



Criminal Record Checks, Criminal Charges, and Criminal Convictions





CLPNS

COLLEGE OF LICENSED PRACTICAL
NURSES OF SASKATCHEWAN

2208 Victoria Ave E.
Regina, Saskatchewan
Canada S4N 7B9
www.clpns.com

Phone: 306-525-1436
Toll Free: 888-257-2576
Fax: 306-347-7784

College of Licensed Practical Nurses of Saskatchewan
2208 E Victoria Ave, Regina, Saskatchewan S4N 7B9

practice@clpns.com

www.clpns.com

©2023 – College of Licensed Practical Nurses of Saskatchewan (CLPNS) - All Rights Reserved

First issued: June 2023

Current version: March 2024

Previous versions: June 2023

Reviews: N/A

Approved by: CLPNS Council

Responsible for review: Registration and Licensure

The legislated mandate of the College of Licensed Practical Nurses of Saskatchewan is to protect the public through the regulation of Licensed Practical Nurses.

Background

Section 4(2)(a) of the CLPNS Regulatory Bylaws requires an applicant for registration to submit a "satisfactory" criminal record check.

Section 11(1)(e) of the Regulatory Bylaws applies to the annual licensure renewal and requires a member who was convicted of a criminal offence in the previous twelve (12) months to submit a "satisfactory" criminal record check that includes a vulnerable sector query.

Section 20 of the Regulatory Bylaws requires a member who is charged or convicted of an offence pursuant to the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) to report the charge or conviction to the CLPNS Registrar within thirty (30) days of the occurrence.

The Registrar must determine an applicant or member's suitability to practice nursing safely and ethically. A criminal record check is part of that suitability assessment and is consistent with the CLPNS's mandate of regulating the profession in the public interest.

Interpretation

A "satisfactory" criminal record check is one that does not disclose a conviction that would lead to disciplinary proceedings. Only convictions based on conduct that would fall within the definition of "professional misconduct," as set out in section 24 of *The Licensed Practical Nurses Act, 2000*, could lead to refusal of registration, re-entry, or annual renewal.

Section 24 of "The Act" is as follows:

Professional Misconduct

24 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of "The Act" if:

- a. it is harmful to the best interests of the public or the members;
- b. it tends to harm the standing of the profession;
- c. it is a breach of this Act or the bylaws; or
- d. it is a failure to comply with an order of the counselling and investigation committee, the discipline committee or the council.

Section 18 of the Regulatory Bylaw is as follows:

Code of Ethics

All members shall conduct themselves in an honourable and ethical manner, upholding the values of truth, honesty and trustworthiness, and shall observe the standards of conduct set out in the *Code of Ethics for Licensed Practical Nurses*

approved and adopted by the Canadian Council of Nurse Regulators as amended or revised from time to time.

Procedure

1. Where an applicant or member reports a criminal charge, the Registrar will obtain sufficient details, including their personal description of the events resulting in the charge or charges.

2. Where an applicant or member submits a criminal record check that discloses a criminal record or a member reports a conviction, the Registrar will obtain sufficient details of the record, including a copy of the Information(s) or Indictment(s), Certificate(s) of Conviction, pre-sentence reports or any other public documentation, from the applicant or directly from the court or police service to determine what the facts were that gave rise to the charge(s) or conviction(s).
3. The Registrar will determine if the facts as established give rise to a reasonable likelihood that the conduct in question would constitute "professional misconduct" as defined in section 24 of "The Act" If it does not, the application or renewal will be approved.
4. If the conduct in question does likely constitute professional misconduct, the applicant or member will be allowed to make written or verbal representations as may be directed by the Registrar addressing the following:
 - a. The circumstances of the offence.
 - b. The dates of the:
 - Offence,
 - Charge, and if applicable,
 - Conviction
 - c. The severity of the offence.
 - d. The relevance of the offence to the practice of an LPN.
 - e. Steps the applicant has taken since the conviction or charges to rehabilitate themselves.
 - f. The availability of a pardon (if applicable); and
 - g. Any other relevant factors.
5. The Registrar may request additional documentation from an applicant or member before ruling on an application or annual renewal. The Registrar may request:
 - a. An addiction assessment.
 - b. A psychological assessment.
 - c. Counselling reports.
 - d. A driving abstract.
 - e. Transcripts of court proceedings; and
 - f. Any other applicable documentation.
6. Unless otherwise agreed to by the Registrar, the applicant or member shall bear any costs to obtain additional documentation.
7. The Registrar may approve the application or annual renewal if they think, after considering all of the relevant factors, that there is little risk to the public who would be served by the applicant or the member as an LPN.

8. If the Registrar refuses the application or annual renewal, the applicant or member has a right to request a review of the decision by the Council pursuant to subsection 20(4) of "The Act"



References

- Canadian Council for Practical Nurse Regulators. (2023). Code of Ethics for Licensed Practical Nurses in Canada <https://ccpnr.ca/wp-content/uploads/2021/03/IJLPN-CE-Final.pdf>
- Canadian Council for Practical Nurse Regulators. (2020). Standards of Practice for Licensed Practical Nurses in Canada. <https://ccpnr.ca/wp-content/uploads/2021/03/StandardsofPracticeEnglishFinal-1-1.pdf>
- Council Review of Registrar's Registration and Licensure Decisions <https://clpns.com/wp-content/uploads/2024/01/CLPNS-Council-Review-of-Registrars-Registration-Licensure-Decisions-Policy.pdf>
- College of Licensed Practical Nurses of Saskatchewan. (2023). CLPNS Regulatory Bylaws. <https://clpns.com/bylaw/>
- College of Licensed Practical Nurses of Saskatchewan. (2000). *The Licensed Practical Nurse Act, 2000*. <https://clpns.com/the-licensed-practical-nurses-act-2000/>