

Law Amendments Committee

Bill 147 – Regulated Health Professions Network Act

Paul Curry, on behalf of the Nova Scotia Nurses' Union

November 29, 2012

Thank you for the opportunity to speak to this important piece of legislation. The Nova Scotia Nurses' Union is a professional union representing approximately 6500 Licensed Practical Nurses, Registered Nurses and Nurse Practitioners in Nova Scotia's hospitals, long term care facilities, adult residential centers, VON branches and Canadian Blood Services Centres. Nova Scotia Nurses' Union President, Janet Hazelton, is unable to be here today due to prior commitments.

The Nova Scotia Nurses' Union has a history of positive collaboration with both the College of Registered Nurses and the College of Licensed Practical Nurses of Nova Scotia. They perform an indispensable service through the regulation of their respective professionals, ensuring the continued safety of the public and the appropriate level of competencies for their health professionals.

Nevertheless, we have serious concerns with the proposed legislation. First and foremost, we are concerned with the new investigative procedures. Section 19(2) allows a Network member to request a collaborative investigation if they believe it will be helpful, or in the public interest. Section 19(4) allows for the sharing of information concerning a complaint if it is believed to be relevant to another Network member, and section 20(3)(a) allows for the sharing of relevant investigative material. What all of this means is that it will become easier to instigate an investigation of a health professional. For example, if the College of Physicians and Surgeons receives a complaint, and they believe a nurse was involved in the incident in question, they can then tip off the College of Licensed Practical Nurses or the College of Registered Nurses so they can embark on a joint investigation.

This may not sound like a bad thing, but let me assure you that investigating whether a health professional is fit to practice is a very serious matter. Sometimes frivolous complaints are made against an individual, and so their license, along with their livelihood, are put in jeopardy. We are talking about a professional practice that helps define an individual, and that helps put food on the table and a roof over a family's head. Even an investigation that turns out to be based on unfounded claims can be a source of serious stress for a nurse or other health professional. This being said, we should be wary and careful about enhancing the ability to submit health professionals' licenses for review. There are already effective procedures in place for this. A useful analogy can be drawn with the powers we grant police forces. Police might better protect the public if they were allowed to search people's homes at any time, but it is with good reason that we restrict this ability. Again, none of this is to suggest that regulatory bodies do not play a very important public service. It is rather to suggest that we should be wary about

extending their reach when it concerns a person's livelihood. Section 15(1)(b) also permits that the Governor in Council could amend the collaborative investigative processes. Hopefully, this could never be used to further dilute the safeguards that are in place.

Briefly, there are a couple of other potential concerns we would like to raise. Section 9(8) holds that a Network member loses voting rights if it fails to pay its annual membership fee. Theoretically, the Network could then make decisions that concern all of the regulated professions, including the disenfranchised Network. It is problematic if, for example, decisions concerning physiotherapist could be made by a body in which the Nova Scotia College of Physiotherapists has no clout.

We are also concerned with protecting the autonomy of the various regulatory bodies. Section 17 allows for collaborative adjustments to scope of practice. This could be a welcome procedure, and we believe the intent here is clearly positive. However, we wonder if the language of the act here could allow that, with a majority mandate from the Network, one or more professions could expand their scope of practice to the point that another profession's scope is redundant?

Given that this act has potentially profound repercussions on front-line health workers, we believe further consultation with these workers' representatives is in order. We believe that the regulatory bodies have the best interest of the public in mind, but we must balance this carefully against the rights and interests of health professionals.

For these reasons, we believe there should be further consultations before the passage of this Act. Thank you for your time.