



COLLEGE OF  
LICENSED PRACTICAL NURSES  
OF ALBERTA

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# BYLAWS

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## Part 1 – General

**WHEREAS** the College of Licensed Practical Nurses of Alberta is duly incorporated under the *Health Professions Act* of the Province of Alberta;

**AND WHEREAS** power is given to the Council of the College of Licensed Practical Nurses of Alberta by the *Health Professions Act* to make Bylaws as may be necessary;

**NOW THEREFORE** the Council of the College of Licensed Practical Nurses of Alberta enacts its Bylaws as follows:

### Definitions

**1(1)** In these Bylaws:

- (a) **“Bylaws”** means Bylaws of the College of Licensed Practical Nurses of Alberta.
- (b) **“Chief Executive Officer”** means the Chief Executive Officer and Registrar of the CLPNA.
- (c) **“CLPNA”** means the College of Licensed Practical Nurses of Alberta.
- (d) **“Council”** means the governing body of the CLPNA established pursuant to section 5 of the *Health Professions Act*.
- (e) **“Council Member”** means a Regulated Member of Council or a Public Member of Council.
- (f) **“HPA”** means the *Health Professions Act* of the Province of Alberta.
- (g) **“LPN”** means Licensed Practical Nurse.
- (h) **“Public Member of Council”** means a member of the public appointed to Council pursuant to section 13 of the HPA.
- (i) **“Registrar”** means the Registrar of the CLPNA appointed pursuant to Section 8 of the HPA and who also serves as Chief Executive Officer of the CLPNA.
- (j) **“Regulation”** means the Licensed Practical Nurses Profession Regulation.
- (k) **“Regulated Member”** means a person who is registered as a member under section 33(1)(a) of the HPA.
- (l) **“Regulated Member of Council”** means a Regulated Member appointed to Council pursuant to these Bylaws.

**(2)** A reference in these Bylaws to Council, an officer, person, or a committee includes any delegate of Council, officer, person, or committee.

### Bylaws

**2.** A Bylaw or amendment to a Bylaw under section 132(1) of the HPA may be passed at any meeting of Council by a two-thirds (2/3) majority vote of members present and voting.

### **Head Office**

**3.** The head office of the CLPNA is in the City of Edmonton, in the Province of Alberta.

### **Seal**

**4(1)** The CLPNA shall have a seal that consists of the words “College of Licensed Practical Nurses of Alberta.”

**(2)** Council may authorize the Chief Executive Officer and Registrar and such other persons as may be authorized by Council to affix the seal to such documents as required.

### **Registration Year and Fiscal year**

**5(1)** The fiscal year of the CLPNA is December 1 to November 30.

**(1.1)** Despite subsection (1), fiscal year 2024 is January 1, 2024, to November 30, 2024.

**(2)** The Registration Year of the CLPNA is December 1 to November 30.

**(3)** Despite subsection (2),

- (a) Registration Year 2022 terminates on December 31, 2022;
- (b) Registration Year 2023 is January 1, 2023, to December 31, 2023; and
- (c) Registration Year 2024 is January 1, 2024, to November 30, 2024.

**(4)** Except where a Regulated Member has been registered on the general register under section 6(5) of the Regulation, a provisional membership terminates on the earliest of

- (a) the final day of the registration year, or
- (b) the 1-year anniversary of the Regulated Member’s initial registration as a provisional member.

**(5)** The Registrar shall not issue a renewal of a provisional practice permit that will terminate by operation of subsection (4)(b).

### **Committees**

**6(1)** Council shall ensure that all Committees and Tribunals required by the HPA operate in accordance with the requirements of the HPA.

**(2)** Council may create whatever additional committees it considers necessary to assist it in fulfilling its governance accountability.

### **Correction of Clerical Errors**

**7(1)** In this section,

- (a) “**clerical error**” means any error in arithmetic, transcription, section or paragraph numbering, or any other similar obvious inadvertence;

- (b) **“correction”** includes
  - (i) corrections of clerical errors,
  - (ii) renumbering of sections,
  - (iii) amending capitalizations,
  - (iv) removing spent provisions, and
  - (v) appending or amending interpretive aides.

**(2)** When publishing a bylaw, the Registrar may

- (a) amend typography, including font, paragraphing, and spacing;
- (b) correct any clerical errors;
- (c) renumber any section for clarity and consistency;
- (d) amend capitalizations;
- (e) remove spent provisions; and
- (f) append and amend interpretive aides, including
  - (i) titles,
  - (ii) prefatory information,
  - (iii) tables of contents,
  - (iv) section headers,
  - (v) footnotes, and
  - (vi) appendices.

**(3)** The Registrar must report to Council any corrections made under subsections (2)(b) to (2)(f) at the earliest regular Council meeting following any such corrections.

**(4)** For greater certainty, the interpretive aides described in subsection (2)(f) are inserted for convenience of reference only and do not form part of a bylaw.

## Part 2 – Governance

### COUNCIL

#### Duties and Powers of Council

**8.** The governing body of the CLPNA is Council. Council shall exercise all the powers and duties granted to a governing council under the HPA including but not limited to:

- (a) establish and revise policies which govern the activities of CLPNA;
- (b) delegate authority and responsibility for implementation of CLPNA policies to the Chief Executive Officer and Registrar and any other individuals as prescribed by the HPA;
- (c) establish and revise policies which are incidental to the Regulation;
- (d) ensure that CLPNA policies are implemented through the monitoring of compliance with policies;
- (e) set and monitor fiscal policies and be the trustees of the funds and assets. Council shall not engage in high-risk ventures or incur debts that are beyond the reasonable ability of Council to pay;
- (f) approve practical nurse education programs; and
- (g) hear appeals from decisions of hearing tribunals, decisions concerning applications for registration and practice permits, and other appeals as required under the HPA.

#### Conduct of Council Members

**9(1)** Council Members shall conduct themselves in an ethical and professional manner and adhere to the Code of Conduct for Council.

**(2)** Failure by a Council Member to follow Council’s Code of Conduct may result in sanctions as set out in the Code of Conduct and may result in removal from office in accordance with these Bylaws.

#### Council Membership

**10.** The membership of Council is comprised of:

- (a) 6 Regulated Members of Council appointed to Council in accordance with Part 3 of these Bylaws;
- (b) 6 Public Members of Council, being the required number to be appointed by the Lieutenant Governor in Council in accordance with the HPA;
- (c) the President, who shall be elected by Council from among the Regulated Members of Council;
- (d) the Vice-President, who shall be elected by Council from the Public Members or remaining Regulated Members of Council;
- (e) the Chief Executive Officer and Registrar as an ex-officio member; and
- (f) any other ex-officio members appointed by Council.

## TERMS OF OFFICE

### President and Vice-President

**11(1)** The term of office of the President is 3 years commencing September 1 of the year of their election and expires on August 31 of their third year following their election. The President will be eligible to seek re-election one time.

**(2)** The President's term may be extended an additional year if deemed necessary by Council.

**(3)** The term of office of the Vice-President is 2 years commencing September 1 of the year of their election and expires on August 31 of their second year following their election. The Vice-President will be eligible to seek re-election one time.

**(4)** A Regulated Member of Council must serve on Council for at least 1 year before being elected as President or Vice-President.

### Regulated Members

**12(1)** Except where these Bylaws otherwise provide, the term of office of Regulated Members of Council is 3 years.

**(2)** The intended turnover rate is one-third (1/3) of the Regulated Members of Council each year.

**(3)** Council may increase or decrease the length of the term of office of Regulated Members of Council, except when the Regulated Member is also Vice-President, including those already elected to a specific term of office, in order to maintain the one-third turnover rate in accordance with subsection (2).

**(4)** A Regulated Member of Council who continues to meet the eligibility requirements in section 22 of these Bylaws may be appointed to serve a second consecutive term as a Regulated Member of Council by a majority vote of Council taking place no more than 90 days and no less than 60 days before the end of the Regulated Member of Council's first term.

**(5)** A Regulated Member of Council whose term has expired holds office until the newly appointed Regulated Member of Council takes office.

## COUNCIL MEETINGS, QUORUM, VOTING

### Council Meetings and Quorum

**13(1)** Council shall meet a minimum of 4 times per year.

**(2)** In addition to the minimum number of regularly scheduled meetings, the President may also call a special meeting of Council as required. A special meeting may also be called at the request of 3 Council Members.

**(3)** Quorum for a Council meeting is 6 voting members.



**(4)** Despite subsection (3), Council does not have quorum unless at least 50% of Public Members of Council are present, excluding vacancies or suspended Public Members of Council.

**(5)** Except when Council otherwise directs, Council meetings are open to Regulated Members, non-regulated members of the CLPNA, and the public.

**(6)** Notice of a desire to attend shall be made to the Chief Executive Officer and Registrar. Meetings or parts of meetings may be held *in camera* when Council deems appropriate.

**(7)** Council meetings may be held in person, by phone, or by any other means of communication technology that allows all persons to hear and be heard.

**(8)** Meetings shall be chaired by the President or, in the President's absence, the Vice-President.

**(9)** In the absence of the President and the Vice-President, a chairperson for the meeting shall be elected from among Council Members present in person at the commencement of the meeting.

### **Voting on Council Matters**

**14(1)** Voting on matters by Council may be conducted:

- (a) at a meeting of Council or
- (b) with the authorization of the President by mail, email, a vote conducted during a teleconference, technology, or by any other means.

**(2)** Subject to section 2 of these Bylaws, and as otherwise provided in these Bylaws, a majority vote of those Council Members who are entitled to vote and are present at the meeting decides any issue to be decided by Council.

**(3)** An ex-officio member of Council shall not vote.

**(4)** All voting Council Members, including the President, present at the Council meeting shall each be entitled to one vote.

**(5)** In the event of a tie vote, the motion is considered to have failed. In the event of a tie vote, a Council Member who voted against the motion may move to have further deliberations and a subsequent vote on the motion.

## OFFICERS

### Composition

**15.** The Officers of Council shall consist of the:

- (a) President,
- (b) Vice-President, and
- (c) Chief Executive Officer and Registrar as an ex-officio member.

### Duties and Powers

**16(1)** The President provides overall leadership to Council. It shall be the duty of the President to:

- (a) ensure the integrity of Council governance process,
- (b) preside at all meetings of Council,
- (c) call meetings of Council when necessary or desirable,
- (d) carry out the functions of the President prescribed by the HPA,
- (e) perform other duties as Council may direct from time to time, and
- (f) monitor the financial position of the CLPNA.

**(2)** The Vice-President shall:

- (a) upon the request of the President, and in the absence of the President, perform the duties of the President during their absence, illness, or incapacity; and
- (b) monitor the financial position of the CLPNA.

**(3)** The Chief Executive Officer and Registrar:

- (a) is responsible for the implementation of policy established by Council;
- (b) oversees the administration of the CLPNA;
- (c) reports to and takes direction from Council; and
- (d) carries out the duties, responsibilities, and functions of the Registrar under the HPA, unless otherwise delegated in accordance with these Bylaws.

**(4)** The Chief Executive Officer and Registrar may delegate in writing any of their responsibilities to another person with or without conditions.

### Registrar may make operational policies

**16.1(1)** The Registrar may make any operational policy, including terms of reference of a statutory operational committee.

**(2)** Subject to subsections (3) and (4), no person other than the Registrar shall make operational policies.

- (3) Despite subsection (2), Council has the concurrent power to make an operational policy.
- (4) Despite subsection (2), the Registrar may delegate their authority to make an operational policy.
- (5) For greater certainty, an operational policy made by Council before or after the coming into force of this bylaw may be amended by the Registrar.

## TERMINATION

### Automatic Termination

17. A Regulated Member of Council automatically ceases to be a Council Member when they:

- (a) are suspended or cease to be a Regulated Member,
- (b) are found guilty of unprofessional conduct under the HPA,
- (c) enter into an Agreement and Undertaking or other resolution agreement where they have admitted that they engaged in unprofessional conduct, or
- (d) are convicted of an offence under the Criminal Code of Canada.

## REMOVAL AND SUSPENSION OF COUNCIL MEMBERS

### Removal of Regulated Members of Council

18.1. Council may by a two-thirds (2/3) vote at a meeting of Council remove a Regulated Member from Council if they have violated the Code of Conduct for Council Members or if they have engaged in any conduct or activity that undermines the College or its objectives.

### Recommendation for Removal of Public Members of Council

18.2. Council may by a two-thirds (2/3) vote at a meeting of Council recommend to the Lieutenant Governor in Council that a public member's appointment be rescinded if they:

- (a) are convicted of an offence under the Criminal Code of Canada,
- (b) have violated the Code of Conduct for Council Members, or
- (c) are found to have engaged in any conduct or activity that undermines the College or its objectives.

### Suspension of Participation in Council Meetings

18.3. Council may by a two-thirds (2/3) vote at a meeting of Council temporarily prohibit a Regulated Member or a Public Member of Council from attending or participating in a meeting of Council or from voting on specific items if:

- (a) the Regulated Member or Public Member has been charged with a criminal offence, but the criminal proceedings have not yet concluded;
- (b) the Regulated Member is the subject of a complaint of unprofessional conduct under Part 4 of the HPA and the proceedings have not yet been concluded;
- (c) Council is investigating an allegation that the Regulated Member or Public Member of Council has breached the Code of Conduct for Council members or has acted in a manner that undermines the College or its objectives, but no findings have been made.

## **Resignation**

**19.1(1)** A Regulated Member of Council must resign their Council position if they:

- (a) are elected to federal or provincial public office,
- (b) represent in collective bargaining or in proceedings under a collective bargaining agreement,
- (c) are a union representative for Licensed Practical Nurses, or
- (d) become a CLPNA employee.

**(2)** In accordance with Council's Code of Conduct, the absence of a Council Member from more than 2 consecutive regular meetings shall be considered a resignation from Council.

## **Change of Residence**

**19.2.** If a Council Member ceases to be a resident of Alberta during their term of office, that member automatically resigns.

## **VACANT COUNCIL POSITIONS**

### **President, Vice-President, Regulated Members**

**20(1)** If a vacancy occurs in the office of the President, the vacancy will be filled by Council electing a replacement from among the remaining Regulated Members of Council, in accordance with the relevant sections of the election process described in section 24 of these Bylaws, at the next regular Council meeting.

**(2)** If a vacancy occurs in the office of the Vice-President, the vacancy will be filled by Council electing a replacement from among the remaining Council Members, in accordance with the relevant sections of the election process described in section 25 of these Bylaws, at the next regular Council meeting.

**(3)** In the event a vacancy is filled in accordance with subsection (2), the elected position for President or Vice-President commences immediately after the vote and continues to completion of the remaining vacant term. The person may be elected to Council for a second consecutive term.

**(4)** If a Regulated Member position on Council becomes vacant due to a lack of application for appointment, resignation, death, inability to act, ceasing to be an Alberta resident, or a vacancy for any other reason, Council may appoint a Regulated Member as recommended by the Appointment Committee to fill that position for the remainder of the term notwithstanding; the person may be appointed to Council for one additional consecutive term.

**(5)** A Regulated Member of Council may at any time resign by letter directed to the President or Vice-President.

## Part 3 – Appointments of Regulated Members, Election of President and Vice-President

### APPOINTMENT OF REGULATED MEMBERS

#### Appointment Committee

**21(1)** Council shall establish an Appointment Committee to review applications for Regulated Member Council appointments, interview candidates, and recommend appointments of Regulated Members to Council.

**(2)** The Appointment Committee will consist of:

- (a) Council President,
- (b) 1 Public Member of Council,
- (c) 1 Regulated Member of Council,
- (d) the Chief Executive Officer and Registrar or their designate as an ex-officio member, and
- (e) 1 CLPNA staff member designated by the Chief Executive Officer and Registrar as an ex-officio member.

**(3)** The Appointment Committee will operate in accordance with the terms of reference and the policies and procedures approved by Council.

#### Eligibility for Appointment to Council

**22(1)** A Regulated Member is eligible to apply for appointment to serve on Council if the Regulated Member:

- (a) is registered on the CLPNA's General Register,
- (b) has a minimum of 3 years of regulated nursing practice, and
- (c) is a resident of the Province of Alberta.

**(2)** Despite subsection (1), a Regulated Member is not eligible to be appointed to Council if the Regulated Member:

- (a) is elected to federal or provincial public office;
- (b) represents Licensed Practical Nurses in collective bargaining or in proceedings under a collective bargaining agreement;
- (c) is a union representative for Licensed Practical Nurses;
- (d) is an officer or senior employee of a professional association that represents members of a regulated health profession;
- (e) is a CLPNA employee;
- (f) within the 3 years immediately before applying for an appointment, the Regulated Member's practice permit was suspended or cancelled pursuant to Part 4 of the HPA; or

- (g) has completed 2 consecutive terms as a Council Member and has not been absent from Council for a minimum of 2 years.

**(3)** An application by a Regulated Member to be appointed to Council must be supported by a written reference by:

- (a) 1 Regulated Member registered on the CLPNA's General Register; and
- (b) 1 individual, preferably with board or other governance experience.

### **Appointment of Council Members**

**23.** The Appointment Committee will consider the competencies of the applicants, Council's needs and will recommend eligible applicants to Council.

**24.** Council will consider the Appointment Committee's recommendations and appoint eligible applicants to fill vacant Council positions.

### **ELECTION OF PRESIDENT AND VICE-PRESIDENT**

**25(1)** The President shall be elected by Council from among the Regulated Members of Council.

**(2)** The Vice-President shall be elected by Council from among the remaining Council Members.

**(3)** Regulated Members of Council seeking the position of President shall submit a letter of intention to seek nomination to the Chief Executive Officer and Registrar before the second quarter Council meeting in the calendar year in which the current President's term ends.

**(4)** Council Members seeking the position of Vice-President shall submit a letter of intention to seek nomination to the Chief Executive Officer and Registrar before the second quarter Council meeting in odd years or if a vacancy occurs.

**(5)** The Chief Executive Officer and Registrar shall circulate the names of nominees for the position of President or Vice-President to Council prior to the second quarter Council meeting.

**(6)** Each nominee shall be provided with an opportunity to address Council, up to a maximum amount of time set by Council, outlining their reasons for seeking election including their vision for governance of the LPN profession in accordance with section 6 of the HPA.

**(7)** Council will engage in a question period, up to a maximum amount of time set by the President, following each nominee's address to Council.

**(8)** For the election of President and Vice-President, there will be a private election process, meaning a designated Council Member shall act as scrutineer and 1 member of CLPNA staff shall count the ballots. Once the results of the election are announced, the ballots shall be destroyed by the Chief Executive Officer on a motion by Council.

## Part 4 – Registration and Continuing Competence

### APPLICATIONS

#### Definitions

**26.1(1)** In sections 26.1 to 26.5,

- (a) “**advanced authorization**” means an authorization from the Registrar to perform specified restricted activities based on the successful completion of approved advanced education.
- (b) “**applicant**” means an individual applying for
  - (i) **initial registration**,
  - (ii) **renewal**, or
  - (iii) **re-registration**.
- (c) “**application**” means an application for
  - (i) **initial registration**,
  - (ii) **renewal**, or
  - (iii) **re-registration**.
- (d) “**initial registration**” means the initial registration of a person on a general register or a provisional register under section 28 of the Act.
- (e) “**professional eligibility**” includes
  - (i) good character and reputation,
  - (ii) fitness to practice,
  - (iii) language proficiency, and
  - (iv) continuing competence.
- (f) “**publishing**” includes disclosing.
- (g) “**registration policy**” means any policy made by the Registrar that provides guidance in respect of initial registration, renewal, or re-registration.
- (h) “**renewal**” means the renewal of a practice permit of a member on the general register or provisional register under section 38 of the Act.
- (i) “**re-registration**” means registration of a person on a general register whose practice permit
  - (i) terminated at the end of a Registration Year but whose registration has not yet been cancelled;
  - (ii) was cancelled under section 43(1) of the Act,
  - (iii) was cancelled under section 43(4) of the Act, or
  - (iv) was voluntarily surrendered under section 43(5) of the Act and the person applying for registration
    - (A) was in good standing at the time of the surrender, and
    - (B) does not have any unresolved complaints against them.

**(2)** For greater certainty, evidence of professional eligibility may include

- (a) a complete and accurate registration form;
- (b) multiple types of identification, including government-issued photo identification;

- (c) records verifying registration with another professional regulatory authority, including a regulatory authority in another province;
- (d) criminal record checks;
- (e) complete and accurate declarations;
- (f) completion of professional eligibility assessments, including
  - (i) records of nursing practice hours,
  - (ii) records verifying the completion of education, and
  - (iii) jurisprudence assessments;
- (g) verification of education credentials; and
- (h) any other evidence that the Registrar considers advisable for determining the professional eligibility of an applicant.

### **English language proficiency**

**26.2(1)** An applicant must be sufficiently proficient in the English language to be able to provide professional services in English.

**(2)** For greater certainty,

- (a) upon request by the Registrar, an applicant must provide evidence of English language proficiency in a manner and form prescribed by the Registrar; and
- (b) the Registrar may establish minimum English language proficiency requirements.

### **Good character and reputation**

**26.3(1)** An applicant must be of good character and reputation.

**(2)** For greater certainty,

- (a) upon request by the Registrar, an applicant must provide evidence of having good character in a manner and form prescribed by the Registrar.
- (b) evidence of good character includes
  - (i) verification of registration as a health professional with another regulatory body, in Alberta or elsewhere;
  - (ii) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of practical nursing or of another profession that provides a professional service;
  - (iii) results of a criminal record check; and
  - (iv) any other evidence determined by the Registrar that demonstrates good character or reputation.

### **Applications for initial registration, renewal, and re-registration**

**26.4(1)** An applicant must provide evidence of professional eligibility by submitting any evidence requested by the Registrar including evidence required under a registration policy.

**(2)** The Registrar must consider complete applications.

**(3)** The Registrar may refer an application to the Competence Committee.



(4) For an application referred to the committee under subsection (3), the committee may make any decision in respect of the application that the Registrar may have made.

(5) For greater certainty, the Registrar may make registration policies establishing rules for being registered as a member and for issuing practice permits.

(6) For greater certainty, a person whose practice permit and registration have been cancelled under Part 4 of the Act may apply for re-instatement under section 45.1 of the Act.

## Information

**26.5(1)** A Regulated Member must submit any demographic or professional information requested by the Registrar, including

- (a) the following public registry information
  - (i) full name,
  - (ii) year of registration, and
  - (iii) areas of practice and advanced authorizations;
- (b) the following non-public registry information
  - (i) contact information, including
    - (A) home address, including postal address,
    - (B) business address, including postal address,
    - (C) email address, and
    - (D) phone numbers;
  - (ii) previous names;
  - (iii) date of birth;
  - (iv) sex;
  - (v) education, training, and experience, including
    - (A) degrees, diplomas, certificates, or other programs completed,
    - (B) educational institutions attended and entry and graduation dates, and
    - (C) professional examinations completed, including unsuccessful completions;
  - (vi) credential verification and competency assessment information including any identifier code;
  - (vii) employment and practice information, including
    - (A) employer names,
    - (B) employer contact information,
    - (C) practice locations,
    - (D) job description,
    - (E) names of supervisors and supervisees,
    - (F) date of commencement and termination of employment, and
    - (G) employment status and hours worked;
  - (viii) other professional registrations, including within Alberta and in other jurisdictions;
  - (ix) information collected by
    - (A) a workforce planning entity, or
    - (B) any other health information statistics entity; and
  - (x) any other demographic or professional information the Registrar considers relevant.

- (2) If a Regulated Member has submitted any of the information requested by the Registrar under subsection (1), the Regulated Member must submit to the Registrar any change in that information.
- (3) The Registrar may correct or remove any information in the registry.
- (4) The Registrar may publish any of the information in subsection (1)(a).
- (5) The Registrar may disclose the information in subsection (1)(b)
- (a) with the consent of the individual to whom the information relates;
  - (b) to a health profession regulatory college in Alberta or to a health profession regulatory entity in another province;
  - (c) to a hearing tribunal; or
  - (d) in a summarized or statistical form so that it is not possible to relate the information to any identifiable individual, including to a federal or provincial government, or an entity controlled by a federal or provincial government, for the purposes of workforce planning.
- (6) For greater certainty, the Registrar may publish information respecting an undertaking or other agreement to settle a complaint made under Part 4 of the Act, unless the agreement excludes disclosure of any terms of the agreement.
- (7) For greater certainty, the Registrar may publish information respecting any order made by a hearing tribunal or council under Part 4 of the Act.

### **Renewal of Annual Practice Permit**

**27(1)** The Registrar shall consider complete applications for a practice permit.

- (2) Regulated Members must submit to the Registrar a complete application for a practice permit and the practice permit fee up to and including December 1 of each year for a practice permit which will become effective January 1.
- (3) Complete applications for a practice permit submitted after December 1 and up to and including December 31 must be accompanied by the practice permit fee; the practice permit fee will be increased after December 1.
- (4) A Regulated Member whose complete application for a practice permit and practice permit fee is not received by December 31 will have their practice permit suspended until they have met all outstanding requirements for permit renewal and may have their registration cancelled pursuant to section 43 of the HPA.
- (5) The Registrar may, in their sole discretion, refer any application for a practice permit to the Competence Committee for its determination.

### **Reinstatement of the Practice Permit**

**28.** Complete applications for a practice permit received by the Registrar between January 1 – January 31 from a Regulated Member who did not renew their practice permit by December 31, as provided in section 27, and were therefore suspended from practicing due to non-renewal of their practice permit,

must submit with their application for a practice permit, a reinstatement application fee, any additional registration levies, and the practice permit fee.

### **Cancelled Registration**

**29(1)** A Regulated Member whose registration is cancelled under the HPA may apply to the Registrar for their registration to be re-instated and their practice permit re-issued.

**(2)** A complete application received from an applicant whose registration was cancelled is subject to a reinstatement application fee and practice permit fee.

**(3)** A Regulated Member whose practice permit is cancelled under the HPA must provide evidence that they have been actively engaged in the practice of practical nursing in accordance with criteria approved by Council.

### **Competence Committee**

**30(1)** In accordance with section 10 of the HPA, Council establishes a Competence Committee.

**(2)** The Competence Committee may undertake any power or duty given to it under the HPA, including but not limited to making recommendations to Council on continuing competence requirements, considering an application for registration or a practice permit renewal, placing conditions or restrictions on a practice permit, or cancelling a practice permit.

**(3)** The Registrar may in their discretion refer any issue the Registrar would normally address to the Competence Committee for its determination.

## **REVIEWS BY COUNCIL**

### **Council Registration Review Committee**

**31(1)** In accordance with the HPA, Council establishes a Council Registration Review Committee.

**(2)** Council shall appoint no less than 3 Council Members to the Council Registration Review Committee comprised of the President, a Public Member, and one other Council Member.

**(3)** Upon the request of an applicant for registration, the Council Registration Review Committee may conduct reviews of

- (a) registration decisions,
- (b) practice permit renewal decisions, and
- (c) directives with respect to assessing the potential incapacity of a Regulated Member.

## Part 5 – Professional Conduct

### TRIBUNALS AND COMMITTEES

#### **Complaint Review Committee**

**32(1)** In accordance with the HPA, the Hearings Director may establish a Complaint Review Committee from the Regulated Members appointed by Council to the membership list established under section 15 of the HPA and the Public Members list established under section 13 of the HPA.

**(2)** A Complaint Review Committee shall be comprised of no fewer than 4 individuals with at least 50% being Public Members appointed under section 13 of the HPA and the balance being Regulated Members appointed to the membership list established in section 15 of the HPA.

**(3)** The Hearings Director shall designate a member of the Complaint Review Committee as Chair.

**(4)** Subject to the HPA, the powers and duties of the Complaint Review Committee include:

- (a) reviewing and ratifying settlements under the HPA's Alternative Complaint Resolution process;
- (b) conducting reviews of dismissal of complaints; and
- (c) any other power or duty given to it under the HPA, Regulations, or these Bylaws.

**(5)** A quorum for a Complaint Review Committee is 4 members of the Complaint Review Committee with at least 50% being Public Members.

**(6)** A decision of a Complaint Review Committee shall be by a majority vote. If a Complaint Review Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

#### **Hearing Tribunal**

**33(1)** In accordance with the HPA, the Hearings Director may establish a Hearing Tribunal from the Regulated Members appointed by Council to the membership list established under section 15 of the HPA and the Public Members list established under section 13 of the HPA.

**(2)** A Hearing Tribunal shall be comprised of no fewer than 4 individuals with at least 50% being Public Members appointed under section 13 of the HPA, and the balance being Regulated Members appointed to the membership list established in section 15 of the HPA.

**(3)** The Hearings Director shall designate a member of the Hearing Tribunal as Chair.

**(4)** No member of a Hearing Tribunal shall be a member of Council, the Complaint Review Committee, Registration Review Committee, Competence Committee, Council Appeal Committee, or the Education Standards Advisory Committee.

**(5)** The Hearing Tribunal may undertake any power or duty given to it under the HPA or these bylaws, including but not limited to:

- (a) conduct hearings under Part 4 of the HPA; and
- (b) undertake any other power or duty given to it under the HPA, the Regulations, or these Bylaws.

**(6)** A quorum for a Hearing Tribunal is 4 members of the Hearing Tribunal with at least 50% being public members.

**(7)** A decision of a Hearing Tribunal shall be by a majority vote. If a Hearing Tribunal is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

## **APPEALS TO COUNCIL**

### **Council Appeal Committee**

**34(1)** In accordance with the HPA, Council establishes a Council Appeal Committee.

**(2)** Council shall appoint no fewer than 4 Council Members to the Council Appeal Committee, comprised of the President and at least 3 other Council Members, provided that at least 50% of the Council Appeal Committee must be Public Members of Council.

**(3)** The President shall designate a member of the Council Appeal Committee as Chair, which may be the President.

**(4)** The Council Appeal Committee hears appeals from decisions of the Hearing Tribunal upon application of a Regulated Member or the Complaints Director.

**(5)** A quorum for the Council Appeal Committee is 4 members of the Council Appeal Committee with at least 50% being Public Members of Council.

**(6)** A decision of the Council Appeal Committee shall be by a majority vote. If the Council Appeal Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

### **Publication of Conduct Information**

**35.** The Registrar shall publish or distribute information with respect to a professional conduct matter of a Regulated Member only as permitted by the HPA, the Regulations or these Bylaws, or as otherwise directed by law, or on the Hearing Tribunal's or Council's direction after hearing an appeal.

**(2)** The Hearing Tribunal or a panel of Council hearing an appeal may order information to be published in any manner deemed appropriate.

**(3)** When the alternative complaint resolution process results in a ratified settlement between the parties, the Registrar may publish information respecting the complaint and the ratified settlement and may reveal the complainant's and/or investigated member's identity if authorized to do so pursuant to the ratified settlement.

## Part 6 - Membership

### NON-REGULATED MEMBERS

**36(1)** The Registrar must maintain a register for non-regulated members.

**(2)** A person who is enrolled as a student in a Council-approved practical nurse education program in Alberta is eligible for registration on the non-regulated member register as a student member.

**(3)** Student members on the non-regulated member register, on the request of the Registrar, will provide:

- (a) name, date of birth, address, email address, and telephone number (if provided), and
- (b) the date of enrollment in a practical nurse education program approved by Council and the expected graduation date.

**(4)** Non-regulated members are entitled to:

- (a) attend Council meetings and annual general meetings of the CLPNA, and
- (b) receive CLPNA publications and pertinent email communication.

**(5)** Non-regulated members are not authorized to practice as a Licensed Practical Nurse in Alberta and are not authorized to use titles, abbreviations, or words protected under section 12 of the Regulation, such as, but not limited to “Licensed Practical Nurse.”

**(6)** Non-regulated members are not entitled to stand for election or to vote at any Council meetings or other meetings of the CLPNA.

**(7)** To be and remain eligible for registration on the student member non-regulated member register, student members may be required to provide evidence of good character. On the request of the Registrar, and with the consent of the applicant or renewing Student non-regulated member, the applicant may be requested to state whether:

- (a) they have been charged with a criminal offence under the *Criminal Code* (Canada);
- (b) they are being investigated under the HPA, by another profession, or are being investigated in another jurisdiction;
- (c) their conduct has been found to constitute unprofessional conduct in another profession or in another jurisdiction; or
- (d) they are subject to civil action with respect to the person’s practice as an LPN in Alberta or another jurisdiction.

**(8)** The Registrar may enter and remove any information the Registrar considers appropriate in the non-regulated members’ register.

**37.** *Repealed*

**38.** *Repealed*

## **Fees**

**39(1)** Council may establish fees, costs, levies, or assessments for the following:

- (a) application fees;
- (b) jurisprudence examination fees;
- (c) registration fees;
- (d) registration levy;
- (e) practical nurse program and practical nurse refresher program approval fees;
- (f) practical nurse program review fees
  - (i) advanced practice training program review fees, and
  - (ii) practical nurse refresher program review fees;
- (g) practice permit fees;
- (h) practice permit review fees;
- (i) reinstatement fees; and
- (j) fees for reviews or appeals of any decisions under the HPA.

**(2)** If Council proposes to increase registration fees set out in section 39(1)(c) above, it shall give at least 6 months' notice of its intention to do so by notice on the CLPNA website.

**(3)** Subject to subsection (2), Council shall give at least 3 months' notice of its intention to increase any of the fees set out in subsection (1) by notice on the CLPNA website.

**(4)** Council may establish such other fees, costs, levies, and assessments as it deems advisable for anything it considers necessary for services provided by the CLPNA or by another organization to a Regulated Member or to any other person.

**(5)** If special circumstances arise requiring additional funding, Council may impose a special levy on the members.

## Part 7 – Website

**40.** The type of information that may be published on CLPNA’s website in addition to the information in section 135.92(2) of the HPA is as follows:

- (a) general information about CLPNA and its activities;
- (b) general information about the LPN profession, general information on LPN practice, general information about the regulatory processes under the HPA including applying for registration, applying for practice permits, the professional conduct process including complaints and concerns, continuing competence, and other matters covered by the HPA;
- (c) information about Council approvals of practical nurse education programs and advanced training programs, including Council approval status of these programs, and aggregate information on registration examination results for Alberta graduates and graduates in other Canadian jurisdictions;
- (d) the following information with respect to associate members:
  - (i) name,
  - (ii) registration status,
  - (iii) effective and expiry date of the registration,
  - (iv) reason for the registration change, and
  - (v) registration number;
- (e) the following information with respect to student members:
  - (i) name,
  - (ii) registration status: unregulated,
  - (iii) effective and expiry date of the registration, and
  - (iv) registration number;
- (f) employer verification of the status of an LPN;
- (g) publications and reports;
- (h) resources and services offered by CLPNA;
- (i) learning opportunities;
- (j) careers at CLPNA;
- (k) information requests and member requests;
- (l) a MyCLPNA Login portal for members;
- (m) information on how to contact CLPNA;
- (n) information on the education foundation for LPNs;
- (o) hearing tribunal decisions including the name of the investigated member for a period of time as determined by the Registrar;
- (p) decisions of the Appeals Committee arising from appeals from a Hearing Tribunal including the name of the investigated member for a period of time as determined by the Registrar;
- (q) information referenced in section 119(1) of the HPA; and
- (r) links to CLPNA social media sites.



## Part 8 – Education Program Approval

### **Education Standards Advisory Committee**

**41(1)** Council establishes the Education Standards Advisory Committee (ESAC).

**(2)** ESAC shall provide recommendations to Council regarding standards, policies, and procedures for approving new or revised practical nurse programs, practical nurse refresher programs, and advanced training programs in Alberta.

**(3)** ESAC shall review and provide recommendations to Council regarding any other issue with respect to approving new or revised practical nurse programs or practical nurse refresher programs or advanced training programs in Alberta.

## Part 9 – Administration

### Forms and Documents

**42.** The Chief Executive Officer and Registrar is authorized to prescribe such forms, certificates, permits, or other documents that may be required for the purpose of the HPA, the Regulations, or these bylaws.

### Use of Funds

**43(1)** The CLPNA is entitled to make use of all revenues received from membership fees and other sources of income to carry out CLPNA objectives.

**(2)** The CLPNA financial policy shall be determined by Council.

**(3)** The CLPNA shall publish a copy of its audited financial statement annually.

### Auditor

**44(1)** Council shall appoint one or more chartered professional accountants, registered in the Province of Alberta, as the Auditor.

**(2)** No Council Member is eligible to be appointed as the Auditor.

**(3)** The Auditor shall:

- (a)** examine CLPNA accounts, books, and securities in accordance with generally accepted accounting principles; and
- (b)** provide a written report to Council upon completion of the audit.

### Costs and Expenses

**45.** The CLPNA shall reimburse travel expenses and other such costs and expenses for all Council Members and committee members under the HPA, the Regulation, and these Bylaws in accordance with policies made by Council.

## CODE OF ETHICS AND STANDARDS OF PRACTICE

### Adoption of Standards of Practice

**46(1)** The Registrar may develop and propose any standards of practice authorized under the Act.

**(2)** The Registrar may provide, for review and comment, a proposed standards of practice to

- (a)** members,
- (b)** the Minister, and
- (c)** any other person the Registrar considers advisable.

**(3)** For greater certainty, nothing in this section restricts the power of Council to develop, propose, seek review and comment, or adopt a standards of practice.

## Part 10 – Protection of Council Members, Officers, and Others

### Limitation of Liability

**47(1)** Every Council Member and Officer of the CLPNA, in exercising their powers and discharging their duties, shall act honestly and in good faith with a view to the best interests of the CLPNA and exercise the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances.

**(2)** Subject to subsection (1), no Council Member or Officer shall be liable for the acts, receipts, neglects, or defaults of any other Council Member or Officer or employee; or for joining in any receipt or other act for conformity; or for any loss, damage, or expense happening to the CLPNA through the insufficiency or deficiency of title to any property acquired for or on behalf of the CLPNA; or for the insufficiency or deficiency of any security in or upon which any of the monies of the CLPNA shall be invested; or for any loss or damage arising from the bankruptcy, insolvency, or tortious acts of any person with whom any of the monies, securities, or effects of the CLPNA shall be deposited; or for any loss occasioned by an error of judgment or oversight on their part; or for any other loss, damage, or misfortune whatever which shall happen in the execution of the duties of their office or in relation thereto.

### Indemnity

**48(1)** The CLPNA shall indemnify a Council Member or Officer, committee member or staff of the CLPNA, a former Council Member or Officer, and their heirs and legal representatives, against all costs, charges, and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by her or him in respect of any civil, criminal, or administrative action or proceeding to which she or he is made a party by reason of being or having been a Council Member or Officer, committee member or staff of the CLPNA, or such body corporate, if:

- (a) she or he acted honestly and in good faith with a view to the best interests of the CLPNA; and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, she or he had reasonable grounds for believing that their conduct was lawful.

**(2)** The CLPNA shall also indemnify such person in such other circumstances as the HPA permits or requires. Nothing in this Bylaw limits the right of any person entitled to indemnity to claim indemnity apart from the provisions of this Bylaw.

## Part 11 – Delegation

### **Delegation**

**49(1)** Subject to section 19 and 20 of the HPA, Council may, by motion, delegate any of its powers and duties under the HPA and these Bylaws to one or more persons or committees.

**(2)** A person or committee to whom a power or duty is given under the HPA or these Bylaws may, in writing, delegate the power or duty to one or more persons or committees.

## Part 12 – Professional Liability Insurance

### Professional liability insurance

**50(1)** A registrant must maintain professional liability insurance that provides adequate coverage.

**(2)** A registrant must provide evidence of professional liability insurance to CLPNA at any time upon request including as a requirement for registration or renewal of registration.

**(3)** An adequate policy of professional liability insurance must

- (a) specifically identify the profession of the registrant to which the policy applies;
- (b) include coverage for
  - (i) errors and omissions (general malpractice) with a liability limit of at least \$2,000,000 per occurrence and \$5,000,000 annual aggregate, and
  - (ii) disciplinary expenses with a liability limit of at least \$50,000 per occurrence and annual aggregate;
- (c) insure the registrant personally (and not through an employer); and
- (d) insure the registrant until at least end of the registration period that the registrant has most recently applied for.

**(4)** A registrant must immediately notify CLPNA of any cancellation of their professional liability insurance.

**(5)** A registrant must immediately notify their insurer of any claim or potential claim indemnified by the registrant's professional liability insurance.

## Part 13 – Coming into Force

### **Bylaws in Force**

**51.** These amended Bylaws are enacted by Council of the CLPNA dated March 18, 2016 and further amended on the following dates:

- (a) March 14, 2019,
- (b) June 12, 2020,
- (c) December 9, 2020,
- (d) April 1, 2021,
- (e) June 17, 2021,
- (f) June 13, 2022,
- (g) November 3, 2022,
- (h) March 31, 2023,
- (i) August 1, 2023, and
- (j) April 1, 2024.