

# 2019 MEMBER SUBMITTED RESOLUTION

Council Response



## The SALPN Council Response to the 2019 Member Submitted Resolution

July 2020

### Response Outline:

#### 1. Background

The Role Of SALPN

Requirements of Licensure and Renewal

#### 2. Actions and Decisions of the SALPN Council Related to the Resolution

Environmental Scan

Remedies Available to LPNs to Address Practice Hour Shortages

Formal Re-Entry Program

Supervised Practicum Experience

Competency-Based Assessment

#### 3. Conclusion

#### 4. Copy of the submitted resolution

### Background

SALPN members can submit resolutions to the Council in advance of the Annual General Meeting (AGM). Resolutions are presented to the membership at the AGM. Resolutions require a majority vote for approval. If approved, the Council is responsible to review resolutions and respond to the resolution. The Council is not obligated to adopt, agree to, or follow the direction of a resolution.

A resolution related to licensure requirements was submitted by a SALPN member and later approved by the membership at the 2019 AGM. The full text of the resolution is included at the conclusion of this document. In summary, the resolution requested the SALPN Council to *“consider changing the wording in regards to the licensure requirements of practicing and non-practicing members related to members on sick leave, disability benefits, critical illness benefits, Workers Compensation Board Benefits, Saskatchewan Government Insurance benefits. The SALPN Council should update the membership on their findings in the next upcoming licensure year in a timely manner. A resolution shall be brought to the next AGM if deemed appropriate.”*

## **The Role of SALPN**

Regulation of the LPN profession, like all forms of regulation, is intended to serve the interest of the public. The SALPN's authority to regulate the LPN profession is delegated by the Saskatchewan legislature, on behalf of the public, through The Licensed Practical Nurses Act, 2000. The Act serves as an accountability structure between the SALPN and the legislature and outlines the regulatory responsibilities of the SALPN. The SALPN Council is accountable to the legislature for prioritizing the public interest mandate in response to resolutions received from SALPN members. The SALPN is not obligated to take direction from the membership and must evaluate the public benefit in the review of all decisions, including response to resolutions.

The LPN act provides the authority to LPNs to participate in the processes of self-regulation. LPNs are responsible for prioritizing the interests of the public ahead of their personal or professional interests.

## **Requirements of Licensure and Renewal**

To be registered and initially licensed with SALPN, applicants must meet the following requirements:

- Complete an approved Practical Nursing program or an equivalent
- Pass the licensure exam (n/a for GLPN licensure)
- Submit a satisfactory criminal record check
- Meet the minimum English language requirement
- Provide declarations or proof of compliance with other bylaw requirements

For licence renewal, members must meet the following requirements:

- Obtain and report no less than 1250 nursing hours in the previous five years
- Report no less than the minimum number of continuing education hours required, and
- Provide declarations or proof of compliance with other bylaw requirements

Registration and licensure requirements protect the public by ensuring qualified individuals are authorized to practice as an LPN and use the title, "Licensed Practical Nurse" or "LPN" in Saskatchewan. Requirements for licence renewal protect the public as collectively, they provide a means to support safe, competent, and ethical LPN practice on an ongoing basis.

## **Actions and Decisions of the SALPN Council Related to the Resolution**

The SALPN Council agrees that licensure requirements, specifically practice currency requirements, exist to protect the public. Practice currency requirements are intended to support safe, competent, and ethical care throughout the time frame an individual is licensed. **At this time, the SALPN Council will not change the practice currency requirement that LPNs work a minimum of 1250 nursing hours in a five-year period to maintain licensure eligibility.**

The Canadian Free Trade Act (CFTA) intends to support the mobility of professionals within Canadian provinces. Regulators in other provinces can apply for exceptions to the CFTA if the requirements of another province do not meet standards acceptable to the regulator. It is important for the SALPN Council to uphold standards consistent with the profession across Canada and maintain mobility of Saskatchewan licensed LPNs throughout Canada.

The SALPN Council approved revisions to SALPN policy, 2.1.12 Application for Hours Requirement Extension, effective January 1, 2020. Revisions to the policy shift the focus of the policy from the number of hours a member is “short” to the reasons for the shortage and the LPN’s plan and ability to obtain practice hours in the future. Circumstances like those listed in the resolution, such as illness and disability, can be submitted to the SALPN Registrar upon application and considered in the Registrar’s decision to approve an extension. The public protection responsibility of the SALPN is prioritized over the individual circumstances of applicants.

### **Environmental Scan**

An environmental scan of Canadian LPN regulators was completed. Currency requirements, although varying in format, exist across the LPN profession. Many provinces require a specific number of hours practiced over a specific time frame ranging from two to five years. This format is most similar to that of SALPN. Two Canadian provinces do not require a specific number of hours but stipulate a shorter time frame in which absence from practice is supported before becoming ineligible for re-licensure. SALPN’s existing practice currency requirement is consistent with the LPN profession in Canada.

### **Remedies Available to LPNs to Address Practice Hour Shortages**

The SALPN Council reviewed remedies available to LPNs in other provinces when a shortage of practice hours exists.

Options available in other jurisdictions may include:

- formal re-entry program
- supervised practicum experience
- competency-based assessment

### **Formal Re-Entry Program**

A practical nurse re-entry program, which was offered previously by Saskatchewan Polytechnic, was suspended several years ago due to a lack of enrollment. There is no indication that Saskatchewan Polytechnic plans to seek approval to deliver the program in the future and as a result, it is acknowledged by the Council that LPNs in Saskatchewan currently face challenges in regaining licensure eligibility.

### **Supervised Practicum Experience**

A supervised practicum experience (SPE) involves an LPN completing a practicum to develop and increase proficiency in the required competencies of the profession before re-entry to practice is permitted. SPE's generally involve the LPN assessing their competence against the competencies of the profession, securing a practicum location and supervisor, and completing a practical experience to address competency gaps. All arrangements and costs incurred are the responsibility of the professional. Existing programs vary in the degree of formality, oversight, and the formula to determine the length and composition of the practicum. The intention of all SPE programs is to protect the public by upholding the expectation that professionals meet the entry-level competencies of the profession. The entry-level competencies of the profession can be found here [https://salpn.com/wp-content/uploads/CCPNR-ELCs\\_2020E-SALPN-LOGO.pdf](https://salpn.com/wp-content/uploads/CCPNR-ELCs_2020E-SALPN-LOGO.pdf).

The Council is of the opinion the SPE may be a viable option to protect the public while providing an opportunity for LPNs to develop competence after a lapse in practice experience. The Council has directed the Executive Director to provide more information and evidence related to the effectiveness of SPE programs as it becomes available.

### **Competency-Based Assessment**

Competency-based assessment (CBA) is commonly used by regulators, including some LPN regulators in Canada, to assess the competence of professionals. CBA's may be used for a variety of reasons, including at the point of entry to the profession, a return to the profession, or as a result of disciplinary processes. CBA's can take many forms but often involve the development of practical scenarios and scientific mechanisms to assess the competence of a

professional based on their responses, actions, and interactions within the scenario. CBA's are formal in their development, implementation, and security measures. The cost to participate in a CBA is the responsibility of the professional with costs ranging among a variety of professions from \$800 to \$5,000 per assessment.

With the public protection mandate prioritized, the Council is of the opinion the CBA is likely to be the most reliable and defensible method of evaluating the competence of professionals and is interested in exploring development options. The Council has directed the Executive Director to provide further information about CBA's and development opportunities.

## Conclusion

The SALPN Council is accountable to the legislature for prioritizing the public interest mandate in response to resolutions received from SALPN members. At this time, the SALPN Council will not change the practice currency requirement that LPNs work 1250 nursing hours in a five-year period to maintain licensure eligibility. It is important to the SALPN Council to uphold standards consistent with the profession across Canada and maintain mobility of Saskatchewan licensed LPNs throughout Canada. SALPN's existing practice currency requirement is consistent with the LPN profession in Canada.

The SALPN Council approved revisions to SALPN policy, 2.1.12 Application for Hours Requirement Extension effective January 1, 2020. Revisions to policy 2.1.12 align with the public serving role of the SALPN while shifting the focus of the policy from the number of hours a member is "short" to the reasons for the shortage and the LPN's plan and ability to obtain practice hours in the future.

It is acknowledged by the Council that LPNs in Saskatchewan currently face challenges in regaining licensure eligibility in relation to the nursing hour requirement, and there is no indication that Saskatchewan Polytechnic plans to seek approval to deliver the re-entry program in the future.

The Council has directed the Executive Director to return with more information and evidence related to the effectiveness and defensibility of SPE programs as it becomes available. The Council has also directed the Executive Director to provide further information about CBA's and development opportunities.

On behalf of the SALPN Council,

Denise Kominetsky,  
SALPN Council Chair

## **RESOLUTION**

**Title of Resolution:** Review and amend the licensure requirements for members on sick leave, disability benefits, critical illness benefits, WCB benefits and/or SGI benefits

**Moved By:** Jennifer Kanciruk, 11569

### **Whereas**

Whereas when a member is on sick leave, disability benefits, critical illness benefits, Workers Compensation Board benefits, or Saskatchewan Government Insurance benefits the member shall not have their license revoked because of the hour requirements stated in the Saskatchewan Association Licensed Practical Nurse Regulatory Bylaws, 2018.

### **Be it resolved, that**

Be it resolved that the SALPN Council reevaluates- environmental scans Regulatory Bodies, The Human Rights Commission, Acts and/or regulations of other organizations pertinent to this resolution. The SALPN Council will consider changing the wording in regards to the licensure requirements of practicing and non-practicing members related to members on sick leave, disability benefits, critical illness benefits, Workers Compensation Board Benefits, Saskatchewan Government Insurance benefits.

The SALPN Council should update the membership on their findings in the next upcoming licensure year in a timely manner. A resolution shall be brought to the next AGM if deemed appropriate.

### **Explanatory Notes:**

The SALPNs mandate is public protection and the SALPN has created an Act, regulations and documents to define the ethical values and responsibilities of the profession. As well as legal and professional expectations of Licensed Practical Nurses in Saskatchewan.

The SALPN has created two types of licenses an LPN can take out each licensure year- Practising License and Non-Practicing Certificate as sited in the SALPN Regulatory Bylaws 2018. When an LPN applies for an initial licensure or renews their practising license the LPN must meet the requirements of licensure as stated in the SALPN Regulatory Bylaws 2018. An LPN must work in LPN activities approved by council for at least 1250 registered working hours during the previous 5 years to meet licensure requirements. If an LPN who is eligible for licensure but is not currently practicing as an LPN in Saskatchewan the LPN may take out a Non-practicing certificate.

Eligibility for licence renewal

10(1)a

10(1) In order to be eligible to obtain a renewal of a licence to practise, a member who is a licensed practical nurse must:

(a) have successfully completed a recognized practical nurse educational program within the previous four years, or have worked in licensed practical nurse activities approved by the council for at least 1250 registered working hours during the previous five years, or such longer period that the registrar may approve in writing;

Non-practising certificate

12 A licensed practical nurse who is eligible for licensure but is not currently employed or practising as a licensed practical nurse in Saskatchewan or working in licensed practical nurse activities described in clause 10(1)(a), may obtain a non-practising certificate on payment of the prescribed fee.

A member who does not meet the licensure requirement of clause 1(a) of the SALPN Regulatory Bylaws, 2018 may obtain a license by successfully completing a practical nurse re-entry program within 5 years after the member was last eligible for licensure based on his or her working hours.

Eligibility for licence renewal

10(2) (2) A member who does not meet the requirements of clause (1)(a) may obtain a licence by successfully completing a practical nurse re-entry program within five years after the member was last eligible for licensure based on his or her working hours.

When a member has unforeseen circumstances happen to them and they are placed on sick leave and/or put on disability benefits, critical illness benefits, Workers Compensation Board benefits, Saskatchewan Government Insurance benefits the member shall not have their license revoked because of the hour requirement stated in the Saskatchewan Association Licensed Practical Nurse Bylaws 2018.

## **Appendix A**

### **Collective Agreement**

***CUPE Collective Agreement Between Canadian Union of Public Employees and the Saskatchewan Association of Health Organizations INC. April 1, 2012- March 31, 2017.***

Article 30

30.06 Leave for Serious Illness

..... Serious illness shall be defined as an emergent or life-threatening situation

Article 31

31.01 Definition of Sick Leave

1. A) Sick leave means the period of time an Employee is absent for work by virtue of being sick or disabled due to physical, mental or emotional illness.[\[1\]](#)

### **Interpretations**

#### ***Saskatchewan Human Rights Commission***

Disability covers a wide range of conditions and is an evolving concept. Some disabilities are visible while others are not. A disability may have been present since birth, developed over time, or caused by an accident. Disability is defined in section 2 of The Saskatchewan Human Rights Code (the Code). The definition includes, among other conditions: epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service animal, wheelchair or other remedial device, physical, mental and learning disorders. Drug and alcohol dependencies and environmental sensitivities are also disabilities.[\[2\]](#)

## **Critical Illness**

### **Employment Insurance Regulations**

#### **Interpretation**

1 (1) The definitions in this subsection apply in these Regulations.

**Act** means the [Employment Insurance Act](#). (*Loi*)

- (6) The following definition applies in these Regulations and in subsection 23.2(1) and 152.061(1) of the Act.

**critically ill child** means a person who is under 18 years of age on the day on which the period referred to in subsection 23.2(3) or 152.061(3) of the Act begins, whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury. (*enfant gravement malade*)

- (7) The following definition applies in these Regulations and in subsections 23.3(1) and 152.062(1) of the Act.

**critically ill adult** means a person who is 18 years of age or older on the day on which the period referred to in subsection 23.3(3) or 152.062(3) of the Act begins, whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury. (*adulte gravement malade*)<sup>[3]</sup>

## **Workers' Compensation Benefits (WCB)**

### **The Workers' Compensation Act, 2013**

#### **Interpretation**

2(1) In this Act:

(r) "injury" means all or any of the following arising out of and in the course of employment:

- (i) the results of a wilful and intentional act, not being the act of the worker;
- (ii) the results of a chance event occasioned by a physical or natural cause;
- (iii) a disabling or potentially disabling condition caused by an occupational disease;
- (iv) any disablement;<sup>[4]</sup>

## **Saskatchewan Government Insurance (SGI)**

### **The Automobile Accident Insurance Act**

## **Interpretation**

2(1) in this Act:

(g) “bodily injury” means any physical or mental injury, including any acquired brain injury, permanent physical or mental impairment or death;<sup>[5]</sup>

[1] [http://www.saho.ca/literature\\_211454/CUPE\\_Collective\\_Bargaining\\_Agreement\\_2012-2017](http://www.saho.ca/literature_211454/CUPE_Collective_Bargaining_Agreement_2012-2017)

[2] <http://saskatchewanhumanrights.ca/pub/documents/accessability/AccessibilityGeneral.pdf>

[3] <https://lois-laws.justice.gc.ca/eng/regulations/SOR-96-332/page-1.html#h-1>

[4] <http://www.qp.gov.sk.ca/documents/english/statutes/statutes/w17-11.pdf>

[5] <http://www.qp.gov.sk.ca/documents/english/statutes/statutes/a35.pdf>

## **Signature**

### **Date**

April 1, 2019