



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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## CHAPTER L-10.1

### LICENSED PRACTICAL NURSES ACT

#### REGULATIONS

Pursuant to section 9 of the *Licensed Practical Nurses Act* R.S.P.E.I. 1988, Cap. L-10.1, and every other enabling power, Council approved the following regulations made by the Prince Edward Island Licensed Practical Nurses Registration Board, after consultation with the Licensed Practical Nurses Association of Prince Edward Island:

#### 1. In these regulations

Definitions

- (a) “Act” means the *Licensed Practical Nurses Act* R.S.P.E.I. 1988, Cap. L-10.1; Act
- (b) “applicant” means a person who is applying for registration to be eligible to practise as a licensed practical nurse; applicant
- (c) “approved training program” means a training program at the community-college level for the qualification of licensed practical nurses that has been approved by the Board in accordance with section 17; approved training program
- (d) “client” means the recipient of services of a licensed practical nurse; client
- (e) “conditional license” means a license issued under subsection 4(2) which is subject to conditions necessary for protecting the public interest; conditional license
- (f) “equivalent training” means training that the Board, under section 17, considers equivalent to that provided by an approved training program; equivalent training
- (g) “investigation committee” means the committee established under section 20; investigation committee
- (h) “member” means a person who is registered and to whom a license has been issued; member
- (i) “register” means the register referred to in subsection 8(2) of the Act. (EC622/02; 88/05) register

## PART I

## ETHICAL GUIDELINES AND STANDARDS OF PRACTICE

Guidelines and  
standards**2. (1) A member shall**

- (a) execute all duties in accordance with the prescribed ethical guidelines;
- (b) provide practical nursing services for the purpose of treating health conditions, promoting health, preventing illness and assisting individuals, families and groups to achieve an optimal state of health;
- (c) be guided at all times by the welfare, best interests and informed consent of the client as that concept is explained in subsection 6(2) of the *Consent to Treatment and Health Care Directives Act* R.S.P.E.I. 1999, Cap. C-17.2;
- (d) take direction from a registered nurse or a duly qualified medical practitioner, either orally or in writing, including telephone and electronic transmission; and
- (e) notwithstanding clause (d), function autonomously and be accountable for all acts or omissions undertaken or occurring within the scope of his or her practice.

Prescribed  
guidelines

(2) The ethical guidelines prescribed for the purposes of the Act and these regulations are those set out in Schedule 1. (EC622/02)

Collaborative  
situations

**3.** A member may collaborate with other professionals forming part of an interdisciplinary team providing health care. (EC622/02)

## PART II

## REGISTRATION AND LICENSES

Registration

**4. (1)** Subject to the Act and these regulations, an applicant for registration shall be registered and issued a license

- (a) on payment of required fees established by the bylaws; and
- (b) after providing proof, satisfactory to the Board, of meeting the requirements set out in section 8, and if applicable, in sections 9 and 10.

Conditions

(2) A license may be issued subject to such conditions as the Board considers it appropriate to impose. (EC622/02; 290/09)

Notice of certain  
decisions

**5. (1)** The Registrar shall give notice, in writing, to an applicant if, after reviewing an application, the Board decides to

- (a) refuse to
  - (i) register the applicant, and

- (ii) issue or renew a license; or
- (b) impose conditions on the license.

(2) On the applicant's request, the Board shall issue written reasons for a decision of the Board referred to in subsection (1). Written reasons for certain decisions

(3) The applicant may, under section 18, request the Board to reconsider a decision referred to in subsection (1). (EC622/02) Reconsideration

**6.** A person who holds a license is entitled to practise as a licensed practical nurse and to hold himself or herself out as such, subject to any conditions imposed on the license. (EC622/02) Practising with license

**7.** (1) For the purposes of subsection 8(2) of the Act, the Registrar shall maintain the following information on the register for each applicant: Register

- (a) legal name;
- (b) mailing address and telephone number;
- (c) date of birth;
- (d) gender;
- (e) registration number;
- (f) particulars of practical nursing education, including date of graduation from an approved training program or equivalent training and institute from which the applicant graduated;
- (g) annual updates on education;
- (h) successful completion of the Canadian Practical Nurse Registration Exam or such examination that the Board may otherwise recognize as adequate proof of an applicant's professional competency;
- (i) present place of employment;
- (j) present employment status;
- (k) a current criminal record check;
- (l) evidence of professional liability insurance coverage at a level customary for licensed practical nurses in Canada;
- (m) any other information that the Board considers is necessary to ensure a high standard of practice and to safeguard the welfare and best interests of the public.

(2) The Registrar shall record on the register the information submitted by an applicant under section 13. (EC622/02) Renewal information

**8.** An applicant for registration shall submit a completed registration form containing the information set out in section 7 to the Registrar, except that with regard to the requirement in clause 7(a), proof of the applicant's legal name shall also be provided. (EC622/02) Requirements for all applicants

**9.** (1) Where an applicant is licensed or eligible for a license in another Canadian jurisdiction, the applicant shall submit to the Registrar Out of province applicant

- (a) a verification that the applicant's most recent license in the other jurisdiction is in good standing; and
- (b) any other information that the Board considers necessary to ensure that the applicant is able to provide health care according to the standards and requirements of the province.

Language requirements

- (2) Where the first language of an applicant for registration is other than English, the applicant
- (a) shall take such a test, as may be required by the Board, of English as a second language, if the Board determines that the test is necessary to ensure that the applicant has adequate communication skills; and
  - (b) shall obtain a score on the test that meets the requirements set by the Board. (EC622/02)

Out of country applicants

- 10.** Where an applicant for registration has graduated from a practical nurse training program in another country, the applicant shall, in addition to complying with the requirements of section 8 and subsection 9(2), submit to the Registrar evidence satisfactory to the Registrar that the applicant has complied with Canadian immigration requirements for employment. (EC622/02; 290/09)

Registration - professional competency requirements

- 11.** (1) On an application for registration, the professional competency requirements of clause 10(1)(c) of the Act shall be met by the successful completion, in accordance with this section, of the Canadian Practical Nurse Registration Exam.

Examination requirements

- (2) In order to write the Canadian Practical Nurse Registration Exam, an applicant shall
- (a) demonstrate to the satisfaction of the Board that the applicant has successfully completed an approved training program or equivalent training; and
  - (b) pay the examination fee established by the bylaws.

Time limitation

- (3) An applicant is required to pass the examination within 24 months immediately following graduation of an approved training program or the completion of equivalent training.

Limitation on writing examination

- (4) An applicant may only write the examination a maximum of three times within the 24-month period referred to in subsection (3) and, after that period, the applicant may not write the examination again until the applicant retakes and successfully completes an approved training program or equivalent training. (EC622/02; 290/09)

Registration - refresher requirements

- 12.** On an application for registration by a person who
- (a) has successfully completed
    - (i) an approved training program or equivalent training, and

(ii) the Canadian Practical Nurse Registration Exam; and  
 (b) graduated from the approved training program or equivalent training more than 24 months before making the application, the currency of professional knowledge and skills requirement of clause 10(1)(d) of the Act shall be met by proof of the successful completion of a refresher program that has been approved by the Board. (EC622/02)

**13.** An applicant for the renewal of a license shall submit a completed application form to the Registrar that Renewal  
application

- (a) updates the information on the register for the applicant in respect of the matters referred to in clauses 7(1)(a) to (g) and (i) and (j);
- (b) advises of any criminal offences of which the applicant has been convicted; and
- (c) includes any other information that the Board considers necessary for the purposes referred to in clause 7(1)(m). (EC622/02)

**14.** (1) On an application by a member to renew a license before its expiry or within three years of its expiry, the currency of professional knowledge and skills requirement of clause 13(2)(b) of the Act shall be met by proof of Renewal of licenses  
- currency of  
knowledge

- (a) the completion of a minimum of 1000 hours of practice in the previous five years or 500 hours of practice in a single consecutive period in the previous two years; or
- (b) the successful completion of a refresher program that has been approved by the Board.

(2) On an application to renew a license by a person who must, in accordance with subsection 14(3) of the Act, apply as if for an initial registration, Application 3 years  
or more after expiry

- (a) the currency of professional knowledge and skills requirement of clause 10(1)(d) of the Act; and
- (b) the professional competency requirement of clause 10(1)(c) of the Act,

shall be met by proof of the successful completion of a refresher program that has been approved by the Board.

(3) On an application to renew a license by a member before its expiry or within three years of its expiry, the continuing development requirement of clause 13(2)(b) of the Act shall be met by proof of the successful completion of a professional competency program recognized by the Board. (EC622/02) Renewal of licenses  
- competency

**15.** (1) The Registrar shall remove the name of a member from the register when the member ceases to be registered and the removal shall be effective the day following the expiry date of the license. Removal of  
member's name

- Reinstatement (2) The Registrar shall restore to the register the name of the person whose name has been removed from the register under subsection (1) if the person
- (a) provides proof satisfactory to the Board that the person meets all licensing requirements; and
  - (b) pays the fees and, where required by the Board, the late payment penalty established by the bylaws. (EC622/02; 290/09)
- Fees **16.** Revoked by EC290/09. (EC622/02; 290/09)

### PART III

#### STANDARDS FOR APPROVED TRAINING PROGRAMS

- Approval of the Board **17.** (1) Subject to subsection (1.1), the Board shall approve practical nurse training programs and consider whether other training is equivalent training, for the initial and continuing qualifications of applicants and members, as the case may be, in accordance with the standards set out in Schedule 3 to these regulations.
- Exception (1.1) Where the person who wishes to act as the program instructor for a proposed practical nurse training program does not have the qualifications required by Schedule 3, the Board may approve the proposed practical nurse training program if
- (a) the Board is satisfied that no person who has the qualifications required by Schedule 3 for the position has come forward to act as the program instructor; and
  - (b) the person who wishes to act as the program instructor has such training and experience that the Board considers appropriate.
- Information to be submitted to the Board (2) On the request of the Board, the program instructor in any training program or program offering equivalent training, shall submit to the Board the following information:
- (a) the number and qualifications of the instructors employed;
  - (b) a description of the program planned for the current year; indicating areas of nursing included in the curriculum;
  - (c) the total hours of classroom instruction and clinical experience in each area. (EC622/02; 88/05)

### PART IV

#### RECONSIDERATION OF BOARD'S DECISIONS

- Request for a reconsideration **18.** (1) The applicant referred to in subsection 5(2) may request a reconsideration by filing a written request with the Board within 30 days of receiving notice under subsection 5(1).

(2) The applicant's request for a reconsideration must set out the reasons for asking for a reconsideration. (EC622/02) Reasons for request

**19.** (1) On receiving a request for a reconsideration, the Board shall schedule a hearing which must be held within 30 days of receiving the applicant's request. Hearing

(2) The Board shall give the applicant written notice of the hearing, by registered mail or by hand, at least 20 days before the hearing. Notice of hearing

(3) The notice of the hearing shall include the time, date and location of the hearing. Contents of notice

(4) Immediately upon receiving the notice of the hearing, the applicant shall be sent copies of any documentation used to reach the decision under reconsideration. Supporting documentation

(5) At the hearing, the applicant may appear with or without legal counsel, and may make submissions to the Board. Right to make submissions

(6) The Board shall decide the matter no later than 90 days after the hearing has been completed and may rescind, vary or confirm any decision made by it. Time limit

(7) The Board shall give the applicant written notice of its decision no later than five days after deciding the matter. Notice of decision

(8) The Board's decision is final. (EC622/02) Decision final

## PART V

### INVESTIGATIONS AND DISCIPLINE

**20.** In this Part, Definitions

(a) "affected member" means a member against whom a complaint is filed; affected member

(b) "complainant" means any person, including a client and the Registrar, who files a complaint; complainant

(c) "document" includes letters, memos, books, plans, maps, drawings, diagrams, pictures or graphics, photographs, films, microforms, sound recordings, videotapes, computer records, any other documents, and any copies of those documents. (EC622/02) document

**21.** An investigation committee is hereby established. (EC622/02) Investigation committee



Role of committee	<b>22.</b> The role of the investigation committee is to investigate complaints against members relating to the Act and these regulations. (EC622/02)
Composition of committee and term of office	<b>23.</b> (1) The investigation committee shall be appointed by the Board, for a period of up to three years, and consist of the following persons: <ul style="list-style-type: none"> <li>(a) a chairperson who is a licensed practical nurse and not a member of the Board;</li> <li>(b) two other licensed practical nurses who are not members of the Board;</li> <li>(c) a layperson who is not a member of the Board;</li> <li>(d) one other person as the Board considers necessary to ensure a high standard of practise and to safeguard the welfare and best interests of the public.</li> </ul>
Staggered terms	(2) The appointments of the members of the investigation committee shall be arranged so as to ensure that there are not more than two new members in any given year. (EC622/02)
Form of complaint	<b>24.</b> (1) A complaint against a member shall <ul style="list-style-type: none"> <li>(a) be in writing;</li> <li>(b) be filed with the Registrar; and</li> <li>(c) state, in detail, the nature of the complaint, the complainant's name and address and the name of the member against whom the complaint is filed.</li> </ul>
Content of complaint	(2) A complaint against a member may be made in respect of any matter referred to in subsection 17(1) of the Act. (EC622/02)
Registrar sends copies	<b>25.</b> The Registrar shall retain the original complaint and forward a copy to the chairperson of the investigation committee. (EC622/02)
Preliminary inquiry	<b>26.</b> (1) The investigation committee shall make a preliminary inquiry into the complaint and may communicate with the affected member and the complainant.
Recommendation of committee	(2) After the preliminary inquiry, the investigation committee shall recommend to the Board that <ul style="list-style-type: none"> <li>(a) the complaint requires no further investigation;</li> <li>(b) a full investigation is warranted; or</li> <li>(c) such other resolution as is appropriate in the circumstances, including mediation, conciliation, or other alternative dispute resolution procedures be used in the resolution of the complaint.</li> </ul>
Alternative dispute resolution procedures	(3) If the Board accepts the recommendation to use the alternative dispute resolution procedures or other resolution referred to in clause 2(c) the committee shall coordinate such measures as are necessary to

have the proceedings or other form of resolution implemented and shall report back to the Board on the results. (EC622/02)

- 27.** (1) If the Board accepts the committee's recommendation that a full investigation be conducted, or if the results respecting alternative dispute resolution or other resolutions indicate that the complaint was not resolved and the Board decides to authorize a full investigation, the committee shall, no later than 10 days after being informed of the Board's decision, inform the complainant and the affected member of the decision that a full investigation will be conducted, and the next steps for the member to follow. Full investigation
- (2) Once full investigation has been undertaken, a complaint can only be withdrawn with the consent of the investigation committee. Withdrawal of complaint
- (3) The complainant may amend the complaint and the affected member may amend the affected member's response at any time prior to the disposition of the complaint by the investigation committee. Amendment of complaint and response
- (4) The affected member's response shall include which allegations are admitted, which are denied, and a general description of the member's version of the facts relating to the complaint. Response
- (5) The investigation committee may request additional information from either the complainant or the affected party. Additional information
- (6) The complainant and the affected member shall both be permitted to present their respective version of events and provide evidence in support. Right to present version of facts
- (7) The affected member shall produce to the investigation committee any documents as may be requested by the committee, subject to section 32 and any other limitations on disclosure of confidential information found in other applicable legislation. Documents
- (8) The Board may apply to the court for an order Application by Board to court
- (a) directing any member to produce to the investigation committee any documents and items in his or her possession or under his or her control, if it is shown that the member failed to produce them when required to do so by the investigation committee; or
- (b) directing any person to produce to the investigation committee any documents or items in his or her possession or under his or her control that are relevant to the complaint under investigation.
- (9) The investigation committee may investigate any other matter related to the professional conduct or skill in the practice of the affected member that arises in the course of the investigation. Investigation of other matters

Recommendations of the committee	<p>(10) The investigation committee, may, after the full investigation, recommend to the Board</p> <ul style="list-style-type: none"> <li>(a) that no further action be taken;</li> <li>(b) that it accept the voluntary surrender of the affected member's license;</li> <li>(c) such other resolution that it considers appropriate in the circumstances and that is not inconsistent with or contrary to the Act or these regulations, such as requiring the member to follow an educational or rehabilitative treatment program; or</li> <li>(d) that a hearing be held.</li> </ul>
Committee report	<p>(11) The investigation committee shall report its findings and recommendations to the Board, which shall provide a copy to the affected member.</p>
Informing the complainant	<p>(12) The Board shall inform the complainant, in writing and by registered mail, of the general outcome of the investigation, in accordance with subsections 32(1) and 33(1) and any other limitations on disclosure of confidential information found in other applicable legislation. (EC622/02)</p>
Hearing	<p><b>28.</b> (1) The Board may, after it considers the recommendations of the investigation committee which conducted the full investigation, decide to hold a hearing.</p>
Notice of hearing	<p>(2) Where the Board decides to hold a hearing, it shall provide written notice of the hearing to the complainant and the affected member no later than 10 days after the decision to hold a hearing is made.</p>
Content of notice	<p>(3) The notice referred to in subsection (2)</p> <ul style="list-style-type: none"> <li>(a) shall be delivered by hand or registered mail to the affected member at his or her last known address, and by registered mail to the complainant at his or her address as indicated on the complaint; and</li> <li>(b) shall advise the complainant and the affected member that they each may appear and make submissions, with or without legal counsel.</li> </ul>
Commencement of hearing	<p>(4) The hearing shall commence no later than 90 days after the decision to hold a hearing is made.</p>
Time extensions	<p>(5) The Board may extend the time limit specified in subsection (4) on the request of the complainant or the affected member, to a maximum of 120 days.</p>

(6) The Board may require any witness who, in its opinion, can provide relevant evidence to the hearing to appear at the hearing and to produce any relevant documents. Requiring witnesses and evidence

(7) The Board may bring proceedings for civil contempt of court against a witness Proceedings for civil contempt

(a) who fails to appear at the hearing in compliance with a subpoena to attend;

(b) who fails to produce any documents in compliance with a subpoena to produce them; or

(c) who refuses to be sworn or to affirm or to answer any question he or she is directed to answer by the Board. (EC622/02)

**29.** (1) The criteria for the Board's assessment of the nature and severity of the sanction or other measures under section 18 of the Act shall include: Assessment of sanction and other measures

(a) the extent of the affected member's awareness or knowledge of the fault;

(b) the degree of actual or potential risk of harm to the complainant or any other person or persons;

(c) the potential effect of the sanction upon the practical nursing profession and the Association;

(d) the likely effect of the sanction upon the affected member's ability to earn a living;

(e) any restitution or remedial measures voluntarily undertaken by the affected member.

(2) A monetary sanction imposed by the Board shall not exceed \$1,000. (EC622/02) Monetary sanction

**30.** (1) Where the Board decides to take disciplinary action against the affected member after a hearing, the Board shall immediately notify the affected member by registered mail of its decision, including any conditions which the member must fulfil and the time for compliance. Notification of member

(2) If the decision of the Board is to suspend the license of the affected member, the affected member shall be notified of the commencement date of the suspension and a notice to the member shall be issued when the time of the suspension has ended. Suspension of license

(3) Where the member is an employee, the Board shall notify the affected member's employer of the decision. (EC622/02) Notification of employer

**31.** (1) Where a member who is subject to disciplinary action fails to comply with the Board's decision, the Board may impose an additional sanction including revoking the member's license. Additional sanction



**SCHEDULE 1**Code of Ethics  
(s.2)

Each licensed practical nurse understands, upholds and promotes the following ethical standards of the profession.

**Accountability:**

A licensed practical nurse shall

- maintain competency while striving to improve the quality and accountability of his or her practice;
- recognize that time, effort and resources are necessary to maintain competency;
- demonstrate the basic values and beliefs of the profession through example and behaviour;
- recognize the impact of his or her values on his or her practice;
- participate on an ongoing basis in the Licensed Practical Nurse Registration Board (LPNRB) and Licensed Practical Nurses Association (LPNA) continuing education programs;
- support on an ongoing basis the LPNRB and LPNA competency assessment programs;
- promote the role of the licensed practical nurse in a positive manner; and
- work collaboratively and cooperatively with all members of the health care team.

**Confidentiality:**

A licensed practical nurse shall

- practise as a patient advocate and ensure the rights of patient confidentiality, privacy and respect, except when it puts the patient or a third party in danger; and

- maintain confidentiality of all information (oral or written) provided by the patient or other members of the health care team.

**Integrity:**

A licensed practical nurse shall

- practise within his or her moral values;
- comply with this Code of Ethics, the Act and these regulations; and
- have knowledge of and practise within the legally defined scope and professional standards of his or her area of practice.

**Respect/Dignity:**

A licensed practical nurse shall

- demonstrate dignity and respect for all patients within all practice settings;
- respect the religious, cultural beliefs and practices of the patient;
- demonstrate respect for the patients at all times and in all aspects of patient care;
- respect the patient's right of choice;
- provide appropriate information to patients, families, significant others and health care team members; and
- when a patient's death is imminent, ensure that the dying process is consistent with human values, autonomy and dignity.

(EC622/02)

Updated 2009

*Licensed Practical Nurses Act*  
Regulations

Cap. L-10.1

15

**SCHEDULE 2**

Revoked by EC290/09

(EC622/02; 52/08; 290/09)



**SCHEDULE 3**Standards for Approved Training Programs  
(s.17)

1. The program must have a written statement of philosophy which is consistent with the ethical guidelines and standards of practice set out in sections 2 and 3 of these regulations.
2. A program instructor must be a registered nurse with a nursing degree at the Baccalaureate level and at least two years' teaching experience in a nursing education program.
3. A clinical instructor must be a registered nurse who has at least three years' experience in nursing and possesses teaching ability.
4. An assistant clinical instructor must be a practical nurse who has at least three years' experience in nursing and possesses teaching ability.
5. The clinical instructor and assistant clinical instructor shall be supervised by the program instructor.
6. In the clinical area, a ratio of not more than eight students per one clinical instructor shall be maintained.
7. Candidates for the program must successfully complete at least GED, Grade 12 or college preparatory for practical nurses, as well as possess and demonstrate an aptitude for practical nursing.
8. The curriculum must enable a student to develop the knowledge, attitude, skills and judgment to carry out practical nursing functions and have
  - a minimum total of 1,490 hours;
  - a combination of theory and practice in which clinical practice constitutes at least 50% of the program;
  - theoretical instructions in the care of children, mothers and newborns, clients with medical-surgical considerations, the elderly and clients with mental health conditions, and practical experience relevant to each of those subject areas which may be acquired in any one or more of a variety of settings including acute and long-term facilities and community care; and
  - basic course content with regard to nursing principles and biological and social sciences which are appropriate to develop in the student

an understanding of the physical, psychological, social and spiritual needs of clients.

9. The program must have sufficient instructional and demonstration facilities and adequate teaching resources to meet the needs of staff and students.

10. The program instructor shall consult with the Board and other groups whose support has relevance to the practical nurse's practice in program development and implementation.

11. The program instructor shall assess the degree of competence and skill that the graduates are expected to attain.

12. The program must conduct a planned, comprehensive and ongoing internal evaluation of the program which is directed toward improvement of the program.

(EC622/02)