



College of
Registered Nurses
of Manitoba

Health Professions Corporation

Practice Direction

The Regulated Health Professions Act (Manitoba) (the RHPA) gives registrants of the College the ability to carry on practice of the profession of nursing, as a Health Professions Corporation. A health profession corporation established by one or more regulated members of the same regulated health profession may carry on the practice of that profession:

- Under the corporation's name; or
- As a member of a general partnership of health profession corporations or of health profession corporations and regulated members, under a name approved by the registrar in accordance with the by-laws.

Role of the Registrant

1. Health Profession Corporation registrants must hold a current certificate of practice with the College of Registered Nurses of Manitoba.
2. Health Profession Corporation registrants must be able to verify practice hours.
3. The Health Profession Corporation must identify to the College any Reserved Acts Requiring Additional Education being performed, along with, a report on how additional education meets college approved criteria. *Practice Direction: Reserved Acts Requiring Additional Education* https://www.crnmb.ca/uploads/document/document_file_232.pdf?t=1523543400

4. The Health Profession Corporation will submit "recognition of nursing practice" document as requested, minimally every 5 years.
5. *The Practice Direction: Health Profession Corporation*, requires the Health Corporation to have guidelines for:

A) Advertising

The term "advertising" means any communication shared by a RN to the public where the main purpose is the promotion of registered nursing services. This could include but is not limited to signs, announcements, media appearances, brochures, or any ads that appear in print, online or through social media. Resources include: *Standards of Practice for Registered Nurse, 2017 Edition Code of Ethics for Registered Nurses and Ad Standards*, www.adstandards.com

B) Refusing Clients

As per the College of Registered Nurses of Manitoba General Regulations 4.9, Prohibited Grounds for Refusing a Client.

C) Ending a Therapeutic Relationship

As per the College of Registered Nurses of Manitoba General Regulation 4.10 Ending Client Relationship

D) Storage of Supplies

As per the College of Registered Nurses of Manitoba General Regulation 4.14, Storage and Disposition of Client Records and Supplies.

E) Providing Client Care in Facilities

Identifies applicable policies/practice of facilities where care is being provided.

F) Documentation and Client Record Security

As per the College of Registered Nurses of Manitoba General Regulation 4.14.

Documentation and record keeping is a vital part of registered nursing practice. Documentation is a communication tool that allows RNs and other health-care providers to exchange information about a client's care. Documentation and the client record are formal, legal documents that provide details about a client's health care progress.

G) Job Descriptions

Job descriptions provide the framework of the registrants' scope of practice relevant to their practice environment.

H) Evidence of Quality Improvement Activities

Quality improvement activities inform registrants in the steps required to establish evidence informed best practice.

6. Submit completed *Health Profession Corporation Permit Application* with associated fee. The Corporation declares that:
 - a) The corporation is incorporated, formed by amalgamation or continued under the Corporations Act,
 - b) The Corporation is an existing corporation and is in good standing under the Corporations Act of Manitoba,
 - c) Each voting share of the Corporation is legally and beneficially owned by:
 - A person who is voting shareholder of the Corporation,
 - A spouse, common-law partner or child, with the meaning of the *Income Tax Act (Canada)* of voting shareholder of the Corporation or;
 - A Corporation each share of the capital stock of

which is legally and beneficially owned by a person who is referred to in a sub paragraphs (a) or (b).

7. The Corporation must not carry on any business or activity other than Registered Nursing and the provision of services directly associated with that practice. However, this restriction does not prohibit the Health Professions Corporation from investing its own funds in real property, other than for development purposes, or in stocks, mutual funds, debt obligations, insurance, term deposit or similar investments.
8. The Corporation and those responsible for its reporting understand that the *Regulated Health Professions Act* and *By-Laws of the College* require the Corporation to inform the Registrar in writing of any changes in the particulars set out in the *Health Professions Corporation Permit Application*.
9. Submit completed *Health Profession Corporation Permit Application* for renewal prior to the expiry date.
10. The Corporation assumes responsibility of carrying a "valid" current permit.
11. The Corporation will, while it holds a valid permit issued by the College of Registered Nurses of Manitoba, comply with every provision of the *Regulated Health Professions Act (Manitoba) Regulations, By-Laws and Policy* which apply to it.

Role of the College

1. Establish and manage all Health Professions Corporation's and the Health Profession Corporation Registry in accordance with all applicable legislation, bylaws, and policy.
2. Accept applications from registrants for an initial permit or renewal of a permit for a health profession corporation upon receipt of the following documentation:
 - a) Health Profession Corporation Permit Application,
 - b) A copy of all Articles of Incorporation, Articles of Amendment, Articles of Continuance, Articles of Amalgamation or like Articles,
 - c) A copy of the most recent annual report under The Corporations Act,
 - d) A copy of the current Certificate of Status; and
 - e) Fee.

3. If the application is an application for renewal, the previous permit will continue in force until a decision has been made in regard to the renewal as long as the application for renewal was received before the date of expiry.
4. In deciding to approve or refuse the application, the CEO/Registrar must first determine if there is evidence for all required conditions:
 - a) The corporation is incorporated, formed by amalgamation or continued under The Corporations Act, and is in good standing.
 - b) The name of the corporation includes terms used to describe the regulated health profession, followed by the word “corporation”, and has been approved in accordance with the regulations.
 - c) Name of each of the regulated registrants who is a shareholder or director of the Health Profession Corporation.
 - d) The name of each regulated member through whom the Health Professions Corporation will be carrying on the practice of the regulated health profession.
 - e) The conditions, if any, imposed on the permit.
 - f) The date the permit was issued.
 - g) The Health Profession Corporation’s address, telephone number, fax number and email address.
 - h) The time period during which the Health Profession Corporation’s permit is valid. Permits are valid for a period of one year.
 - i) Upon issuing a permit, the Registrar must enter the required information onto the Health Profession Corporation Registry.
 - j) The information contained in 11(a) to (d) must be made available to the general public during normal business hours.

Regulated Member Conditions

The Regulated Health Professions Act 64(D), any conditions imposed on the registration or certificate of practice of the registrant will apply to the permit of the corporation in relation to the practice of the health profession through that member.

Change of Particulars

Upon receiving a notification of change of particulars, the CEO/Registrar shall determine if the Health Profession Corporation is still eligible for a permit:

- a) If it is still eligible, the CEO/Registrar shall change the information on the Registry.
- b) If no longer eligible, the CEO/Registrar shall refer the matter to the Council.

Censure of Permits

If the CEO/Registrar receives information that the Health Profession Corporation ceases to meet eligibility requirements, contravenes the RHPA, Regulations or Bylaws of the College, contravened any conditions on the permit, or a regulated registrant, in the course of providing health care on behalf of the Health Profession Corporation, acts or results in the registrant’s certificate being suspended or cancelled, the CEO/Registrar may:

- a) Cancel the permit;
- b) Suspend the permit;
- c) Reprimand the Health Profession Corporation or one or more directors or voting shareholders;
- d) Impose conditions on the permit; or
- e) Impose a fine not exceeding \$25,000.00 on the Health Profession Corporation, payable to the College.

The permit cannot be cancelled or suspended if the only reason is that:

- a) One or more shares in the Health Profession Corporation have vested in an executor or administrator of an estate of an individual as a consequence of death of the said individual; or a trustee in bankruptcy or the bankruptcy of the owner of the shares, unless the Health Profession Corporation is not carrying on the practice of the regulated health profession through any other regulated member or the shares continue to be vested in the executor, administrator or trustee for more than 180 days, or for any longer period allowed by the CEO/Registrar;
- b) The former spouse or common-law partner of a voting shareholder continues to own a share of the Health Profession Corporation after the end of their marriage or common-law relationship;

- c) The registration or certificate of practice of a regulated member has been suspended, unless:
 - a) The member remains a director or officer of the Health Profession Corporation for more than 14 days after surrender or cancellation,
 - b) the member remains a voting shareholder of the Health Profession Corporation for more than 90 days after the surrender or cancellation, or for any longer period allowed by the CEO/Registrar; or
 - c) the Health Profession Corporation is not practicing the profession or providing health care directly associated with the practice of the profession through any other regulated member unless an exemption under the *Regulated Health Professions General Regulation* under the *Regulated Health Professions Act* has been granted.

The CEO/Registrar must give written notice of decisions as well as reasons to suspend or cancel the permit, and must give notice of right to appeal the decision to the Court of Queen's Bench.

Upon cancellation of a permit, the CEO/Registrar must remove the permit from the record of Health Profession Corporations. Upon cancellation of a permit, it must be promptly surrendered by the Health Profession Corporation to the CEO/Registrar.

Appeals

A Health Profession Corporation refused a permit by the CEO/Registrar, or granted a permit with conditions, may appeal the CEO/Registrar's decision. The right to appeal also applies to suspensions or cancellations of permits. The appeal must be submitted as a written request no later than 30 days following the Health Profession Corporation receiving notice of the CEO/Registrar's decision.

Upon receiving the appeal, the CEO/Registrar must immediately refer the application to the Council. The CEO/Registrar must also forward a copy of the file to Council members. The Council must convene as soon as practicable. The Council shall review the decision and written request for appeal and will decide to either dismiss the appeal, or reverse the CEO/Registrar's decision and issue the permit either with or without conditions.

The Council shall notify the Health Profession Corporation in writing of the action taken with respect to the appeal and provide reasons for the decisions. A Health Profession Corporation may apply to the Court of Queen's Bench to further appeal the decision of the Council. If an appeal is filed with the Court of Queen's Bench, the Council shall instruct the Registrar to retain legal counsel.

Practice directions set out requirements related to specific aspects of registered nursing practice. They provide more detailed information related to *The Regulated Health Professions Act*, regulations and bylaws of the College, and the *Code of Ethics for Registered Nurses*.

Published: 03/2019

For more information please contact a
College practice and standards consultant at

204-774-3477

800-665-2027 (Manitoba toll-free)

Our publications are available on our website at www.crnmb.ca