



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

REGULATED HEALTH PROFESSIONS ACT LICENSED PRACTICAL NURSE REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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REGULATED HEALTH PROFESSIONS ACT
CHAPTER R-10.1

LICENSED PRACTICAL NURSE REGULATIONS

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

PART 1 – INTERPRETATION AND DESIGNATION

1. Definitions

In these regulations

- (a) “**Act**” means the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (b) “**College**” means the College of Licensed Practical Nurses of Prince Edward Island continued under section 3;
- (c) “**Council**” means the Council of the College;
- (d) “**graduate practical nurse**” means a member who is registered in the register of graduate practical nurses;
- (e) “**licensed practical nurse**” means a member who is registered in the register of licensed practical nurses;
- (f) “**practical nursing**” means the health profession in which a person applies particular knowledge, skills and judgment in providing practical nursing services to another person, including
 - (i) assessing the person,
 - (ii) collaborating in the development of a nursing plan of care,
 - (iii) implementing a nursing plan of care, and
 - (iv) evaluating the person on an ongoing basis for purposes including promoting health, preventing illness or providing palliative or rehabilitative care;
- (g) “**refresher program**” means a refresher program in practical nursing consisting of a formal curriculum, a set of individualized assignments of studies and experiences, a set of continuing education credits, a practicum or a combination of these elements;
- (h) “**register of graduate practical nurses**” means the sub-register of the register for practical nursing established under section 4;
- (i) “**register of licensed practical nurses**” means the sub-register of the register for practical nursing established under section 4. (*EC150/18*)

2. Designation of practical nursing

Practical nursing is designated as a regulated health profession. *(EC150/18)*

3. Continuation of Board as College

The Prince Edward Island Licensed Practical Nurse Registration Board established as a body corporate under the *Licensed Practical Nurses Act R.S.P.E.I. 1988, Cap. L-10.1*, is continued as the College of Licensed Practical Nurses of Prince Edward Island, the college for practical nursing. *(EC150/18)*

PART 2 – REGISTRATION

Register

4. Sub-registers and parts

The register for practical nursing is divided into the following sub-registers and parts:

- (a) the register of licensed practical nurses, consisting of the following parts:
 - (i) general registration,
 - (ii) provisional registration,
 - (iii) special registration;
- (b) the register of graduate practical nurses. *(EC150/18)*

Licensed Practical Nurses

Registration

5. General registration

An applicant for general registration in the register of licensed practical nurses shall

- (a) for the purpose of clause 12(2)(c) of the Act, meet the education requirement set out in section 12;
- (b) for the purpose of clause 12(2)(d) of the Act, have successfully completed the examinations set out in subsection 13(1);
- (c) for the purpose of clause 12(2)(f) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
- (d) for the purpose of clause 12(2)(j) of the Act, hold or be covered by professional liability insurance or protection as required in section 15. *(EC150/18)*

6. Provisional registration

- (1) Where an applicant under section 5 does not meet the requirements for currency of professional knowledge and skills, the Council may direct the registrar to register the applicant in the provisional registration part of the register of licensed practical nurses, subject to the term or condition that the applicant successfully completes a refresher program approved by the Council, within a specified time period.



Satisfaction of term or condition

- (2) Where a licensed practical nurse satisfies the term or condition imposed under subsection (1), the registrar shall register the licensed practical nurse in the general registration part of the register of licensed practical nurses.

Subject to supervision

- (3) A licensed practical nurse registered in the provisional registration part shall be supervised in practising practical nursing by a licensed practical nurse registered in the general registration part, approved by the Council.

No renewal or reinstatement

- (4) Registration in the provisional registration part is for a limited time and purpose and is therefore not subject to renewal or reinstatement. *(EC150/18)*

7. Special registration

- (1) Where the Council directs the registrar to register an applicant pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part of the register of licensed practical nurses.

No renewal or reinstatement

- (2) Registration in the special registration part is for a limited time or special purpose and is therefore not subject to renewal or reinstatement. *(EC150/18)*

Renewal of Registration**8. Renewal of general registration**

- (1) An applicant for renewal of registration in the general registration part of the register of licensed practical nurses shall
- (a) for the purpose of subclause 22(2)(a)(i) of the Act, fulfil the requirements for continuing education and competency set out in subsection 16(1);
 - (b) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
 - (c) for the purpose of subclause 22(2)(a)(v) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

Provisional registration, continuing education

- (2) Where an applicant under subsection (1) does not meet the requirements for continuing education and competency, the Council may direct the registrar to register the applicant in the provisional registration part of the register of licensed practical nurses, subject to the term or condition that the applicant successfully completes one or both of the following within a specified time period:
- (a) a continuing competency program described in subsection 16(1);
 - (b) a refresher program approved by the Council.

Provisional registration, currency

- (3) Where an applicant under subsection (1) does not meet the requirements for currency of professional knowledge and skills, the Council may direct the registrar to register the applicant in the provisional registration part of the register of licensed practical nurses,

subject to the term or condition that the applicant successfully completes a refresher program approved by the Council, within a specified time period.

Subsection 6(2) to (4) apply

- (4) Subsections 6(2) to (4) apply with respect to provisional registration under this section, with any necessary changes. *(EC150/18)*

Reinstatement of Registration

9. Reinstatement period

For the purpose of subsection 24(1) of the Act, the maximum prescribed period of time is three years. *(EC150/18)*

10. Reinstatement of general registration

- (1) An applicant for reinstatement of registration in the general registration part of the register of licensed practical nurses shall
- (a) for the purpose of clause 24(4)(c) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
 - (b) for the purpose of clause 24(4)(f) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

Provisional registration

- (2) Where an applicant under subsection (1) does not meet the requirements for currency of professional knowledge and skills, the Council may direct the registrar to register the applicant in the provisional registration part of the register of licensed practical nurses, subject to the term or condition that the applicant successfully completes a refresher program approved by the Council, within a specified time period.

Subsection 6(2) to (4) apply

- (3) Subsections 6(2) to (4) apply with respect to provisional registration under this section, with any necessary changes. *(EC150/18)*

Graduate Practical Nurses

11. Graduate Practical Nurse Register

- (1) An applicant for registration in the register of graduate practical nurses shall
- (a) for the purpose of clause 12(2)(c) of the Act, meet the education requirement set out in section 12;
 - (b) for the purpose of clause 12(2)(f) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
 - (c) for the purpose of clause 12(2)(j) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

Subject to supervision

- (2) A graduate practical nurse shall be supervised in practising practical nursing by a licensed practical nurse registered in the general registration part of the register of licensed practical nurses, approved by the Council.



Not subject to renewal or reinstatement

- (3) Registration in the register of graduate practical nurses is for a limited time and for the purpose of enabling a graduate practical nurse to obtain practice experience pending completion of the examinations set out in subsection 13(1) for registration as a licensed practical nurse, and is therefore not subject to renewal or reinstatement.

Not eligible for registration

- (4) An applicant who has written, but not successfully completed, the competency exam referred to in clause 13(1)(b) three or more times is not eligible for registration in the register of graduate practical nurses unless the applicant has repeated and successfully completed an education program referred to in section 12. *(EC150/18)*

Prescribed Requirements**12. Education**

For the purpose of clause 12(2)(c) of the Act, the requirement with respect to education is the successful completion of:

- (a) a practical nursing education program approved by the Council; or
- (b) a program that the Council considers substantially equivalent to a program described in clause (a). *(EC150/18)*

13. Examinations

- (1) For the purpose of clause 12(2)(d) of the Act, the required examinations are
- (a) a provincial examination established or adopted by the Council to assess knowledge and understanding of the jurisprudence, ethical standards and standards of practice governing the practice of practical nursing in the province; and
 - (b) the Canadian Practical Nurse Registration Examination or other competency examination approved by the Council.

Successful completion of examination

- (2) The successful completion of an examination referred to in subsection (1) means
- (a) in respect of the provincial examination, meeting the minimum standard established by the Council; and
 - (b) in respect of the Canadian Practical Nurse Registration Examination or other competency examination approved by the Council, obtaining the established pass mark in not more than four attempts after successfully completing an education program referred to in section 12. *(EC150/18; EC1008/21)*

14. Currency requirements

For the purpose of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, an applicant shall meet one of the following requirements to demonstrate currency of professional knowledge and skills:

- (a) successful completion of the educational requirement set out in section 12 not more than three years prior to the date of the application;
- (b) active practice of practical nursing without any restrictions for at least 1,000 hours within the five years immediately preceding the date of the application;

- (c) successful completion of a refresher program satisfactory to the registrar within the three years immediately preceding the date of the application. *(EC150/18; 1008/21)*

15. Insurance requirements

- (1) For the purpose of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or a member registered under these regulations, as the case may be, is required to hold or be covered by professional liability insurance under a policy that
 - (a) is issued in the name of the applicant or member or clearly covers the applicant or member;
 - (b) applies to any practice setting in Prince Edward Island;
 - (c) provides coverage of not less than \$2,000,000 per claim or occurrence and an aggregate limit of not less than \$2,000,000 excluding legal or court costs;
 - (d) covers liability for any professional service the applicant will be providing or the member provides practising practical nursing; and
 - (e) provides an extended reporting period of at least three years in the case of a claims-based policy or a minimum retroactive date of five years in the case of an occurrence-based policy.

Proof of insurance

- (2) An applicant or a member registered under these regulations, as the case may be, shall provide or ensure the registrar is provided with the most current certificate of professional liability insurance issued by the insurer that confirms the applicant or member is insured under a policy that meets the requirements of subsection (1). *(EC150/18)*

16. Continuing education and competency

- (1) For the purpose of subclause 22(2)(a)(i) of the Act, an applicant shall have participated in and successfully completed the continuing competency program established by the Council pursuant to section 60.1 of the Act.

Record

- (2) A licensed practical nurse shall
 - (a) keep a record in a form satisfactory to the registrar of the activities that the licensed practical nurse undertakes for the purpose of this section; and
 - (b) provide copies of the record referred to in clause (a) on the request of and in accordance with the directions of the registrar. *(EC150/18)*

PART 3 – DESIGNATIONS AND RESERVED ACTIVITIES

17. Designations of members

For the purpose of subsection 89(1) of the Act,

- (a) the designations of a licensed practical nurse include the following titles, abbreviations and initials:
 - (i) licensed practical nurse,
 - (ii) L.P.N. or LPN;
- (b) the designations of a graduate practical nurse include the following titles, abbreviations and initials:



- (i) graduate practical nurse,
- (ii) G.P.N. or GPN. (*EC150/18*)

18. Reserved activities, licensed practical nurse

- (1) Subject to subsection (2) and any terms or conditions imposed on the licensed practical nurse's registration, a licensed practical nurse is authorized to perform the following reserved activities:
- (a) performing a procedure on tissue below the dermis or below the surface of a mucous membrane;
 - (b) administering a substance by injection, inhalation, mechanical ventilation, irrigation, transfusion or enteral or parenteral instillation;
 - (b.1) administering a drug or vaccine by any means;
 - (c) putting an instrument, hand or finger
 - (i) beyond the external ear canal,
 - (ii) beyond the point in the nasal passages where they normally narrow,
 - (iii) beyond the larynx,
 - (iv) beyond the opening of the urethra,
 - (v) beyond the labia majora,
 - (vi) beyond the anal verge, or
 - (vii) into an artificial opening into the body.

Conditions

- (2) A licensed practical nurse shall not perform a reserved activity referred to in subsection (1) unless it is performed pursuant to
- (a) an order made by
 - (i) a person authorized to practise as a medical practitioner or a nurse practitioner under the laws of this province or another province or territory, or
 - (ii) a person authorized to practise as a dentist or a registered nurse under the laws of this province; or
 - (b) a Health PEI protocol. (*EC150/18; 508/19; 788/19; 241/21*)

19. Advanced foot care, defined

- (1) In this section and in section 20, "advanced foot care" means the reserved activity of performing a procedure on tissue below the dermis for the purpose of removing a corn or callous as part of the provision of foot care.

Application for special authorization

- (2) A licensed practical nurse may apply to the Council, in the form approved by the Council, for special authorization to perform advanced foot care.

Eligibility

- (3) An applicant is eligible for special authorization to perform advanced foot care if the applicant meets the competencies for advanced foot care established by the Council.

Special authorization granted

- (4) On receipt and review of an application made in accordance with subsection (1), the Council may, if the Council is satisfied the applicant is eligible in accordance with subsection (3),
- (a) grant the applicant special authorization to perform advanced foot care; and
 - (b) direct the registrar to note the special authorization in the register in relation to the licensed practical nurse and on his or her certificate of registration.

Notice of refusal

- (5) On refusing to grant special authorization to perform advanced foot care, the Council shall serve on the applicant written notice of the refusal, including reasons, and the applicant's right to appeal the refusal.

Appeal

- (6) A licensed practical nurse who is aggrieved by a refusal of the Council to grant a special authorization to perform advanced foot care may appeal the refusal to the Supreme Court within 30 days after being served with notice of the refusal.

Powers of court

- (7) On hearing the appeal, the court may
- (a) confirm the refusal;
 - (b) refer the matter, or any issue, back to the Council for further consideration; or
 - (c) provide any direction that it considers appropriate.

Costs

- (8) The court may make any order as to the costs of an appeal that it considers appropriate.
(EC150/18)

20. Conditions

- (1) Despite having special authorization to perform advanced foot care, a licensed practical nurse may perform that reserved activity with respect to a person only if the licensed practical nurse
- (a) is competent to perform the procedure;
 - (b) is of the professional opinion that it is in the best interests of the person to perform the procedure in accordance with
 - (i) the applicable standards of practice,
 - (ii) the code of ethics established or adopted by the Council, and
 - (iii) any applicable practice directives issued by the College;
 - (c) provides the person or the person's representative with sufficient information for the person or representative to make an informed and voluntary decision regarding the procedure; and
 - (d) obtains the informed consent of the person or the person's representative.

Notice to primary health care provider

- (2) On performing advanced foot care with respect to a person, a licensed practical nurse shall promptly notify the person's primary health care provider, orally or in writing, or as directed by the person's primary health care provider, that the procedure has been performed and the reason for performing it.



Record

- (3) On performing advanced foot care with respect to a person, a licensed practical nurse shall
- (a) create and maintain for a period of not less than 10 years a record of the following:
 - (i) the person's name, address, and date of birth,
 - (ii) the procedure performed and the reason for performing it,
 - (iii) the date the procedure was performed,
 - (iv) any complicating factors associated with the procedure,
 - (v) the notification required under subsection (2); or
 - (b) where the procedure is performed in a health care facility, enter the information referred to in subclauses (a)(i) to (v) in the person's health record maintained at the facility. *(EC150/18)*

PART 4 – GENERAL**21. Name of corporation**

- (1) For the purpose of clause 15(1)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of a licensed practical nurse or a graduate practical nurse shall be, in the opinion of the registrar, in good taste, dignified and professional.

Change of name

- (2) Before changing its name, a health profession corporation shall obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1). *(EC150/18)*

22. Revocation

The *Licensed Practical Nurses Act* Regulations (EC622/02) are revoked. *(EC150/18)*