



Disciplinary Proceedings



What are Disciplinary Proceedings?

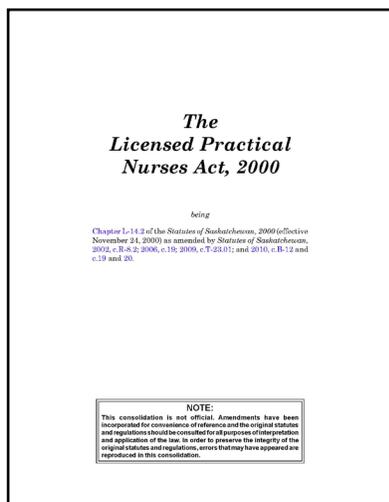
The Licensed Practical Nurse (LPN) profession in Saskatchewan is regulated by the Saskatchewan Association of Licensed Practical Nurses (SALPN). The purpose of professional regulation is to protect the public from risk and reduce harm to those a profession serves. LPNs are regulated because the service LPNs provide can pose a risk to the public if performed incompetently, unethically, or by unqualified individuals.

The LPNs of Saskatchewan are a self-regulated profession and are regulated in accordance with the Licensed Practical Nurses Act, 2000 and the bylaws made under its authority. The SALPN Regulatory Bylaws outline minimum standards of practice and ethics, prescribe licensure requirements, and require all members to ensure that they work within their educational preparation, level of competence, and scope of practice. The SALPN Regulatory Bylaws also ensure that members comply with the Standards of Practice and Code of Ethics.

SALPN's disciplinary processes give the public a chance to voice it's concerns by filing complaints. This helps to ensure the public that licensed practical nurses meet the standards that the SALPN sets out, helps to prevent the public from feeling unsafe, and preserves the public confidence in the profession.

Disciplinary proceedings address these complaints, and where it is warranted this culminates in hearings for cases of professional misconduct or incompetence.

Depending on the result of the hearing, the Discipline Committee may revoke, suspend, or limit a licensed practical nurse's registration. The Discipline Committee also has the power to fine a member, up to \$5,000 plus the cost of the complaint investigation and hearing.



[Figure 1 - The Licensed Practical Nurse Act, 2000](#)

How Do Disciplinary Proceedings Arise?

When the Counselling and Investigation Committee receives a complaint alleging misconduct and/or incompetence, they may investigate further and can make a recommendation (via a written report) to the Discipline Committee to hear the complaint at a disciplinary hearing. You should be aware that if the allegations in the complaint warrant it, SALPN may temporarily suspend your license prior to the hearing.

At least 14 days before a disciplinary hearing, you will be sent a copy of the formal complaint, and the Notice of Hearing (which specifies the date, time and location of the hearing).

How Do I Prepare for the Disciplinary Hearing?

Upon receiving the Notice of Hearing, you should consider what evidence and witnesses may help your case, as well as whether you will choose to plead guilty instead of contesting the charges.

It is your decision whether or not you want to retain legal counsel to represent you at the hearing. This is not mandatory but some LPN's find it helpful in navigating the discipline process. Any legal counsel obtained by the licensed practical nurse at his/her own expense.

The Counselling and Investigation Committee will disclose to you all the documents in their possession relating to the case against you, as well as a list of all their witnesses. In order to effectively prepare for the case, you will argue, consider how your evidence will disprove theirs. You will be responsible for making arrangements with your witnesses to attend and testify on your behalf. If your witnesses will not attend voluntarily, you will have to prepare and serve them with subpoenas.

You are under no obligation to share your own documents with the Counselling and Investigation Committee in advance of the hearing. However, you must bring any documents you want to rely on to support your case to the hearing. Make sure to bring several copies.

Another helpful tip is to collect all the paperwork relating to your employment, especially those that relate to the allegations against you. If there are any policy documents relating to the proceedings, make sure you have reviewed them to understand why the complaint was filed.

Who is In Charge of the Disciplinary Hearing?

The panel that adjudicates the hearing is composed of licensed practical nurses and public representatives, known as the Discipline Committee. The Discipline Committee meets in person to conduct the hearing, which is similar to a court hearing. They have at least three members, with the majority being practicing licensed practical nurses, and are independent from the Counselling and Investigation Committee. The Discipline Committee has its own legal counsel who provides them with advice about any legal procedure or legal issues that may arise. Legal counsel to the Discipline Committee is not a member of the Discipline Committee.



What Does the Disciplinary Hearing Look Like?

A disciplinary hearing is a formal process. The hearing room is set up similar to a court room. There is a court reporter present who transcribes all of the statements made.

This hearing provides to you a chance to explain your case, as one would in court. While you (or your lawyer) will be arguing your case, the Counselling and Investigation Committee is arguing the case against you.

Because the Counselling and Investigation Committee is arguing the case against you, they will present their case first. This is done similarly to how it would be done in court: they call witnesses to testify or produce documentation that proves their case. You will then have the opportunity to cross examine those witnesses.

Once the Counselling and Investigation Committee finishes presenting their evidence, it is your turn to argue your case. You may have your own witnesses testify and can produce documentation as well. You as well will likely have to testify at the hearing. Following the testimony of each of your witnesses, the Counselling and Investigation Committee's legal counsel will cross examine you and your witnesses.

At the hearing, the Discipline Committee will hear and consider all of the evidence presented, in order to determine whether or not you are guilty of professional misconduct and/or professional incompetence. After each sides' case is presented, the hearing is concluded.

If you fail to attend the hearing, it may proceed without your absence. If you do not attend, then a plea of not guilty will be entered on your behalf. However, it is in your best interest to attend and provide your testimony as to what occurred.

What Happens if I Plead Guilty?

Be aware that if you plead guilty, witnesses do not need to be called to testify. Instead, the Counselling and Investigation Committee will prepare an Agreed Statement of Facts, which are documents explaining the incident(s) that occurred leading to the charges.

You will have the opportunity to give the Counselling and Investigation Committee your input in order to ensure the accuracy of events. This is then presented to the Discipline Committee at the hearing as evidence of your professional misconduct or professional incompetence.

What are the Potential Outcomes of Disciplinary Hearings?

The outcome of the hearing and decision of the Discipline Committee will be detailed in a written decision. They may find you not guilty of the alleged infractions. However, if you are found guilty of professional misconduct or professional incompetence, the written reasons will explain how that was proven and why the evidence was accepted or rejected by the Discipline Committee. If either misconduct or incompetence is proven, another hearing will be held in order to determine the penalty that will be ordered against you.

The Counselling and Investigation Committee will make a recommendation. The possibilities of penalties you may face include, but are not limited to:

- Losing your license permanently;
- Suspension of your license for a set period of time or until certain conditions are met;
- Limitations of what you can do in practice;
- An order reprimanding you;
- A fine up to \$5,000;
- Payment of the costs of the investigation and hearing; and
- Informing your employer

Please further consult and review the *Licensed Practical Nurses Act, 2000*.

FAQs

How can we be sure testimonies of witnesses are true?

Before giving a testimony, everyone must either swear on a bible, or give a solemn affirmation that what they are about to tell is the truth.

If you testify at the hearing you will be asked to do the same. You can choose to swear on the bible or affirm to tell the truth. This decision is up to you.

What is cross examination?

Cross examination is a chance to ask questions to a person who testified. For example, if during their testimony they did not discuss a topic or event that you believe is relevant, you can bring this up by asking questions about it during cross examination. Make sure you keep your questions short and respect the witness.

Also, this process is only for asking questions – you will tell your side of the story when you testify.

Disclaimer: *The content on of this document is for general information purposes only and does not constitute legal or other professional advice of any kind. Members subject to disciplinary proceedings are encouraged to seek advice by contacting legal counsel of their choosing. In the event there is a discrepancy between this document and The Licensed Practical Nurses Act, 2000, the legislation and the by-laws of SALPN shall govern.*