



Registered Nurses Association  
of the Northwest Territories  
and Nunavut

**BYLAW 6**  
**PANEL PROCEDURE FOR  
SUSPENSION, PENDING OUTCOME  
OF INVESTIGATION**

**Date Revised: May 10, 2012**

**Approved by BOD: May 10, 2012**

**Ratified by Membership: May 10, 2012**

In this bylaw, unless the context requires otherwise,

“Association” means the Registered Nurses Association of the Northwest Territories and Nunavut;

“Chair of the PCC” means the Chairperson of the Professional Conduct Committee as defined in Section 31 (2) of the Act and includes the Deputy Chairperson when he or she acts for the Chairperson as per Section 31 (3) of the Act;

“Committee” means the Professional Conduct Committee as established in Section 31 (1) of the Act;

“Complainant” means the individual who filed the complaint;

“Complaint” means a complaint filed with the Executive Director under Section 34 of the Act;

“Interim suspension” means a suspension of a nurse’s registration and certificate in accordance with Section 36 (1) (a) of the Act *and includes* any limitation, terms or conditions on a nurse’s entitlement to practice imposed or to be imposed in accordance with Section 36 (1)(b) of the Act;

“Notice” means the notice to be delivered to the Association, the Complainant and the Respondent in accordance with to section 2 (1) of this Procedure;

“Panel” means a panel appointed under the Act to hear and decide on the interim suspension of the Respondent in accordance with Section 31 (4) of the Act.;

“Party” means only the Association, the Complainant and the Respondent.

“PCC” means the Professional Conduct Committee as established under Section. 31 of the Act; and

“Respondent” means the nurse who is the subject of the complaint.

#### SECTION 1 Establishing of a Panel

- (1) This bylaw is in accordance with Section 36 (1) of the Act.
- (2) On receipt of evidence suggesting the Respondent’s practice poses a potential danger to the health or safety of the public the Chair of the PCC will appoint a Panel to consider interim suspension of the Respondent.
- (3) The panel will consist of at least three members of the committee, one of whom may be the Chair of the PCC. .
- (4) One of the members of the Panel will be designated by the Chair of the PCC as the Chair of the Panel.

#### SECTION 2 Notifications of Parties

- (1) The Chair of the Panel will cause a written notice to be delivered to the Complainant and Respondent. This notice will set out :
  - (a) the reasons the Association requests the Panel impose an interim suspension; and
  - (b) a summary of the facts the Association intends to rely on in support of the application.
- (2) The notice will be sent to the Complainant and the Respondent by the quickest and most direct method appropriate. The Association will provide the Respondent with as much notice as is reasonably possible having regard for the need to protect the health or safety of the public.

#### SECTION 3 Submissions to Panel

- (1) The Complainant and the Respondent may provide written submissions to the Chair of the Panel within 7 days of notice or other date as provided in the notice.
- (2) The seven days to respond to the notice may be shortened or expanded by the Panel on application by the Association, complainant or respondent or on the Panel’s own motion.

- (3) The Panel may not receive submissions from a Party in the prescribed time. If so and the panel is satisfied that notice was given, it may decide the matter even if it has not received a submission from a Party. Late submissions may be considered at the discretion of the Panel.
- (4) A submission from a Party will be no more than ten pages in length unless otherwise directed in the notice. The Panel may request a party to shorten a submission which is too long.
- (5) The Chair of the Panel will cause all submissions to the Panel to be provided to the other parties.

#### SECTION 4 Deliberation of the Panel

- (1) The Panel will not hear live testimony and will determine the outcome using the documents received from the parties. The Panel will rely on the principles of natural justice. The Panel may meet in any manner it chooses, including by telephone or videoconference in order to deliberate and make a decision.

#### SECTION 5 Decision of the Panel

- (1) The Panel's decision will be written and include the reasons for the decision.
- (2) The Chair of the Panel will cause the decision to be delivered to the Association, the Complainant and the Respondent.

#### SECTION 6 Further Review(s) of Interim Suspension

- (1) If substantial new information is discovered which warrants the variation of an interim suspension or any undertaking, limitation, term or condition on the Respondent's certificate of registration an application may be made to the Panel to review the decision. This application may be initiated by the Complainant, Respondent or The Association.
- (2) The panel may choose to limit such applications by a party if the Panel believes the party is abusing this section.
- (3) The same procedure as prescribed in this bylaw will be used to conduct any further review of Interim Suspension.