

## Purpose

If you are a practical nurse in Manitoba and a complaint has been made to the College of Licensed Practical Nurses of Manitoba (CLPNM) respecting your conduct, competence or capacity, this fact sheet will provide you with information about the complaint process that the CLPNM will follow in response to the complaint.

## Who is the CLPNM?

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.

## Who can make a complaint to the CLPNM?

Any person can make a complaint to the CLPNM regarding the suspected misconduct, incompetence or incapacity of a practical nurse. A complaint may be made by an employer, a co-worker, another member of the profession, a client or any member of the public. Complaints may refer to a nurse's conduct during work hours, or to conduct while the nurse was off-duty. A complaint may be made respecting an active practising member of the profession, or even a former member of the profession within five years of the date he or she left practice.

## What happens after a complaint is made?

The CLPNM will send you written notice of the complaint, and will include a copy of the letter of complaint. You will have an opportunity to respond in writing within 14 days. The complaint, your response, and any other relevant information will then be referred to the CLPNM's Investigation Committee.

The Investigation Committee is mandated in *The Licensed Practical Nurses Act* to consider all complaints submitted to the CLPNM, and when it deems necessary, to direct investigations into the allegations. The Committee is comprised of members of the profession and members of the public. When considering a case, the Committee is guided by principles of fundamental justice. It will be fair in its procedures, its decisions, and in the way it relates to complainants, witnesses and the nurses whose conduct and practice it reviews.

## What happens during an investigation?

If the Committee decides to direct an investigation, an investigator will be appointed to gather additional information about the allegation. This may include gathering information or records from your workplace, interviewing witnesses, and/or interviewing you directly. An interview with an investigator is opportunity for you to respond to any new information gathered during the course of the investigation.

Once the investigation is complete, a report will be submitted to the Investigation Committee for its consideration. The Committee may or may not direct you to attend a meeting to respond to additional questions.

Throughout the process, whether or not you are directed to appear in person before an investigator or the Committee, you have the right to retain legal counsel for advice and/or for representation. If you choose to engage a lawyer, it is important for you to notify the CLPNM and to provide the CLPNM with their name and contact information.

### What are the possible outcomes of a complaint?

All cases are unique. After considering all relevant information, including your written submission and the findings of an investigation, the Committee may arrive at a number of different decisions. For example, it may decide to impose conditions on your licence and/or to direct assessments, practice audits, or remedial education. It may decide to issue a censure, which is an official reprimand, and which may or may not be published. The Committee may seek to enter into an agreement with you that provides for ongoing assessments, counselling, education, monitoring and/or supervision. If you choose to voluntarily surrender your licence, the Committee may defer making a decision on the matter, in which case it will re-open the file if you apply to reinstate your licence in future.

In some cases, the Committee may decide that no action at all is needed. In other rare but more serious cases, it may decide to suspend a licence and/or refer the matter to the CLPNM's Discipline Committee. The Investigation Committee's general aim is not to pursue punishment while other alternatives are available. Whenever possible, it will pursue options that support the public interest while also supporting you to restore your competence, fitness to practice, and/or professionalism. The Committee will send you a written notice of its decisions and the reasons for its decisions.

### What costs might I incur?

Depending on the outcome of an investigation, the Investigation Committee may require you to pay all or part of the costs associated with an investigation. It may also require you to pay the costs associated with any ongoing monitoring that is needed to ensure you meet conditions that have been imposed or agreed upon (e.g. the cost of lab tests for drug screening).

### What if I do not agree with a decision?

Generally, decisions of the Investigation Committee are final and cannot be appealed by the person who is the subject of the decision. The only decisions that may be appealed to the Board of Directors are decisions to suspend a licence or place conditions on a licence during an investigation. In these cases, an appeal must be made in writing and addressed to the Executive Director of the CLPNM.

### What if I still have questions?

You may contact the CLPNM's Conduct Case Manager to discuss your questions.

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