

**Unofficial Consolidation of
REGISTERED NURSES PROFESSION ACT**

RN Profession Act 2002

Revised Statues of Yukon 2002

and

Act to Amend the RN Profession Act 2009

Assented to December 7, 2009 / Proclaimed in force November 23, 2012

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Interpretation

- 1** In this Act,
- “annual certificate”** means a licence issued under section 10;
- “Association”** means the Yukon Registered Nurses Association continued under section 2
- “board”** means the board of directors of the Association continued under section 4
- “bylaws”** means the bylaws of the Association made under section 6;
- “member”** means a member of the Association according to subsection 2(2);
- “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;
- “nurse practitioner advisory committee”** means the multi-disciplinary nurse practitioner advisory committee established under section 13.2;
- “nursing”** means the application of professional nursing knowledge, skills, and judgement for compensation for the purpose of
- (a) promoting, maintaining, and restoring health,
 - (b) preventing illness, injury, or disability,
 - (c) caring for persons who are sick, injured, disabled, or dying,
 - (d) assisting in pre-natal care, childbirth, and post-natal care,
 - (e) health teaching and health counselling,
 - (f) coordinating health care, or
 - (g) engaging in administration, teaching, or research to implement a matter referred to in paragraphs (a) to (f).
- “nursing education program”** means a program approved by the board as a prerequisite to an examination established or approved by the board to qualify as a registered nurse or a nurse practitioner;
- “practice of a nurse practitioner”** means the practice of a nurse practitioner according to subsection 13.1(2);
- “practice of a registered nurse”** means the practice of a registered nurse according to subsection 13.1(1);
- “register”** means the register established “register” means the register established under section 8;
- “registered nurse”** means a person whose name appears on the register and who holds an annual licence as a member in a class prescribed for registered nurses;
- “registrar”** means the registrar of the Association appointed under section 4;
- “respondent”** means a member or former member whose conduct or competence is the subject of an inquiry or an appeal under this Act;
- “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.

Association

- 2 (1) The Yukon Registered Nurses Association as constituted immediately before the coming into force of this Act is hereby continued as a body corporate and, subject to the provisions of this Act, has the capacity, rights, powers, and privileges of an individual.
- (2) The membership of the Association consists of registered nurses, nurse practitioners, temporary permit holders, and persons entered in other prescribed classes of membership.

Objects of Association

- 3 The objects of the Association are to serve and protect the public interest by
- (a) regulating the practice of nursing and governing members in accordance with this Act and the regulations;
 - (b) developing, maintaining, and enforcing standards for members in the areas of knowledge and skill, qualification and practice, and professional ethics;

Board of Directors

- 4 (1) The affairs of the Association shall be managed by a board of directors.
- (2) A majority of the members of the board constitutes a quorum.
- (3) The board shall appoint a registrar of the Association.
- (4) The members of the board and the officers of the Association in office on the coming into force of this Act continue in office until their successors are elected or appointed.

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.

Bylaws

- 6 (1) The board may make bylaws not inconsistent with this Act or the regulations to
- (a) establish the size and composition of the board and the time and manner of the election or appointment of its members;
 - (b) prescribe the terms of office of the members of the board and how vacancies on the board may be filled;
 - (c) set annual fees and other fees, or provide a method for setting them, and provide for their collection;
 - (d) set the time, place, and regulate the conduct of meetings of the Association;
 - (e) provide for the organization of regional or other divisions of the Association;
 - (f) prescribe fees and expenses payable to members of the board and committees established for the purpose of attending to the business of the Association;

- (g) govern the acquisition, management, and disposal of the property of the Association, including the borrowing of money for the purpose of the Association, give security for any money so borrowed on any of the real, or personal property of the Association by the way of mortgage, pledge, charge, or otherwise, and acquire, hold, and dispose of real and personal property;
- (h) facilitate and promote the welfare of the Association, its members, and the nursing profession;
- (h.1) develop and maintain standards for the practice of nursing and nursing education
- (i) establish and maintain a code of ethics for the members;
- (j) provide for the appointment, duties, and remuneration of employees of the Association;
- (j.1) govern the nurse practitioner advisory committee
- (k) establish and govern other committees as necessary;
- (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;
- (m) do all other things necessary for the administration of the affairs of the Association.

(2) Bylaws made under subsection (1) are not regulations within the meaning of the *Regulations Act*.

(3) The registrar shall allow any person reasonable opportunity to inspect the bylaws and shall supply a copy to any person who requests one.

Regulations

- 7** (1) Subject to the approval of the Commissioner in Executive Council, the board may make regulations not inconsistent with this Act to
- (a) regulate the registration, renewal of registration, suspension, expulsion, and reinstatement of members;
 - (a.1) prescribe, for the purposes of paragraph 13.1(2)(e), other procedures that a nurse practitioner is entitled to perform;
 - (a.2) prescribe exceptions, conditions or restrictions to be placed on the scope of practice authorized for and expected of a nurse practitioner;
 - (b) prescribe the situations for which temporary permits may be issued and conditions on which they may be issued;
 - (c) prescribe the conditions for the entry and maintenance of members' names on the register, including the recognition of administration, education, teaching, or research in the field of nursing;
 - (c.1) authorize the registrar, to the extent provided in the regulations, to impose conditions on the registration of members or the entry and maintenance of members' names on the register;
 - (d) repealed;
 - (e) repealed;
 - (f) repealed;

- (g) create one or more classes of membership and prescribe the rights, privileges, qualifications, and obligations of the members of each class;
 - (g.1) establish and govern the nurse practitioner advisory committee;
 - (h) approve nursing education programs;
 - (i) govern any other matters that the board considers necessary or advisable for the more effective discharge of its functions or the exercise of its powers.
- (2) Regulations made under subsection (1) are regulations within the meaning of the *Regulations Act*.
- (3) The registrar shall allow any person reasonable opportunity to inspect the regulations and shall supply a copy to any person who requests one.

Register

- 8** (1) The registrar shall maintain a register and, on payment of the fee established in accordance with 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 licence

- 10** The registrar shall, in accordance with the regulations, issue an annual licence to an applicant who
- (a) meets the requirements or conditions for registration 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 accordance with the bylaws; and
 - (c) is not currently under suspension or disqualification from the practice of nursing in the Yukon and in any jurisdiction.

Temporary permits

- 11** (1) If an applicant fails to meet the requirements or conditions for registration as provided by this Act and the regulations, the registrar may approve, with or without limitations, or refuse, an application for a temporary permit in accordance with the regulations and shall notify the applicant accordingly.
- (2) If it is issued, a temporary permit
- (a) shall be issued for a specified period or periods, not to exceed 12 months in total, and
 - (b) must set out the type of and any restriction on the nursing practice in which the permit holder may engage.
- (3) The registrar shall maintain a record of temporary permits.
- (4) The holder of a temporary permit is subject to the same procedures and powers of discipline as is a member and has the same rights in disciplinary proceedings.

Appeal or refusal of registration

- 12** (1) The board shall establish a registration appeal committee.
- (2) The applicant may, by written notice, appeal a refusal of their 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.

Inspection of register

- 13** The registrar shall allow any person reasonable opportunity to inspect the register and the record of temporary permits.

Authority to practise

- 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 a registered nurse based on the requirements under this Act.
- (2) subject to regulations setting out exceptions, conditions or restrictions to be placed on the scope of practice of 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 treatments; or
 - (e) perform other procedures authorized by regulations.

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

Nurse practitioner advisory committee

13.2(1) The board shall, by regulation, establish a multi-disciplinary nurse practitioner advisory committee to provide recommendations to the board regarding the scope of practice of nurse practitioners.

- (2) The composition of the committee shall be set out in the regulation.

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; or
- (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 a 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 perform nursing services that require the person 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.

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 26 to perform 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).

Evidence of registration

- 18** A statement certified under the hand of the registrar respecting the 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.

Notation of conditions to practice

- 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.

Removal from roster

- 20** The board shall cause the removal of a member from the class in which the member is entered
- (a) at the request of that member;
 - (b) if the name has been incorrectly entered in the class;
 - (c) if notification is received of the member's death;
 - (d) for non-payment of fees or other assessments levied under this Act or the regulations;
 - (e) if the member has been suspended, for the term of the suspension; or
 - (f) if the annual licence or membership of the member has been revoked.

Restoration to roster

- 21** The board may cause the name of a person removed from a class to be restored to it on
- (a) payment of any sum not exceeding the annual fees;
 - (b) payment of any additional sum that may be prescribed by the bylaws; and
 - (c) compliance by the person with this Act and the regulations.

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

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 practise 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 subsections (1) or (2).

Offence for misrepresentation

- 23** A person is guilty of an offence and liable on summary conviction to a fine of up to \$2000 or to imprisonment for a term of up to six months, or to both, if
- (a) they knowingly furnish false information in any application under this Act or in any statement required to be furnished under this Act or the regulations; or
 - (b) they otherwise contravene this Act.

Complaints committees

- 24** (1) The board shall appoint one or more complaints committees, the size of which may be determined from time to time by the board and which may consist of one or more persons.
- (2) The board shall designate the chair of each complaints committee.
- (3) On receipt of a complaint against a member or former member made in writing and signed by a complainant, a complaints committee shall conduct, or direct a person acting on its behalf to conduct, an investigation into the matter.
- (4) For the purpose of the investigation, the complaints committee, or the person acting on its behalf, may
- (a) request any person to answer any question and to produce for inspection any documentary, photographic, electronic, magnetic, electromagnetic, radiational or other record or any other thing in the person's possession or under the person's control that is or might be relevant to the complaint or conduct being investigated, and
 - (b) with the consent of the person producing them, copy and keep copies of any of the records or things produced under paragraph (a).
- (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.

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, if the member or former member consents, direct the complaint to a consensual complaint resolution process established by the board.

(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 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.

Disposition by complaints committee

25 (1) If a complaint is not directed to a consensual complaint resolution process under subsection 24.1(1), a complaints committee shall, in accordance with the information it receives,

- (a) direct that the matter be referred to the discipline committee; or
- (b) decide that no further action be taken.

(2) The complaints committee shall give its decision in writing and shall send to the member or former member and the complainant a copy of the written decision by certified mail or personal service. *S.Y. 1992, c.11, s.25.*

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 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 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.

Discipline committee

28 (1) The board shall establish a discipline committee of one or more persons.

(2) The board shall designate the chair of the discipline committee.

(3) No member of a complaints committee may serve on the discipline committee in respect of a complaint investigated by the complaints committee of which the person is or was a member.

(4) A majority of the members of the discipline committee constitute a quorum, and all decisions of the discipline committee require the vote of a majority of the quorum.

(5) The chair of the discipline committee may vote and, if there is a tie in votes, the decision of the committee shall be according to the vote of the chair.

Setting down inquiry

29 If a complaints committee refers a matter to the discipline committee, the discipline committee shall, within 30 days from the date of the referral, set a date, time, and place for holding the inquiry, which shall commence not later than 60 days from the date of the referral by the complaints committee.

Powers and privileges

30 The discipline committee has all the rights, powers, and privileges of a board of inquiry appointed pursuant to the *Public Inquiries Act*.

Notice of inquiry

31 (1) The discipline committee shall serve written notice of the date, time, and place of the inquiry on the respondent and on the complainant, either personally or by certified mail to the respondent's address as shown in the register or record of temporary permits and at the complainant's address as shown in the complaint, at least 30 days before the date of the inquiry.

(2) Notice sent by mail shall be deemed to have been served on the fifth day after the date it was posted.

(3) The notice shall state the nature of the conduct to be inquired into, specify the time and place of the hearing, and state that the respondent may be represented by an agent or counsel.

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

- (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).

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.

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

Compellable witnesses

- 35** (1) The respondent and any other person who, in the opinion of the discipline committee, has knowledge of the complaint or the conduct being investigated is a compellable witness in any proceeding under this Act.

(2) A witness may be examined on all matters relevant to the investigation or hearing before the discipline committee and shall not be excused from answering any question on the ground that the answer might tend to

- (a) incriminate them;
- (b) subject them to punishment under this Act; or
- (c) establish their liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act, but if the answer so given tends to incriminate them or to subject them to punishment or to establish their liability, it shall not be used or received against them in any civil proceedings or in any proceedings under any other Act.

Extra-territorial evidence

- 36** The discipline committee may obtain evidence outside the Yukon in the same way and on the same conditions as a party to an action in the Supreme Court may.

Administration of oath

- 37** Any oath or affirmation required may be administered by any member of the discipline committee.

Witness fees

- 38** Witnesses present under subpoena at a hearing pursuant to this Act are entitled to the same fees and expenses as witnesses attending on a trial of an action in the Supreme Court.

Rules of procedure

- 39** The discipline committee may, subject to the approval of the board, establish its own rules of procedure.

Finding of discipline committee

- 40** On completion of a hearing, the discipline committee may dismiss the complaint or find the respondent
- (a) guilty of professional misconduct if
 - (i) the respondent is in contravention of this Act or the regulations, or
 - (ii) the respondent has failed to maintain the standards for the practice of nursing;
 - (b) to be incompetent if the respondent has, in the respondent's professional care of one or more patients, displayed lack of knowledge, skill, or judgement or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the respondent is unfit to continue in practice;
 - (c) to be incapacitated if the respondent is suffering from a physical or mental condition or disorder of a nature and extent that makes it desirable in the interests of the public or the respondent that the respondent no longer be permitted to practise or that the respondent's practice be restricted.

Disposition by discipline committee

- 41** (1) If the discipline committee finds that a respondent is guilty of professional misconduct, is incompetent, or is incapacitated, it may
- (a) revoke the respondent's annual licence or temporary permit;
 - (b) suspend the respondent's annual licence or temporary permit for a stated period, either generally or in relation to a particular field of nursing;
 - (c) suspend the respondent's annual licence or temporary permit either generally or in relation to a particular field of nursing until
 - (i) that person has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the discipline committee or registrar is satisfied as to the respondent's competence generally or in a specified field of nursing;
 - (d) accept in place of a suspension the respondent's undertaking to limit their practice to specified fields of nursing;
 - (e) impose conditions on the respondent's entitlement to practice nursing generally or in specified fields of nursing, which conditions may include that the respondent
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the discipline committee or registrar, or
 - (iv) report to the discipline committee or registrar on specific matters;
 - (f) direct the respondent to pass a particular course of study or satisfy the discipline committee or registrar as to their competence generally or in a field of nursing;
 - (g) direct the respondent to satisfy the discipline committee or registrar that a disability or addiction can be or has been overcome, and suspend the respondent until the committee or registrar is so satisfied;
 - (h) require the respondent to take counselling that, in the opinion of the discipline committee or registrar, is appropriate;
 - (i) direct the respondent to waive, reduce, or repay a fee for services rendered by the respondent that, in the opinion of the discipline committee, were not rendered or were improperly rendered;
 - (j) reprimand the respondent and, if considered warranted, direct that the fact of such a reprimand be recorded in the register or record of temporary permits; or
 - (k) carry out any combination of the above.

- (2) A member whose annual licence has been revoked
 - (a) has no right to be reinstated;
 - (b) may not apply for reinstatement before the expiration of two calendar years after the end of the calendar year in which the revocation occurred;
 - (c) may, in the discretion of the discipline committee, be reinstated, or denied reinstatement, or denied reinstatement until the member has complied with any condition, requirement, or direction of the same kind that the committee can order in connection with a suspension;
 - (d) may not apply again for reinstatement before the expiration of two calendar years after the end of the calendar year in which their last application for reinstatement was disposed of.

Written decision

- 42 The discipline committee shall prepare a written report of the decision and the reasons for the decision and a copy of this report shall be forwarded to respondent and the complainant by certified mail or personal service.

Costs

- 43 (1) The discipline committee may award costs of a disciplinary hearing against the respondent if the committee believes their defence frivolous or unreasonably protracted and may reimburse the respondent for costs incurred through disciplinary action if the committee believes the action was unwarranted.

(2) Costs awarded under subsection (1) are a debt due recoverable by civil action for debts.

Conflict of interest

- 44 Any member of the discipline committee who is of the opinion that they have a conflict of interest that would prevent them from making a proper determination of the matter before the discipline committee must excuse themselves from participating in that matter.

Restoration of annual license or temporary permit

- 45 (1) When the period of suspension has expired, or the conditions imposed on the member have been satisfied, the registrar shall restore the annual license or temporary permit to the member in the form in which it existed before the imposition of the discipline committee's restrictions.

(2) Despite subsection (1) if the annual license or temporary permit has expired, the member shall pay the prescribed fee for renewal of the annual certificate before re-issuing it.

Suspension or reinstatement

- 46 If 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, 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.

Assistance for board or discipline committee

- 47 The board or, subject to the supervision of the board, the registration appeal committee, the nurse practitioner advisory committee, a complaints committee, the discipline committee, or the appeal committee may employ at the expense of the Association any legal or other assistance that the board or committee may think necessary for the performance of their functions.

Member until completion of proceeding

- 48 If a proceeding is commenced before the discipline committee and the term of office of a discipline committee member sitting for the hearing has expired, the member shall be deemed to remain a member of the discipline committee until the proceeding is concluded.

Recording of evidence

- 49 All evidence submitted to the discipline committee shall be reduced to writing or recorded mechanically or electronically so that it can be reduced to writing.

Record of proceedings

- 50 The evidence presented to the discipline committee and the report of the discipline committee's decision shall constitute the record of the proceedings and shall be preserved until the later of the expiration of one year after the date the discipline committee gives its decision or the final disposition of the appeal, if any, against the decision.

Appeal committee

- 51 (1) The board shall act as the appeal committee or, if in any case it is unable or unwilling to act, it shall appoint one or more persons to act as an appeal committee to hear appeals against decisions of a discipline committee.

(2) The board shall designate the chair of the appeal committee.

(3) No member of a complaints committee or discipline committee may serve on the appeal committee in respect of a complaint investigated or heard by the complaints committee or discipline committee of which the person is or was a member.

(4) A majority of the members of an appeal committee constitute a quorum, and all decisions of an appeal committee require the vote of a majority of the quorum.

(5) The chair of the appeal committee may vote and, if there is a tie in votes, the decision of the committee shall be according to the vote of the chair.

Appeal

52 (1) A respondent may appeal a decision of the discipline committee to an appeal committee by filing a notice of appeal with the registrar not later than 30 days from the date of the service of the decision.

(2) The notice of appeal shall set forth the grounds of the appeal and state the relief sought.

(3) On receiving a notice of appeal the registrar shall immediately bring it to the attention of the board.

(4) Subject to subsection (5), an appeal under subsection (1) shall be on the record according to the procedure established by the regulations.

(5) If the record is so incomplete that the issues on the appeal cannot fairly be decided by an appeal on the record, the appeal committee may conduct the appeal by way of a re-hearing of all or part of the matter.

Power of appeal committee

53 On an appeal to it, if the appeal committee is satisfied the discipline committee erred, the appeal committee may make any finding or order that it believes the discipline committee ought to have made.

Effect of decision until appeal

54 If the discipline committee revokes, suspends, or restricts an annual licence or temporary permit, the decision takes effect immediately even if an appeal is taken from the decision, but if an appeal is taken the appeal committee may order a stay of the committee's decision until the disposition of the appeal.

Liability

55 The Association and the members of the board, , the registration appeal committee, the nurse practitioner advisory committee, a complaints committee, the discipline committee, or the appeal committee are not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act, regulations, or bylaws.

Personal liability

56 No member or former member of the Association is personally liable for any of the debts or liabilities of the Association unless that member or former member expressly agrees to be liable.

Exemption from Act

57 Nothing in the 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.

Regulations

58 The Commissioner in Executive Council may make regulations for any matter provided for in section 6(1) for which the board has not made a bylaw.

TRANSITIONAL PROVISIONS

Transition

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.

COMMENCEMENT

Coming into force

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

Proclaimed in force by O.I.C. 2012/197, November 23, 2012

CONSEQUENTIAL AMENDMENTS

Child and Family Services Act

s.1 “health care provider” means a medical practitioner, dentist, nurse practitioner, or registered nurse and includes any other person designated under the Care Consent Act as a health care provider for the purposes of that Act;

Interpretation Act

s.21(1) The following definitions are added in alphabetical order

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

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

Licensed Practical Nurses Act

s.14 This Act shall not be construed to affect or apply to nursing care that is provided

- (a) by a member of the family of a patient;
- (b) by a registered nurse, a nurse practitioner or a temporary permit holder as defined in the *Registered Nurses Profession Act*; or
- (c) by a person enrolled in a school or course of training for the purpose of becoming a registered nurse, a nurse practitioner, or licensed practical nurse

CONSEQUENTIAL AMENDMENTS (continued)

Medical Profession Act

s.40(2) A person shall be deemed to practise medicine within the meaning of this Act who . . .

(3) This section does not apply to

- (j) the practice of nursing by a registered nurse, a nurse practitioner or a temporary permit holder as defined in the *Registered Nurses Profession Act*;

Pharmacists Act

9 No pharmacist shall, except pursuant to a written prescription signed by a medical practitioner, dentist, nurse practitioner, veterinary surgeon, or optometrist supply any drug or preparation thereof listed or described in the prescribed schedule of drugs for which such a prescription is required. S.Y 1998, c.21, s.6; R.S., c.131, s.10.

10 (1) Subject to subsection (2), no pharmacist shall, except pursuant to a written prescription signed by a medical practitioner, dentist, nurse practitioner, veterinary surgeon, or optometrist, supply any drug or preparation thereof listed or described in the prescribed schedule of poisons.

11 No pharmacist shall, except pursuant to a written prescription signed by a medical practitioner, dentist, nurse practitioner, or veterinary surgeon supply any drug or preparation thereof listed or described in the prescribed schedule of drugs requiring special labelling unless, before delivery, it is labelled with

- (a) the common name of the drug or preparation;
- (b) the design of skull and cross-bones;
- (c) the word "poison" in large, bold type;
- (d) the name and address of the pharmacist supplying the drug or preparation; and
- (e) the initials, written in ink, of the pharmacist supplying the drug or preparation.

R.S., c.131, s.12.

21 Nothing in this Act shall be deemed to prohibit or prevent

- (a) a medical practitioner from exercising a privilege conferred by any Act relating to the practice of medicine and surgery in the Yukon;
- (a.1) a nurse practitioner from exercising a privilege conferred under any Act relating to the practice of a nurse practitioner in the Yukon;
- (b) any person from supplying goods of any kind to a pharmacist, medical practitioner, or dentist;
- (c) a medical practitioner, dentist, or nurse practitioner from supplying a patient with any medicine as the patient may require;