



Registered Nurses
Association of the
Northwest Territories and
Nunavut

Page: 1 of 4

BYLAW 6

PANEL PROCEDURE FOR SUSPENSION, PENDING OUTCOME OF INVESTIGATION

Date Revised: February 9, 2018

Approved by BOD: April 14, 2018

Ratified by Membership: April 14, 2018

“Act” means the Nursing Profession Act, S.N.W.T. 2003, chapter 15 as amended”;

“Association” means the Registered Nurses Association of the Northwest Territories and Nunavut as defined in section 1 of the Act;

“Chairperson of the PCC” means the Chairperson of the Professional Conduct Committee as defined in Section 31 (2) of the Act and includes the Deputy Chairperson when he or she acts for the Chairperson as per Section 31 (3) of the Act;

“Committee” means the Professional Conduct Committee as established in Section 31 (1) of the Act;

“Complainant” means the individual who filed the complaint;

“Complaint” means a complaint filed under section 34 of the Act;


“Interim suspension” means a suspension of a nurse’s registration and certificate in accordance with Section 36 (1) (a) of the Act *and includes* any limitation, terms or conditions on a nurse’s entitlement to practice imposed or to be imposed in accordance with Section 36 (1)(b) of the Act;

“Notice” means the notice to be delivered to the Association, the Complainant and the Respondent in accordance with section 2 (1) of this Procedure;

“Panel” means a panel designated under the section 31(4) of the Act to hear and decide on the interim suspension of the Respondent;

“party” means the Association, the Complainant and the Respondent.

“Respondent” means the nurse who is the subject of the complaint.

 <p>Registered Nurses Association of the Northwest Territories and Nunavut</p> <p>Page: 2 of 4</p>	<p>BYLAW 6</p> <p>PANEL PROCEDURE FOR SUSPENSION, PENDING OUTCOME OF INVESTIGATION</p>
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SECTION 1 Establishing a Panel

- (1) On receipt of evidence suggesting action under section 36 (1) of the Act respecting either the Respondent's registration and certificate or the Respondent's entitlement to practice may be necessary to protect the health or safety of the public the Chairperson of the PCC will designate a Panel to consider interim suspension of the Respondent.
- (2) The panel will consist of three members of the Committee, one of whom may be the Chairperson of the PCC.
- (3) One of the members of the Panel will be designated by the Chairperson of the PCC as the Chairperson of the Panel.

SECTION 2 Notifications of Parties

- (1) The Chairperson of the Panel will cause a written notice to be delivered to the Complainant and Respondent. This notice will set out:
 - (a) the reasons the Association requests the Panel either suspend the Respondent's registration and certificate or impose limitations, terms or conditions on the Respondent's entitlement to practice; and
 - (b) a summary of the evidence the Association intends to rely on in support of the application.
- (2) The notice will be sent to the Complainant and the Respondent by the quickest and most direct method appropriate. The Association will provide the Respondent with as much notice as is reasonably possible having regard for the need to protect the health or safety of the public.

SECTION 3 Submissions to Panel

- (1) The Complainant and the Respondent may provide written submissions to the Chairperson of the Panel within 7 days of notice or other date as provided in the notice.



BYLAW 6

PANEL PROCEDURE FOR SUSPENSION, PENDING OUTCOME OF INVESTIGATION

- (2) The seven days to respond to the notice may be shortened or expanded by the Panel on application by the Association, complainant or respondent or on the Panel's own motion.
- (3) The Panel may not receive submissions from a party in the prescribed time. If so and the panel is satisfied that notice was given, it may decide the matter even if it has not received a submission from a party. Late submissions may be considered at the discretion of the Panel.
- (4) A submission from a party will be no more than ten pages in length unless otherwise directed in the notice. The Panel may request a party to shorten a submission which is too long.
- (5) The Chairperson of the Panel will cause all submissions to the Panel be provided to the other parties.

SECTION 4 Deliberation of the Panel

- (1) The Panel will conduct a documentary review only; it will not hear testimony from any witness. It also will not hear oral submissions from any party. It will determine the application using the documents received from the parties and their written submissions. The Panel will rely on the principles of procedural fairness. The Panel may meet in any manner it chooses, including by telephone or videoconference to deliberate and make a decision.

SECTION 5 Decision of the Panel

- (1) The Panel's decision will be written and include the reasons for the decision.
- (2) The Chairperson of the Panel will cause the decision to be delivered to the Association, the Complainant and the Respondent.

SECTION 6 Reconsideration of Interim Suspension

- (1) The Panel will reconsider its decision under section 36 (1) of the Act only if
 - (i) At least 90 days have elapsed since its last decision under section 36(1) of the Act;
 - (ii) There are extraordinary circumstances and;



Registered Nurses
Association of the
Northwest Territories and
Nunavut

Page: 4 of 4

BYLAW 6

PANEL PROCEDURE FOR SUSPENSION, PENDING OUTCOME OF INVESTIGATION

- (iii) The party making the request has substantial new evidence it wishes the Panel to hear or receive.
- (1.1) The Chairperson will decide whether the conditions in section 6(1) have been satisfied.
- (1.2) The same members of the Committee will form the Panel hearing all applications under section 36 (1) arising from the Complaint unless
- (i) The Chairperson orders otherwise; or
 - (ii) One or more members of the Panel are unavailable to decide further applications under section 36(1) of the Act arising from the Complaint.
- (1.3) If the Chairperson decides under subsection (1.1) the new information shall be submitted to the Panel, the Panel will
- (i) Receive written submissions from the Association, the Complainant and the Respondent as provided in Section 3; and
 - (ii) Decide in writing whether to vary, set aside or affirm the previous decision under section 36 (1) of the Act.
- (2) The Panel may choose to limit applications for reconsideration by a party if the Panel believes the party is abusing this section.