

# Professional Conduct Disciplinary Proceedings

## Introduction

Ontario nurses regulate themselves in accordance with the *Nursing Act, 1991*, the *Regulated Health Professions Act, 1991*, their accompanying regulations, and the standards of practice set out by the College for the nursing profession in this province.

The College's disciplinary processes give the public an opportunity to voice its concerns about nursing services. These processes also allow the public access to disciplinary matters by way of open hearings and published decisions of the Discipline Committee.

Disciplinary proceedings take place when a nurse breaches the standards of practice of the profession. These proceedings are used to address serious cases of misconduct and incompetence. Following a hearing, and when appropriate, the Discipline Committee has a number of options, including the power to revoke, suspend and/or put terms, conditions and limits on a nurse's registration.

Only a Discipline Panel can make a finding of **professional misconduct** or **incompetence**.

Examples of professional misconduct may include:

- the violation of the ethical standards set out for the profession;
- breaches to the standards of practice;
- breaches to the therapeutic nurse-client relationship; and
- physical, emotional, verbal or sexual abuse.

Incompetence may be evident when a member's professional care of a client displays a lack of knowledge, skill or judgment, or disregard for the welfare of a client.

## Discipline Process

Discipline proceedings help the College protect the public from unsafe nursing services and preserve public confidence in the nursing profession.

## a) Pre-hearing Conference

A pre-hearing conference, chaired by a member of the Discipline Committee, is attended by the representative of the College, the prosecutor, defence counsel and/or the nurse. The purpose of this conference is to narrow the issues for the hearing, to identify legal and procedural issues for the panel, to provide the parties with the opportunity to receive a candid assessment of the case and to assist with a resolution on some or all of the matters.

## b) Disciplinary Hearing

A discipline panel may be composed of three to five people. At least two of the panel members are public members of the College's Council. The remaining three panel members are nurses, two of whom are generally of the same category (RN or RPN) as the nurse facing the allegations. At a hearing, the discipline panel will:

- consider the allegations, hear the evidence and determine the facts of the case;
- determine whether the evidence proves the allegation;
- determine whether the member has committed an act of professional misconduct or is incompetent; and
- determine the penalty to be imposed in cases where such findings have been made.

## Hearing Outcomes

If the panel makes a finding of professional misconduct or incompetence, it may order a wide range of penalties, such as:

- an oral reprimand;
- suspension of the member's registration (for a specified period);
- a fine;
- specification of remedial courses to be taken by the member;
- imposition of terms, conditions and/or limits on the member's registration (e.g., restricting the scope of practice); or
- revocation of the member's registration.

The decision of the discipline panel can be appealed to the Divisional Court of Ontario.

### For more information

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