



Regulating psychiatric nurses to ensure safe and ethical care

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Definitions

1. In these Bylaws:

“**Advertisement**” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser.

“**Act**” means the Health Professions Act.

“**Appointed Board Member**” means a member of the Board appointed under section 17(3)(b) of the Act.

“**Board**” means the Board of the College of Registered Psychiatric Nurses of British Columbia.

“**Chair**” means the Chair of the Board elected under section 19(1)(e) of the Act.

“**College**” means the College of Registered Psychiatric Nurses of British Columbia established by Regulation.

“**Competence**” means the ability of the practitioner to integrate and apply, in a manner consistent with the standards and scope of practice of the profession, the knowledge, skill, attitudes and judgement required to perform safely.

“**Elected Board Member**” means a member of the Board elected under section 17(3)(a) of the Act.

“**Client**” means individuals, families and/or groups receiving care and/or services from an RPN and is synonymous with the term patient, resident or any similar term.

“**Day**” means a calendar day and when calculating time expressed as “days”, the first day shall be excluded and the last day shall be included.

“**Examination**” means theoretical examination, given orally or in writing, or by computer, or a practical examination, or any combination of these, preparatory to registration.

“**Personal Information**” means personal information as defined in Schedule 1 of the Freedom of Information/Protection of Privacy Act.

“**Public Representative**” means a person who is not a registrant or former registrant or who has no close family or business relationship with a registrant or former registrant and includes an appointed board member.

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“**Record**” means a record as defined in Schedule 1 of the Freedom of Information/Protection of Privacy Act.

“**Regulation**” means the B.C. 115\99 Regulation.

“**Respondent**” means a registrant named in a citation under Section 37 of the Health Professions Act.

“**RPN**” means Registered Psychiatric Nurse.

“**Vice-Chair**” means the vice-chair of the Board who is elected under section 10.

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Part I: College Board, Committees and Panels

1.1 – First Board

(1) Despite section 1, for the purposes of Part 1 of these bylaws,

(a) “appointed board member” includes a person appointed under section 17(2)(a) of the Act, to represent the public on the first board, and

(b) “elected board member” includes a person appointed under section 17(2)(a) of the Act to represent the health profession on the first board

(2) This section is repealed 90 days following the first election referred to in section 17(2)(a) of the Act.

2. – Composition of the Board

The Board consists of (6) elected board members and the appointed board members.

3. – Notice of Election

(1) The registrar must notify every registrant of an election by delivering notice at least 120 days prior to the expiry of the term of office.

(2) The notice must contain information about the nomination procedure and the election procedure.

4. – Nomination Procedure

(1) Any registrant may nominate for office a maximum of 2 registrants in good standing for each vacant position by delivering such nomination and election to the registrar, together with a letter of consent from the person nominated at least (90) days prior to the expiry of the term of office.

(2) A person nominated under subsection (1) must declare in writing that he or she will observe the provisions of the Act, the regulations and these bylaws and the procedures related to the election and the conduct of the election.

5. – Election Procedure

(1) The Registrar must prepare and deliver to each registrant an election ballot not less than (60) days prior to the expiry of the term of office.

(2) Each registrant will be entitled to one ballot and may vote in favour of one candidate for each vacant position to be elected on such ballot.

(3) The Registrar must not count a ballot unless it is received by the Registrar at least (30) days prior to the expiry of the term of office and is contained in an envelope on which the registrant’s name and signature appears.

(4) The person or persons receiving the most votes on the return of the ballots is elected.

(5) In the case of a tie vote, the registrar must select the successful candidate by random draw.

(6) The Registrar must supervise and administer all board elections and may establish procedures, consistent with these bylaws for that purpose.

(7) The Registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.

(8) Where the number of persons nominated under section 4(2) is less than or equal to the number of positions at the close of nominations, the nominees are elected by acclamation.

5.1 – Transitional – No Election in 2018

(1) Despite sections 3 to 5, every election under section 17(3)(a) of the Act to fill a vacancy resulting from the term of office of an elected board member position expiring in 2018 is postponed by one year.

(2) For the purposes of an election to fill a vacancy referred to in subsection (1), the references in sections 3(1), 4(1) and 5(1) and (3) to “the expiry of the term of office” must be read as “the date that is 12 months after the expiry of the term of office”.

6. – Terms of Office

(1) The term of office for an elected board member is (2) years.

(2) An elected board member may serve a maximum of (3) consecutive terms.

(3) An elected board member may resign at any time by delivering a notice in writing to the Registrar and the resignation is effective upon receipt by the Registrar.

7. – Removal of Elected Board Member

An elected board member may be removed by a special resolution of the board or the registrant at a general meeting in accordance with the provision of section 31.

7.1 – Election Date

- (1) The first election of elected board members will be held on or before July 1, 2000 and the successful candidates will assume their positions at the first Board meeting following the first elections.
- (2) Despite section 6, the first term of office of the first elected board member is (1) 3 years for (3) designated positions, (2) 2 years for (3) designated positions,
- (3) This section is repealed 4 years after the 2000 election.

8. – Vacancy

Any vacancy of an elected board position may be filled by a registrant selected by the board for the remainder of the term for that position by special resolution of the board.

9. – Remuneration of Board Members

A board or committee member is entitled to be reimbursed by the College for reasonable expenses necessarily incurred in connection with the business of the College. Please see CRPNBC Expense Guidelines Schedule E.

10. -Chair and Vice Chair

- (1) The members of the board must elect a Chair and a Vice-Chair by a majority vote for a (1) year term.
- (2) The Chair or Vice-Chair must
 - (a) preside at all meetings of the College and Board and is an ex-officio member of all committees
 - (b) sign all certificates, diplomas and other instruments executed on behalf of the College as required
 - (c) sign the minutes of each meeting after they are approved by the board, and
 - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (3) The Vice-Chair will perform the duties of the Chair in the absence of the Chair.
- (4) In the absence of both the Chair and Vice-Chair, an Acting Chair for the board meeting must be elected by a majority vote of the board members present.

11. – Board Meetings

- (1) The board must meet at least (4) times in each fiscal year and must provide reasonable notice of board meetings to registrants.
- (2) Meetings of the board must be called by the Registrar at the request of either the Chair or any (3) board members.
- (3) The Registrar must provide the following to members of the public on request:
 - (a) details of the time and place of a board meeting
 - (b) a copy of the agenda, and
 - (c) a copy of the minutes of any preceding meeting
- (4) Subject to subsection 5, meetings of the board must be open to registrants and to the public.
- (5) The board may exclude any person from any part of a meeting if it is satisfied that:
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public.
 - (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced.
 - (c) personnel matters or property acquisitions will be discussed.
 - (d) the contents of examinations will be discussed.
 - (e) communications with the Office of the Ombudsman will be discussed, or
 - (f) instructions will be given to or opinions received from legal counsel for the College, the board or committees.
- (6) If the board excludes any person from a part of a meeting, it must have its reasons for doing so noted in the minutes of the meeting.
- (7) The Registrar must ensure that minutes are taken at each meeting and retained on file.
- (8) A majority of the board constitutes a quorum.
- (9) No resolution proposed at a meeting need be seconded and the Chair of a meeting may move or propose a

resolution.

(10) In case of an equality of votes, the Chair shall not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution shall not pass.

(11) The board may meet and conduct business using video-conference or teleconference connections when some or all board members are unable to meet in person.

(12) Except as otherwise provided in the Act, the regulations, or these bylaws, the most recent edition of Robert's Rules of Order governs the procedures at meetings of the board.

12. – Extraordinary Board Meetings

(1) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.

(2) Despite section 11(1), the Registrar or the Chair may call a meeting of the board without providing notice to the registrants where necessary to conduct urgent business.

13. – Committees

(1) The committee membership shall be approved by the board and will include at least one board member and one public representative.

(2) A committee may conduct meetings by mail facsimile, telephone or video conference or regular meeting.

(3) Each committee must prepare and submit an annual report of its activities to the board.

(4) A committee member may be removed by a majority vote of the Board of Directors.

14. – Registration Committee

The Registration Committee is established consisting of a minimum of 4 members appointed by the board.

15. – Inquiry Committee

The Inquiry Committee is established consisting of a minimum of 4 members appointed by the board.

16. – Discipline Committee

The Discipline Committee is established consisting of a minimum of 4 members appointed by the Board.

17. – Patient Relations Committee

The Patient Relations Committee is established consisting of a minimum of 4 members appointed by the board and is responsible for making recommendations to the board and implementing the board approved Patient Relations Program which includes professional misconduct of a sexual nature.

Description of the Committee:

This committee is established under Section 16 of the Health Professions Act and under regulations of the College of Registered Psychiatric Nurses of British Columbia. This also includes the prevention of all types of abuse and neglect. The committee has responsibility to establish a patient relations program to seek to prevent professional misconduct of a sexual nature.

Purpose of the Committee

1. To make recommendations to the Board on matters concerning education to prevent professional mis-conduct.
2. To make recommendations to the Board on matters relating to psychiatric nursing practice.
3. To make recommendations to the Registration Committee concerning basic, post-basic and continuing education for RPNs.

18. – Quality Assurance Committee

The Quality Assurance Committee is established consisting of a minimum of 4 members appointed by the board and is responsible for establishing, implementing, enforcing and evaluating:

- (a) the Standards of Practice Program of the College including the Standards of Professional Ethics; and
- (b) the Continuing Competence Program of the College in accordance with board policy

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Part II College Administration

19. – Seal

(1) A seal for the College must be approved by the Board.

20. – Registrar/Executive Director/Registrar

(1) The Registrar shall also be known as the Executive Director/Registrar.

(2) The Registrar must:

- (a) be responsible for the funds of the College and establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.
- (b) be at each meeting of the board and submit a report of all revenues and expenditures since the last meeting unless otherwise directed by the board.
- (c) submit an annual report to the annual meeting of the College.
- (d) submit a financial statement to the auditor within 30 days of the end of the fiscal year.
- (e) keep the records and the Seal of the College and perform such other duties required of them by the Act and the bylaws and such other duties as required by the board.

(3) When the financial statement for the College has been certified by the auditor in writing, the Registrar must mail a copy thereof to each registrant not later than 120 days following the end of the fiscal year.

(4) The Registrar is an ex-officio non-voting member of every committee of the board.

(5) In the event of the office of the Registrar being vacant, the Board shall make a temporary appointment until a successor is appointed by the board.

21. – Deputy Registrar

(1) The Registrar may appoint one or more Deputy Registrars who are directly responsible to the Registrar.

(2) The Deputy Registrar(s) shall have the same authority as the Registrar under these bylaws where the Deputy Registrar(s) is performing the duties of the Registrar.

22. – Fiscal Year

The fiscal year of the College must commence on the first day of March and must end on the last day of February of the current year.

23. – Repealed

24. – Borrowing Powers

(1) The board may raise funds or borrow money in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.

(2) The board must not enter into any security obligation in excess of \$50,000 without a special resolution approved by the registrants of the college.

(3) The registrants may, by special resolution, restrict the borrowing powers of the board.

25. – Investments

The Board may invest funds of the college in any investments authorized under section 15 of the Trustee Act in the name of the college and may manage those investments.

26. – Auditor

(1) The board must annually appoint a chartered accountant or a certified general accountant to be the auditor.

(2) The Registrar must submit the financial statement to the auditor within 30 days of the end of the fiscal year.

(3) A copy of the auditor's report must be included in the annual report.

27. – Legal Counsel

The board or with the approval of the board, a committee or panel, may retain legal counsel for the purpose of assisting the board, committee or panel in carrying out any power or duty under the Act, the regulations or these bylaws.

28. – General Meetings

(1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the board.

(2) The first annual general meeting of the registrants must be held not more than 15 months after the date the bylaws are approved by the Lieutenant Governor in Council and after that an annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

(3) The following matters must be considered at an annual general meeting:

- (a) financial statements
- (b) the report of the board, and
- (c) the report of the auditor

(4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.

(5) The board:

(a) may convene an extraordinary general meeting by resolution of the board, and

(b) must convene an extraordinary general meeting within 60 days after receipt by the registrar of a request for such a meeting signed by at least 5% of all registrants on issues that are within the College mandate.

29. – Notice of General Meeting

(1) The board must deliver notice of an annual or extraordinary general meeting to every registrant at least 45 days prior to the meeting.

(2) Notice of a general meeting must include:

(a) the place, day and time of the meeting,

(b) the general nature of the business to be considered at the meeting,

(c) any resolutions proposed by the board, and

(d) any resolutions proposed by the registrants under section 30 and delivered to the Registrar prior to the mailing of the notice.

(3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice does not invalidate proceedings at that meeting.

30. – Resolutions Proposed By Registrants

(1) Any 10 registrants may deliver a written notice to the Registrar requesting the introduction of a resolution at least 30 days prior to the date of an annual or extraordinary general meeting.

(2) On receipt of a notice specified in subsection (1) and at least 14 days prior to the date of that meeting, the Registrar must deliver a notice and a copy of the resolution to each registrant.

(3) A registrant may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.

31. – Proceedings at General Meetings

(1) In the absence of both the chair and the vice-chair of the board, an acting chair for a meeting must be elected from among the board members present by a majority vote of the board.

(2) A quorum is 10 registrants of the College.

(3) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.

(4) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

32. – Voting by Proxy

(1) A proxy:

(a) may only be used to vote on resolutions that have been circulated in advance of a meeting,

(b) ceases to be valid following the general meeting specified in the proxy, and

(c) may be revoked by the voting registrant in writing

(2) Voting registrants who are unable to be present at a meeting may vote on a resolution by proxy if:

(a) the proxy is in writing and in the form prescribed by the board,

(b) the proxy is received by the Registrar not less than 5 days before the annual or special general meeting, and

(c) the person acting as proxy is a voting registrant when the signed proxy is received by the Registrar.

(3) A voting registrant must not carry more than 5 proxy votes for a single resolution.

33. – Notice to Public Representatives

A notice or mailing provided to the general membership of the college must also be provided to a public representative serving on the board or a committee.

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Part III College records

34. – Body Responsible for Administering the Freedom of Information and Protection of Privacy Act.

- (1) The Registrar is the "head" of the College for the purposes of the Freedom of Information and Protection of Privacy Act.
- (2) The Registrar may authorize a Deputy Registrar to perform any duty or exercise any function of the Registrar that arises under the Freedom of Information and Protection of Privacy Act.
- (3) The board is responsible for ensuring that the Registrar fulfils its duties under the Freedom of Information and Protection of Privacy Act.
- (4) The Registrar must report annually to the board regarding the steps it has taken to fulfil its duties under the Freedom of Information and Protection of Privacy Act.

35. – Fees for Information Requests

Subject to section 75 of the Freedom of Information and Protection of Privacy Act, an applicant who requests access to a College record under section 5 of the Freedom of Information and Protection of Privacy Act must pay the fees set out in Schedule A for services required to comply with the information request.

36. – Protection of Personal Information

- (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the Freedom of Information and Protection of Privacy Act.
- (2) The board must take reasonable measures to ensure that, where personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

37. – Disclosure of Annual Report

The registrar must make each annual report under section 18(2) of the *Act* available electronically and free-of-charge on the college website, must notify registrants that the report is available, and must provide a paper copy of the report to any person on request upon payment of the fee set out in Schedule "C".

38. – Disclosure of Registration Status

(1) Where an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose:

- (a) whether or not the person is a registrant or a former registrant,
- (b) whether or not the discipline committee has ever issued an order relating to the person under section 39 of the Act and the details of the order,
- (c) whether or not the person has ever signed a consent order which changes the person's registration status or which restricts their practice of psychiatric nursing,
- (d) the details of a consent order pertaining to a change in the person's registration status or a restriction on the practice of the profession of the registrant.

(2) Except with the consent of the person affected, the registrar must not release the names of complainants, patients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, patients or their families.

39. – Manner of Disposal of College records Containing Personal Information

The board must ensure that a college record containing personal information is disposed of only by:

- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
- (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
- (c) returning the record to the person the information pertains to, or
- (d) returning the record to the registrant who compiled the information.

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Part IV: Registration

40. – Classes of Registrants

The following classes of registrants are established:

- (a) practicing registration for those registrants actively engaged in providing the services of the profession of psychiatric nursing specified in the regulation
- (b) limited registration for those registrants whose practice is limited to the category of Licensed Graduate Psychiatric Nurse (LGPN) or Mental Deficiency Nurse (MDN)

- (c) non practicing registration for registrants who have qualified for registration but who are not providing the services of the profession of psychiatric nursing specified in the regulation
- (d) interim registration for those registrants granted registration subject to certain terms and/or conditions
- (e) employed student registration for those hired as an employed student psychiatric nurse.

41. – Practicing Registration

(1) A person is eligible for practicing registration if they fulfil the following criteria:

- (a) graduate of diploma program in psychiatric/mental health nursing, undergraduate or graduate degree in psychiatric mental health nursing, or
- (b) graduate of diploma program in general nursing, and certificate or advanced diploma in psychiatric/mental health nursing, or undergraduate or graduate degree in psychiatric/ mental health nursing, and
- (c) evidence satisfactory to the Registration Committee that the applicant is competent to practice as a registered psychiatric nurse, and
- (d) payment of the appropriate fees, as per Schedule E, and
- (e) successful completion of the registration examination required by the Registration Committee, and
- (f) evidence satisfactory to the Registration Committee of the good character and fitness to practice of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
- (g) receipt by the Registrar of documents required by the College, and
- (h) evidence satisfactory to the Registration Committee of the applicant's English language proficiency.

(2) An applicant who does not meet the requirements established in subsection (1) may be granted practicing registration where the applicant:

- (a) has a combination of knowledge, skills and abilities which are, in the opinion of the Registration Committee, substantially equivalent to the requirements established in subsection (1)(a) and (c), and
- (b) has successfully completed the examinations and any upgrading programs required by the Registration Committee and
- (c) meets the requirements set out in subsection (1)(c) and (d) and
- (d) provides evidence of satisfactory psychiatric nursing practice within previous five years

42. – Limited Registration

- (1) Limited registration is for those persons previously accepted for registration as Licensed Graduate Psychiatric Nurses (LGPN) and those persons whose registration was previously restricted as a Mental Deficiency Nurse (MDN).
- (2) Registrants whose registration is restricted as MDN are limited to practice with mentally handicapped clients.

43. – Non-practicing Registration

(1) A person is eligible for non practicing registration if they fulfil the following:

- (a) graduate of diploma program in psychiatric/mental health nursing, or
- (b) graduate of diploma program in psychiatric/mental health nursing, and advanced diploma in psychiatric/mental health nursing, or undergraduate or graduate degree in psychiatric! mental health nursing, or
- (c) graduate of diploma program in general nursing, and certificate or advanced diploma in psychiatric/mental health nursing, or undergraduate or graduate degree in psychiatric! mental health nursing
- (d) undertaking

- (i) not to provide the services of the profession of psychiatric nursing in British Columbia, and
- (ii) to use the term "non-practicing" in conjunction with any use of the title "registered psychiatric nurse," a variation of that title, or the abbreviation "RPN."

- (e) payment of the appropriate fees, and
- (f) acceptable proof of successful completion of the required registration examination, and
- (g) evidence satisfactory to the Registration Committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
- (h) receipt by the Registrar of documents required by the College

(2) A non practicing registrant may not provide the services of the profession of psychiatric nursing in British Columbia.

44. – Interim Registration

- (1) Interim registration may be issued to an applicant for initial registration or renewal of registration further to a decision of the Registration Committee.
- (2) The interim registration must clearly state the terms or conditions under which that registration was issued.

45. – Employed Student Registration

- (1) An applicant may be granted employed student registration by the Registration Committee if the applicant
 - (a) Is enrolled as a student in
 - (i) A psychiatric nurse education program recognized by the board for the purpose of registration and specified in Schedule D, or
 - (ii) A psychiatric nurse education program in another Canadian jurisdiction that is recognized for the purpose of registration by the psychiatric nursing regulatory authority in that province,
 - (b) Provides evidence satisfactory to the registration committee of an offer to be employed as a student psychiatric nurse in a health care setting during or between terms of the applicant's education program described in paragraph (a)(i) or (ii), and
 - (c) Delivers to the registrar
 - (i) A completed application for employed student registration;
 - (ii) Evidence satisfactory to the Registration Committee of the applicant's enrollment in an education program described in paragraph (a)(i) or (ii), and that the applicant is the person named therein;
 - (iii) Evidence satisfactory to the Registration Committee that the applicant is of good character and fit to engage in the practice of psychiatric nursing;
 - (iv) Payment of the appropriate fees specified in Schedule E;
 - (v) Any documents required by the College; and
 - (vi) Evidence satisfactory to the registration committee of the applicant's English language proficiency.
- (2) An employed student registrant may only provide nursing services under the supervision of a registered psychiatric nurse in the course of the employed student registrant's employment as described in subsection (1)(b).
- (3) To be eligible for renewal or extension of employed student registration, an employed student registrant must
 - (a) Remain enrolled in an education program described in subsection (1)(a)(i) or (ii),
 - (b) Continued to be employed as described in subsection (1)(b), and
 - (c) Provide evidence satisfactory to the registration committee of that continuing enrollment and employment.
- (4) If an employed student psychiatric nurse registrant ceases to be employed as described in subsection (1)(b), the employed psychiatric student registrant must notify the registrar immediately, and not later than within one week of the last day of employment.
- (5) An employed student registrant may use the title "employed student psychiatric nurse."

46. – Referral and Review

- (1) Notwithstanding sections 41 and 43 where, after giving the applicant an opportunity to be heard, an application will be referred to the Registration Committee if the Registrar determines that
 - (a) the applicant does not fulfil the criteria for registration in section 41 or 43, or
 - (b) the applicant's license to practice has been suspended, cancelled or limited in this or any other jurisdiction, or
 - (c) at the time of this application an investigation, inquiry, review or proceeding is taking place in this or any other jurisdiction which could result in the suspension, limitation or cancellation of the applicant's license or practice or
 - (d) the applicant has contravened the Act, regulations or the bylaws, or
 - (e) the applicant has been convicted in Canada or elsewhere of any offence which would be an act of professional misconduct.
- (2) The Registration Committee may, after reviewing the referred application,
 - (a) grant registration, and/or
 - (b) grant registration subject to certain terms or conditions, and/or

- (c) request that the Registrar refer the application to the Inquiry Committee
- (d) refuse to grant registration

(3) An applicant reviewed under subsection (2) must be provided with written reasons for the decision of the Registration Committee.

(4) An applicant whose application has been refused or whose registration is subject to certain terms or conditions may request reconsideration of such decision to the Supreme Court or to an ad-hoc review committee by giving written notice to the Registrar of the College no later than 60 days from the date on which notice of the decision was released to the applicant. The request shall specify the reasons why the applicant believes that the decision is incorrect.

47. – Annual Registration Card

- (1) The Registrar must issue a registration card to any person who is granted practicing, non practicing or limited registration. The card must specify the limits that apply to that category of registrants.
- (2) A registration card is valid until no later than the last day of February of that renewal year unless registration has been surrendered, or suspended or cancelled as a result of disciplinary action.
- (3) A student registration card is valid until completion of the Psychiatric Nursing Education Program.

48. – Examinations

(1) All examinations required to be taken under these bylaws must be approved by the Registration Committee and the Board and be recognized by the Registered Psychiatric Nurses Endorsement Agreement. See Schedule F.

- (a) develop and administer the policies and procedures related to the examination, and
- (b) review the results of the examination or re-examination for each applicant and make a determination as to that applicant's qualification for registration, and
- (c) notify the applicant of the results of the examination or reexamination as soon as is practical.

(3) An applicant who fails the initial examination is entitled to two opportunities to repeat the examination in accordance with established policies and procedures of the College.

(4) Where the invigilator has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the invigilator must make report to the Registrar and may recommend that one or more of the following actions be taken:

- (a) fail the applicant, or
- (b) pass the applicant, or
- (c) require the applicant to rewrite the examination, or
- (d) disqualify the applicant from participating in any examination for a period of time

(5) After considering a report made under subsection (4), the Registrar may take one or more of the recommended courses of action.

(6) An applicant disqualified under subsection 4(d) must be provided with written reasons for the disqualification.

49. – Registration Renewal

(1) To be eligible for a renewal of registration, a registrant must:

- (a) submit a completed registration renewal form to the Registrar, and
- (b) pay the registration renewal fee, and
- (c) pay any other outstanding fee, debt, fine or levy owed to the College, and
- (d) attest that he or she is in compliance with the Act, the regulations and these bylaws and is compliant with any limits or conditions imposed under section 39(1)(c) of the Act, and
- (e) provide proof of having met the continuing competence requirements of the College as required under section 50.

(2) Notice of the fees must be delivered to each registrant no later than four weeks prior to the end of the renewal year and must describe the consequence of late payment and non payment of fees.

(3) Each registrant must submit a registration renewal form and the registration renewal fee on or before the last day of February and which must be received at the College office no later than the last working day in February.

(4) On payment of the registration renewal fee and any arrears, and the acceptance of the registration renewal form, the Registrar must issue to the registrant an official receipt and registration card stating that the registrant is, subject to his or her compliance with the Act, regulations and the bylaws, entitled to practice the profession of registered

psychiatric nursing in the province of British Columbia as a registrant of the College.

(5) Where a registrant fails to submit a registration renewal form and pay the registration renewal fee on or before the last of February and which is not received at the College office within the time specified in (3), he or she ceases to be registered.

50. – Continuing Competence

A registrant must complete all requirements of the continuing competence program as approved and required by the board. Please see Schedule C.

51. – Reinstatement Following Non-payment of Fees

(1) A former registrant who ceased to be registered under section 49(5) by reason only of a failure to renew his or her registration is eligible for reinstatement where they:

- (a) apply for reinstatement in the form required by the Registration Committee not later than 90 days following the expiry of their registration, and
- (b) are not in contravention of the Act the regulation or these bylaws, and
- (c) pay the registration renewal fee and any other outstanding fee, debt, fine or levy owed to the College, and
- (d) pay a reinstatement fee in an amount equal to 20 per cent of the registrant's annual registration fee

(2) A former registrant who ceased to be registered under section 49(5) by reason only of a failure to renew his or her registration and who applies for reinstatement more than 90 days following the expiry of their registration, and who has continued to practice the profession of psychiatric nursing will have their application for reinstatement referred to the Registration Committee further to section 44. If the Registration Committee grants reinstatement of registration, the former registrant must:

- (a) pay the registration renewal fee and any other outstanding fee, debt, fine or levy owed to the College, and
- (b) pay a reinstatement fee in an amount equal to 35 percent of the registrant's annual registration fee.

(3) Despite subsection (1) and (2), the Registration Committee may reinstate a former registrant without charging any reinstatement fee where the person is able to demonstrate that he or she was unable to comply with section 49 for reasons of undue hardship.

52. – Conversion of Registration Status

(1) A former registrant or a non practicing registrant whose registration is not suspended or cancelled under sections 35 or 39 of the Act and who has not practiced the profession of psychiatric nursing for less than 5 years may be restored to practicing registration where the former registrant or non practicing registrant

- (a) provides proof of having met the requirements of competency as required under section 50, and
- (b) is not in contravention of the Act, the regulation or these bylaws, and
- (c) pays the registration renewal fee and any other outstanding fee, debt, fine or levy owed to the College, and
- (d) pays a reinstatement fee in an amount equal to 20 percent of the registrant's annual registration fee, unless the person was last a practicing registrant in the preceding 2 years, in which case no reinstatement fee is payable, and
- (e) provides evidence satisfactory to the Registration Committee of the good character and fitness to practice of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
- (f) delivers to the Registrar documents required by the College

(2) A former registrant or non practicing registrant whose registration is not suspended or cancelled under sections 35 or 39 of the Act and who has not practiced the profession of psychiatric nursing for more than 5 years may be granted practicing registration where the former registrant or non practicing registrant:

- (a) provides proof of successful completion of an approved psychiatric nursing refresher course and/or proof of having met continuing competence requirements under section 50, and
- (b) is not in contravention of the Act, the regulation of these bylaws, and
- (c) pays the registration renewal fee and any other outstanding fee, debt, fine or levy owed to the College, and
- (d) provides evidence satisfactory to the Registration Committee of the good character and fitness to practice of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
- (e) delivers to the Registrar documents required by the College, and
- (f) pays a reinstatement fee in an amount equal to 20 percent of the registrant's annual registration fee.

53. – Notification of Change of Registration Status

A registrant must immediately notify the Registrar of any change of address, name, employer or any other registration information previously provided to the Registrar.

53.1 – Liability Insurance

- (1) Each practicing registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of the registrant.
- (2) Each practicing registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of an employee of the registrant.

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Part V: Inspections, Inquiries and Discipline

Definitions:

54. – Consent Orders

(1) Consent orders means the record of an undertaking or a consent given under section 36 of the Act for the purposes of resolving a complaint.

55. – Professional Misconduct

Professional misconduct includes the following conduct of a registrant who has:

- (a) been found guilty of an offence that is relevant to the registrant's competency to practice
- (b) been found by another regulatory body to have committed an act, that would, in the opinion of the discipline committee, be an act of professional misconduct as defined in subsections (c) to (q)
- (c) committed an offence of sexual misconduct
- (d) contravened a term, condition or limitation imposed on a registrant's certificate of registration
- (e) contravened a standard of practice or a provision of the code of ethics
- (f) contravened the Act, regulation, bylaws or consent order
- (g) abused a client (physically, verbally, psychologically, financially or otherwise)
- (h) taken unfair advantage of the confidence and trust within the client relationship
- (i) practiced the profession while their ability to do so was impaired by a physical or mental ailment, emotional disturbance or impairment due to substance abuse
- (j) failed to obtain consent, where consent is required by law
- (k) discontinued psychiatric nursing services that are needed unless:
 - (i) the client requests the discontinuation;
 - (ii) alternative services are arranged; or
 - (iii) the client is given a reasonable opportunity to arrange alternative services

- (l) given information about a client to a person other than the client or their representative except with the consent of the client or their authorized representatives, or as required by law
- (m) falsified a record relating to the registrant's practice
- (n) practiced the profession while in a conflict of interest
- (o) failed to provide a client access to their health care records as required by section 73(f)
- (p) signed, or issued, in the registrant's professional capacity, a document the registrant knows contains false or misleading statements
- (q) engaged in conduct or performing an act, in the course of practicing the profession, that having regard to all the circumstances would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

56. -Sexual Misconduct

Sexual misconduct by a registrant includes:

- (a) sexual intercourse or other forms of physical sexual relations between the registrant and the client
- (b) inappropriate touching of a sexual nature of the client by the registrant
- (c) inappropriate behaviour or remarks of a sexual nature by the registrant toward the client
- (d) for the purposes of subsections (b) and (c) 'sexual nature' does not include touching, behaviour or remarks of a clinical nature appropriate to the service being provided.

57. – Duty to Report

(1) A registrant has a duty to report to the Registrar if the registrant has reasonable grounds to believe that another registrant of the same College:

- (a) has abused a client (sexually, physically, verbally, psychologically, financially, or otherwise) or,
- (b) is practicing in an unsafe manner in a way that constitutes a danger to the public, or
- (c) is exhibiting conduct that suggests a physical or mental ailment, emotional disturbance or impairment due to substance abuse that may affect his or her ability to practice and may constitute a danger to the public, or
- (d) has delegated components of care to another caregiver without due concern regarding the competence of that individual, or
- (e) is practicing in contravention to the Standards of Practice and Code of Ethics for registered psychiatric nurses in B.C.

(2) A registrant has a duty to report to the Registrar of another health profession when the registrant has reasonable grounds to believe that a registrant of a different professional body

- (a) has abused a client (sexually, physically, verbally, psychologically, financially or otherwise), or
- (b) is exhibiting conduct that suggests a physical or mental ailment, emotional disturbance or impairment due to substance abuse that may affect his or her ability to practice and may constitute a danger to the public

58. – Inspections

An inspector must not observe a registrant while the registrant is providing a service to a client except where:

- (a) the consent of the client being treated has been obtained in advance, or
- (b) the service is being provided in a public setting.

59. -Complaints

The Registrar shall make every reasonable effort to facilitate receipt in writing of a complaint if delivery in writing by the complainant is not practical due to special circumstances.

60. – Investigations By Inquiry Committee

(1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 33(4) of the Act.

(2) Before agreeing to accept an undertaking or consent under section 36 of the Act, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or consent is appropriate in the circumstances.

61. – Consent Orders

- (a) include any consent to a reprimand or to any other action made by the registrant under section 36 of the Act,
- (b) include any undertaking made by the registrant under section 36 of the Act,
- (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,
- (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and
- (e) specify which terms of the consent order may be disclosed to the public

62. – Alternative Dispute Resolution

(1) The inquiry committee may recommend under section 33(6)(b) that a complaint be referred to alternative dispute resolution where:

- (a) the inquiry committee determines that it is appropriate;
- (b) the complainant and the registrant agree to the referral.

(2) Alternative dispute resolution may include but is not limited to:

- (a) negotiation
- (b) mediation
- (c) arbitration

(3) The inquiry committee may approve the agreement reached through alternative dispute resolution.

(4) If a complaint cannot be resolved through alternative dispute resolution it must be referred back to the inquiry committee.

(5) Participation in alternative dispute resolution will be in accordance with policies and procedures established by the College.

63. – Citation for Disciplinary Hearing

- (1) On the direction of the Inquiry Committee or Board, the Registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (2) On the direction of the Inquiry Committee or Board, the Registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of the Inquiry Committee or Board, the Registrar may amend a citation issued under section 37 of the Act.

64. – Pre-hearing Meeting

(1) On the direction of the inquiry committee, the registrar may include, with a citation, a request for the registrant to participate in a pre-hearing meeting to discuss:

- (a) jurisdiction and other procedural issues
- (b) agreed statement of facts
- (c) disclosure of information
- (d) number of witnesses
- (e) estimation of time to complete the discipline hearing
- (f) discussion of possible disciplinary sanctions

(2) Matters discussed at a pre-hearing meeting are not to be disclosed at a discipline hearing unless agreed to by all parties.

(3) Participation in a pre-hearing meeting will be in accordance with policies and procedures established by the College.

65. – Hearings of the Disciplinary Committee

(1) No person may sit on the discipline committee while he or she is a member of the inquiry committee.

(2) No member of the discipline committee may sit on the panel, hearing a matter in which he or she:

- (a) was involved as a member of the inquiry committee or
- (b) has had any prior involvement in the matter under review

(3) Information about the date, time and subject matter of the hearing must be provided to any person on request unless otherwise directed by the Discipline Committee.

(4) The Discipline Committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 37(6) of the Act

(5) All discipline hearings shall be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

(6) In determining the penalty to be imposed on a registrant under section 39(1) of the Act, the Discipline Committee must, after making a determination on the facts, consider a previous relevant disciplinary decision regarding the registrant or an undertaking or consent to a reprimand given by the registrant under section 36(1) of the Act.

66. – Notice of Disciplinary Hearings

(1) At the conclusion of a disciplinary proceeding, where there was a finding of fault, the Registrar must, within a reasonable time, advise every registrant of:

- (a) the name of the member charged,
- (b) the facts of the case,
- (c) the disposition of the case, including the nature of any limitation or suspension, and the date it is in effect, and
- (d) the reasons for the decisions.

(2) Where disciplinary proceedings result in the limitation, suspension or termination of a registrant's practice, the Registrar must notify:

- (a) the college or associations responsible for the regulation of the profession of nursing in every Canadian jurisdiction
- (b) the registrant's employer(s)

(c) on request, any other college or association in a jurisdiction inside or outside Canada, and(d) any other individual/organization as directed by Board policy.

67. – Retention of Disciplinary and Inquiry Committee Records

(1) Records of the inquiry committee and discipline committee must be retained for a period in accordance with College record retention policies and Freedom of Information and Protection of Privacy Act following the conclusion of an investigation.

(2) Decisions and Reasons documents of the Discipline and Inquiry Committees must be kept on permanent record at the College.

(3) All documents pertaining to a matter in which the inquiry committee determines that no further action is to be taken are to be disposed of in accordance to College record retention policies.

68. – Registrant Under Suspension

A registrant while under suspension must not practice the profession of registered psychiatric nursing and must not hold him or herself out as entitled to practice during that time.

69. – Fines

The maximum amount of a fine that may be ordered by the discipline committee under section 39 of the Act is \$35,000.00

69.1- Costs

(1) The tariff of costs set out in Schedule I, to partially indemnify the college for investigations under section 33 of the Act, is established under section 19(1)(v.1) of the Act.

(2) The tariff of costs set out in Schedule J, to partially indemnify parties for their expenses incurred in the preparation for and conduct of hearings under section 38 of the Act, is established under section 19(1)(w.1) of the Act.

(3) Any costs awarded by the discipline committee under section 39(4) or (5) of the Act, or by the inquiry committee under section 33(7) of the Act or in accordance with a proposal under section 37.1 of the Act, must be assessed by the applicable committee in accordance with Schedules I and J and the applicable tariff of costs set out therein.

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Part VI: Registrant Records for Self-employed Registrants

70. – Definitions

For the purposes of Part 6 of these bylaws, “patient representative” means:

- (a) a “committee of the patient” under the Patient’s Pro peTty Act,
- (b) the parent or guardian of a patient who is under 19 years of age,
- (c) under the Representation Agreement Act, a representative authorized by a representation agreement registered under the Representation Agreement Act to make or help in making decisions on behalf of a patient,
- (d) under the Representation Agreement Act, a monitor named in a representation agreement registered under the Representation Agreement Act to ensure that the representative fulfils the duties described in section 16 of that Act,
- (e) under the Adult Guardianship Act, a decision maker or guardian appointed under section 10 of the Adult Guardianship Act, and
- (f) under the Health Care (Consent) and Care Facility (Admission)Act, a temporary substitute decision maker chosen under section 16 of the Health Care (Consent) and Care Facility (Admission) Act.

71. – Purpose for Which Personal Information May be Collected

No registrant may collect personal information regarding a patient unless:

- (a) the information relates directly to and is necessary for providing health care services to the patient or for related administrative purposes, or
- (b) the collection of that information is expressly authorized by or under an enactment.

72. – Source of Personal Information

(1) A registrant must collect personal information about a patient directly from the patient.

(2) Despite subsection (1) a registrant may collect personal information from another person if the registrant has reasonable grounds to believe:

- (a) that the patient has been made aware of the matters set out in sections 79 & 81 and has authorized collection of the personal information from another person,

(b) that the patient is unable to give his or her authority and the registrant, having made the patient's representative aware of the matters set out in section 73(1), collects the information from the representative or the representative authorizes collection from another person,

(c) that compliance with subsection (1) would

(i) prejudice the best interests of the patient,

(ii) defeat the purpose or prejudice the use for which the information is collected, or

(iii) prejudice the safety of any person,

(d) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case,

(e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person,

(f) that the information is publicly available information,

(g) that the information

(i) will not be used in a form in which the patient concerned is identified, or

(ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the patient, or

(h) that non-compliance with subsection 1 is necessary where the information is about law enforcement or anything referred to in sections 15(1) or (2) of the Freedom of Information and Protection of Privacy Act.

73. – Collection of Personal Information

(1) Where a registrant collects personal information directly from the patient, or from the patient's representative, the registrant must take such steps as are, in the circumstances, reasonable to ensure that the patient or patient's representative is aware of:

(a) the fact that the personal information is being collected,

(b) the purpose for which the personal information is being collected,

(c) the intended recipients of the personal information,

(d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the personal information,

(e) the consequences, if any, for that patient if all or any part of the requested personal information is not provided,

(f) the rights of access to personal information provided in section 88.

(2) The steps referred to in subsection (1) must be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.

(3) A registrant is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a patient, or the patient's representative, if the registrant has taken those steps in relation to the collection, from the patient or patient's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.

(4) Despite subsection (1), a registrant is not required to comply with subsection (1) if the registrant believes on reasonable grounds

(a) that non-compliance is authorized by the patient concerned,

(b) that compliance would

(i) prejudice the interests of the patient concerned, or

(ii) defeat the purpose or prejudice the use for which the information is collected,

(c) that compliance is not reasonably practicable in the circumstances of the particular case, or

(d) that the information is about law enforcement or anything referred to in sections 15(1) or (2) of the Freedom of Information and Protection of Privacy Act.

74. – Manner of Collection of Personal Information

Personal information must not be collected by a registrant:

(a) by unlawful means, or

(b) by means that, in the circumstances of the case,

- (i) are unfair, or
- (ii) intrude to an unreasonable extent upon the personal affairs of the patient concerned.

75. – Confidentiality of Personal Information

A registrant must at all times protect and maintain the confidentiality of personal information collected under sections 71,72 and 73.

76. – Accuracy of Personal Information

The registrant must make every reasonable effort to ensure that the information is current and legibly, accurately and completely recorded.

77. – Right to Request Correction of Personal Information

- (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the registrant having the record in his or her custody or control correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant must note the request in the record with particulars of the correction that was sought.

78. – Use of Personal Information by Registrant

- (1) A registrant may use personal information only:
 - (a) for the purpose of providing health care services to the patient or related administrative purpose,
 - (b) for a use or disclosure consistent with a purpose specified in paragraph (a),
 - (c) if the patient has consented to the use, or
 - (d) for a purpose for which that information may be disclosed by the registrant under sections 77 and 79.

79. – Disclosure of Personal Information by a Registrant

- (1) A registrant must maintain confidentiality of personal information and may disclose relevant personal information only:
 - (a) if the patient concerned has consented to the disclosure,
 - (b) for the purpose of providing health care services to the patient or related administrative purpose or for a disclosure consistent with either purpose,
 - (c) for the purpose of complying with an enactment of, arrangement or agreement made under an enactment of British Columbia or Canada,
 - (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,
 - (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
 - (f) to a lawyer acting for the registrant, with the consent of that individual for use in civil or criminal proceedings involving the registrant,
 - (g) where necessary to comply with the Coroner's Act,
 - (h) where necessary to comply with the Ombudsman Act,(i) for the purposes of:
 - (i) collecting a debt or fine owing by a patient to the registrant, or
 - (ii) making a payment owing by the patient to a registrant,
 - (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
 - (k) where the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
- (1) so that the next of kin or a friend of an injured, ifi or deceased individual may be contacted,
 - (m) in accordance with sections 81 and 88, or
 - (n) as otherwise required by law.

80. – Definition of Consistent Purpose

A use or disclosure of personal information is consistent with the purposes of providing health care services to a patient or related administrative purposes under sections 78 and 79 if the use or disclosure has a reasonable and direct connection to either purpose.

81. – Disclosure for research and Statistical Purposes

A registrant may disclose personal information for a research purpose, including statistical research, only if:

- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form,
- (b) any record linkage is not harmful to the individuals concerned and the benefits to be derived from the record linkage are clearly in the public interest,
- (c) the head of the public body concerned has approved conditions relating to the following
 - (i) security and confidentiality
 - (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and
 - (iii) The prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the committee approved by the board, and
- (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions these bylaws and any of the policies and procedures of the committee approved by the board relating to the confidentiality of personal information.

82. – Storage and Retention of Personal Information

(1) A registrant must ensure that all records:

- (a) pertaining to his or her practice, and
- (b) containing personal information are safely and securely stored.

(2) Personal information must be retained for a period of 10 years

83. – Manner of Disposal of Records

A registrant must ensure that records are disposed of only by:

- (a) transferring the record to another registrant or with the consent of the patient, to another health care agency or health care practitioner,
- (b) effectively destroying a physical record by utilizing a shredder or by complete burning
- (c) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed, or
- (d) transferring the record to the patient.

84. – Registrant Ceasing to Practice

- (1) A registrant who ceases to practice for any reason must dispose of personal information in accordance with this part, notify the college, and provide the college with a written summary of the steps he or she has taken to dispose of the personal information.
- (2) A registrant must make appropriate arrangements to ensure that, in the event that the registrant dies or becomes unable to practice for any reason and is unable to dispose of the personal information, the personal information will be safely and securely transferred to another registrant.
- (3) A registrant who receives personal information transferred in accordance with subsection (2) or section 83(a) must notify the patient concerned of the transfer.

85. – Protection of Personal Information

- (1) A registrant must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (2) A registrant must take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant or a health professions corporation or a student practitioner under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this part.

86. – Contracts for Handling Personal Information

A registrant must ensure that, where personal information is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

87. – Remedying a Breach of Security

A registrant must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information under this part as soon as possible after the breach is discovered, including:

- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
- (b) taking steps to ensure that any remaining personal information is secured,
- (c) notifying

- (i) anyone affected by the unauthorized access including patients and other health care providers,
- (ii) the college, and
- (iii) law enforcement officials, where criminal action may have contributed to the unauthorized action, and

- (d) modifying existing security arrangements to prevent a re-occurrence of the unauthorized access.

88. – Patient Access to Personal Information

(1) For the purposes of this section, “access to” means the opportunity to examine or make copies of the original record.

(2) If a patient or a patient representative makes a request for access to personal information about the patient, the registrant must comply as soon as practicable but not more than [45 days] following the request by:

- (a) providing access to the patient or patient’s representative,
- (b) providing access to the remainder of the personal information where that information excepted from disclosure under subsection (3) can reasonably be severed, or
- (c) providing written reasons for the refusal of access to the personal information or to any portion of the health records.

(3) The registrant may refuse to disclose personal information to a patient or patient representative

- (a) where there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient.
- (b) where there is a significant likelihood of harm to a third party, or
- (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.

(4) Where a registrant provides access and the patient or patient representative requests a copy of the personal information, a copy must be provided if it can reasonably be reproduced.

(5) A registrant may charge a reasonable fee for the reproduction of personal information which does not exceed the fee established in Schedule C.

(6) Subject to subsection (3), a patient under 19 years of age may have access to a record where, in the opinion of the registrant, the patient is capable of understanding the subject matter of the record.

(7) Except where authorized by the patient, a registrant must not provide access to the records of a patient who is under 19 years of age to the guardian or parent of the patient where the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 16 of the Infants Act.

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Schedule A:

Repealed May 25, 2015

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Schedule B:

Repealed May 25, 2015

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Schedule C: Maximum Fees for Information Requests

(SECTION 41 AND 88)

1. For applications other than commercial applicants:

- (a) for locating and retrieving a record \$7.50 per 1/4 hour after the first 3 hours
- (b) for producing a record manually \$7.50 per 1/4 hour
- (c) for preparing a record for disclosure and handling a record \$7.50 per 1/4 hour
- (d) for shipping copies actual costs of shipping by method chosen by applicant
- (e) photocopies and computer printouts
 - (i) \$.25 per page (8.5 x 11, 8.5 x 14), \$.30 per page (11 x 17)

- (ii) floppy disks \$10.00 per disk

2. For commercial applicants for each service listed in term 1 the actual cost of providing that service.

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Schedule D: Recognized B.C. Psychiatric Nursing Education Programs

Douglas College: Diploma in Psychiatric Nursing Program
 Douglas College: Bachelor of Science in Psychiatric Nursing Program
 Douglas College: Psychiatric Nursing Refresher Program
 Kwantlen Polytechnic University: Bachelor of Psychiatric Nursing Program
 Stenberg College: Regional Online Diploma in Psychiatric Nursing Program

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Schedule E: Fees: Registration and Examination

[Fee Schedule](#)

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Schedule G: Registered Psychiatric Nursing Endorsement Agreement

Endorsement is defined as:

Once a graduate of an approved program has established registration to practice or eligibility for registration in one of the four western Canadian provinces, that person, upon making application, should be granted registration on the basis of having been registered, or eligible to be registered in any one of those four provinces, provided that the psychiatric nurse's registration is in good standing, or was in good standing at the date of last registration, that the psychiatric nurse has met the requirements regarding current practice in the province last registered and that the psychiatric nurse can show proof of good character.

The intent of this statement is as follows:

1. "once a graduate of an approved program has established registration or eligibility for" the psychiatric nurse must be registered or eligible for registration in British Columbia, Alberta, Saskatchewan or Manitoba;
2. upon making application" . . .the psychiatric nurse must apply for a registration to practice on forms provided by the province to which registration is sought;
3. "on the basis of having been registered" . . .credentials have been screened by one of the four provinces, all basic requirements have been met and the registration examination has been successfully completed;
4. "registration is in good standing" . . .registration has not been suspended or revoked for reasons of incompetence or unethical practice or conduct unbecoming or incapacity to practice;
5. "met the requirements regarding current practice" . . . the psychiatric nurse has met the continuing competency requirements in the province last licensed;
6. "proof of good character" . . .the psychiatric nurse meets the requirements of safety to practice in the province to which registration is sought;
7. "registration to practice" . . .may include: licensure, licence to practice.

Registration to practice by endorsement facilitates mobility of Registered Psychiatric Nurses in the four western provinces. The Endorsement Agreement creates a high degree of reliable and consistent recognition of qualifications of Registered Psychiatric Nurses by psychiatric nursing regulatory bodies in Canada. Where this agreement conflicts with the provincial legislation governing the profession, the provincial legislation supersedes this agreement.

New Graduates:

New graduates of approved psychiatric nursing programs are eligible to register in any of the four western provinces within four years of their graduation. Graduates must also have successfully completed the registration examination in the province in which they graduated. If they do not register to practice within four years of graduation, they will be required to take a refresher course in order to reestablish eligibility.

Out of Jurisdiction Graduates:

All applications from outside the four western provinces are assessed for eligibility to register by the respective provincial associations. Minimum criteria for acceptance into the profession includes: graduation from a basic program in psychiatric nursing, approved by the regulatory body in the country from which they graduated; current registration or eligibility for registration as a psychiatric nurse in the jurisdiction from which they are applying, registration has not been suspended or revoked for reasons of incompetence or unethical practice or conduct

unbecoming or incapacity to practice; proof of proficiency in the English language, where required; and successful completion of the provincial registration examination. Some jurisdictions may require the completion of a Refresher Program.

Initial registration must be obtained in the province to which one is applying.

All costs, incurred by this process are paid for by the applicant.

Applicants Previously Registered as a Registered Psychiatric Nurse in Canada:

Those applicants previously registered in one of the four western provinces are eligible to register to practice in any of these provinces provided that they: 1) meet the requirements regarding current practice in the province last registered to practice; 2) were a member in good standing, at time of last registration; 3) are not suspended or removed from the register in the province last registered to practice; and 4) meet the test of good character/safety to practice requirement of the province to which they are applying. In addition, they must make application, complete release of information forms and pay the appropriate fees.

This Endorsement Agreement is supported by the following Associations as indicated by the signature of the President or Designate:

- RPNAM Cheryl Adams Date: May 10, 1998
- RPNAS Cindy Sherban Date: May 10, 1998
- RPNAA Judy Dahl Date: May 10, 1998
- CRPNBC Linda Moyneur Date: May 10, 1998

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Schedule H: Continuing Competency Program for Registered Psychiatric Nurses

MARCH 1, 2000

Continuing Competence Requirements

The requirements of the continuing competency program are:

- self assessment of the nurses individual practice, based on the Standards of Registered Psychiatric Nurses of British Columbia
- the development of a learning plan based on self assessment
- evaluating the outcome/results of the learning plan
- reporting annually regarding participating in the continuing competency program

Requirements for Practice Hours

In the immediate five years preceding renewal you must have:

- Practiced as an RPN a total of 1400 hours or
- Completed an approved Refresher Program for RPNs or
- Graduated from a Diploma/Degree Program in Psychiatric Nursing within British Columbia, Alberta, Saskatchewan or Manitoba

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Schedule I: Tariff of Costs (Investigations)

For the purpose of assessing costs under this tariff, qualifying expenses incurred by the college from the time

- (a) the registrar receives a complaint in writing under section 32(1) of the Act, or
- (b) the inquiry committee initiates an investigation of a matter on its own motion under section 33(4) of the Act,

until the time the inquiry committee directs the registrar to issue a citation or otherwise disposes of the complaint or matter under section 33(6) of the Act are deemed to be expenses incurred for the investigation of the complaint or matter.

Expense

Legal representation for the purposes of the investigation

Other reasonable and necessary professional

Rate of indemnity

up to 50% of actual legal fees

100% of actual fees

services engaged for the purposes of the investigation

Other reasonable and necessary disbursements 100% of actual disbursements incurred for the purposes of the investigation(including disbursements incurred by legal counsel)

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Schedule J: Tariff of Costs (Hearings of Discipline Committee)

For the purpose of assessing costs under this tariff, qualifying expenses incurred from the time the inquiry committee directs the registrar to issue a citation under section 33(6)(d) of the Act until the time

- (a) the inquiry committee accepts a written proposal for a consent order under section 37.1(2) or (5) of the Act, or
- (b) the discipline committee dismisses the matter under section 39(1) of the Act, or
- (c) the discipline committee issues an order under section 39(2) of the Act,

are deemed to be expenses incurred in the preparation for and conduct of the hearing.

Expense	Rate of indemnity
Legal representation for the purposes of preparing for and conducting the hearing	up to 50% of actual legal fees
Reasonable and necessary expert witness fees for the purposes of preparing for and conducting the hearing	100% of actual fees
Other reasonable and necessary disbursements incurred for the purposes of preparing for and conducting the hearing (including disbursements incurred by legal counsel)	100% of actual disbursements

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