

Background Check Findings/Disclosure by Registrants

Policy Section: Administration of the Act	Policy Number: AA-26	Approved By: CEO Registrar
Regular Policy Review Frequency:	Date Approved: August 8, 2018	Date Reviewed/Revised: February 20, 2019

Purpose:

To state the process for assessing registration eligibility of registrants where either the background check identifies a finding or a registrant discloses a finding.

Fitness to practice takes into account the ability to be honest and trustworthy. Good character is based on an individual's conduct, behaviour and attitude. It also takes account of any past criminal or unacceptable behaviour that is likely to be incompatible with professional registration. A person's character must be compatible with the capability to independently engage in safe and effective practice.

Policy:

- 1) In this policy, "registrant" means a person who is a member of the College in one of the membership classes.
- 2) A registrant must promptly notify the College, in writing, of a charge for a criminal offence or careless driving causing death under *The Highway Traffic Act* of Manitoba or other similar legislation.
- 3) A registrant must promptly notify the College of their name appearing on a child abuse registry and/or an adult abuse registry.
- 4) In accordance with ss. 2.35(2) of the *General Council Regulation*, the Registrar may request additional information with respect to the criminal record check, child abuse registry check or adult abuse registry check.
- 5) The following principles are applicable in assessing fitness to practice through background checks:
 - a) Registrants will be considered as individuals;
 - b) Each registrant will be assessed to determine what effect the charge or placement on an abuse registry might have on that registrant's ability to meet the ongoing requirements for practice as a registered nurse (including, for example, Practice Expectations for Registered Nurses, and the Code of Ethics);
 - c) If a registrant has a charge or has been placed on an abuse registry, the relevance, seriousness and circumstances in which the offence was committed must be taken into account.



Process:

- 1) Where the College becomes aware that a registrant has a charge, or that the registrant's name appears on an abuse registry:
 - a) The College will confirm that the registrant previously and properly disclosed the information to the College as required;
 - b) The matter will be reported to the Registrar;
 - c) The registrant will be required to:
 - i) provide a written submission detailing the circumstances surrounding the charge or, if applicable, the circumstances that led to their name being placed on the abuse registry;
 - ii) provide, if they have not already done so, a criminal record check based on fingerprinting that includes a vulnerable sector search; and,
 - iii) supply sufficient legal or other documentation (if no legal documentation is available) of:
 - (1) the date of the alleged offence;
 - (2) the registrant's age at the time of the alleged offence;
 - (3) the type of alleged offence;
 - (4) the specific nature of the offence including a description of circumstances of the alleged offence; and
 - d) The registrant may also be asked to provide documentary evidence of rehabilitation efforts;
 - e) The Registrar may undertake further investigations, including obtaining court records and confirming the accuracy and completeness of the registrant's description of events.

- 2) The following factors will be considered in the registration eligibility assessment:
 - a) The circumstances surrounding the alleged offence including:
 - i) the age of the registrant when the offence occurred;
 - ii) the situation of the registrant at the time of the offence; and,
 - iii) any extenuating circumstances;
 - b) The registrant's explanation of the alleged offence;
 - c) The extent to which the registrant's explanation of the offence and outcome differs from any information that the College obtains during the assessment of the matter;
 - d) The nature of the offence including whether:
 - i) There have been previous convictions or findings for a similar offence;
 - ii) the registrant was in a position of trust when the alleged offence occurred;
 - iii) the offence demonstrated dishonest behaviour; and
 - iv) the offence demonstrated behaviours that would be considered professional misconduct, conduct unbecoming, a breach of *The Regulated Health Professions Act*, the General Regulations or the Code of Ethics, or which are otherwise relevant to his/her suitability to practise nursing.
 - e) Whether the behaviour was of a nature that may pose a threat to the safety of others. Considerations may include:
 - i) offences related to sexual assault/abuse, violence or use of a weapon ;



- ii) offences related to honesty and integrity;
 - iii) offences related to drug or alcohol; and
 - iv) multiple or recurring convictions.
 - f) Any penalty or conditions imposed.
 - g) Whether there is any connection between the charge / and nursing practice.
 - h) The degree of potential risk posed to the public if the individual were to remain registered
- 3) The College is the sole decision-making authority when determining if the information submitted to the College will be recognized.
- 4) Upon completion of the Registrar's investigations, the Registrar shall determine whether to refer the matter to the Council pursuant to ss. 48(3) of *The Regulated Health Professions Act* or pursuant to ss. 90(3) refer the matter to the Complaints Investigation Committee.
- 5) Any failure by a registrant to comply with this policy will result in an automatic referral of the matter by the Registrar to the Complaints Investigation Committee.