



Appeal of Registration Decision Fact Sheet

All applications for registration are assessed, approved and/or denied according to *The Licensed Practical Nurses Act* (the Act), Regulations and College policies.

An appeal is a review of the facts that led to the Executive Director's registration decision. When you appeal, you must be prepared to provide evidence of why you feel the Executive Director erred in interpreting the facts entered as evidence or applying the legislation, regulations, and/or policies to your matter.

Section 9 of the Act states that applicants whose registration has been denied or has been approved with conditions will be notified by the Executive Director in writing. In this letter, applicants are advised of the reasons for the decision and of their right to appeal the decision.

9 If the executive director does not approve an application for registration as a practising licensed practical nurse or a graduate practical nurse or approves such an application subject to conditions, he or she shall give notice to the applicant in writing, with reasons for the decision, and shall advise the applicant of the right to appeal the decision to the board.

The Act also states that applications for registration as active practising licensed practical nurses (LPN), graduate practical nurses (GPN) and student practical nurses (SPN) that are refused may be appealed by the applicant. Registrations that are subject to conditions may also be appealed by the applicant.

10(1) A person whose application for registration as a practising licensed practical nurse or a graduate practical nurse is not approved by the executive director or whose application is approved subject to conditions may appeal the executive director's decision to the board.

If you wish to appeal the Executive Director's decision, you must contact the Executive Director in writing within thirty (30) days of receiving the Executive Director's decision letter and request that the decision be reviewed. The letter must explain the reason for the review request.

It is important to know that the Act states that communications sent to applicants and registrants are considered served or received by you five (5) days after the communication is sent by the CLPNM. The CLPNM uses the last known address you provided to us to send you correspondence. This means that regardless of the day that you receive the correspondence from the CLPNM; it is considered received five (5) days from the date noted on the correspondence. Accurate email addresses, phone numbers, and mailing addresses are an extremely important part of the process. Hand delivered documents provided at an in-person meeting or served by a process server are considered served on the day of the meeting or the date served.

Once the CLPNM receives your written request for a review, a meeting will be arranged between you and the Executive Director. The meeting will occur within ten (10) business days of the CLPNM

receiving the request. If you have any information, documents or evidence that was not seen previously by the CLPNM, submit it to the Executive Director before the meeting.

Within ten (10) business days after the review meeting occurs, the Executive Director will send you a Final Notice of Decision. This correspondence will outline the final decision of the Executive Director based on the information brought forth in the review meeting. The Executive Director may decide to uphold the original decision, alter the decision, or make a new decision.

If you wish to appeal the Executive Director's Final Notice of Decision, they must follow the procedures outlined in section 10 of the Act.

10(2) An appeal is to be made by filing a written notice of appeal with the board within 30 days after the person receives notice of the executive director's decision under section 9. The notice must specify the reasons for the appeal.

This means that the CLPNM President must receive a written notice of appeal within thirty (30) days of you receiving the Final Notice of Decision. It is important to remember that correspondence from the CLPNM is considered as received five (5) days after the date on the correspondence or on the date served to you in person.

To file an appeal with the Board you must submit a Notice of Appeal form and pay the administrative filing fee of \$200.00. Appeal requests will not be forwarded without a complete Notice of Appeal form and full payment of the administrative filing fee.

Once the complete Notice of Appeal form and the administrative filing fee are received by the CLPNM, the notice of appeal is forwarded to the President.

10(3) On receiving a notice of appeal, the board shall schedule an appeal, which must be held within 90 days after it receives the notice. The board shall give the applicant a written notice of the date, time and place of the appeal.

The Board will schedule a hearing within ninety (90) days of receiving your Notice of Appeal. You will be advised of the date, time and location of the appeal hearing. You can appear at the hearing with or without legal counsel. You must notify the CLPNM if you have legal counsel. You must submit their name and contact information to the CLPNM. Note that hearings may be conducted face to face or virtually and/or by teleconference as set by the Board.

10(4) An applicant who appeals a decision of the executive director is entitled to appear with counsel and make representations to the board at the appeal.

An appeal is a review of the facts that led to the Executive Director's registration decision. As such, the Board will review all facts and documents used by the Executive Director to make the registration decision. You must be prepared to provide evidence of why you believe the Executive Director erred in interpreting the facts or applying the legislation to your case.

The Board will review all documents, including transcripts from meetings or interviews that were used by the Executive Director to make the registration decision. The Board will have legal counsel at the hearing to assist them in their decision making. The Executive Director will have legal counsel and will make representations to the Board during the hearing. You or your legal counsel may make representations to the Board during the hearing.

10(5) The executive director shall provide the board with a copy of the notice sent to the applicant under section 9 and with copies of the documents that the executive director considered in reaching the decision being appealed.

10(6) The board may retain legal counsel to assist it.

Once the hearing is finished, the Board may take up to ninety (90) days to make a decision. They may make any decision the Executive Director could have made when assessing your application for registration. The Board and its legal counsel will utilize the Act, Regulation, CLPNM By-Laws, and CLPNM policy to make their decision. Once a decision has been made, the Board will give you the decision within thirty (30) days. This means that you may not receive written notification of the decision until 120 days after the hearing.

10(7) The board shall decide the appeal within 90 days after the hearing and may make any decision the executive director could have made.

10(8) Within 30 days after deciding the appeal, the board shall give the applicant written notice of its decision.

If the Board refuses your registration or approves it subject to conditions, you may choose to file a notice of appeal to the court within thirty (30) days. You may request and receive, at your own expense, a copy of the record of proceedings and all documents the Board used to make its decision.

11(1) A person whose application for registration as a practising licensed practical nurse or as a graduate practical nurse is refused by the board or whose application is approved subject to conditions may appeal the decision to the court by filing a notice of appeal within thirty (30) days after receiving notice of the board's decision under subsection 10(8).

11(2) An appeal shall be founded on the record of the proceedings before the board.

11(3) At the request of the person appealing the board's decision, the executive director shall give the person, at the person's expense, a certified copy of the record of proceedings and any documents that the board considered in making its decision.

11(4) On hearing an appeal, the court may

a) make any decision that in its opinion should have been made; or

b) refer the matter back to the board for further consideration in accordance with any direction of the court.

In the case of a registration being cancelled due to fraudulent actions or criminal convictions, you must bring our appeals directly to the court.

14(3) A member whose certificate of registration is cancelled under this section may appeal the cancellation to the court, in which case section 11 applies with necessary modifications.

For more information regarding the appeals process, please contact the CLPNM at info@clpnm.ca or by telephone at 204-663-1212.