



## **PLEASE NOTE**

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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## CHAPTER L-10.1

### LICENSED PRACTICAL NURSES ACT

- 1. In this Act** Definitions
- (a) “Association” means the Licensed Practical Nurses Association of Prince Edward Island as continued under section 2; Association
- (b) “Board” means the Prince Edward Island Licensed Practical Nurses Registration Board established by section 6; Board
- (c) “license” means a license issued under section 10, signifying that the holder is registered and is entitled to practise as a licensed practical nurse; license
- (d) “licensed practical nurse” means a person who holds a valid license; licensed practical nurse
- (e) “Minister” means the Minister of Health and Wellness; Minister
- (f) “prescribed” means prescribed in regulations; prescribed
- (g) “registered” means recorded in the register maintained by the Registrar as having been determined eligible for a license; registered
- (h) “Registrar” means the officer appointed under subsection 8(2); Registrar
- (i) “regulations” means regulations made under this Act. 1999,c.35,s.1; 2005,c.40,s.17; 2010,c.31,s.3; 2015,c.36,s.38. regulations

#### ASSOCIATION

- 2. The Licensed Nursing Assistants Association of Prince Edward Island as continued by the *Licensed Nursing Assistants Act* R.S.P.E.I. 1988, Cap. L-10, is continued as a body corporate under the new name of the Licensed Practical Nurses Association of Prince Edward Island, composed of those persons who are members of the Association at the time this Act comes into force and such other persons as are admitted to membership of the Association in accordance with its bylaws. 1999,c.35,s.2.** Licensed Practical Nurses Association
- 3. The purposes of the Association are to** Purposes of Association
- (a) foster public recognition and awareness of the profession;
- (b) encourage members to interact and take pride in their profession;
- (c) promote proficiency, continuing professional education and career development among members;

- (d) represent members collectively in relations with other persons and organizations;
- (e) provide for such services to members as group liability insurance;
- (f) promote action and work for improvements in regard to health issues; and
- (g) pursue such other goals as the Association may consider necessary to advance the profession and further the interests of its members. 1999,c.35,s.3.

Council	<b>4.</b> (1) There shall be a Council of the Association which shall conduct the affairs and exercise the powers of the Association.
Composition	(2) The Council consists of not fewer than eight members elected at the annual meeting of the Association, and includes the president, vice-president and such other executive officers as may be provided for by the bylaws of the Association.
Selection, term	(3) The term of office and manner of selection of members of the Council are as determined in the bylaws of the Association. 1999,c.35,s.4.
Bylaws	<b>5.</b> (1) The Council of the Association may make bylaws for the management of the Association, including matters of <ul style="list-style-type: none"> <li>(a) election or appointment, qualifications, duties, terms of office, remuneration and removal of Council members, officers and employees;</li> <li>(b) nomination of members of the Board;</li> <li>(c) calling and conduct, including voting procedures, of meetings, for both the Association and Council;</li> <li>(d) establishment and operation of committees;</li> <li>(e) relationships or agreements with external agencies;</li> <li>(f) membership, including any classes;</li> <li>(g) dues and any other assessment of members;</li> <li>(h) the making, amending and revoking of bylaws.</li> </ul>
<i>Idem</i> , approval	(2) Bylaws come into force only after approval by the general membership. 1999,c.35,s.5.

#### REGISTRATION BOARD

Registration Board	<b>6.</b> (1) The Prince Edward Island Licensed Practical Nurses Registration Board is established as a body corporate.
Purpose	(2) The purpose of the Board is to regulate the practice of licensed practical nurses so as to ensure a high standard of practice and safeguard

the welfare of the public with regard to services by licensed practical nurses.

(3) The functions of the Board are to

Functions

- (a) prescribe approved training programs and other initial and continuing qualifications for registration;
- (b) assess applications and decide if applicants qualify for registration;
- (c) keep the official register of registered practitioners and issue licenses;
- (d) prescribe standards of practice and ethical guidelines for licensed practical nurses;
- (e) monitor adherence to established standards and guidelines, ensure that complaints are investigated, and exercise discipline or remediation of licensed practical nurses by revocation, restriction or suspension of a license, by reprimand, retraining requirement, fine or other means.

(4) The Board may make, amend and revoke bylaws, not inconsistent with this Act, relating to the management and operation of the Board, including bylaws respecting

Bylaws

- (a) the election or appointment, terms of office, duties and remuneration of officers of the Board;
- (b) the calling and conduct of meetings of the Board;
- (c) the establishment and operation of committees of the Board;
- (d) the making, amendment and revocation of bylaws of the Board;
- (e) the fees that are payable by an applicant
  - (i) under subsection 10(3) for an application, examination and registration,
  - (ii) under subsection 13(2) for the renewal of a license, or
  - (iii) under subsection 14(2) for the reinstatement of a lapsed registration and license; and
- (f) the late payment penalty that may be imposed by the Board under subsection 14(2). 1999,c.35,s.6; 2008,c.51,s.1.

7. (1) The Board is composed of nine persons, nominated by the Association except in clause (c), and appointed by the Minister, of whom

Board, composition

- (a) four are licensed practical nurses who are considered to be knowledgeable of the perspective of the Association;
- (b) one is a layperson who is considered to represent the perspective of the general public;
- (c) one is a registered nurse nominated by the Association of Nurses of Prince Edward Island, who is considered knowledgeable of the perspective of that Association;

(d) one is a member of a profession or occupational group other than registered nursing which is authorized by this Act to direct licensed practical nurses, who is considered to be knowledgeable of the perspective of fellow practitioners;

(e) one is a person who is considered to be knowledgeable of the perspective of the education system of the province; and

(f) one is a person who is considered to be knowledgeable of the perspective of the overall health and community services system in the province.

Nominations	(2) In preparing to make the nominations required under clauses (1) (d), (e) and (f), the Association shall consult with the relevant professional, education or health system organizations.
Term	(3) Members of the Board are appointed for a maximum term of three years, and the terms shall be so arranged or adjusted as to ensure that there will not be a turn-over of more than four members in any year.
<i>Idem</i>	(4) Board members may not serve more than two consecutive terms.
Termination of membership	(5) A Board member ceases to hold office if the member <ul style="list-style-type: none"> <li>(a) resigns;</li> <li>(b) ceases to reside in the province;</li> <li>(c) becomes physically or mentally incapacitated, for a sustained period, such as to prevent fulfilment of duties;</li> <li>(d) in the case of a licensed practical nurse, registered nurse or medical practitioner, ceases to hold a valid license;</li> <li>(e) misses three consecutive meetings of the Board, without an excuse that the Board considers reasonable;</li> <li>(f) is convicted of an indictable offence that in the opinion of the Board renders the person unsuitable to continue to hold office as a member; or</li> <li>(g) commits an act which in the unanimous decision of the other members of the Board undermines the ability of the member to act credibly as a member.</li> </ul>
Completion of term	(6) When a Board member ceases to hold office before the term expires, the Minister may appoint a new member, subject to the requirements of subsection (1), to hold office for the unexpired portion of the original term. 1999,c.35,s.7.
Officers	<b>8.</b> (1) The Board shall elect or appoint one of its members as chairperson, and it may appoint other executive officers as it considers appropriate.
Registrar	(2) The Board shall appoint a person, who may or may not be one of the members of the Board, as Registrar who shall maintain a register in which shall be recorded the name of every person determined to be

eligible to practise as a licensed practical nurse and to whom a license is issued, and such other information as the Board considers appropriate.

(3) The Board shall determine its own procedure by bylaw, policy, Procedure  
custom or consensus.

(4) The Board shall make an annual report to the Minister and to the Report, information  
Association concerning its general operation and performance of its duties, and may, if it considers it appropriate, provide to the Minister such information as the Minister may reasonably request. 1999,c.35,s.8; 2008,c.51,s.2.

9. The Board, after consultation with the Association and subject to the Regulations  
approval of the Lieutenant Governor in Council, may make regulations. 1999,c.35,s.9.

### REGISTRATION

10. (1) A person seeking to be registered shall apply to the Board and provide proof of having the following qualifications: Qualifications

- (a) successful completion of an approved training program at the community-college level, or of such training as may be determined equivalent, in accordance with the regulations;
- (b) acquisition of such further clinical or practical experience as may be prescribed;
- (c) professional competency, as demonstrated by such examination as may be prescribed or as the Board may otherwise recognize;
- (d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of training, examination, active practice, or refresher program.

(2) The Board Good standing

- (a) may refuse to register an applicant who has been or is being investigated or disciplined for professional misconduct, negligence or incompetence by a regulatory authority or professional organization, until such time as the said authority or organization declares the applicant to be in good standing; and
- (b) shall refuse to register an applicant who has been convicted of an offence of such a nature and direct relevance to practice that, in the judgment of the Board without any negative vote, the applicant would pose a danger to patients or clients in the context of practice.

(3) Subject to subsection (2), the Board shall register and issue a license to an applicant who has, to the Board's satisfaction, met the requirements of subsection (1) and paid the required application, Registration and license

examination, and registration fees established by the bylaws. 1999,c.35,s.10; 2008,c.51,s.3.

Transitional registration for LNA

**11.** (1) A person who holds a current license under the *Licensed Nursing Assistants Act* on the day this Act comes into force and applies within two years of that date shall be registered and issued a license.

*Idem*, lapsed LNA license

(2) A person who has held a license under the *Licensed Nursing Assistants Act* but whose license has lapsed at the time this Act comes into force, and who applies within two years of that date, shall, upon fulfilling such refresher or upgrading requirements as the Board may assign, be registered and issued a license. 1999,c.35,s.11.

Expiry of license

**12.** (1) Unless a shorter term has been imposed by the Board, a license expires one year from the date on which it comes into effect.

Effective and expiry dates

(2) The Board may determine the effective date and expiry date of licenses. 1999,c.35,s.12.

Renewal

**13.** (1) A person who holds a license may apply, before its expiry, to the Registrar for renewal for the ensuing year.

*Idem*

(2) The Board shall renew a license if

- (a) the Board has no reason to believe that the applicant is in violation of the Act, regulations or any terms or conditions affecting the validity of the person's license;
- (b) the applicant meets the prescribed requirements for currency and continuing development of professional competency; and
- (c) the applicant pays the license renewal fee established by the bylaws. 1999,c.35,s.13; 2008,c.51,s.4.

Lapse

**14.** (1) A person who fails to renew a license on or before the expiry date, or to make a special arrangement for extension or deferred renewal that is satisfactory to the Board, ceases to be registered or hold a license.

Application for registration and license after lapse

(2) A person whose registration and license have lapsed under subsection (1) for three years or less may apply to the Board to have his or her registration and license reinstated.

*Idem*

(3) Subject to subsection 10(2), the Board shall register and issue a license to a person who makes an application under subsection (2) if the person

- (a) meets the prescribed requirements for currency and continuing development of professional competency; and
- (b) pays the application fee and registration fee established by the bylaws,

and, where required by the Board, the late payment penalty established by the bylaws.

(4) Where

*Idem*

(a) the registration and license of a person have lapsed under subsection (1) for more than three years; and

(b) the person wishes to be registered again and issued a new license,

the person shall apply to the Board as an initial applicant under section 10. 1999,c.35,s.14; 2008,c.51,s.5.

#### TITLE AND SCOPE OF PRACTICE

**15.** A person holding a valid license is entitled to use the title “licensed practical nurse”, the abbreviation “LPN” or such other reserved designation of similar meaning as may be prescribed. 1999,c.35,s.15.

Effect of license, title

**16.** (1) Subject to subsection (2), a person practises as a licensed practical nurse who

Practical nursing practice

(a) uses skills and interventions, in which the person is educated, to meet the physical, social, cultural, emotional and spiritual needs of clients; and

(b) applies a knowledge based practical nursing practice under the direction of a registered nurse or duly qualified medical practitioner to promote an optimal state of health for a diverse clientele in a variety of settings.

(2) The practice and characteristics of practice of a licensed practical nurse shall be prescribed by regulation pursuant to section 9 and shall be consistent with the education and training of a licensed practical nurse. 1999,c.35,s.16.

Practice regulations

#### INVESTIGATION AND DISCIPLINE

**17.** (1) If the Board has cause to believe that a licensed practical nurse is

Investigation

(a) in violation of the Act or regulations; or

(b) unfit to practise, or guilty of conduct contrary to the public interest, by reason of negligence, practitioner misconduct, mental or professional incompetence or other comparable failing which may harm a client,

the Board shall cause a preliminary inquiry and, if warranted, a full investigation to be conducted.

(2) The Board shall not authorize a full investigation without first giving the affected licensed practical nurse written notice of its intent to

Notice to affected licensed practical nurse



do so, and the notice must include a statement of what the complaint or concern is and assurance of an opportunity to provide evidence.

Hearing (3) If proceeding with the matter beyond investigation, the Board shall give the affected licensed practical nurse the opportunity of a hearing, with legal counsel if desired. 1999,c.35,s.17.

Discipline **18.** If the Board, after investigation and hearing, determines that a licensed practical nurse is in violation of the Act or regulations, unfit to practise or guilty of conduct contrary to the public interest, it may, following guidelines in regulations or written policy, disqualify, discipline or seek to remedy the performance of the licensed practical nurse, by

- (a) suspending or revoking the license;
- (b) imposing conditions on the license;
- (c) reprimanding the licensed practical nurse;
- (d) requiring the licensed practical nurse to take a course or educational or rehabilitative treatment program;
- (e) requiring the licensed practical nurse to pay the costs of the investigation and discipline; or
- (f) imposing any combination of these measures or other such sanction as the Board considers appropriate. 1999,c.35,s.18.

Appeal **19.** (1) A practical nurse whose license has been suspended or revoked under section 18 may appeal that decision to the Court of Appeal, by filing a notice of appeal with the court, and so informing the Board, within thirty days of receiving notification of the decision of the Board.

Allowance for appeal (2) Except in such unusual circumstances as may be prescribed, a suspension or revocation takes effect only after thirty days following the date on which the Board has made its decision known to the licensed practical nurse or, if an appeal is made, after the court has dismissed the appeal.

*Idem*, public-protection measures (3) During the period of allowance under subsection (2), if it considers it necessary for purposes of public protection, the Board may disclose the status of the affected licensed practical nurse and impose conditions on the person's license.

Reinstatement (4) The Board may subsequently, if it determines it to be appropriate, reinstate a revoked or suspended license if the applicant meets the requirements for registration set out in subsection 10(1). 1999,c.35,s.19; 2008,c.20,s.72(55).

## OFFENCES

Prohibition **20.** (1) No person other than a person holding a valid license shall

- (a) provide services under the title of “licensed practical nurse”, the abbreviation “LPN” or such other reserved designation of similar meaning as may be prescribed; or
- (b) take or use any name, title or description implying or intended to lead people to infer that the person is a licensed practical nurse.

(2) No person shall call herself or himself a “Licensed Nursing Assistant” or “LNA”, or use any other similar name, title or description implying or leading people to infer that the person is a licensed nursing assistant in accordance with the *Licensed Nursing Assistants Act*. 1999,c.35,s.20. Obsolete title

**21.** Anyone who violates section 20 is guilty of an offence and is liable on summary conviction to a fine not exceeding \$2,000. 1999,c.35,s.21. Penalty

#### LIABILITY

**22.** The Board, its members, committees and officers are not liable for anything they did in good faith as a part of their functions under this Act or the regulations. 1999,c.35,s.22. Liability of Board

**23.** The relationship of a licensed practical nurse to a limited company or professional corporation, whether as shareholder, director, officer or employee, does not change the liability of the licensed practical nurse as an individual practitioner. 1999,c.35,s.23. Corporation, effect on liability

#### GENERAL

**24.** Act repealed. 1999,c.35,s.24. Repeal