



College of Licensed Practical Nurses of Manitoba Summary of Proposed By-Law Amendments to Take Effect Under the RHPA

The College of Licensed Practical Nurses of Manitoba (CLPNM) is actively working with the Government of Manitoba on the practical nursing profession's transition to governance under *The Regulated Health Professions Act* (RHPA). The transition date has not yet been confirmed but may occur sometime in 2023 or 2024. As the CLPNM transitions to the RHPA, its by-laws will need to be replaced. Draft by-laws have been prepared and were conditionally approved by the CLPNM Board of Directors in April of 2023. Further revisions to the draft by-laws may be required once regulations for the profession are finalized to ensure cohesion between the regulations and by-laws.

The draft by-laws, including rationale, are being posted to the CLPNM website at this time to provide CLPNM registrants ample advanced notice and the opportunity to make comments. Note that, because of length, the proposed changes to the by-laws are summarized below but the full text is not included in this document. To review full text, please consult the draft by-laws posted alongside this summary at <https://www.clpnm.ca/about/by-laws/>. Registrants with comments or questions are encouraged to contact Renata Neufeld, Deputy Director, CLPNM by email at renataneufeld@clpnm.ca or by phone at 204-560-3266 or 1-877-663-1212 toll free. Note that, until the CLPNM and the profession transition to the RHPA, practical nurses will continue to be regulated under *The Licensed Practical Nurses Act*.

Topic	What's New	Rationale	Applicable By-Law Sections	By-Law Making Authority in RHPA
Definitions	A definition of the term "in good standing" will be added.	To assist with correct interpretation throughout the by-laws, and to clarify meaning as all regulators do not use this term in a consistent way.	1.1 Interpretation	Supports interpretation only. Not applicable.
Size and composition of the council	The by-laws will provide for a council of up to 10 members. The by-laws will establish an equal distribution of public representatives and member of the profession on the Council.	Changes to the size of the CLPNM Board of Directors are required under the RHPA, as each council is capped at 11 members maximum and the CLPNM's current Board of Directors has 12 members. The CLPNM Board of Directors has made the decision to transition to a Council of 10 members, with equal representation of public and professional members. Per the RHPA, the composition of the council must include at least 1/3 public representatives; there is no minimum	4.1 - 4.3	222(1)(b) and (c)

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		<p>required number of LPNs required on a governing council.</p> <p>An equal number of professional and public representatives will ensure there continues to be professional subject matter expertise on the council, along with broader competencies in other areas which might include finance, legislation, human resources, law enforcement, education etc. An equal number of public members and professionals on a governing council also contributes to public accountability.</p>		
Term of office	<p>All terms of office will change from 2-year terms to 3-year terms.</p> <p>The maximum amount of time an individual can be a member of the governing council will not change. Under the current by-laws, each individual may serve for three two-year terms, so up to a maximum of six years.</p> <p>Under the proposed bylaws, each member would be eligible to serve for up to two three-year terms, so still up to a maximum of six years.</p>	The change to three-year terms acknowledges the amount of time it can take to become oriented to the work and role of a regulatory college and council.	4.4 – 4.5	22(1)(c)
Eligibility for appointment to Council	Eligibility criteria will be amended to correspond with the RHPA. For example, under the RHPA, individuals who have practised another health profession within	Consistency with the RHPA, as is required.	4.6 - 4.7	22(1)(c)

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	the past 5 years are ineligible to be public representatives on the CLPNM Council.			
Manner of filling vacancies on the Council	Vacancies on the Council will be filled through a competency-based appointment process, instead of through an election process.	<p>In the past, those who have run for CLPNM elections are often uncontested and voter participation in CLPNM elections is very low.</p> <p>A competency-based appointment process presents opportunities for a broader range of competencies and a more diverse council, as these council attributes become more deliberate in the appointment process. Diversity on council contributes to strong governance.</p> <p>Elections to a governing council by members of a profession risks creating confusion about the regulatory body's role and can result in a conflict with the duty of governing councils to regulate in the public interest. Those selected may feel a sense of obligation to those who have elected them, which is in conflict with the responsibility to regulate for the benefit of the public.</p> <p>Other regulators, such as the College of Registered Nurses of Manitoba have made similar changes in recent years.</p>	5.1 and 8.1	13(5) and 222(1)(c)
Fees for Registration and Certificates of	The Council's authority to set registration fees for renewals and certificates of practice is specified, along with a requirement for the	Application and registration fees are the CLPNM's primary source of revenue and therefore must be set by the Council to cover	13.1	32(1)(f), 40(1)(d), 41(1)(d) and 222(1)(q)

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Practice	<p>Council to provide notice (a minimum of 60 days) regarding any change in the fee for the renewal of an LPN certificate of practice.</p> <p>The Council must also post a fee schedule to ensure transparency of all fees.</p> <p>Fees other than those for registration, certificates of practice, or health profession corporation permits, are established by Council but do not need to be provided for in the by-laws. Reference to these fees will be removed.</p>	the costs of regulation. The CLPNM receives no government funding. The profession must be self-sustaining, which in turn means the cost of regulation must be borne by the profession.		
Registration and Certificates of Practice	The window for submitting renewal applications will be specified in the by-laws.	<p>Regulations under the RHPA will not specify the renewal period. Instead, section 46(1) of the RHPA identifies that the time period for renewal applications is to be set out in the by-laws.</p> <p>The time period established in the proposed by-laws will provide the processing time the CLPNM requires to make fair and sound decisions, prior to the expiry of annual certificates of practice.</p>	14.1 – 14.2	46(1)(b) of the RHPA
Health Profession Corporations Permits	The new/proposed by-laws set out requirements for applying for a Health Profession Corporation permit.	Under the RHPA, the CLPNM will be required to grant permits to health profession corporations. Additions to the by-laws are required to support this process.	15.1 – 15.2	222(1)(q) and (t) of the RHPA

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CLPNM Committees	<p>The Governance Committee will assume the responsibilities of the former public representatives committee, and role will be expanded to review and make recommendations regarding the appointment of all members of the Council appointed by the Council.</p> <p>The role an authority of the Education Approval Committee will be clarified to better-reflect its current and actual role. This role is to make recommendations to the Council, not to make decisions on programs independently of the Council.</p>	<p>Reduce the need for an additional CLPNM committee.</p> <p>Clarify the Education Approval Committee's current role.</p>	16.1	222(1)(f) of the RHPA
Code of Ethics	Identifies that the Council will adopt a Code of Ethics following a 30-day notice period for members.	The notice period will provide for transparency, as well as the opportunity for registrants to comment before any new code of ethics is adopted.	17.2	83(1) and 222(1)(u) of the RHPA
Miscellaneous and Consequential Amendments	<p>A number of other miscellaneous changes have been made to:</p> <p>Reduce redundancies within the by-laws, or between the by-laws and draft RHPA regulations.</p> <p>Remove clauses that will be rendered moot by changes elsewhere in the by-laws or in</p>	Clarity, cohesion, organization.	Throughout	Not applicable. Style choice does not require an explicit by-law making power.

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	<p>the RHPA.</p> <p>Renumber articles, paragraphs and clauses, as required because of the changes throughout.</p> <p>Re-organize some sections.</p>																	
Style and language	<p>Examples of changes include:</p> <table><tr><th>Former</th><th>New</th></tr><tr><td>President</td><td>Chair</td></tr><tr><td>Executive Director</td><td>CEO/Registrar</td></tr><tr><td>Board of Directors</td><td>Council</td></tr><tr><td>Investigation Committee</td><td>Complaints Investigation Committee</td></tr><tr><td>Discipline Committee</td><td>Inquiry Committee</td></tr><tr><td>he/she</td><td>they</td></tr></table>	Former	New	President	Chair	Executive Director	CEO/Registrar	Board of Directors	Council	Investigation Committee	Complaints Investigation Committee	Discipline Committee	Inquiry Committee	he/she	they	For consistency with language used in the RHPA, and to adopt a gender-neutral style.	Throughout	Not applicable. Style choice does not require an explicit by-law making power.
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President	Chair																	
Executive Director	CEO/Registrar																	
Board of Directors	Council																	
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