

## Draft bylaws overview

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## Draft bylaws overview

# Interpretation and Governance

### Board:

Under the new bylaws related to the board:

- The board will have 8 to 12 members who are all appointed by the Ministry of Health, with an equal representation of public members and licensees. There is no election process for board members in the HPOA.
- The college may recommend the appointment of board members to the Superintendent of Health Professions and Occupations Oversight based on the required education, training, experience and other qualifications.
- The board will have a chair and a vice-chair.
- The board is required to approve and abide by conflict of interest and consensus decision making policies.
- The board is required to seek advice from appointed professional standards advisors prior to approval of bylaws related to eligibility standards, ethics standards and practice standards.
- Remuneration and reimbursement of board members must be established in the bylaws.

### Committees:

Under the new bylaws related to committees:

- Committees are either statutory, regulatory, or board support committees.
- Statutory committees are required under the HPOA. The two statutory committees are:
  - Licence Committee
  - Investigation Committee
- Board members may not sit on statutory committees.

- Additional regulatory committees are not required but are permitted under the HPOA, as such:
  - the Education Program Review Committee will be continued;
  - the Professional Practice and Standards Committee will be renamed to the Professional Standards Advisory Committee; and,
  - the Quality Assurance Committee has been eliminated, and the Quality Assurance Program will be administered by the Registrar.
- Board support committees are not required under the HPOA but serve as support committees to the board on administrative matters. Board members may sit as board support committee members, which include:
  - Finance and Audit Committee;
  - Governance Committee; and,
  - Registrar Oversight Committee.
- The Discipline Committee ceases to exist as disciplinary functions are now under the responsibility of the Director of Discipline in the office of the Superintendent of Health Professions and Occupations Oversight.
- All committee members are appointed by the board. Committees must include a minimum representation of public members. Committee composition and the ability to work in panels are unchanged.
- The bylaws require that when appointing members a panel of a committee, the chair of that committee must:
  - ensure that the panel includes at least one licensee from a particular designated health profession or class of licensees, if the expertise of such an individual will be reasonably required for the matter to be considered by the panel;
  - make reasonable efforts to ensure that appointments provide for the perspectives of Indigenous persons or persons from equity-denied communities if those perspectives may be relevant to the matters to be considered by the panel; and,
  - With respect to the Investigation Committee, where the respondent, complainant or both are Indigenous, the chair must make reasonable efforts to ensure that at least one-half of the panel consists of Indigenous persons.
- The Board conflict of interest policy applies to all committee members.

## Draft bylaws overview

# College Administration

Under the new bylaws related to BCCNM administration:

- The registrar continues to be the CEO.
- The authority of the registrar and the ability to delegate those authorities are established. As such, the Registrar may appoint multiple Deputy Registrars to perform duties of the Registrar as authorized by the Registrar.
- The registrar and board fiscal authorities and responsibilities are specified.
- There are no changes to fiscal year, banking, borrowing and investment powers, and auditor.
- The annual general meeting has been eliminated as it is not required by the HPOA.
- The registrar can appoint an employee or contractor whose role is to assist with reconciliation initiatives by the college, which are enumerated in the bylaws.
- The board must establish a conflict of interest policy for BCCNM employees and officers.

## Draft bylaws overview

# College Records and Information

## Records & Registry

Under the new bylaws related to College Records and Information:

- The Registrar continues to be head of the College for purposes of the Freedom of Information and Protection of Privacy Act (FOIPPA).
- The Registrar must establish a policy for the College's records management.
- Fees for access requests continue to be possible, per maximum prescribed in legislation.
- The registry of licensees continues to be in an electronic format and must contain the information required in the bylaws.
- The bylaws allow the registrar to publish on the College's website (or to make publicly accessible by other means), information respecting a person who:
  - Engaged in unauthorized practice;
  - Engaged in unauthorized use of title; and/or,
  - Who the registrar believes provided false or misleading information to the public contrary to section 34 HPOA.

Additionally, the registrar can make a statement regarding the above activity indicating the person is not authorized to practice in B.C. and not authorised to use the title to be used exclusively by one or more of the classes of licensees.

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# Licensing & Education Program Review

Under the new bylaws related to licensing:

- There are changes to language:
  - Registrants will be referred to as “licensees.”
  - The Registration Committee will be referred to as the Licence Committee.
  - Eligibility standards are the requirements to become licensed in a specific class.
- The Licence Committee must periodically review licensing programs applicable to extra-jurisdictional applicants. Particularly, requirements, conditions and limits must enable and support practise in accordance with the guiding principles in the HPOA with respect to Indigenous-specific racism and anti-racism, and non- and anti-discriminatory practice more generally.
- Upon the effective date of the bylaws, the non-practising class of licensure (registration) will be eliminated.
- Practising licensees will be maintained on an annual basis with the requirement to complete an annual declaration and fee payment. Provisional and Employed Student licensees will be required to complete an annual renewal process.
- The bylaws contain provisions relevant to Education Program Review and the Education Program Review Committee. The Registrar and Education Program Review Committee will have decision making authority about programs. Recognized education programs will no longer be enumerated in schedules to the bylaws instead there will be a published up-to-date list of recognized programs on BCCNM’s website. Education Program Review policies will be approved by the Education Program Review Committee.
- Still to come are bylaws re Certified Practice.

## Draft bylaws overview

# Certification Programs

The new bylaws related to BCCNM Certified Practice:

- Establish certified practice programs for RNs, RPNs and Midwives. These programs for Midwives are currently called “specialized practice”;
- For each certification program established in the bylaws, the board must, via bylaw, make practice standards establishing restricted activities authorized in the *Nursing & Midwifery Regulation*. As well the practice standards established by the board, which will be part of the bylaws, will set any limits or conditions respecting the purpose for which they may perform the activities and the practice settings;
- The registrar has the authority to grant certification;
- The process for the recognition of certified practice courses is by the Education Program Review Committee, as is the withdrawal of certified practice course recognition;
- Decision making for recognition and withdrawal of course recognition can be delegated from the Education Program Review Committee to the registrar, deputy registrar or another officer, employee or agent of the college designated by the registrar or deputy registrar for that purpose.
- A certified licensee is required to provide an annual declaration along with the applicable annual fee to maintain their certified license.

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# Professional Responsibilities

The new bylaws related to Professional Responsibilities establish:

- That the board, as per the *Health Professions and Occupations Act*, must establish ethics and practice standards in bylaw; and,
- That licensees must comply with ethics and practice standards;
- Transitional provisions to allow standards established in bylaw prior to the *Health Professions and Occupations Act* in force date, to continue to apply after the in force date.

Additionally these bylaws address:

- licensee use of title, for all practising and provisional licensee groups;
- the titles that certified practice licensees must use; and,
- marketing.



## Draft bylaws overview

# Licensee Records

The new bylaws related to licensing:

- Cover off the requirements that exist in BCCNM's current bylaws in the sections pertaining to Client Care Records.
- Consolidate all licensee groups into one part.
- Add an extra general power for the College to inspect licensee records (section 9-7) upon reasonable request.

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# Delegation and Students

The part of the new bylaws re Delegation and Students:

- Requires the board, via bylaws, to make practice standards authorizing any permitted delegation by licensees, in the performance of restricted activities or aspects of practice, to unregulated care providers.
- Requires the board, via bylaws, to make practice standards establishing limits and conditions for licensees to provide regulatory supervision or direction for students enrolled in a recognized education program.
- Clarify that classes of licensees authorized to provide regulatory supervision or direction for students may include classes of licensees of another regulatory college.

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# Quality Assurance

Under the new bylaws related to Quality Assurance:

- The Quality Assurance Committee will be eliminated and the Quality Assurance program will operate under the Registrar;
- Practice hours will become a quality assurance requirement; and,
- The personal practice review requirements will apply to all licensee groups.

The updated Quality Assurance program model will include an advisory working group and will utilize trained assessors who must meet the qualification requirements set out in the bylaws.

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# Public Protection

The Public Protection part of the new bylaws address a number of key areas including:

### Division 1 - Administrative Matters -

- Provides the registrar authority to dispose of certain administrative matters, prescribed in the *Health Professions and Occupations Act* (HPOA), by making a disciplinary order. The maximum monetary penalty for an administrative matter under section 109(1)(d) of the HPOA is \$100,000.
- The bylaws set out the process of providing information to a respondent about an order made by the Registrar and the process for the respondent to have the disciplinary order reviewed.

### Division 2 - Monitoring Regulatory Compliance -

- This is a new compliance program, which the Registrar may administer to allow licensees to be monitored for contraventions of the HPOA, regulations, bylaws, including ethics and practice standards.
- Some of the compliance program activities may include: recommending educational materials for college publication, collaborating with other colleges, government agencies, public bodies, professional associations or other organizations to share information and coordinate monitoring efforts;
- The bylaws allows the registrar to periodically and selectively monitor online platforms, social media, websites, and other publicly accessible media or resources; as well as, periodically requiring some or all licensees to provide self-assessment reports to confirm their continuing awareness of requirements.
- Other monitoring tools available include compliance audits.

Division 3 sets out the requirements for complaints, reports, and initiating investigations, specifically the processes for:

- a regulatory report that must be given to the Registrar,
- a regulatory complaint by the Registrar; and,
- a regulatory complaint by others.

This division also deals with the Registrar's ability to conduct an initial investigation and dispose of matters, before referral to the Investigation Committee.

Division 5 of the Public Protection Bylaws includes provision for competence assessments and Division 6 deals with capacity assessments.

Division 7 deals with summary protection orders, which are enabled by section 259 of the HPOA. This division sets out the process for the Investigation Committee to consider if a respondent's practice may present a significant risk of harm and allows the Investigation Committee to put limits or conditions on the respondent's practice to protect the public. The bylaws also provide the process for reconsideration of a summary protection order.

Division 8 deals with a licensee's duties when their practice is suspended.

Division 9 sets out the factors the Investigation Committee must consider when determining whether to direct the registrar to request the director of discipline issue or cancel a citation for hearing.

Division 12 addresses unauthorized practice and title use, which details the process for for addressing situations where non-licensees are practising or using title.

## Draft bylaws overview

# Support Services

Support Programs are newly established under the *Health Professions and Occupations Act* (“HPOA”) (sections 276 - 306 HPOA). BCCNM must implement these programs for complainants making complaints related to:

- sexual misconduct;
- sexual abuse; and,
- discrimination.

The HPOA provides for three types of support programs:

- Information services – which are intended to provide information and guidance to help complainants understand the regulatory processes (complaints, investigations & discipline);
- Support services – which provides funding for various types of support (e.g. counselling, support from an Elder etc.); and,
- Support workers – which provides individual assistance during regulatory processes.

The HPOA and bylaws, provide for the parameters for support programs, as follows:

- To receive support services and the assistance of a support worker, complainants must complete an application. Eligibility decisions will be made by a college administrator or support officer and will be communicated to the applicant. If the applicant is not deemed eligible, they have the right to seek a reconsideration of the decision.
- The application deadline for applying for support services is 6 months from:
  - a disposition of the Registrar;
  - a disposition of the Investigation Committee;
  - the issuance of a Disciplinary Order where no Citation has been issued; or
  - the issuance of a Citation.

Services will be available for maximum 2 years from the grant date with the possibility of extension based on specific circumstances.

- For support worker services – the application must be completed before:
  - a disposition of the Registrar;
  - a disposition of the Investigation Committee;
  - the issuance of a Disciplinary Order where no Citation has been issued; or
  - the conclusion of a Discipline Hearing.

The assistance of a support worker is limited to when the regulatory processes are ongoing (including a “tapering” period of 3 months).

- For information services – we have made it as easy and barrier free as possible in the bylaws for individuals to obtain information services. Individuals must only contact the college and ask for information about the complaints process to be eligible.
- The maximum aggregate funding available for all support programs is \$10,000 in total, to be allocated in the manner requested by the complainant.