a nurse practitioner” means the practice of a nurse practitioner according to subsection 13.1(2); « *exercice de la profession d’infirmière praticienne* »

“practice of a registered nurse” means the practice of a registered nurse according to subsection 13.1(1); « *exercice de la profession d’infirmière praticienne* »”

(9) **The definition of “register” in section 1 is amended by repealing the expression “pursuant to this Act” and replacing it with the expression “under section 8”.**

(10) **The definition of “registered nurse” in section 1 is amended by adding the expression “and who holds an annual licence as a member in a class prescribed for registered nurses” at the end of the definition.**

(11) **The definition of “registrar” in section 1 is amended by repealing the expression “pursuant to this Act” and replacing it with the expression “under section 4”.**

(12) **Section 1 is amended by adding the following**

““respondent” means a member or former member whose conduct or competence is the subject of an inquiry or an appeal under this

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*Act; « intime »*

“temporary permit holder” means a person whose name appears in the record of temporary permits established under subsection 11(3) and who holds a temporary permit. « *titulaire de permis temporaire* »”

### Section 2 amended

**3 Section 2 is amended by adding the following subsection**

“(2) The membership of the Association consists of registered nurses, nurse practitioners, temporary permit holders, and persons entered in other prescribed classes of membership.”

### Section 3 amended

**4(1) Paragraph 3(a) is amended by repealing the expression “registered nurses” and replacing it with the expression “members”.**

**(2) Paragraphs 3(b) to (d) are repealed and replaced with the following**

“(b) developing, maintaining, and enforcing standards for members in the areas of knowledge and skill, qualification and practice, and professional ethics.”

### Section 5 amended

**5 Section 5 is repealed and replaced with the following**

“Registered office

5(1) The board shall designate a place to be the Association's registered office at which documents may be served on or delivered to the Association and at which people may inspect the register and the bylaws and regulations made by the board.

(2) The board shall file with the registrar of societies appointed under the *Societies Act* notice of the location of the Association's registered office. “

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### Section 6 amended

**6(1) Paragraph 6(1)(b) is amended by repealing the expression “the how” and replacing it with the expression “how”.**

**(2) Subsection 6(1) is amended by adding the following**

“(h.1) develop and maintain standards for the practice of nursing and nursing education;”

**(3) Paragraph 6(1)(l) is repealed and replaced with the following**

“(l) establish and regulate examinations and other prerequisites and approve examinations and other prerequisites established by another nursing regulatory body in Canada for qualifying as a registered nurse or a nurse practitioner;

(l.1) establish procedures for the discipline of members or former members, including the resolution of complaints by consent, and for appeals against decisions of a discipline committee;”

### Section 7 amended

**7(1) Subsection 7(1) is amended by adding the expression “not inconsistent with this Act” after the expression “regulations”.**

**(2) Paragraph 7(1)(a) is amended by repealing the expression “renewal of registration” and replacing it with the expression “renewal of membership, annual licensing”.**

**(3) Paragraph 7(1)(c) is amended by repealing the expression “and rosters of the Association”.**

**(4) Paragraphs 7(1)(d) to (f) are repealed.**

**(5) Subsection 7(1) is further amended by adding the following**

“(g.1) govern the functions, duties and powers of the nurse practitioner advisory committee, including such matters as the term and remuneration of individuals appointed to the committee, frequency of meetings, reporting

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requirements or any requirement to obtain input into its decisions by members of the Association, the public or others.”

### Sections 8 to 10 amended

**8 Sections 8 to 10 are repealed and replaced with the following**

“Registration

8(1) The registrar shall maintain a register and, on payment of the fee established in the bylaws, enter in the register the name of every applicant who qualifies for registration according to the regulations.

(2) The registrar shall approve an application for registration if the registrar is satisfied that the applicant qualifies for registration.

(3) The registrar shall refuse an application for registration if the registrar is not satisfied that the applicant qualifies for registration.

(4) The registrar shall give the decision to refuse registration in writing and shall send to the applicant a copy of the written decision by certified mail or personal service.

### Classes of members

9 For each applicant whose name is entered in the register, the registrar shall enter in the register the class of membership in which the applicant qualifies for registration.

### Annual licences

10 The registrar shall, in accordance with the regulations, issue an annual licence to an applicant who

(a) meets the requirements or conditions prescribed by this *Act* and the regulations for registration or annual licensing as a registered nurse or a nurse practitioner;

(b) pays the annual fee established in the bylaws; and

(c) is not currently under suspension or

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disqualification from the practice of nursing in any jurisdiction.”

### Section 11 amended

9(1) Subsection 11(1) is amended by repealing the expression “When a person” and replacing it with the expression “If an applicant”.

(2) Subsection 11(1) is further amended by adding the expression “in accordance with the regulations,” after the expression “permit”.

(3) Paragraph 11(2)(b) is amended by repealing the expression “any restriction on” and replacing it with the expression “the type of and any restriction on,”.

(4) Subsection 11(4) is repealed.

### Section 12 amended

10 Section 12 is repealed and replaced with the following

”Appeal of refusal of registration

12(1) The board shall establish a registration appeal committee.

(2) The applicant may, by written notice, appeal a refusal of registration or annual licensing to the registration appeal committee.

(3) The registration appeal committee may make any decision about the application that the registrar could have made.

(4) The registration appeal committee shall give its decision in writing and shall send to the applicant a copy of the written decision by certified mail or personal service.

(5) If the registration appeal committee decides that the applicant is entitled to be registered or issued an annual licence, the committee shall direct the registrar to implement its decision.”

### Sections 13.1 to 13.4 added

11 The following sections are added

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### “Authority to practice

13.1(1) A registered nurse is entitled to practise nursing within a scope of practice that is determined by the board to be appropriate for registered nurses based on the requirements under this *Act*.

(2) Subject to section 13.3, a nurse practitioner is entitled to practise nursing within a scope of practice set out in paragraphs 13.4(a) to (d) or as authorized by the board under paragraph 13.4(e), subject to exceptions, conditions or restrictions determined by the board to be appropriate for a nurse practitioner, based on the educational preparation and national competencies for nurse practitioners in Canada.

(3) A temporary permit holder is entitled to practise within the scope of the practice of a registered nurse or a nurse practitioner, or both, as set out in the permit.

### Nurse practitioner practice advisory committee

13.2(1) A nurse practitioner practice advisory committee is established to be appointed by the board in accordance with this section.

(2) The purpose of the committee is to make recommendations to the board in respect of

(a) procedures to be authorized by the board under paragraph 13.4(e) that a nurse practitioner is entitled to perform in addition to those set out in paragraphs 13.4(a) to (d); and

(b) exceptions, conditions or restrictions to be placed on the scope of practice authorized for and expected of a nurse practitioner.

(3) In carrying out its purpose, the committee shall take into consideration

(a) the scope of practice and recognized competencies for nurse practitioners in other Canadian jurisdictions; and

(b) any submissions made to it regarding the proposed scope of practice, whether the

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submission is made by a member of the Association, a member of the public or other person.

(4) The committee shall consist of at least 6 people appointed by the board as follows

(a) up to 3 people shall be appointed who are members of the Association or nurse practitioners licensed to practise as such in a jurisdiction in Canada;

(b) at least 1 person shall be appointed who is a member of the medical profession as defined in the *Medical Profession Act*, who has familiarity with Yukon and knowledge of the practice of nurse practitioners;

(c) at least 1 person shall be appointed who has the right to practise the profession of pharmacist in a jurisdiction in Canada who has familiarity with Yukon and knowledge of the practice of nurse practitioners; and

(d) at least 1 person shall be appointed who is nominated by the Minister responsible for the *Health Act*.

(5) The board shall appoint one of the committee members as the chair and one of the committee members as the vice chair. The chair shall preside at meetings of the committee and if the chair is unable at any time to exercise their powers under the *Act* or regulations, the vice chair may act in the place of the chair.

(6) Subject to this *Act* and any regulation made under paragraph 7(1)(g.1), the committee may determine its own procedures.

(7) Quorum of the committee shall be 3 members consisting of 1 member appointed under paragraphs 4(b), (c) or (d) and 2 members appointed under paragraph 4(a) however, no quorum exists unless

(a) the chair or vice chair acting for the chair, is present; and

(b) all members present who would otherwise constitute the quorum are in agreement that they together possess the requisite expertise

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and knowledge of the substantive area related to the scope of practice of nurse practitioners that is at issue in the meeting.

(8) A vacancy in one of the 6 positions on the committee for a period of less than 60 days does not prevent it from functioning provided the requirements for quorum are met. If a vacancy occurs for 60 days or more, then despite the fact that quorum is met, the committee is prevented from functioning until the vacancy is filled.

(9) Subject to the provisions of subsection (7), every matter before the committee shall be determined by the opinion of the majority of the members of the committee present at a meeting. If there is an evenly divided opinion among the members including the vote of the chair or the vice-chair acting for the chair, the matter shall be decided in accordance with the vote of the chair or the vice chair acting for the chair.

Recommendations of the committee to be considered

13.3(1) The board shall make a determination as to procedures to be authorized under paragraph 13.4(e) that a nurse practitioner is entitled to perform in addition to those set out in paragraphs 13.4(a) to (d) and the exceptions, conditions or restrictions appropriate for a nurse practitioner under subsection 13.1(2) only after considering the recommendations of the nurse practitioner practice advisory committee on the matter.

(2) If, after receiving and considering a recommendation of the committee, the board makes a final determination referred to in subsection (1) that conflicts with a recommendation of the committee, the board shall provide notice to the committee and the Minister responsible for the *Health Act*.

(3) Upon receiving the notice under subsection (2), the Minister shall review the determination.

(4) As part of the review, the Minister shall consult with the board and may undertake such

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other consultations as the Minister considers necessary following which the Minister may

(a) confirm the determination of the board, in which case the board may implement the determination; or

(b) refer the determination back to the board for reconsideration on such terms and conditions as the Minister considers appropriate.

(5) The board shall provide to the Minister in writing its determination following reconsideration of the matter under paragraph 4(b).

(6) If the Minister is not in agreement with the board's determination under paragraph 4(b) and the Minister is of the view that the matter in respect of which there is disagreement involves a substantial question of public interest, the Minister and the board shall make best efforts to resolve the matter and may agree to refer it to mediation or other alternative dispute resolution process.

(7) If, following the process referred to in subsection (6), the Minister and the board have not reached agreement on the matter, the Minister may make the final determination on the matter and the board shall implement the Minister's decision.

### Nurse practitioner practice

13.4 Subject to exceptions, conditions or restrictions determined by the board under subsection 13.1(2) to be appropriate for a nurse practitioner, a nurse practitioner is entitled to

(a) make diagnoses to identify diseases, disorders, or conditions;

(b) communicate a diagnosis;

(c) order or interpret screening and diagnostic tests;

(d) select, recommend, supply, prescribe, or monitor the effectiveness of drugs and

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treatments; or

(e) perform other procedures authorized by the board.”

### Sections 14 to 16 amended

**12 Sections 14 to 16 are repealed and replaced with the following**

“Restricted titles

14(1) No person, except a registered nurse, shall use the title "Registered Nurse" or the designation “Reg. N.” or "R.N." or any other title, designation, description, or abbreviation to imply that they are a registered nurse.

(2) No person, except a nurse practitioner, shall use the title “Nurse Practitioner” or “Registered Nurse Practitioner” or the designation “Reg. N.P.” or “N.P.” or any other title, designation, description, or abbreviation to imply that they are a nurse practitioner.

Prohibition

15 No person shall practise nursing except

(a) a registered nurse, nurse practitioner, or temporary permit holder;

(b) a student nurse enrolled in a school of nursing in Canada which offers a nursing education program approved by a nursing regulatory body in the province in which the program is offered, who is required to practise nursing as part of the program, and who practises nursing in Yukon as part of the program.

Exception – medical transport

16 Despite sections 14 and 15, a person who is licensed to practise as a nurse in another province or country may, without being a member, practise nursing in Yukon under any title, designation, description or abbreviation that they are authorized to use in the other province or country if

(a) the person is employed or engaged to

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perform nursing services that require the nurse to travel in or out of Yukon;

(b) the person is licensed to perform the nursing services in the other province or country; and

(c) the person does not represent that they are a member. “

### Section 17 amended

**13 Subsection 17(1) is repealed and replaced with the following**

“Action to collect remuneration

17(1) No person shall bring an action in any court to collect fees, compensation, or other remuneration for nursing services unless they were, at the time the services were performed

(a) a registered nurse, nurse practitioner, or temporary permit holder;

(b) authorized under section 16 to perform the services; or

(c) the employer of, or the principal responsible for, the person who performed the services and the person meets the conditions described in paragraphs (a) or (b).”

### Section 18 amended

**14 Section 18 is amended by repealing the expression “registration and entry in the appropriate roster of a person's name is admissible in evidence as *prima facie* proof that the person is registered” and replacing it with the expression “entry of a person's name in the register in a class of membership or in the record of temporary permits is admissible in evidence as *prima facie* proof that the person is registered in the class or holds a temporary permit”.**

### Section 19 amended

**15 Section 19 is repealed and replaced with the following**

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“Notation of conditions to practise

19 If the right of a member to practise as a registered nurse or a nurse practitioner has been limited by the imposition of conditions, particulars of all conditions imposed on the member shall be noted in the register and the fact that conditions have been imposed on the member shall be noted on the member's annual licence.”

### Section 20 amended

**16(1) Section 20 is amended by repealing the expression “the name of a member from the appropriate roster” and replacing it with the expression “a member from the class in which the member is entered”.**

**(2) Paragraph 20(b) is amended by adding the expression “in the class” at the end of the paragraph.**

**(3) Paragraph 20(f) is amended by repealing the expression “certificate” and replacing it with the expression “licence or membership”.**

### Section 21 amended

**17 Section 21 is amended by repealing the expression “roster” and replacing it with the expression “class”.**

### Section 22 amended

**18 Section 22 is repealed and replaced with the following**

“Duty of employers

22 No person shall knowingly employ or engage a person to perform nursing services unless that person is

(a) a registered nurse, nurse practitioner, or temporary permit holder; or

(b) authorized under section 16 to perform the services.”.

### Section 22.1 added

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### 19 The following section is added

“Duty to report

22.1(1) A person who terminates the employment of a registered nurse or nurse practitioner or revokes, suspends or imposes restrictions or conditions on the employment duties of a registered nurse or nurse practitioner shall promptly report to the registrar the termination, suspension, or imposition of restrictions or conditions if it was based on a belief, held on reasonable grounds, that

(a) the registered nurse or nurse practitioner is unfit to continue to practise due to a physical or mental disorder;

(b) the actions of the registered nurse or nurse practitioner constitute professional misconduct or professional incompetence or indicate incapacity; or

(c) the continued practice of the registered nurse or nurse practitioner might constitute a danger to persons in their care.

(2) If a person intended to act as described in subsection (1) but the registered nurse or nurse practitioner resigned their employment before the person acted, the person shall report this in writing to the registrar.

(3) The registrar shall forward a report received under subsection (1) to the complaints committee for investigation under subsection 24(3) in the same manner as if the report was a complaint.

(4) No action for damages lies or may be brought against a person for making a report in good faith as required under subsection (1) or (2).

### Section 23 amended

**20 Section 23 is amended by repealing all the text after the expression “or to both, if” and replacing it with the following**

“(a) they knowingly furnish false information in any application under this *Act* or in any

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statement required to be furnished under this Act or the regulations; or

(b) they otherwise contravene this Act.”

### Section 24 amended

21(1) Subsection 24(1) is amended by repealing the expression “members” and replacing it with the expression “persons”.

(2) Subsection 24(3) is amended by repealing the expression “an appeal pursuant to section 12 or on receipt of a complaint against a member” and replacing it with the expression “a complaint against a member or former member”.

(3) Paragraph 24(4)(a) is amended by repealing the expression “record, or any other record or thing” and replacing it with the expression “or other record or any other thing”.

(4) Subsection 24(5) is repealed and replaced with the following

“(5) During the course of the investigation, the complaints committee shall notify the member or former member that they may submit to the committee any explanation or representation they wish to make concerning the matter.”

### Section 24.1 added

#### 22 The following section is added

“Complaint resolution by consent

24.1(1) At any time after receiving a complaint, but before referring it to the discipline committee, the complaints committee may direct the complaint to a consensual complaint resolution process established by the board if the member or former member consents.

(2) A complaint is settled when the complaints committee and the member or former member agree to written terms and conditions of settlement, which shall include a finding that the discipline committee could have made under section 40 and, unless the

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complaint is dismissed, a disposition that the discipline committee could have made under section 41.

(3) The complaints committee shall refer the complaint, or the unsettled part of it, to the discipline committee if the complaint, or part of it, is not settled within the time period established by the board.

(4) The complaints committee shall send the member or former member a copy of the written terms and conditions of settlement by certified mail or personal service.

(5) If the member or former member fails to comply with the written terms and conditions of settlement, the complaints committee shall dispose of the complaint in accordance with section 25.

(6) Despite subsection 52(1), a member or former member who agrees to written terms and conditions of settlement has no right of appeal.”

### Section 25 amended

**23(1) Section 25 is amended by repealing the expression “A complaints committee” and replacing it with the expression “If a complaint is not directed to a consensual complaint resolution process under subsection 24.1(1), a complaints committee”.**

**(2) Subsection 25(2) is amended by repealing the expression “member” and replacing it with the expression “member or former member”.**

### Sections 26 and 27 amended

**24 Sections 26 and 27 are repealed and replaced with the following**

“Proceedings against former member

26 A former member remains subject to the jurisdiction of the Association and its board and committees for the purposes of an investigation or inquiry and disciplinary proceedings in respect of conduct that occurred before the

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person ceased to be a member.

Suspension pending investigation

27 A complaints committee, acting in good faith and in the public interest, may, at its discretion, direct the registrar to suspend a member or former member who is the subject of a complaint from the practice of nursing until or following the completion of an investigation or a consensual complaints resolution process pending disposition of the matter by the complaints committee or the discipline committee.”

### Section 28 amended

**25 Subsection 28(4) is amended by repealing the expression “All decisions” and replacing it with the expression “A majority of the members of the discipline committee constitute a quorum, and all decisions”.**

### Section 31 amended

**26(1) Subsection 31(1) is amended by repealing the expression “member who is the subject of the inquiry” and replacing it with the expression “respondent”.**

**(2) Subsection 31(1) is further amended by repealing the expression “member’s address as shown in the register” and replacing it with the expression “respondent’s address as shown in the register or record of temporary permits”.**

**(3) Subsection 31(3) is amended by repealing the expression “member” and replacing it with the expression “respondent”.**

### Section 32 amended

**27 Section 32 is repealed and replaced with the following**

”Public hearing

32(1) A hearing of the discipline committee shall be in public unless the discipline committee orders that the public be excluded from all or part of the hearing because

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(a) a public hearing would unjustly prejudice a person identified in the hearing or unreasonably invade their privacy; or

(b) a private hearing would otherwise be appropriate in the circumstances.

(2) Identifying a patient in the public part of a hearing is presumed to be an unreasonable invasion of the patient's privacy, but that presumption may be rebutted.

(3) The discipline committee may prohibit or limit publication or disclosure of the record of part of a hearing from which the public was excluded by an order under subsection (1)."

### Section 33 amended

**28 Section 33 is repealed and replaced with the following**

"Failure to attend

33 If the respondent does not attend the hearing, the discipline committee, on proof of service of the notice of inquiry on the respondent, may proceed with the hearing in the respondent's absence and, without further notice to the respondent, take any action that it is authorized to take under this *Act*."

### Section 34 amended

**29 Section 34 is repealed and replaced with the following**

"Evidence

34(1) The testimony of witnesses at a hearing shall be taken under oath or affirmation and the respondent has the right to cross-examine all witnesses and to call evidence in defence and reply.

(2) If evidence is relevant, the discipline committee is not bound by the rules of evidence that apply in civil or criminal judicial proceedings."

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### Section 35 amended

30 Subsection 35(1) is amended by repealing the expression "investigated person" and replacing it with the expression "respondent".

### Section 40 amended

31(1) Section 40 is amended by repealing the expression "The discipline committee" and replacing it with the expression "On completion of a hearing, the discipline committee".

(2) Section 40 is amended by repealing the expression "member" and replacing it with the expression "respondent" wherever it appears.

(3) Section 40 is amended by repealing the expression "member's" and replacing it with the expression "respondent's" wherever it appears.

(4) Subparagraph 40(a)(ii) is amended by repealing the expression "of practice of the profession" and replacing it with the expression "for the practice of nursing".

### Section 41 amended

32(1) Subsection 41(1) is amended by repealing the expression "a member" and replacing it with the expression "the respondent".

(2) Paragraph 41(1)(a) is repealed and replaced with the following

"(a) revoke the respondent's annual licence or temporary permit;"

(3) Paragraphs 41(1)(b) and (c) are amended by repealing the expression "annual certificate of the member" and replacing it with the expression "respondent's annual licence or temporary permit".

(4) Subparagraph 41(1)(c)(i) is amended by repealing the expression "that person" and replacing it with the expression "the respondent".

(5) Subparagraph 41(1)(c)(ii) is amended by repealing the expression "competence of the

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investigated person“ and replacing it with the expression “respondent’s competence“.

(6) Paragraphs 41(1)(d) and (e) are amended by repealing the expression “member’s“ and replacing it with the expression “respondent’s“.

(7) Paragraphs 41(1)(e) to (j) and subsection 41(2) are amended by repealing the expression “member“ and replacing it with the expression “respondent“ wherever it appears.

(8) Paragraph 41(1)(g) is amended by repealing the expression “person“ and replacing it with the expression “respondent“.

(9) Paragraph 41(1)(i) is amended by repealing the expression “investigated person“ and replacing it with the expression “respondent“.

(10) Paragraph 41(1)(j) is amended by repealing the expression “appropriate roster“ and replacing it with the expression “register or record of temporary permits“.

(11) Subsection 41(2) is amended by repealing the expression “registration and annual certificate have been revoked“ and replacing it with the expression “annual licence has been revoked“.

### Section 42 amended

33 Section 42 is amended by repealing the expression “member complained against“ and replacing it with the expression “respondent“.

### Section 43 amended

34(1) Subsection 43(1) is amended by repealing the expression “a member of the Association“ and replacing it with the expression “the respondent“.

(2) Subsection 43(1) is further amended by repealing the expression “any member“ and replacing it with the expression “the respondent“.

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### Section 45 amended

35(1) Subsection 45(1) is amended by repealing the expression “annual certificate” and replacing it with the expression “annual licence or temporary permit”.

(2) Subsection 45(2) is repealed and replaced with the following

“(2) Despite subsection (1) if the annual licence has expired, the member shall pay the fee established in the bylaws before the registrar restores the annual licence to the member.”

### Section 46 amended

36 Section 46 is repealed and replaced with the following

“Suspension or reinstatement

46 When an annual licence or a temporary permit is revoked or suspended or an annual licence is reinstated and the time for filing an appeal has expired or the appeal has been disposed of, the registrar shall

(a) make the appropriate entries in the register or record of temporary permits, as the case may be;

(b) unless the annual licence was revoked or suspended under a consensual complaints resolution process, publish the respondent’s name, registration number, the provision of the *Act* under which the respondent has been penalized, and the decision and date of the decision in the nursing bulletin or similar professional publication as may be determined by the board;

(c) notify nursing regulatory bodies in other Canadian jurisdictions as well as the original jurisdiction and other known jurisdictions where the respondent has worked; and

(d) notify the respondent’s employer at the time of the conduct upon which the revocation or suspension was based.”

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### Section 47 amended

**37 Section 47 is amended by repealing the expression “a complaints committee or the discipline committee” and replacing it with the expression “the registration appeal committee, the nurse practitioner practice advisory committee, a complaints committee, the discipline committee, or the appeal committee”.**

### Section 51 amended

**38 Subsection 51(4) is amended by repealing the expression “All” and replacing it with the expression “A majority of the members of an appeal committee constitute a quorum, and all”.**

### Section 52 amended

**39(1) Subsection 52(1) is amended by repealing the expression “member complained against may appeal the decision” and replacing it with the expression “respondent may appeal a decision”.**

**(2) Subsection 52(4) is amended by repealing the expression “An appeal” and replacing it with the expression “Subject to subsection (5), an appeal”.**

### Section 54 amended

**40 Section 54 is amended by repealing the expression “annual certificate” and replacing it with the expression “annual licence or temporary permit”.**

### Section 55 amended

**41(1) Section 55 is amended by repealing the expression “a complaints committee, or the discipline committee” and replacing it with the expression “the registration appeal committee, the nurse practitioner practice advisory committee, a complaints committee, the discipline committee, or the appeal committee”.**

**(2) Section 55 is further amended by repealing the expression “bylaws, or the regulations” and replacing it with the expression “regulations, or the bylaws”.**

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### Section 56 amended

42 Section 56 is amended by adding the expression “or former member” after the expression “member” wherever it appears.

### Section 57 amended

43 Section 57 is repealed and replaced with the following

“Exemption from *Act*

57 Nothing in this *Act* or the regulations prohibits a person from

(a) practising a profession, discipline, or other occupation in accordance with another Act or regulations made under another Act; or

(b) providing or giving first aid or temporary assistance to another person in case of emergency if that aid or assistance is given without gain or reward or hope of gain or reward.”

### Section 59 repealed

44 Section 59 is repealed.

### Transitional

45 A person who is qualified for registration as a nurse practitioner and is performing services under a title, designation, description, or abbreviation for which registration as a nurse practitioner is required when this *Act* comes into force may continue to perform the services under the title, designation, description, or abbreviation for three months from the date this *Act* comes into force without being registered as a nurse practitioner.

## CONSEQUENTIAL AMENDMENTS

### *Child and Family Services Act*

46(1) This section amends the *Child and Family Services Act*.

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(2) The definition of “health care provider” in the *Child and Family Services Act* is amended by repealing the expression “dentist or registered nurse” and replacing it with the expression “dentist, nurse practitioner, or registered nurse”.

### *Interpretation Act*

47(1) This section amends the *Interpretation Act*.

(2) Subsection 21(1) is amended by adding the following

““registered nurse” means a person who is entitled to practise as a registered nurse in the Yukon pursuant to the *Registered Nurses Profession Act* « infirmière autorisée »;

“nurse practitioner” means a person who is entitled to practise as a nurse practitioner in the Yukon pursuant to the *Registered Nurses Profession Act*; « infirmière praticienne »”.

### *Licensed Practical Nurses Act*

48(1) This section amends the *Licensed Practical Nurses Act*.

(2) Paragraph 14(b) is amended by repealing the expression “nurse” and replacing it with the expression “registered nurse, a nurse practitioner or a temporary permit holder as defined in the *Registered Nurses Profession Act*”.

(3) Paragraph 14(c) of the *Act* is amended by repealing the expression “nurse, or” and replacing it with the expression “nurse, a nurse practitioner, or”.

### *Medical Profession Act*

49(1) This section amends the *Medical Profession Act*.

(2) Paragraph 40(3)(j) is amended by repealing the expression “registered nurse” and replacing it with the expression “registered nurse, a nurse practitioner or a temporary permit holder as defined in the *Registered Nurses Profession Act*”.

## CONSULTATION February 2009

### *Pharmacists Act*

50(1) This section amends the *Pharmacists Act*.

(2) Section 9, subsection 10(1) and section 11 are amended by repealing the expression “dentist, “ and replacing it with the expression “dentist, nurse practitioner,”.

(3) Section 21 is amended by adding the following

“(a.1) a nurse practitioner from exercising a privilege conferred under any *Act* relating to the practice of a nurse practitioner in the Yukon;”

(4) Paragraph 21(c) is amended by repealing the expression “medical practitioner or dentist” and replacing it with the expression “medical practitioner, dentist, or nurse practitioner”.

### COMMENCEMENT

#### Coming into force

51 This Act or any provision of it comes into force on a day or days to be fixed by the Commissioner in Executive Council.

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