

**NOVA SCOTIA
NURSING AND
MIDWIFERY
REGULATOR**

Fitness to Practise Committee

Terms of Reference

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Appointment of Committee

In accordance with section 122(1) of the *Regulated Health Professions Act* (“RHPA”), the NSNMR Board shall appoint a Fitness to Practise Committee (“Committee”).

Mandate

The Committee considers matters where a registrant’s physical or mental capacity may impair their ability to practise safely and competently.

The Committee exercises the powers and functions as set out in the RHPA, Regulations, and NSNMR Bylaws.

Committee Membership

Committee composition will consist of at least eighteen (18) members, including a minimum of four (4) public representatives. Other committee members will be NSNMR registrants, with efforts made to represent the professional designations of NSNMR and to reflect the diverse publics of Nova Scotia.

The Board shall appoint a Chair and a Vice-Chair.

Members may be cross appointed from the Complaints Committee or Registration and Licensing Committee.

Term of Office

Committee members hold office for one (1), two (2) or three (3) year terms as directed by the Board and are eligible for reappointment.

Registrant members who have a complaint filed against them shall recuse their membership on the Committee.

Panel Composition

Upon receipt of a referral to the Committee, the Chair will appoint a panel of at least three (3) and no more than five (5) Committee members to act as the Committee, including at least one public representative.

Where the matter before the panel relates to clinical or designation-specific knowledge, the panel will include a panel member with the same designation as the registrant appearing before the panel.

Panels will be appointed in accordance with the Chair Directive on Appointment of Panels. The Chair maintains discretion to determine the final composition of the panel.

Quorum of the Panel

Quorum of the panel shall consist of three (3) Committee members, at least one of whom must be a public representative.

All decisions require the vote of the majority of the panel.

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Criteria for Membership

- Committee members must demonstrate the values, attributes, knowledge and skills outlined in the *NSNMR Competency Profile for Statutory Committee Members* (Appendix “A”).
- No committee member may be a current or former board member of a nursing or midwifery association or a nursing or midwifery union, unless 24 months have elapsed since the member’s last day on the board.
- Subject to section 17 of the General Regulations, no member of the NSNMR Board may be a committee member.
- No committee member may be a spouse, partner, child or parent of a current member of the NSNMR Board, or a current employee of NSNMR or any other health regulatory body.
- No public representative for the Committee may be a current or former registrant of a regulated health profession. However, former licence-holders may serve as a public representative on the Committee if:
 - there is no more than one former licence-holder on the Committee; and
 - the former licence-holder or equivalent is not a former licence-holder of one of the professions that the Committee regulates.

***Additional Criteria for Registrant Members*:**

- A registrant must hold a licence and be in good standing, as defined by Bylaw 1.2, at the time of initial appointment to the Committee (the time they are first appointed to the Committee, not including any reappointments).
- Registrants whose licences expire while serving on the Committee, who do not renew those licences, remain eligible to serve on the Committee until the expiry of their term.
- Such registrants may be eligible for reappointment if the overall composition of the Committee ensures sufficient numbers of licensed registrants are available to meet the requirements of the Bylaws.
- Generally, a registrant who has not held a licence for a period of five years, will not be eligible for reappointment.

Appendix A

NSNMR Competency Profile for Statutory Committee Members

Committee Members – Registrants and Public Representatives

In order to support strong decision-making in the public interest, every committee member will demonstrate the following values and attributes:

- i. **Commitment to engage with role:** Willingness to learn and ability to devote time to committee meetings
- ii. **Information analysis and judgement:** Be able to review large amounts of written material within set timelines and use the information to analyze and support good decision making
- iii. **Integrity:** Being honest, trustworthy, and open about your opinions
- iv. **Collaboration:** Ability to work effectively with others
- v. **Commitment to fostering inclusivity:** Working towards an environment in which everyone feels valued, can fully participate and is treated with respect and dignity
- vi. **Objectivity:** Making justifiable decisions based on evidence and good information to best fulfill the committee's public interest mandate
- vii. **Communication:** Have strong interpersonal communication skills, including the ability to articulate a perspective and engage in respectful, productive, and sometimes difficult discussions.

Every committee member will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Health Professions Regulation:** Understanding of the role and philosophy of health profession regulators, the public protection mandate of NSNMR, the applicable legislation, regulations, bylaws and policies, and the core work of NSNMR and its committees
- ii. **Confidentiality:** Understanding of the need to protect the privacy and confidentiality of the information reviewed by the committee
- iii. **Cultural Safety and Humility:** Understanding and practice of ongoing learning, appreciation, and respect for unique perspectives, cultural contexts, power imbalances and biases in deliberation and decision-making
- iv. **Procedural Fairness:** Understanding of administrative law principles, and using consistent and sound judgement to make decisions in accordance with procedural fairness principles
- v. **Conflicts of interest:** Understanding and ability to identify conflicts of interest

In order to reflect the communities that NSNMR serves, and the context within which those communities receive healthcare, all committee members will be asked (not required) to identify whether they bring any of the following diverse background and perspectives:

- i. **Indigenous Identity:** First Nations, Inuk/Inuit, Métis, Mi'kmaq, Other Nationhood
- ii. **Cultural Diversity:** A variety of cultural backgrounds and experiences, including being a member of a historical Nova Scotian Community, such as African/Black Nova Scotian, Acadian and Gael/Gaelic
- iii. **Gender Diversity:** Includes non-binary, gender non-conforming, gender queer, trans experience and other gender identities
- iv. **Ability Diversity:** Lived experience navigating a spectrum of physical, mental or cognitive abilities
- v. **Age Diversity**
- vi. **Practice Diversity (Registrants):** Includes practice experiences, backgrounds, specialties and locations

Committee Members – Chairs and Vice-Chairs

In addition to the competencies required of committee members, every committee Chair and Vice-Chair will demonstrate the following knowledge and skills:

- i. **Committee Leadership:** Understanding of and experience in facilitating meetings, developing a positive culture, conflict resolution, building consensus and fostering effective decision making
- ii. **(For adjudicative committee Chairs): Holding Hearings:** Knowledge and experience of participating in and/or chairing hearings within a legislative framework, including an understanding of the principles of administrative law and procedural fairness
- iii. **(For adjudicative committee Chairs): Decision Writing:** knowledge and experience in writing defensible decisions

Every committee Chair and Vice-Chair will either demonstrate, or be willing to learn, the following knowledge and skills:

- i. **Trauma and Culturally Sensitive Decision-Making:** Understanding and sensitivity to the effects of stress or potential stress on individuals involved in regulatory processes and ability to create safe spaces and trust-building processes that are also culturally sensitive

