Module 3 – Regulation of LPNs II

1. Regulations of LPNs II

1.1 Welcome

No narration, only introductory music.
1.2 Module topics

Module Topics

Registration
Continuing competence
Conduct process

Narration

JILL: Welcome to Module 3 of this Jurisprudence Study Guide. I’m Jill here with Carlos.

CARLOS: Hi Jill. In this module, we are continuing our discussion of the Regulation of LPNs, is that correct?

JILL: Yes, it is. We will be discussing the requirements for qualified individuals to get registered as LPNs; the College’s continuing competence program; and conduct expectations of regulated members; and, how the College deals with complaints and unprofessional conduct.

CARLOS: This sounds like some very important information.

JILL: Yes, it is, so let’s get started.
1.3 LPN Registration

Registration

Module 3: Regulation of LPNs II

Narration

No narration, only transition music.
1.4 LPN registration

Narration

JILL: Our first topic in this module is registration. A person can NOT work as a licensed practical nurse in Alberta unless they are registered with CLPNA. Here are the requirements for initial registration with the CLPNA.

CARLOS: An applicant for registration as a regulated member must have a diploma or certificate in practical nursing from a program approved by Council, and have successfully completed the registration examination approved by Council.

JILL: All applicants for registration as regulated members must provide evidence of having good character and reputation by submitting any of the following on the request of the Registrar: written references from colleagues; a declaration stating that the applicant has no history of unprofessional conduct or disciplinary actions; and, the results of a criminal records check.

CARLOS: It is a requirement for registration that the applicant must be sufficiently proficient in the English language to be able to provide professional services in English. The Registrar may require the applicant to demonstrate English language proficiency. If someone does not meet these requirements, the Registrar may consider registration under Section 8 or 9 of the LPN Regulation.
1.5 Registration categories

Narration

JILL: Under the LPN Regulation, CLPNA has three categories of registration. The general register is for most of the regulated members that meet the requirements.

The provisional registration applies to members who have met all the registration requirements but have not yet successfully passed the registration examination. The provisional registration can only be held for a maximum of one year. A member on the provisional register may practice only under supervision.

A person who is registered as a practical nurse in good standing in another jurisdiction can obtain a courtesy registration in Alberta on a temporary basis for a specified purpose approved by the Registrar. The term of registration of a person on a courtesy register is for 3 months or less.
1.6 Registration renewals

**Registration Renewals**

Annual registration renewal required to:
- continue to work in Alberta as LPN
- renew Associate membership

Failure to renew results in suspension or cancellation

**Narration**

**JILL:** CLPNA members must complete an annual Registration Renewal Application in order to continue to work in Alberta as a licensed practical nurse; to renew associate or non-practicing registration; or to notify CLPNA that they are NOT renewing for the following year.

**CARLOS:** Failure to complete the annual registration renewal application results in the suspension or cancellation of the registration with the College. This means the LPN can no longer legally practice in Alberta.
1.7 Practice Permits

Narration

JILL: The College’s registration year is January 1 to December 31. Registration renewals start in the fall of the previous year for members who wish to continue to practice in the next calendar year. Members are asked to complete their registration renewals by December 1. Renewals must be completed online.

Practice permits expire on December 31 of each year. Under the *Health Professions Act*, practice permit renewals are subject to a member meeting all the requirements of the College’s continuing competence program.

CARLOS: According to the *Health Professions Act* (Section 43), individuals without a valid practice permit are not authorized to work as a licensed practical nurse in Alberta, nor to use the title “LPN”.

JILL: So to continue your nursing practice without any interruptions, it important that you renew your annual registration in a timely and appropriate manner.

CARLOS: Yes, that is good advice.
1.8 Other memberships

**Narration**

**JILL:** The College offers an Associate membership for individuals who do not plan to practice as a LPN, but still want to receive the CARE magazine, practice updates and renewal notices.

**CARLOS:** Associate status does NOT allow an individual to work as an LPN. Associates wishing to return to work as an LPN in the future must meet all registration requirements when reinstating.
1.9 Public Registry

Narration

**JILL**: The *HPA* (Section 34) requires the College to make certain register information on each regulated LPN available to the public. This is done by the CLPNA Public Registry of LPNs. It is available on the College’s website. This register enables employers, LPNs and the public to check the status of any regulated member.

**CARLOS**: The information provided on the registry includes data on each regulated member’s registration and practice permit status and any conditions or restrictions.
1.10 Relevant documents

**Narration**

**JILL:** Here is a list of the relevant legal documents relating to registration. Please review them carefully. When done, return to this slide and click on NEXT.
1.11 Continuing Competency

Narration

No narration, only transition music.
1.12 Competence program

Narration

**JILL:** Let’s now discuss the College’s Continuing Competence Program. The *HPA* specifies that Council must establish a continuing competence program that provides for regulated members to maintain competence and to enhance the provision of professional services.

The *LPN Regulation* requires that regulated members, on an annual basis, submit a self-assessment, learning plan, and a list of continuing competence activities undertaken during the past registration year. These CCP requirements must be met in order to complete the annual renewal of the practice permit.

**CARLOS:** The purpose of the CCP is to legally require regulated LPNs to continually enhance and expand their professional knowledge, skills and competence. The CCP is also a mechanism that the College can use to ensure that nursing practice and conduct meet current professional standards.

**JILL:** For more information, see the CCP Instruction Guide.
1.13 Learning Plan

Narration

**JILL**: The key component of the continuing competence program is that every year each regulated LPN must prepare and implement a professional learning plan. Evidence of completion of the learning plan is required as part of the application for renewal of the annual practice permit.

**CARLOS**: Regulated members are able to select from a wide variety of learning activities. These can include mandatory employer education, formal credit courses, workshops and seminars, conferences and conventions, and self-directed studies.

**JILL**: It is important to stress that each LPN is in charge of his or her learning plan! They decide what learning best suits their current needs, how to best achieve that learning, and when to do the learning. We should also mention that it is permissible to modify a learning plan if circumstances or needs change during the year.
1.14 Relevant documents

Narration

CARLOS: Here is a list, along with the links to the relevant legal documents relating to the Continuing Competence Program.
1.15 Conduct Process

Narration

No narration, only transition music.
1.16 Conduct expectations

Narration

JILL: In the final section of this Module, we will examine the expectations and processes involved in dealing with unprofessional conduct.

CARLOS: It is the expectation of the public, employers, other professionals and the Government of Alberta that self-regulated professionals, including licensed practical nurses, provide competent, safe, and ethical professional services to their clients.

JILL: They are expected to comply with the Health Professions Act, Regulation, other relevant legislation, such as privacy legislation, Standards of Practice and the College’s Code of Ethics.

CARLOS: Self-regulated LPNs are conscious of their conduct and know that they must build trust and confidence in their profession.
1.17 Unprofessional conduct

**Narration**

**CARLOS:** I know generally what “unprofessional conduct” means. But it would be nice to have some specific examples for health professionals.

**JILL:** Sure. Under the Health Professions Act, “unprofessional conduct” means one or more of the following. Let’s do this together. You start.

**CARLOS:** Okay. Unprofessional conduct means displaying a lack of knowledge or lack of skill or judgment in the provision of professional services.

**JILL:** Unprofessional conduct is contravention of the Health Professions Act, “unprofessional conduct” means one or more of the following. Let’s do this together. You start.

**CARLOS:** Okay. Unprofessional conduct means displaying a lack of knowledge or lack of skill or judgment in the provision of professional services.

**JILL:** Unprofessional conduct is contravention of the Health Professions Act, or the College’s Code of Ethics or Standards of Practice. Unprofessional conduct is the contravention of any other law that applies to the profession. For example, this might include failure to practice in compliance with privacy legislation.

**CARLOS:** Unprofessional conduct is representing or holding out that a person is a regulated member of their profession, when in fact the person’s registration or practice permit has been suspended or cancelled.

**JILL:** Unprofessional conduct is representing that a regulated member’s registration or practice permit is not subject to conditions, when in fact it is.

**CARLOS:** Unprofessional conduct is failure or refusal to comply with the requirements of the Continuing Competence Program, or to cooperate with the Competence Committee, or with a person making a practice visit.

**Unprofessional Conduct**

- lack of knowledge, skill or judgment
- contravention of HPA, Code of Ethics, Standards or applicable legislation
- practicing without registration or practice permit
- not complying with condition on permit
- failure to comply with CCP requirements
1.18 Unprofessional conduct

Narration

**JILL:** Unprofessional conduct is failure or refusal to comply with a request to cooperate with an investigator or to comply with a request or direction of the Registrar. The *Health Professions Act* allows Council to appoint investigators for the purpose of determining whether a regulated member is complying with the *Act, Bylaws, Standards of Practice* and *Code of Ethics*.

**CARLOS:** Unprofessional conduct is failure or refusal to comply with an agreement that is part of a ratified settlement.

**JILL:** Unprofessional conduct is failure or refusal to undergo an examination under section 118. Under this section of the *HPA*, if a Complaints Director has grounds to believe that a regulated member is incapacitated, they may direct that person to submit to a specified physical or mental examination within a specified time frame.

**CARLOS:** Another example of unprofessional conduct is failure or refusal to comply with a notice to attend or a notice to produce under Part 4. Specific instances of unprofessional conduct would include failure to comply with a notice to attend a hearing, or failure to provide requested documents in relation to the complaint process.

**JILL:** Unprofessional conduct is conduct that harms the integrity of the regulated profession. This includes any type of action that might harm the integrity or reputation of a profession.

These examples give us a pretty good idea of what constitutes unprofessional conduct.

**CARLOS:** Yes, this was very helpful.
1.19 Complainants

Complainants

Complaints can be made by:

- patient/client or family member
- regulated or former member
- another healthcare professional
- employer
- member of the public

Narration

JILL: We are now going to examine what happens when a complaint is filed against a regulated member of CLPNA.

CARLOS: Who can file a complaint against a LPN? Is it only their clients?

JILL: Actually no. Complaints can be filed by any of the following: a patient or client or a member of their family; a regulated or former member; another healthcare professional; an employer; or any member of the public.
1.20 Filing a complaint

**Filing a Formal Complaint**

Submitted to Complaints Director in writing and must include:

- name of regulated member
- description of facts and events
- any other information/documents
- name, signature and contact information of complainant

**Narration**

**JILL:** Complaints may NOT be anonymous. They must be submitted to the Complaints Director of the College in writing. Carlos, what information should be included in a complaint?

**CARLOS:** A complaint must include: the name of the regulated or former regulated member involved; a detailed description of the key facts and events that occurred, including dates, times and location; any other information or documents that support the allegations being made; and the name, signature and contact information of the person filing the complaint.
1.21 Appeals

Decision of Hearing Tribunal may be appealed by:
- investigated person
- Complaints Director

Complainant does NOT have right to appeal

Narration

CARLOS: Are there any mechanisms that the person being investigated can use to appeal the decision of the Hearing Tribunal?

JILL: Yes there are. The decision of a Hearing Tribunal may be appealed to Council by either the person being investigated or by the Complaints Director. Under the Health Professions Act, there are also provisions for the individual to appeal the decision of a College Council to the Court of Appeal.

CARLOS: What about the person making the complaint? Do they have a right to appeal the decision of the Hearing Tribunal?

JILL: No. Under current legislation, the complainant does NOT have the right to appeal a decision made by a Hearing Tribunal.
1.22 Relevant documents

Narration

JILL: Here is the list, along with the links, to the legal documents relating to professional conduct. Please review. When done, come back to this slide, and click NEXT to continue with the presentation.
1.23 Summary

Narration

JILL: This brings us to the end of this module. Carlos, care to summarize the topics we covered?

CARLOS: I would be happy to. We began by outlining the registration process for LPNs practicing in Alberta. We discussed the education and character requirements necessary for registration and the different registration categories including the general register to which most regulated members belong. We described the process for annual registration and practice permit renewals. Finally we discussed the types of other memberships available from the College, and the Public Registry where anyone can view the registration status of any regulated LPN.

We then briefly outlined the College’s continuing competence program including its purpose and the importance of the Learning Plan. Meeting the annual requirements of the CCP is a prerequisite for yearly renewals of practice permits.

And the last section was about the conduct process. We talked about the conduct expectations of LPNs and provided examples of unprofessional conduct. We then discussed by whom and how complaints can be made against regulated members, and who is allowed to appeal the decisions of the Hearing Tribunals.

Did I miss anything?

JILL: No, I think you have covered all of the key points. Thanks for listening to us. We will see you again in the next module. Goodbye.

CARLOS: Bye!
1.24 The end

Narration

No narration, only ending music.