

Criminal Record Checks

Background:

Clauses 4(1)(c) and 10(1)(e) of The SALPN Regulatory Bylaws require an applicant for registration in or re-entry to SALPN to submit a “satisfactory” criminal record check that includes a vulnerable sector query.

An applicant whose criminal record is not “satisfactory” may be refused admission or re-entry to the profession in order to achieve SALPN’s primary goal of public protection.

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 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 will lead to refusal of registration or re-entry.

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 certificate of conviction or other 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 consult with Legal Counsel to determine if the facts as established are such that they would 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 to the Registrar concerning the following:
 - a. The circumstances of the offence;
 - b. The severity of the offence;
 - c. The relevance of the offence to the practice of an LPN;
 - d. Steps the applicant has taken since the conviction to rehabilitate him or herself;
 - e. The availability of a pardon; and
 - f. Any other relevant factors.
4. 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.
5. 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

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

The Statutes of Saskatchewan. (2000) The Licensed Practical Nurses Act, 2000. Regina.