

## Understanding Self-Regulation

Whether you are an experienced or aspiring nurse, you know that protecting the public is at the heart of your chosen profession. You may be interested in learning more about how regulation ensures that nursing achieves this objective. In a world that is constantly changing, how does nursing keep its place as one of the most trusted professions in Canada?

The focus of registered nurse regulation is public protection. This regulation assures the public that they are receiving safe and ethical care from competent, qualified registered nurses. It defines the practice and boundaries of the nursing profession, including the requirements and qualifications to practise.

Generally, there are two ways a profession can be regulated: by the profession itself or directly by government. In Canada, provinces and territories delegate the authority to self-regulate to many professions, including nursing.

Self-regulation recognizes that a profession is in the best position to determine standards for education and practice and to ensure that

these standards are met. Self-regulation “safeguards and champions patient safety” by clearly determining the competencies and qualifications required by individual nurses. It is also the best way to promote working environments where nurses can meet their professional and ethical obligations (International Council of Nurses [ICN] & World Health Organization, 2005, p. 1).

How does self-regulation work? The profession governs itself through a regulatory body and with the involvement of its professionals. All practising nurses participate in self-regulation when they accept responsibility to practise according to professional standards and the *Code of Ethics for Registered Nurses*. Nurses also actively engage in the process of self-regulation by contributing their expertise to the work of the regulatory bodies, for example, by participating in the development of standards, codes of ethics and examinations. They may also volunteer for committees or other regulatory activities and run for election to boards of directors or councils.

### The Canadian context and legislative authority for regulation

The regulatory system for nursing in Canada reflects the country’s federal and provincial/territorial government structure. Health-care delivery is the responsibility of the provincial and territorial governments, as is the regulation of all health-care professions. Provinces and territories grant responsibility for regulation to professional colleges and/or nursing associations.

In most provinces and territories, separate organizations regulate registered nurses and other categories of nurses such as licensed practical nurses (and in the western provinces, registered psychiatric nurses). In Ontario, it is the same organization that regulates both registered nurses and registered practical nurses.

One of the ways nurses in Canada are regulated is through title control. The use of such titles as “registered nurse,” “RN,” “nurse practitioner,” and “nurse” is protected by legislation. Only individuals currently registered with a nursing regulatory body may use these titles.

Legislation governing registered nursing is found in provincial and territorial statutes. The statutes may be specific to nursing, such as

<sup>1</sup> As of January 2007, British Columbia, Alberta and Ontario have “umbrella” types of legislation concerning the regulation of health-care professionals.

a registered nurses act, or in some provinces, there may be uniform or “umbrella” legislation such as a health professions act.<sup>1</sup> These umbrella statutes apply to all or most health professions in a jurisdiction. In the future, more provinces and territories are likely to follow this legislative trend for reasons of consistency, efficiency and accountability in the regulation of health professionals.

## **Why self-regulation is important**

Self-regulation involves nurses regulating nursing in the interest of the public. Nurses are bound by the standards of practice as well as the ethical values of the profession. When nurses practise to these standards and uphold these values, they earn and maintain the trust of the public.

The nursing profession has a long history and an excellent track record in self-regulation. In a 2006 survey by Leger Marketing on public trust, nurses (95%) are second only to firefighters (96%) in a list of most-trusted occupations. They are followed by doctors (89%) and teachers (88%) on this list (“Canadians trust judges,” 2006). In light of this high degree of public trust, nurses must continue to demonstrate that they can regulate themselves collectively to protect the public.

Today, the Canadian public interest is best served when regulatory bodies adopt a framework that strengthens clinical nursing practice and leadership, and promotes public safety. A regulatory framework, used by many of the provincial/territorial nursing regulatory bodies, embodies the following three principles:

- promote good practice
- prevent poor practice
- intervene in unacceptable practice

(Registered Nurses Association of British Columbia, 1996)

It is important to note that self-regulation is a privilege granted by governments through legislation and can be taken away. To maintain this privilege, a profession must be accountable to government and the public. One way the profession can maintain the public’s trust is through meaningful and effective public participation in decision-making processes. For example, nursing organizations and regulatory bodies may involve the public in consultation processes and/or include representatives of the public on committees and boards of directors or councils.

## **Stakeholders in nursing regulation**

Working collaboratively is an important feature of nursing regulation. Many stakeholders form a partnership in regulating nursing in Canada, including the following:

- the individual nurse
- the nursing profession
- governments
- the public
- other health-care professions and professionals
- employers

## **How nursing regulatory bodies carry out their work**

To carry out their mandate, regulatory bodies first ensure that registered nurses enter the profession with the necessary knowledge and skills by establishing and enforcing the criteria for entry to the profession. They go on to provide direction and support for nurses to maintain their competence and professional commitment throughout their nursing careers (CNA, 2001).

Regulatory bodies develop and maintain standards of nursing practice that specify the level of

performance expected of registered nurses to provide safe, competent and ethical care. These standards identify what the profession, employers and the public expect of registered nurses. Practice support and resources are provided to help nurses meet the standards. Part of these standards is a code of ethics that reflects the values of the nursing profession and states nurses’ ethical responsibilities. In the event that a nurse practises below the benchmark established in the standards, a regulatory body will intervene by investigating complaints and taking disciplinary action when necessary.

To ensure that registered nurses maintain their competence to practise, regulatory bodies develop and administer continuing competence programs and set criteria for renewing registration. They may also engage in the following activities:

- advocating for quality health care
- promoting healthy public policy
- working with other stakeholders to create and sustain practice environments that support safe, competent and ethical nursing care

## **National work in nursing regulation**

Although the regulation of individual nurses is carried out by the provincial and territorial regulatory bodies, CNA also has a commitment to advancing the regulation of registered nurses in the interest of the public. CNA works with the regulatory bodies to promote and facilitate the development of regulatory approaches that are coordinated, that enhance accountability, and that promote the mobility of nurses within Canada (CNA, 2005a).

CNA provides key resources to its member jurisdictions, such as the

*Code of Ethics for Registered Nurses* (CNA, 2002). CNA also develops national regulatory exams, such as the Canadian Registered Nurses Examination and the Canadian Nurse Practitioner Examination.

On the world stage, CNA raises awareness of international factors that affect self-regulation and influences federal and international arenas that deal with regulatory work. Organizing national and international forums on regulatory issues and liaising with regulatory organizations at both levels is part of this work.

Other activities that CNA carries out to support nursing regulation include the following:

- providing opportunities for nurses to demonstrate their continuing competence through the CNA Certification Program
- providing tools and resources to assist internationally educated nurses to integrate into the Canadian health system
- advancing quality work environments that support safe, competent and ethical care.

### **How is the context for regulation changing?**

Nursing regulation must evolve to adapt to changing national and global environments and to meet the changing needs of the public. Presently, many factors are influencing nursing practice and its regulation in Canada. Some of these trends are highlighted here.

#### **Evolving scopes of practice**

One of the key elements of nursing regulation is the way the profession describes what activities nurses are educated and legislated by

provincial and territorial governments to perform. The umbrella types of legislation for regulating health professions, described earlier, include scope of practice statements that outline a health-care professional's activities in broad, non-exclusive terms. Only those acts that present a significant risk of harm are reserved for a particular group or groups. Aspects of the scope of practice of different health professions may overlap. Models of scopes of practice today include protected title, non-exclusive scopes of practice and reserved actions.

Recently, health-care reform and renewal – combined with scarce resources and a shift to primary health care – have led many provinces and territories to pursue the formal education and regulation of nurse practitioners (NPs). Now, all provinces and territories have, or are exploring, legislation to support the regulation of NPs (CNA & Canadian Institute for Health Information [CIHI], 2006). NPs in the jurisdictions that have legislation “can autonomously perform the following three functions: diagnose a disease, disorder or condition; order and interpret diagnostic and screening tests; and prescribe medication” (CNA & CIHI, 2006, p. 2). In some jurisdictions, this scope includes other functions as well.

In the future, it is expected that nursing scope of practice will continue to change and evolve along with nursing practice and the needs of the public.

#### **Continuing competence**

The concept of continuing competence is now firmly woven into the fabric of nursing regulation in Canada. In most provinces and

territories, the nursing profession is mandated by legislation to have continuing competence programs.

In Canada, promoting continuing competence is the shared responsibility of individual nurses, professional and regulatory organizations, employers, educational institutions and governments. Continuing competence programs are designed to promote ongoing safe, ethical, and competent practice by nurses and to ensure that nurses have the opportunity to pursue and achieve professional growth throughout their careers.

Certification is another important means by which nurses in Canada can demonstrate their continuing competence, as well as their skills and knowledge in a particular area of nursing specialization. Today, the CNA Certification Program offers certification to nurses in 17 nursing specialties.<sup>2</sup> Certification is a clear example of self-directed and lifelong learning, and employers are recognizing that supporting certification is one way to help create a quality practice environment.

#### **Nurse mobility and globalization**

Since the late 1980s, there has been increasing pressure to move goods and services freely across borders. The movement of nurses and other health professionals from one country to another is part of international trade in services (CNA, 2000). Nursing regulatory bodies in Canada have worked together for many years to facilitate nurses moving across provincial and territorial borders without compromising quality. In 2000, most Canadian nursing regulatory bodies<sup>3</sup> approved a Mutual Recognition Agreement (MRA) that set out

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<sup>2</sup> As of early 2007, over 14,000 nurses in Canada are able to put the CNA certification credential after their names.

<sup>3</sup> With the exception of the nursing regulatory bodies in Ontario, Quebec and Manitoba, all other nursing regulatory bodies signed the MRA in 2000. In 2003, Manitoba also signed the MRA.

commonly held registration and licensure principles throughout Canada. Currently, a nurse registered in good standing in one jurisdiction can, in most cases, easily register in another. The regulatory bodies are currently in the process of updating this agreement and working toward creating an MRA for NPs.

As in Canada, the nursing workforce around the world has become increasingly mobile. As a result, large numbers of internationally educated nurses are seeking registration and employment in Canada (CNA, 2005b). This situation creates challenges for regulatory bodies, who work to ensure that all applicants, regardless of country of education, meet the requirements for registration.

CNA respects the right of individual nurses to determine the country in which they wish to work, provided they meet the necessary regulatory and competence requirements for employment in that country. CNA is working with the federal government and others to ensure that the recruitment and integration of nurses from other countries respects the licensure requirements for nursing in Canada (Barry, Sweatman, Little & Davies, 2003).

### **Safeguard the privilege of self-regulation: Resources to learn more**

Here are a few of the many ways that practising nurses can help safeguard the privilege of self-regulation:

#### **Learn more about self-regulation.**

Visit the websites of provincial and territorial regulatory

bodies (listed in the textbox) and consult ICN's website ([www.icn.ch](http://www.icn.ch)) for resources and activities about self-regulation.

#### **Use and promote the use of the standards of practice and the code of ethics to guide nursing practice.**

Consult the *Code of Ethics for Registered Nurses* (available on CNA's website) to increase your understanding of the ethical basis for self-regulation. Standards of practice can be obtained from your provincial or territorial regulatory body.

#### **Read nursing publications to increase your knowledge of regulatory and practice issues.**

Make a point of reading the regular publications of your provincial or territorial regulatory body and professional associations, and the journal *Canadian Nurse*.

#### **Take full advantage of opportunities to develop and maintain your competence.**

Attend professional development programs as well as sessions at nursing workshops and conferences that are focused on regulatory issues.

#### **Consider certification in one of many areas of nursing specialization.**

Read about the CNA Certification Program on the association website.

#### **Use NurseONE to help keep you informed about your professional practice.**

NurseONE, a national, web-based health information service for the Canadian nursing community, provides

quick, up-to-date health information to support nurses in Canada to deliver effective, evidence-based care and help them manage their careers. You can access NurseONE by logging onto [www.nurseone.ca](http://www.nurseone.ca).

#### **Work in partnerships to create a quality practice environment that supports professional practice and patient safety.**

Check with your regulatory body and, if applicable, professional association<sup>4</sup> regarding practice environment initiatives being carried out in your jurisdiction. Read CNA's position statements and other resources on quality practice environments and patient safety, available on CNA's website.

#### **Become informed about professional liability protection from the Canadian Nurses Protective Society (CNPS).**

Contact CNPS at 1-800-267-3390 or 613-237-2092, e-mail [info@cnps.ca](mailto:info@cnps.ca) (non-confidential messages only), or visit the website ([www.cnps.ca](http://www.cnps.ca)). Members of the College of Registered Nurses of British Columbia (CRNBC) have liability protection through the CRNBC Captive Insurance Corporation. Contact the Captive Insurance Corporation at 604-682-4995 or toll free at 1-800-663-1724.

<sup>4</sup> In Ontario, there are two organizations: the regulatory body is the College of Nurses of Ontario and the professional association is the Registered Nurses' Association of Ontario.

## Provincial and Territorial Regulatory Bodies

College of Registered Nurses of British Columbia

College and Association of Registered Nurses of Alberta

Saskatchewan Registered Nurses' Association

College of Registered Nurses of Manitoba

College of Nurses of Ontario

Ordre des Infirmières et Infirmiers du Québec

Nurses Association of New Brunswick

College of Registered Nurses of Nova Scotia

Association of Registered Nurses of Prince Edward Island

Association of Registered Nurses of Newfoundland and Labrador

Registered Nurses Association of the Northwest Territories and Nunavut

Yukon Registered Nurses Association

Barry, J., Sweatman, L., Little, L., & Davies, J. (2003). International nurse applicants. *Canadian Nurse*, 99(8), 34-35.

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Canadian Nurses Association. (2002). *Code of ethics for registered nurses*. Ottawa: Author.

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Canadian Nurses Association. (2005b). *Regulation and integration of international nurse applicants into the Canadian Health System* [Position statement]. Ottawa: Author.

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Canadians trust judges, but not politicians. (2006, March 20). Retrieved March 20, 2006, from [www.ctv.ca](http://www.ctv.ca)

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