

Purpose

If you have a concern about the conduct, competence and capacity of a practical nurse in Manitoba, this fact sheet will provide you with information on how to report your concern to the College of Licensed Practical Nurses of Manitoba (CLPNM), and about the process that the CLPNM will follow in response to your concern.

Who is the CLPNM?

The CLPNM is the professional regulatory body for practical nurses in Manitoba, including student practical nurses (SPNs), graduate practical nurses (GPNs) and licensed practical nurses (LPNs). The CLPNM's duty is 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 ensure the public interest is protected.

Under what circumstances are complaints made to the CLPNM?

Before a person is authorized to practice as a practical nurse, they are evaluated against strict criteria to ensure their competence and suitability for membership in the profession. Once registered with the CLPNM, all members of the profession are bound by legislation and professional standards that provide for ongoing competence and safe and ethical practice. Despite these safeguards, concerns about the conduct, competence or capacity of a practical nurse do sometimes arise.

If you have a concern about a practical nurse, and do not believe the concern poses a serious risk to you or someone else, you might wish to discuss the matter with the nurse or the nurse's employer to see if the matter can be resolved informally. If that approach does not remedy the situation or is not appropriate in the circumstance, you may make a complaint to the CLPNM.

Who can make a complaint to the CLPNM?

Any person may 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 relate to a nurse's conduct while the nurse was on or 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.

Please note that, while any person may make a complaint, employers and members of the profession are required to report certain information to the CLPNM. For more details, please refer to the CLPNM's Interpretive Document on the Duty to Report, available on the CLPNM website (www.clpnm.ca).

How do I make a complaint to the CLPNM?

All complaints must be submitted in writing to the Executive Director of the CLPNM, and must be signed. Please include as much information as possible with your complaint, such as:

- the name of the practical nurse about whom you have concerns

- a detailed description of the circumstances that led to your concern, including the date, time and location of any specific incidents
- names and contact information of witnesses
- copies of any supporting documentation available
- any notes written by the complainant or witnesses about the alleged conduct
- any other information that may be relevant, and
- your name, address, email, home phone and cell phone numbers.

If you are the employer, manager or supervisor of the practical nurse, please also include:

- the nurse's current employment status (full or part time, casual, suspended, terminated)
- copies of relevant employer policies
- copies of relevant medical records
- copies of any relevant internal investigations, audits, practice assessments or performance appraisals
- information about any disciplinary action taken in response to the current concern, and
- information about past disciplinary action, if applicable.

You may submit your letter of complaint by email, mail or in-person to the CLPNM office. The address is included in this fact sheet below. A complaint submitted by email must be signed and scanned before it is emailed.

Is my complaint confidential?

The CLPNM cannot act on an anonymous complaint, nor can it withhold your name from the nurse who is the subject of the complaint or his/her legal counsel. However, if information about the complaint were published by the CLPNM, for example on its website, the CLPNM would withhold the identity of the individual who submitted the complaint. The CLPNM would also withhold the identity of any clients or witnesses, and would not publish any identifiable personal health information.

What will happen after I submit my complaint?

You will receive a letter from the Executive Director acknowledging receipt of your complaint. You may be asked for additional substantiating documentation. The nurse, against whom the complaint was made, will receive a copy of your letter of complaint and will be given 14 days to respond. All relevant information, including the nurse's response, will then be referred to the CLPNM's Investigation Committee.

The Investigation Committee is mandated in *The Licensed Practical Nurses Act* to consider - and when it deems necessary, to direct investigations into - the practice and conduct of Manitoba's practical nurses. 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 are the possible outcomes of a complaint?

All cases are unique. After considering all relevant information, including the findings of an investigation if one was ordered, the Committee may arrive at a number of different decisions. For example, it may decide to restrict a practical nurse's licence or to direct assessments, practice audits, or remedial education. It may decide to censure the practical nurse, which

means that the nurse receives an official reprimand which may or may not be published. The Committee may enter into an agreement with the nurse that provides for ongoing assessments, counselling, education, monitoring and/or supervision. If the nurse voluntarily surrenders his or her licence, the Committee may defer making a decision on the matter, but would re-open the file if the nurse were to re-apply for a 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 suspend the nurse's licence and/or refer the matter to the CLPNM's Discipline Committee. In most cases, the nurse is not suspended or referred for discipline. 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 the nurse to restore his or her competence, fitness to practice, and/or professionalism. The Committee will send to both the complainant and the nurse a written notice of its decisions and the reasons for its decisions.

What if I do not agree with the decision?

If the Investigation Committee decides to take no further action, to accept the voluntary surrender of the practical nurse's licence, or to enter into an agreement with the practical nurse, the complainant has the right to appeal that decision to the Board of Directors of the CLPNM. A notice of appeal must be made in writing to the Executive Director within 30 days of the date the complainant is notified of the Committee's decision.

What if I still have questions?

If you are thinking about making a complaint and still have questions, the CLPNM is available to provide further information. If required, a CLPNM consultant will:

- listen to your specific concerns/complaint
- ask questions to clarify and better understand your concerns/complaint
- discuss what options are available to resolve your concerns
- provide you with instructions on submitting a complaint
- meet with you in person to discuss your complaint
- answer your questions about the complaint process, and
- discuss and clarify any documentation you receive from the CLPNM.

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