



Effective Date: March 2015

Signature

Review Date: March 2018

New Policy x

Revision: Partial Complete

Applies To: All registration applicants to RNANT/NU.

Purpose: This policy outlines the requirements and process for registration regarding criminal convictions.

Policy:

- (1) The applicant must disclose the following information about herself or himself:
 - a) A conviction for an offense under the Criminal Code (Canada), the Controlled Drugs and Substances Act (Canada) or the Food and Drugs Act (Canada).
- (2) Where a criminal conviction as defined above is disclosed, the Director of Regulatory Services and Policy shall:
 - a) Require the applicant to provide a current vulnerable sector criminal record check, including results from a criminal records check based on fingerprinting. In the alternative, the applicant may (if this is acceptable to RNANT/NU) supply sufficient legal documentation of the criminal conviction, including:
 - i. Type of conviction
 - ii. Date of conviction
 - iii. Date of offence
 - iv. Age at the time of offence
 - v. Specific nature of offence and description of circumstances of the offence
 - vi. Sentence imposed.
 - b) The applicant may be asked to provide the following additional information:
 - i. Documentary evidence of rehabilitation efforts
 - ii. A copy of any pardon granted
 - c) The information provided or obtained shall be assessed according to the following criteria to determine eligibility for initial registration, reinstatement of registration, conversion of registration or renewal of registration:
 - i. Whether there is any connection between the conviction and nursing practice.
 - ii. The nature and frequency of the offence. For example:
 1. Did the offence occur when the applicant was in a position of trust?
 2. Does the offence demonstrate dishonesty?
 3. Does the offence demonstrate conduct that would be considered professional misconduct, conduct unbecoming or other breach of the Nursing Profession Act, Code of Ethics or Standards of Practice?



- iii. The penalty imposed and whether that penalty has been satisfied.
- iv. Whether the conduct poses a threat to patient safety or to an employer's ability to operate safely and efficiently. For example:
 1. Convictions related to sexual assault, violence or use of a weapon may cause the individual to be ineligible for registration
 2. Convictions related to honesty and integrity may cast doubt on character and ethical conduct (e.g. fraud, theft, repeated shoplifting, etc.)
 3. Convictions related to drugs and alcohol may indicate a health problem or an ethical concern (e.g. trafficking, repeated impaired driving convictions, etc.)
 4. Multiple convictions may suggest a pattern of conduct.
- v. The circumstances of a conviction or particulars of the offence, atonement or other applicable information. For example:
 1. How old was the applicant when the offence occurred,
 2. What was the situation of the applicant at the time of the offence,
 3. Were there any extenuating circumstances?
- vi. Demonstration of successful efforts made at rehabilitation and other factors which eliminate or reduce the likelihood of recurrence. For example:
 1. How much time has elapsed between the conviction and the application,
 2. What has the applicant done during that period of time?
- vii. Accomplishments of the applicant since any convictions. For example:
 1. Has the applicant shown any tendency to repeat the kind of conduct for which they were convicted,
 2. Has the applicant shown a firm intention to rehabilitate herself or himself,
 3. Has the applicant applied for/or received a pardon?

(3) Outstanding Court Condition

- a) When information is received which indicates an applicant has one or more criminal conviction and any condition imposed by the court have not been met, the application will be delayed until acceptable evidence is submitted establishing the court conditions have been satisfied.

(4) The following documents will be completed by the applicant:

- a) RNANT/NU Applicant Information on Criminal Offences
- b) RCMP Vulnerable Sector Criminal Records Check.
Vulnerable Sector describes "persons with duties involving contact with vulnerable members of society such as children, the elderly, persons with disabilities, or residents in the GNWT's care (e.g., teachers, social workers, health care workers, youth workers)" (GNWT, 2014).



Conditions and Exceptions: N/A

Authority and Accountability:

This policy is issued under the authority of the RNANT/NU Board of Directors and as governed by the Nursing Profession Act, 22; and RNANT/NU Bylaw 2, Section 4. The Board of Directors further has the authority to revise this Policy as required. The Director of Regulatory Services and Policy and Registration Committee are accountable to the Board of Directors, and ultimately to the membership, for the implementation of this policy and may delegate any related administrative tasks.

The Director of Regulatory Services and Policy /Registration Committee must issue a response to an individual applying for registration within six weeks of receiving required documents.

History: N/A

References:

Government of the Northwest Territories. (2014, April). *Criminal Record Check Policy*. Yellowknife, Canada: Department of Human Resources.