



Background

The CLPNM is the professional regulatory body for practical nurses in Manitoba. It is mandated in legislation to regulate practical nurses in a manner that serves and protects the public. This includes, among other things, investigating complaints about practical nurses and taking action, when necessary, to protect the public interest. Any person may make a complaint to the CLPNM regarding the suspected misconduct, incompetence, or incapacity of a practical nurse.

All complaints received by the CLPNM, which are within its jurisdiction, are referred to the CLPNM's Investigation Committee for review. After reviewing a complaint, the Committee will determine what additional information it needs, if any, to make a fair and sound decision. If the Committee directs an investigation into the matter, an investigator will be appointed to gather additional information about the allegation(s). Most often the investigation process includes interviews with witnesses. As a witness, you may have questions about the process and how you will be involved.

Why have I been contacted to be a witness?

Investigators collect information from a variety of sources. You may have been contacted if the investigator believes that you witnessed a specific incident involving the practical nurse being investigated, or because you may be in a position to speak to the practical nurse's competence or conduct.

Can I decline to be interviewed as a witness?

Providing witness testimony helps the CLPNM to uphold its mandate to serve and protect the public interest. As a witness, you will be asked to share information about what you heard and saw. By sharing this information, you are helping the Investigation Committee make a fair and sound decision. If you are a registrant of the CLPNM, it is your professional obligation to support the mandate of the CLPNM to protect the public.

If necessary, the investigator can require a CLPNM registrant to provide information relevant to an investigation, as per their authority under *The Licensed Practical Nurses Act*. The CLPNM can also require others to provide information by applying for a court order. The CLPNM prefers not to rely on these powers, however. Instead, the CLPNM hopes that its registrants and others will willingly participate in the investigation process, recognizing the benefit of fair and comprehensive investigations.

What can I expect after being contacted as a witness in an investigation?

Upon being contacted by the investigator, you will be provided with a copy of this fact sheet to review. The investigator will set up a time to interview you. Expect that the interview will take approximately 0.5-1 hour. The investigator may arrange to meet with you in person, by phone, or by video conference. The investigator will ask you questions which may relate to a specific incident

that you may have witnessed or may ask you questions about the nurse's competence or conduct. You may ask the investigator questions to clarify any uncertainties. Please answer questions honestly, speaking from your personal knowledge. If you do not know the answer to a question, inform the investigator.

How will the information I provide be used?

The investigator will compile a report for review by the Investigation Committee, which may include information provided by multiple witnesses, as well as the complainant and the practical nurse who is the subject of the complaint. The Investigation Committee will review all information gathered to determine if it indicates there has been a breach of the standards of the practical nursing profession.

If the Committee determines that there has been a breach of the standards, the Committee will then consider whether the nurse has demonstrated insight and whether the nurse presents an ongoing risk to the public. When appropriate, the Committee will seek options that support the public interest while also providing the nurse the opportunity to restore his or her competence, fitness to practice, and/or professionalism. Each case is unique, however, and depending on the circumstances and the severity of the issue, the Investigation Committee may decide to refer the matter to the CLPNM Discipline Committee. If the matter is referred to discipline, witnesses may be called to testify under oath.

Will my identity remain confidential?

Based on the principle of procedural fairness, the person affected by a decision must be provided with the information that will be considered when a decision about them is made. In keeping with this principle, the nurse being investigated will be given the opportunity to respond to all information gathered in the course of an investigation. When this information is shared with the nurse, the identity of witnesses may be revealed, even if they are not expressly named, based on the context and the information shared. For this reason, it is important for witnesses to be aware that it is not always possible for witnesses to remain anonymous throughout the complaint and investigation process. If you have significant concerns about your identity, as a witness, being known to the practical nurse, please contact the CLPNM to further discuss your concerns.

What if I still have questions?

You may contact the CLPNM's Investigator or CLPNM's Conduct Department to discuss your questions.

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