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## Criminal Record Checks

### Background:

Sections 4(1)(c) and 10(1)(e) of the SALPN Regulatory Bylaws require an applicant for registration in or re-entry to submit a “satisfactory” criminal record check that includes a vulnerable sector query. The Registrar must determine whether an applicant is suitable to practice safe and ethical nursing. A criminal record check is part of that suitability assessment. This assessment is consistent with the public protection mandate of the SALPN.

### Interpretation:

A “satisfactory” criminal record check is one that does not disclose a conviction that would lead to discipline proceedings if the applicant were a member of the SALPN. Only convictions based on conduct that would fall within the definition of “professional misconduct” as set out in section 24 of The Licensed Practical Nurses Act, 2000 could lead to refusal of registration or re-entry.

Section 24 of the Act is as follows:

#### Professional misconduct

- 24 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:
- (a) it is harmful to the best interests of the public or the members;
  - (b) it tends to harm the standing of the profession;
  - (c) it is a breach of this Act or the bylaws; or
  - (d) it is a failure to comply with an order of the counselling and investigation committee, the discipline committee or the council.

Section 20 of the Regulatory Bylaws is as follows.

#### Code of Ethics

- 20 All members shall conduct themselves in an honourable and ethical manner, upholding the values of truth, honesty and trustworthiness, and shall observe the standards of conduct set out in the Code of Ethics for Licensed Practical Nurses in Canada approved and adopted by Canadian regulatory agencies as of April 1, 2013.

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## Procedure:

1. Where an applicant submits a criminal record check that discloses a criminal record, the Registrar will obtain sufficient details of the record including a copy of the Information(s) or Indictment(s), Certificate(s) of Conviction, pre-sentence reports or any other public documentation, from the applicant or directly from the court or police service to determine what the facts were that gave rise to the conviction.
2. The Registrar will determine if the facts as established give rise to a reasonable likelihood that the conduct in question would constitute “professional misconduct” as that term is defined in section 24 of the Act. If it does not, the application will be approved.
3. If the conduct in question does likely constitute professional misconduct, the applicant will be given an opportunity to make written or verbal representations as may be directed by the Registrar addressing the following:
  - a. The circumstances of the offence;
  - b. The date of the offence and conviction;
  - c. The severity of the offence;
  - d. The relevance of the offence to the practice of an LPN;
  - e. Steps the applicant has taken since the conviction to rehabilitate him or herself;
  - f. The availability of a pardon; and
  - g. Any other relevant factors.
4. The Registrar may request additional documentation from an applicant prior to ruling on an application. The Registrar may request:
  - a. An addictions assessment;
  - b. A psychological assessment;
  - c. Counselling reports;
  - d. A driving abstract;
  - e. Transcripts of court proceedings; and
  - f. Any other applicable documentation.
5. Unless otherwise agreed to by the Registrar, the costs if any to obtain additional documentation shall be borne by the applicant.

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6. The Registrar may approve the application if he/she is of the opinion, after taking into account all of the relevant factors, that there is little risk to the public who would be served by the applicant as an LPN.
  7. If it is the decision of the Registrar to refuse the application, the applicant has a right to request a review of the decision by Council as provided for pursuant to subsection 20(4) of the Act.

## References

*The Licensed Practical Nurses Act, 2000.*

*Saskatchewan Association of Licensed Practical Nurses. (2013) Regulatory Bylaws. Regina*

### Criminal Record Check Process Algorithm

