

NOTICE TO MEMBERS

Proposed Amendments to the General By-law Related to the Register and Information From Members



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

Proposed Amendments to Article 44.1 “Register”

The College of Nurses of Ontario is circulating to members and stakeholders proposed changes to the by-law governing the College’s Register. The by-law begins on page 4.

The by-law must be revised to comply with amendments to the *Regulated Health Professions Act, 1991* (RHPA), which are set to come into effect on June 4, 2009. For more information on how the amendments will affect all regulated health professionals, refer to page 12 in the Fall issue of *The Standard*, which is in the polybag with this document.

The amended RHPA expands the information that the College must keep on its Register and enhances public access by requiring that the College make the Register available online.

The current College by-laws are available on the College’s website at <http://www.cno.org/bylaws>.

The following is a summary of the proposed changes to Article 44.1 “Register” of the College’s General By-law.

Articles 44.1.01 through 44.1.04 describe how members’ names, business addresses and business telephone numbers will be determined.

Article 44.1.05 outlines any of the information that the College is required by provincial legislation to keep on its Register.

Article 44.1.06 designates information to be placed on the Register, most of which elaborates on the required information. For example, a required notation about a suspension will also include the effective date, the basis for the suspension and the date the suspension was lifted.

Article 44.1.07 designates that all of the information on the Register could be withheld from the public if the Executive Director has reason to believe that disclosure of the information would jeopardize the safety of an individual.

Additional information that the College has determined will be on the Register includes former names, a member’s Certificate of Registration number and Fitness to Practise referrals that are not yet decided.

Proposed Amendments to Article 44.2 “Information From Members”

The College is also circulating to members and stakeholders proposed changes to the Article governing the College’s authority to obtain information from members.

The by-law must be revised to reference the information required to be placed on the Register to comply with the amendments to the RHPA.

The following is a summary of the proposed changes to Article 44.2 “Information From Members” of the College’s General By-law.

Article 44.2.01 requires the College to send an Annual Payment Form to members each year to request information.

Article 44.2.02 identifies that information requested may be required for the Register or may be additional information, such as home addresses and contact information, that the College requires to fulfil its regulatory mandate. Only information designated in provincial legislation and the College’s Register by-law will be available to the public. The College may also obtain information about all of the places where a member is employed or practises nursing.

Articles 44.2.03 to 44.2.06 identify the requirement for each member to complete and return the Annual Payment Form to the College before the end of the year, and specify what happens if a member fails to comply.

Article 44.2.07 provides expanded authority for the College to immediately require accurate information from a member, such as information about a new employer.

Member and stakeholder feedback will be presented to Council in December. At that time, Council will be asked to decide whether to approve the proposed by-law.

Send your comments by Dec. 1, 2008, to:

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Fax: 416 928-5916

Mail: By-laws, College of Nurses of Ontario

101 Davenport Rd.

Toronto, ON M5R 3P1

44.1 Register

Name and Business Address

44.1.01 Subject to Article 44.1.02, a member's name in the register of the College shall be the member's name as set out in the member's certificate of registration.

4.1.02 The Executive Director shall direct that a name other than as provided in Article 44.1.01 be entered in the register of the College if such a request is made by the member and the Executive Director is satisfied that

- (i) the member has validly changed his or her name; and
- (ii) the use of the name is not for an improper purpose.

44.1.03 A member's business address in the register of the College shall be

- i) where the member is primarily employed in nursing in Ontario other than through a nursing agency or nursing registry, the location in which the member primarily engages in nursing practice;
- ii) where the member is primarily employed at or engaged in nursing in Ontario by or through a nursing agency or a nursing registry, the business address of the nursing agency or nursing registry through which the member primarily engages in nursing practice; or
- iii) such other business address approved by the Executive Director.

44.1.04 A member's business telephone number in the register of the College shall be the telephone number associated with the location referred to in Article 44.1.03 or such other telephone number approved by the Executive Director.

Register Information Required by the Code

44.1.05 Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the College's register. As of June 4, 2009, the register is required to contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. The name, business address and business telephone number of every health profession corporation.
3. The names of the shareholders of each health profession corporation who are members of the College.
4. Each member's class of registration and specialist status.
5. The terms, conditions and limitations that are in effect on each certificate of registration.
6. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved.
7. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
8. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
9. A notation of every revocation or suspension of a certificate of registration.
10. A notation of every revocation or suspension of a certificate of authorization.
11. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
12. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

13. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
14. Information that is required to be kept in the register in accordance with the by-laws.

Additional Register Information

44.1.06 In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code and subject to Article 41.07, the following additional information shall be kept in the register of the College:

1. Any change to each member's name which has been made in the register of the College since he or she first became registered with the College.
2. Where a member is engaged in nursing practice in Ontario, the name and address of the person or business for whom or through which the member primarily engages in nursing practice in Ontario.
3. Each member's certificate of registration number.
4. The classes of certificate of registration held by each member and the date on which each was issued
5. The specialty certificate held by each member and the date on which each was issued.
6. Where a member resigned, the date upon which the resignation took effect and where the resignation did not relate to all certificates of registration, the certificate of registration to which the resignation applied.
7. Where the College is satisfied based upon reliable information that a person ceased to be a member as a result of his or her death, a notation to that effect and the date upon which the person ceased to be a member if that date is known to the College.
8. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is outstanding,
 - a. the date of the referral;
 - b. a brief summary of each specified allegation;
 - c. the date of the hearing if the hearing date has been set; and
 - d. the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect.
9. Where the question of the member's capacity has been referred to the Fitness to Practise Committee and not yet decided,
 - a. a notation of that fact; and
 - b. the date of the referral.
10. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the panel ordered any penalty.
11. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium,
 - a. a notation of that fact; and
 - b. identification of the specific publication of the College which contains that information.
12. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.
13. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations

and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations.

14. Where a member has terms, conditions or limitations on his or her certificate of registration varied, the effective date of the variance of those terms, conditions and limitations and where applicable, the Committee responsible for the variance of those terms, conditions and limitations.
15. Where a member's certificate of registration is revoked, suspended, cancelled, expired or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, expiry or other termination which shall include but not be limited to circumstances where
 - a. a member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee;
 - b. a member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College; or
 - c. a member's certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee.
16. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the Committee responsible for the lifting or removal of the suspension.
17. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the Committee responsible for the reinstatement.
18. Where a member's specialty certificate is revoked, suspended, cancelled or otherwise terminated, a notation of that fact and

the effective date and the basis of the revocation, suspension, cancellation or other termination.

19. Where a member's specialty certificate is reinstated, the effective date of the reinstatement.
 20. Where a finding of professional negligence or malpractice is contained in the College's register, the information provided by the member who was the subject of the finding including
 - a. the notice of and a description of the finding;
 - b. the date the finding was made against the member;
 - c. the name and location of the court that made the finding against the member; and
 - d. the status of any appeal respecting the finding made against the member.
 21. Any information the College and the member have agreed should be included in the register.
 22. The date on which each certificate of authorization was issued by the College.
 23. Where a certificate of authorization is revised, a notation of the effective date of the revision.
 24. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.
 25. Any information the College and a health profession corporation to which the College has issued a certificate of authorization have agreed should be included in the register.
- 44.1.07 All of the information referred to in Articles 44.1.05 and 44.1.06 is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Executive Director may refuse to disclose to an

individual or post on the College's website any or all of that information if the Executive Director has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

viii) information for the purposes of compiling statistical information to assist the College in fulfilling its objects.

44.2 Information from Members

44.2.01 The College shall forward to its members each year a request for information, in a form approved by the Executive Director.

44.2.02 Each member shall accurately complete and return such form providing such information as may be requested including but not limited to

- i) his or her home address and home telephone number being the address and telephone number of the principal Ontario residence of the member or if the member does not have a residence in Ontario, the member's principal residence and, where available, the member's e-mail address and facsimile number;
- ii) where a member is engaged in nursing practice, whether inside or outside of Ontario, the name, address and telephone number of each person or business for whom or through which the member engages in nursing practice;
- iii) the nature of the nursing services provided at the location in Ontario where the member primarily engages in nursing practice;
- iv) information respecting his or her participation in the Quality Assurance Program;
- v) information required to be contained in the College's register pursuant to the by-laws, the RHPA, the Act¹, or the regulations under the RHPA or the Act;
- vi) information required to be provided to the College pursuant to the by-laws, the RHPA, the Act, or the regulations under the RHPA or the Act.
- vii) information that relates to the professional characteristics and activities of the member that may assist the College in carrying out its objects; and

44.2.03 The form required by this Article shall be fully completed by the member and returned to the College by the December 31st next following the forwarding of the form to the member.

44.2.04 Where a member fails for any reason to return a fully completed form, the Executive Director shall cause the member to be notified in writing of that failure.

44.2.05 Where the Executive Director causes written notice to be given to a member in accordance with Article 44.2.04 and a fully completed form is not provided to the College within thirty (30) days of the date of that notice, the fee required by the by-laws shall immediately be payable by the member.

44.2.06 Where any of the information provided to the College under Article 44.2.02 has been changed, the member shall notify the Executive Director in writing of the change within thirty (30) days of the effective date of the change.

44.2.07 A member shall, upon written request of the Executive Director,

- i) immediately provide particulars of any information required to be in the College's register pursuant to the by-laws, the RHPA, the Act, or the regulations under the RHPA or the Act;
- ii) within thirty days, provide particulars of any information which was not information required to be in the College's register but was information that the member was required to provide to the College under the by-laws; and
- iii) within seven days, confirm the accuracy of any information previously provided to the College by the member and where that information is no longer accurate, provide accurate information.

¹ Article 1 of the General Bylaws defines "Act" as the *Nursing Act*.



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