

Unauthorized Practice

Policy Section: Administration of the Act	Policy Number: AA-20	Approved By: CEO/Registrar
Regular Policy Review Frequency: Every three years	Date Approved: February 22, 2002	Date Reviewed/Revised: March 7, 2019

Purpose:

To state the policy and procedures associated with unauthorized practice.

Policy:

1. When a person's name fails to appear on a register of regulated members and yet the person continues to represent herself/himself as a regulated member or uses the title and/or designation of a regulated member the person is engaging in unauthorized practice. Unauthorized practice also occurs when a person who has never been registered with the College or whose registration with the College has been cancelled holds himself/herself out as a regulated member.
2. The College has a responsibility to protect the public from unauthorized practice. The College recognizes a fundamental distinction between:
 - a. Practice by a person who has never been registered with the College or whose registration with the College has been cancelled, or who deliberately ignores the obligation to establish or renew registration with the College; and
 - b. Practice by a member who has inadvertently neglected to renew in accordance with the provisions of the act, regulations and bylaws.
3. The College will exercise its responsibility to protect the public from unauthorized practice on the following basis:
 - a. In any case involving an individual who fails to renew registration or has submitted an application for registration but is not yet registered and engages in practice as a regulated member, the College shall contact the person advising the person of the need to register and demand that the person cease and desist practice immediately. The employer will also be informed of the individual's status. These cases will be individually assessed, taking into account the interests of the public and the circumstances of the individual who has engaged in unauthorized practice. In circumstances where the individual demonstrates a recognition of the legislative requirement for registration, the seriousness of practising without registration, and a commitment to comply with the requirements in the future, the College may determine a course of action including any the following:
 - i. educate the individual regarding the violation and the relevant legislation;
 - ii. implement an unauthorized practice penalty fee;
 - iii. report to the police and consider whether the College should seek an injunction pursuant to the act;



- iv. when the police/crown attorney are not prepared to proceed with prosecution notwithstanding that an offence appeared to have occurred, the Registrar will determine whether the College should proceed with a private prosecution.
 - b. Where the individual has engaged in unauthorized practice, he/she shall be responsible for payment of any penalty fees as set by the College.
4. In any case involving an individual who is or appears to be holding himself/herself out as a registered nurse when that person is not now or never has been registered with the College or, having been registered with the College, has had his/her registration cancelled, the Registrar will determine whether the College should seek an injunction pursuant to the Act.