COMPLAINTS, DISCIPLINE & APPEALS PROCESS

As the professional self-regulatory body for registered nurses in Manitoba, the College of Registered Nurses of Manitoba (the College) exists to protect the public. We do this by setting standards for registered nursing practice, supporting registered nurses in meeting the standards and taking action when the standards are not met. The CRNM complaints process is part of taking action when the standards are not met. There are several steps in the process of managing complaints; however, not all complaints go through each step. The following explains each of the steps in more detail:

FILING A COMPLAINT

Complaints about registered nurses must be submitted in writing to the Executive Director of CRNM. A complaint should state the name of the registered nurse(s) and provide enough detail to identify the incident(s) or issues in the complaint. The Executive Director will provide a copy of the complaint letter to the registered nurse named in the letter in order to provide him/her an opportunity to respond.

COLLABORATIVE COMPLAINTS RESOLUTION

Each complaint is reviewed to determine whether Collaborative Complaints Resolution is appropriate. Collaborative Complaints Resolution (CCR) involves a meeting between the person who filed the complaint, the registered nurse named in the complaint and CRNM staff to discuss the complaint and work towards finding a solution that is satisfactory to all parties. Once a Collaborative Complaints Resolution agreement has been reached, it is forwarded to the CRNM Investigation Committee for their review and approval. The parties must all be in agreement with any changes that are proposed.

INVESTIGATION COMMITTEE REVIEW

If CCR is not appropriate, the complaint goes directly to the CRNM Investigation Committee. The Investigation Committee, made up of Registered Nurses and at least 1/3 members of the public, reviews the information provided to them and makes one of the following decisions:

a. Informally resolve the complaint;
b. Appoint an RN investigator to find all pertinent facts, interview witnesses and write a report to the Investigation Committee. On receiving the report, the CRNM Investigation Committee reviews and makes a decision on the most effective way to resolve the complaint;
c. Suspend or place conditions on the nurse's practice until an investigation is complete;
d. Direct that no further action be taken;
e. Enter into an undertaking or agreement with the nurse that may provide for one or more of the following: assessing the nurse's fitness to practice; counseling or treatment for the nurse; monitoring or supervising the nurse's practice; the nurse completing a specified course of study; and/or placing conditions on the nurse's registration that may restrict her/his practice. Agreements and undertakings that are developed are specific to each individual nurse in order to address the particular issues identified in the complaint. CRNM is responsible for ensuring that the nurse fulfils the requirements of the agreement or undertaking;
f. Accept the voluntary surrender of the nurse's registration;
g. Take any other action it considers appropriate in the circumstances that are consistent with the Registered Nurses Act, Regulations or College bylaws;
h. Censure the nurse. The registered nurse must agree to a censure, which is an official reprimand. A censure remains on the nurse's CRNM discipline record for the length of her/his career and may be published in the Manitoba RN Journal;
i. Direct that all or part of the complaint be referred to the CRNM Discipline Committee.

The person who filed the complaint and the nurse involved in a complaint are notified in writing of Investigation Committee decisions.

Discipline Hearings

A panel of at least 3 members of the Discipline Committee acts as the judge and jury would in the judicial system. Panels consist of registered nurses and public representatives. A hearing takes place, usually at the College, where the panel hears the evidence and decides whether the registered nurse is guilty or is to be acquitted of the charges. CRNM and the registered nurse, or his/her lawyer, submits evidence to the panel. If the panel finds the nurse to be guilty of professional misconduct, incapacity or unfitness to practice nursing, suffering from an ailment or conduct unbecoming an RN, the panel will make one or more of the following orders:

a. Reprimand the nurse;
b. Suspend the nurse's registration for a specified period of time or until the nurse completes a specified course of studies or supervised experience or both and/or until the nurse has obtained treatment or counseling and is able to demonstrate that any disability, addiction or problem can be or has been overcome to the satisfaction of any person or committee that the panel determines;
c. Impose conditions on the nurse's practice;
d. Direct the nurse to waive, reduce or repay money paid to the nurse that, in the option of the panel, was unjustified for any reason;
e. Cancel the nurse's registration.

Following a decision by a panel of the Discipline Committee, the nurse and the person who made the complaint are notified in writing of the decision. Discipline decisions are published in the RN Journal and on the CRNM website.

Appeals

Some decisions of the Investigation Committee can be appealed to the CRNM Board of Directors by the person who filed the complaint including:

a. That no further action be taken;
b. An undertaking or agreement with the nurse;
c. Acceptance of the voluntary surrender of the nurse's registration;
d. Any other action the Investigation Committee considers appropriate; or
e. Suspension or conditions placed on the nurse's practice.

The nurse is allowed to appeal to the CRNM Board of Directors decisions of the Investigation Committee that involve the suspension of his/her registration or the placement of conditions on his/her practice. The nurse may also apply to the Manitoba Court of Queens Bench to stop the suspension or condition from being implemented pending the Investigation Committee's decision on the complaint.

Any decisions or orders of the panel of the Discipline Committee may be appealed by the nurse to the Manitoba Court of Appeal.

For more information, please contact CRNM Complaints Resolution Services at (204) 774-3477 or (800) 665-2027 (Manitoba toll-free)

This publication is provided for general information. For more specific information, see the CRNM *Standards of Practice for Registered Nurses*, the Canadian Nurses Association *Code of Ethics for Registered Nurses* and the Registered Nurses Act and Regulations. CRNM publications are available on our website at www.crnm.mb.ca

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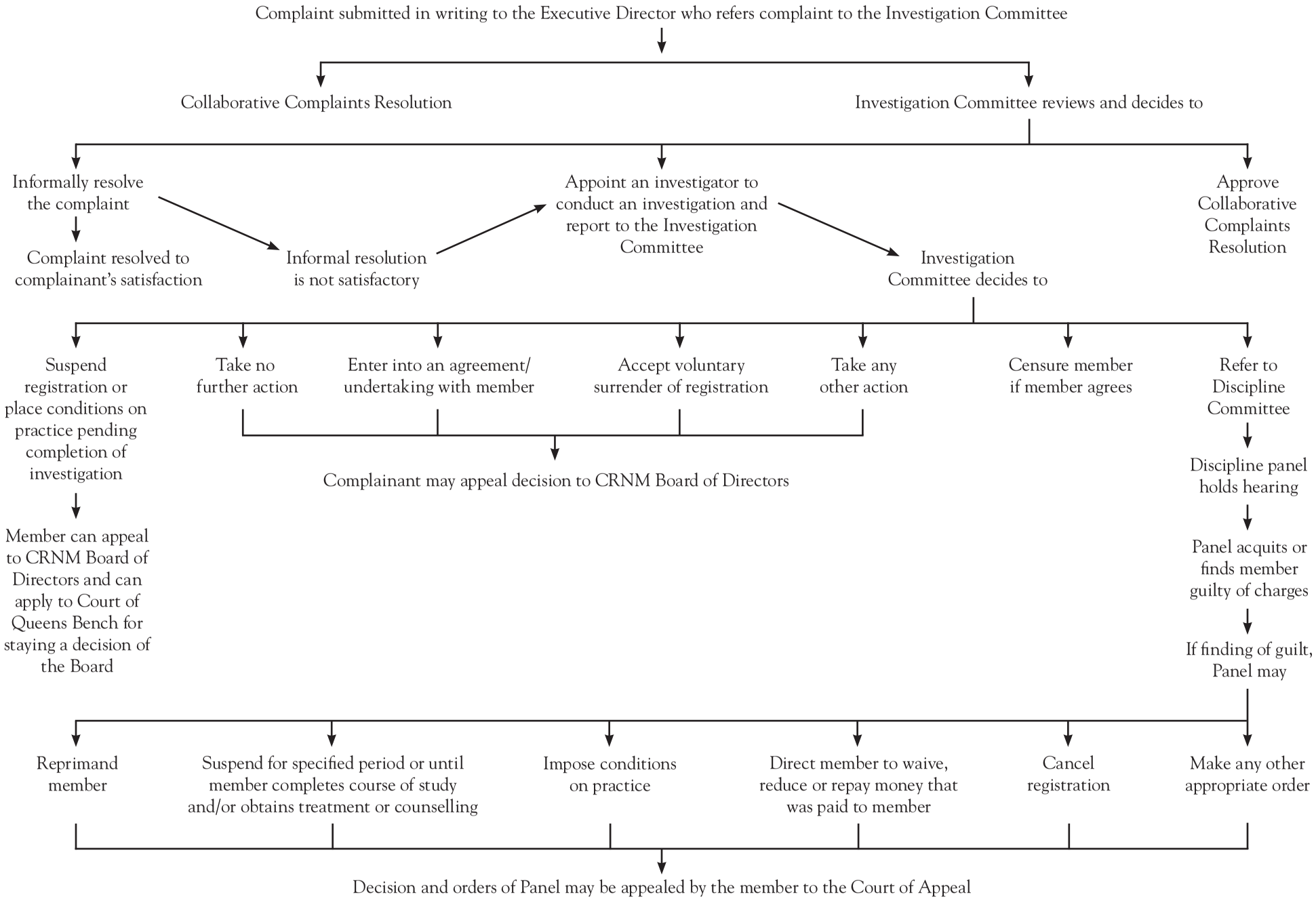

Reference: Registered Nurses Act

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