



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 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 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 duty, or to the nurse's conduct while off duty if that conduct was contrary to the standards of the profession. A complaint may be made respecting an active practising member of the profession, or even a former member of the profession, within five years, if the complaint relates to conduct while the nurse was registered with the CLPNM.

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 to the CLPNM within 14 days. The complaint, your response, and any other relevant information will then be referred to the CLPNM's Investigation Committee.

The CLPNM recognizes that it can be stressful to learn that a complaint has been made regarding your conduct, competence or capacity. You may feel a range of emotions; however, it is important to remember that your professional standards continue to apply, and you must continue to treat clients and their families, coworkers and employers respectfully and professionally, even those who have filed a complaint against you.

The Investigation Committee is mandated in *The Licensed Practical Nurses Act* (the 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.

After reviewing a complaint, as well as your response to the complaint, the Committee will determine what additional information it needs, if any, to make a fair and sound decision. The Committee may direct an investigation into the matter. Depending on the circumstances, the Committee might also refer you for practice audit, a clinical competence assessment, and/or a fitness to practice assessment to gather additional information.

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 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 response to the allegations and the findings of any investigation, audit and/or assessment, the Committee may arrive at a number of different decisions.

The Act guides the Committee in the decisions that it may make. Specifically, the Committee may:

- pursue an agreement with you, which might include expectations for remedial education, monitoring, and/or further assessments
- accept your decision to voluntarily surrender of your registration
- issue a censure, which may or may not identify you
- refer the matter to mediation
- direct that no further action be taken
- direct that the case be referred, in whole or in part, to the discipline committee, or
- take any other action that the Committee considers appropriate in the circumstances, provided that it is not contrary to the Act, regulations or by-laws.

Although each case is unique, if a nurse demonstrates insight and is not deemed a serious ongoing risk to the public, the Committee will often pursue an approach that focuses on remediation and monitoring. The Investigation Committee's general aim is not to pursue punishment while other appropriate alternatives are available. When possible, the Committee seeks 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. When a decision is made, the Committee will send the complainant and the nurse a written notice of its decisions and the reasons for its decisions.

Conditions and Suspensions

When a complaint gives rise to serious concerns about ongoing public protection, the Committee may consider imposing conditions on, or suspending, a nurse's licence while the matter is resolved or a final decision is made. Interim conditions and suspensions are not imposed by default.

Before deciding to impose conditions or a suspension, the Committee will consider a number of factors. These factors include, but are not limited to:

- whether the information on hand suggests that the nurse
 - demonstrated a reckless disregard for client safety and wellbeing
 - intended to cause harm, and/or
 - attempted to conceal the issue
- whether the nurse has a history of misconduct and/or incompetence that has not been corrected
- the severity of any gaps in the nurse's competence or professionalism
- the degree to which the nurse has demonstrated insight regarding the issue(s), and
- the extent to which the public would be at ongoing risk of harm if the nurse were to continue to practice, without restriction.

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). You will also be responsible for covering the costs of any audit, assessment or remedial education that is required.

What if I do not agree with a decision?

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

Note that complainants also have the right to appeal certain decisions. Specifically, a complainant may appeal a decision to take no further action, to accept the voluntary surrender of the nurse's licence, or to resolve a matter by entering into an agreement with the nurse.

What if I still have questions?

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

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