



Province of Alberta

HEALTH PROFESSIONS ACT

**REGISTERED PSYCHIATRIC AND
MENTAL DEFICIENCY NURSES
PROFESSION REGULATION**

Alberta Regulation 231/2005

Extract

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ALBERTA REGULATION 231/2005

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**REGISTERED PSYCHIATRIC AND MENTAL
DEFICIENCY NURSES PROFESSION REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the *Health Professions Act*;
- (b) “College” means College of Registered Psychiatric Nurses of Alberta;
- (c) “Complaints Director” means the complaints director of the College;
- (d) “Council” means the council of the College;
- (e) “courtesy register” means the courtesy register category of the regulated members register;
- (f) “registered mental deficiency nurse register” means the registered mental deficiency nurse category of the regulated members register;
- (g) “registered psychiatric nurse register” means the registered psychiatric nurse category of the regulated members register;
- (h) “Registrar” means the registrar of the College;

- (i) “Registration Committee” means the registration committee of the College;
- (j) “temporary register” means the temporary register category of the regulated members register.

Registers

Register categories

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) registered psychiatric nurse register;
- (b) registered mental deficiency nurse register;
- (c) temporary register;
- (d) courtesy register.

Registration

Registered psychiatric nurse register

3(1) An applicant for registration as a regulated member on the registered psychiatric nurse register must have completed a diploma in psychiatric nursing in a program approved by the Council and have successfully passed a registration examination in psychiatric nursing approved by the Council.

(2) An applicant under subsection (1) must have met the education requirements set out in that subsection within the 4 years immediately preceding the date a complete application is received by the Registrar.

Current qualifications

4 Despite section 3, if an applicant for registration as a regulated member does not meet the education requirements within the time period specified in that section, the applicant must

- (a) in the 5 years immediately preceding the application, have been employed in the practice of psychiatric nursing or its equivalent for at least 1400 hours,
- (b) have successfully completed a refresher education program approved by the Council within the 3 years immediately preceding the date the complete application is received by the Registrar, or

- (c) demonstrate to the satisfaction of the Registrar or the Registration Committee that the applicant is currently competent to practise psychiatric nursing.

Equivalent jurisdiction

5 An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements may be registered on the registered psychiatric nurse register.

Substantial equivalence

6(1) An applicant for registration who is not eligible to be registered under section 3, 5 or 8 but whose qualifications have been determined by the Registration Committee under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements under section 3, 5 or 8 and who successfully completes the registration examination approved by the Council may be registered on the registered psychiatric nurse register.

(2) In determining whether or not an applicant's qualifications are substantially equivalent under subsection (1), the Registration Committee may require the applicant to undergo any examination, testing or assessment activity to assist with the determination.

(3) The Registration Committee may direct the applicant to undergo any education or training activities the Registration Committee considers necessary in order for the applicant to be registered.

(4) The Registration Committee may request any further information and evidence that the Registration Committee considers necessary in order to assess an application under this section.

Registered mental deficiency nurse register

7(1) On the coming into force of this Regulation, a person who is registered as a mental deficiency nurse under the *Health Disciplines Act* is deemed to be registered as a regulated member on the registered mental deficiency nurse register.

(2) A regulated member on the registered mental deficiency nurse register may apply to renew a practice permit only if the regulated member holds a practice permit that has not expired.

Temporary register

- 8(1)** An applicant for registration who has completed the education requirements referred to in section 3 but has not completed the registration examination approved by the Council may be registered on the temporary register.
- (2)** A person who is registered on the temporary register may practise only while supervised in a manner satisfactory to the Registrar or the Registration Committee.
- (3)** The registration of a regulated member on the temporary register may be valid for up to 6 months.
- (4)** Despite subsection (3), the Registrar may, on the application of a registrant, extend a temporary registration.
- (5)** An applicant on the temporary register may make up to 3 attempts to successfully pass the registration examination approved by the Council.
- (6)** An applicant on the temporary register who does not pass the registration examination on the 3rd attempt
- (a) must be removed from the temporary register, and
 - (b) must complete a refresher program in order to be eligible to write the examination at a later date.
- (7)** If a regulated member on the temporary register successfully completes the registration examination approved by the Council, the Registrar must remove the regulated member's name from the temporary register and enter it on the registered psychiatric nurse register.

Courtesy register

- 9(1)** A person who is registered as a psychiatric nurse or its equivalent in good standing in another jurisdiction, who requires registration in Alberta on a temporary basis for a specified purpose and period of time approved by the Registrar and who satisfies the Registrar of the person's competence to provide the services related to the specified purpose is eligible for registration on the courtesy register.
- (2)** A person who is registered on the courtesy register must remain registered in the other jurisdiction while registered on the courtesy register.
- (3)** A registration on the courtesy register may be valid for up to 2 months.

(4) Despite subsection (3), the Registrar may, on the application of a registrant, extend a courtesy registration.

Good character

10 Applicants for registration as a regulated member must provide evidence of having good character and reputation by submitting any of the following on the request of the Registrar:

- (a) provide 2 written references from colleagues and, if applicable, from another jurisdiction in which the applicant is currently registered;
- (b) a statement by the applicant as to whether the applicant is currently undergoing or in the past has undergone an unprofessional conduct process by the College or is or has been disciplined by another regulatory body responsible for the regulation of psychiatric nurses or another profession that provides a professional service;
- (c) a statement as to whether the applicant has ever pleaded guilty or been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (d) any other evidence required by the Registrar.

Liability insurance

11 All applicants for registration as regulated members must provide evidence of having the type and amount of professional liability insurance required by the Council.

English language requirements

12(1) An applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

(2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

Practice Permit

Renewal requirements

13 A regulated member who applies for renewal of a practice permit must

- (a) state whether the regulated member has pleaded guilty or been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada since the member's last practice permit,
- (b) meet the requirements for liability insurance under section 11, and
- (c) have completed the education requirements set out in section 3 no longer than 4 years prior to the application and have successfully completed the registration examination or have
 - (i) been employed in the practice of psychiatric nursing or its equivalent or of mental deficiency nursing for at least 1400 working hours within the previous 5 years,
 - (ii) successfully completed a refresher education program approved by the Council within the previous 3 years, or
 - (iii) demonstrated to the satisfaction of the Registrar or Registration Committee that the applicant is currently competent to practise as a psychiatric nurse or mental deficiency nurse.

Conditions

14 The Registrar or Registration Committee may impose conditions on a practice permit which may include, but are not limited to,

- (a) practising under supervision,
- (b) limiting practice to specified practice areas approved by the Registrar or the Registration Committee and refraining from practising in specified practice areas or practice settings,
- (c) reporting to the Registrar or Registration Committee on specified matters on specified dates,
- (d) prohibiting the regulated member from supervising students of the profession or regulated members of the College,
- (e) a provision stating the time and the purposes for which the practice permit is valid, and

- (f) completion of examinations, testing, assessment, practical work experience or counselling.

Restricted Activities

Authorized activities

15(1) Regulated members may, within the practice of registered psychiatric nursing or registered mental deficiency nursing and in accordance with the standards of practice governing the performance of restricted activities approved by the Council, perform the following restricted activities:

- (a) cut a body tissue to administer anything by an invasive procedure on body tissue or to perform surgical or other invasive procedures on body tissue below the dermis or the mucous membrane;
- (b) insert or remove instruments, devices, fingers or hands
 - (i) beyond the cartilaginous portion of the ear canal;
 - (ii) beyond the point in the nasal passages where they normally narrow;
 - (iii) beyond the pharynx;
 - (iv) beyond the opening of the urethra;
 - (v) beyond the opening of the labia majora;
 - (vi) beyond the anal verge;
 - (vii) into an artificial opening in the body;
- (c) insert liquid into the ear canal under pressure;
- (d) dispense, compound, provide for selling or sell a Schedule 1 drug or Schedule 2 drug within the meaning of the *Pharmaceutical Profession Act*;
- (e) administer a vaccine to those age 5 years or older;
- (f) administer parenteral nutrition;
- (g) administer blood or blood products;
- (h) administer diagnostic imaging contrast agents;
- (i) administer anaesthetic gases, including nitrous oxide for the purposes of sedation;

- (j) administer radiopharmaceuticals, radiolabelled substances, radioactive gases or radioaerosols;
- (k) perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs
 - (i) judgment,
 - (ii) behaviour,
 - (iii) capacity to recognize reality, or
 - (iv) ability to meet the ordinary demands of life.

(2) Despite subsection (1)(d), a regulated member performing the restricted activity described in that subsection shall not distribute, trade or barter for money or valuable consideration, or keep for sale or offer for sale a Schedule 1 drug or a Schedule 2 drug within the meaning of the *Pharmaceutical Profession Act*, but may distribute or give away a Schedule 1 drug or a Schedule 2 drug without expectation or hope of compensation or reward.

(3) A regulated member with advanced training approved by the Council may perform the restricted activity of administering a vaccine to persons less than 5 years of age.

(4) A regulated member may perform the restricted activity of reducing a dislocation of a joint with the consent of and under the supervision of a regulated member of another college if the Council of that college, by regulation, authorizes a regulated member under Schedule 25 to the Act to perform that restricted activity under the supervision of its regulated members.

Restriction

16 Despite section 15, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed in accordance with the standards of practice governing the performance of restricted activities approved by the Council.

Students

17(1) A student who is enrolled in a psychiatric nursing program approved by the Council and is receiving training in providing restricted activities is permitted to perform the restricted activities set out in section 15 under the supervision of a regulated member registered on the registered psychiatric nurse register or the registered mental deficiency nurse register.

(2) Regulated members may supervise students of another profession that provides health services in the provision of restricted activities that are authorized for members of both professions and for the student.

(3) A regulated member who supervises a student must

- (a) be authorized to perform the restricted activity that is being supervised,
- (b) be on-site with the student while the student is performing the restricted activity, and
- (c) be available for consultation and to assist the student in performing the restricted activity as required.

Non-regulated persons, supervision

18(1) A person who is not described in section 4(1)(a) of Schedule 7.1 to the *Government Organization Act* is permitted to perform the restricted activity of inserting and removing instruments, devices, fingers and hands beyond the labia majora and anal verge under supervision by a regulated member but only if that person

- (a) has the consent of, and is being supervised in accordance with subsection (2) by, a regulated member while performing the restricted activity, and
- (b) is engaged in providing health services to another person.

(2) When a regulated member supervises a person referred to in subsection (1) performing a restricted activity, the regulated member must

- (a) be authorized to perform the restricted activity being performed,
- (b) supervise the person who is performing the restricted activity by being available for consultation while that person is performing the restricted activity, and
- (c) comply with the standards approved by the Council governing the provision of supervision by regulated members of persons performing restricted activities pursuant to section 4(1)(b) of Schedule 7.1 to the *Government Organization Act*.

Alternative Complaint Resolution

Process conductor

19 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

Agreement

20 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

Confidentiality

21 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

Leaving the process

22 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

Reinstatement of Registration and Practice Permits

Applying for reinstatement

23(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the practice permit reissued and the registration reinstated.

(2) An application under subsection (1) may be made

- (a) not earlier than 5 years from the date of cancellation, and
- (b) no more than once each calendar year after the refusal of an application under section 24(3)(a).

(3) On receipt of an application of an applicant under subsection (1), the Registrar must refer it to the Registration Committee for review.

Decision on application

24(1) An application under section 23 must be reviewed by the Registration Committee in accordance with the application for registration process set out in sections 28 to 30 of the Act.

(2) On reviewing an application in accordance with subsection (1), the Registration Committee must also consider

- (a) whether the applicant meets the current requirements of registration,
- (b) whether any conditions imposed at the time the applicant's practice permit and registration were cancelled have been met,
- (c) the nature and severity of the offence for which the registration was cancelled,
- (d) the length of time since the offence,
- (e) any evidence of remedial treatment or learning since the offence,
- (f) the suitability to practise of the applicant,
- (g) the record of the hearing at which the applicant's registration and practice permit were cancelled,
- (h) whether the applicant is fit to practise nursing and does not pose a risk to public safety, and
- (i) any other matter that the Registration Committee considers to be relevant.

(3) The Registration Committee, on reviewing the application in accordance with this section, must provide a written decision with reasons containing one or more of the following orders:

- (a) an order denying the application;
- (b) an order directing the Registrar to reinstate the person's registration and practice permit;
- (c) an order directing the Registrar to impose specific conditions on the person's practice permit.

Review

25(1) An applicant whose application is denied or on whose practice permit conditions have been imposed under section 24(3)

may apply to the Council for a review of the decision of the Registration Committee.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

Access to decision

26(1) The College must make the decisions of the Registration Committee or Council under section 24(3) or 25 available for 5 years to the public on request.

(2) The Registration Committee or Council may order that its decision under section 24(3) or 25 be published in a manner it considers appropriate.

Titles

Authorization to use titles

27(1) Subject to an order made under Part 4 of the Act or a ratified settlement, a regulated member on the registered psychiatric nurse register may use the following titles and initials:

- (a) registered psychiatric nurse;
- (b) psychiatric nurse;
- (c) RPN;
- (d) PN.

(2) Subject to an order made under Part 4 of the Act or a ratified settlement, a regulated member on the registered mental deficiency nurse register may use the following titles and initials:

- (a) mental deficiency nurse;
- (b) registered mental deficiency nurse;
- (c) MDN;
- (d) RMDN.

(3) Subject to an order made under Part 4 of the Act or a ratified settlement, a regulated member registered on the temporary register may use only the title psychiatric nurse or the initials PN.

Information

Requested information

28(1) A regulated member must provide the following information, in addition to that required under section 33(3) of the Act, on the initial application, when there is any change to the information or at the request of the Registrar:

- (a) the home address, telephone number, e-mail address and fax number;
- (b) employer name, address, telephone number, e-mail address and fax number;
- (c) full name, maiden name or other names;
- (d) gender;
- (e) date of birth;
- (f) location of employment;
- (g) employment dates;
- (h) registration status in the College and as a regulated member of another college in Alberta or elsewhere;
- (i) number of practice hours in previous membership year;
- (j) employment status;
- (k) professional services area of responsibility;
- (l) employment position description;
- (m) degrees and other qualifications;
- (n) names and addresses of schools of training;
- (o) graduation dates from post-secondary courses related to health services.

(2) Subject to section 34(1) of the Act, the College may release the information collected under subsection (1)

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

Access to regulated members information

29 The period of time during which the College is required to provide information under section 119(4) of the Act is the following:

- (a) information on cancellation of a practice permit, for 2 years after a cancellation comes into effect;
- (b) information on conditions imposed on a practice permit, including a suspension, for the period a condition, or suspension, is in effect;
- (c) information from the record of a hearing under Part 4 of the Act, including the decision, for 5 years after the date the decision is made;
- (d) information as to whether a hearing is scheduled to be held or has been held under Part 4 of the Act with respect to a named regulated member, until the hearing is completed;
- (e) any other information referred to in section 119(4) of the Act, for 2 years after the member ceases practice.

**Transitional Provisions, Repeals
and Coming into Force**

Transitional

30 On the coming into force of this Regulation, a registered member described in section 6 of Schedule 25 to the Act is deemed to be entered in the regulated member register in the register category that the Registrar considers appropriate.

Repeal

31 The *Psychiatric Nurses Regulation* (AR 509/87) is repealed.

Coming into force

32 This Regulation comes into force on the coming into force of Schedule 25 to the *Health Professions Act*.



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