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# **BYLAWS**



*NURSES ASSOCIATION OF NEW BRUNSWICK*

**BY-LAWS**  
**NURSES ASSOCIATION OF NEW BRUNSWICK**

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**BYLAWS**  
**NURSES ASSOCIATION OF NEW BRUNSWICK**

**DEFINITIONS**

In these by-laws and in any rules made by the Board of Directors, unless the context otherwise requires: [May, 1985]

“Act” means the *Nurses Act*; [May, 1985]

“Association” means the Nurses Association of New Brunswick; [May, 1985]

“Board” means the Board of Directors of the Association; [May, 1985]

“rule” means a rule made by the Board pursuant to section 6 of the Act. [May, 1985]

Any words used in these by-laws which are defined in the *Nurses Act* shall have the meaning set out therein. [May, 1985]

**ARTICLE I--MEMBERSHIP & REGISTRATION**

1.01 The following seven categories of membership in the Association are hereby established:

- A practising nurse members, [May, 1985]
- B nurse practitioner members, [May 2, 2001]
- C associate members, [May, 1985]
- D non-practising members, [May, 1985]
- E life members, [June 2, 1988]
- F honorary members, and [June 2, 1988]
- G registered nurse retired members. [June 2, 1988]

1.02 **General Requirements for First Registration**

- A No one shall be entitled to have her name entered in the register or the temporary register unless such person: [May, 1985]
  - 1. has completed a nursing education program in accordance with the rules; [May, 1985]

2. is of good character; [May, 1985]
3. has paid all applicable fees prescribed by the by-laws, the rules or the Board; and [May, 1985]
4. has satisfied the requirements of sections 1.03 D and E and all of the requirements for registration or temporary registration set out in the by-laws or the rules. [May, 1985]

### **Practising Nurse Membership and Registration**

#### **1.03 Practising nurse members**

- A Practising nurse members shall be those persons whose names are entered in the register and who have complied with the requirements of and have paid the fees set out in the by-laws and the rules. [May, 1985]
- B Practising nurse members shall be entitled, subject to the by-laws and rules, to:  
[May, 1985]
1. receive notice of, attend and participate in meetings of the Association, and to receive copies of any regular bulletins or publications issued by the Association; [May, 1985]
  2. upon election or appointment, hold office and to nominate persons to hold office in the Association and in the chapters of which they are members; [May, 1985]
  3. upon election or appointment, serve on committees of the Association; [May, 1985]
  4. membership in the Canadian Nurses Association which is a member of the International Council of Nurses; [May, 1985]
  5. the right to vote; and [May, 1985]
  6. full membership rights. [May, 1985]
- C Registration shall be renewed annually in accordance with the by-laws and the rules. [May, 1985]
- D Unless otherwise provided by the rules no person shall be eligible for renewal of registration unless: [May, 1985]

1. she presents evidence, satisfactory to the Registrar, of hours of active practice of nursing as defined in the rules while registered with the Association or with the jurisdiction in which such practice occurred, as follows:
  - (a) 1125 hours during the five (5) calendar years preceding such application, or
  - (b) until December 31, 2002, 450 hours during the three (3) calendar years preceding such application,

and such active practice meets the criteria and requirements set out in the rules; or [May 2, 2001]

2. she has completed a nursing education program in accordance with the rules within the five (5) calendar years preceding such application; or [May 2, 2001]
3. she has completed such refresher course as may be required by the rules within the five (5) calendar years preceding such application; or [May 2, 2001]
4. she meets the requirements for renewal of registration set out in the rules in respect of persons who are enrolled in or have completed health related post-secondary education programs. [May, 1985]

E Applicants who apply for renewal of registration and who do not meet the requirements of section 1.03 D shall complete such refresher course as may be required by the rules before becoming eligible for renewal of registration. [May, 1985]

F Changes in the educational requirements for initial registration which may be made

- (a) shall not affect the eligibility for renewal of registration;
- (b) shall not restrict the right to practice; and
- (c) shall not restrict the eligibility for refresher programs offered or approved by the Association

of any person who was at any time a nurse registered with the Association or in another Canadian province or territory prior to any such change. [May 16, 1989]



- G The Registrar shall administer a continuing competence program as set out in the rules and such program shall include components respecting:
- (a) a self assessment process;
  - (b) development and implementation of a learning plan based on the self assessment process;
  - (c) an audit process for monitoring compliance with the continuing competence program requirements.
- H Applicants who apply for renewal of registration for 2008 or later who do not meet the continuing competence requirements referred to in section 1.03G within 3 months of the registration renewal date, shall only be eligible for non-practising membership until such time as the continuing competence requirements have been met.
- I The Registrar shall cause audits of compliance with the continuing competence program to be carried out from time to time and members shall provide to the Registrar such forms, documents, information or evidence as the Registrar may request in respect of the applicant's participation in the continuing competence program, in accordance with the procedures set out in the rules.
- J All information obtained relating to the participation in the continuing competence program by an individual nurse shall be confidential and used only for the purposes of
- (a) ensuring compliance with the continuing competence program;
  - (b) determining the member's eligibility for renewal of registration or non-practising membership; and
  - (c) monitoring and analysing the continuing competence program in summarized or statistical form such that it is not possible to relate the information to any identifiable person.

### **Nurse Practitioner Membership and Registration**

#### **1.03.1 Nurse practitioner members**

- A Nurse practitioner members shall be practising nurse members whose names are entered in the register and

1. who have successfully completed a nursing education program for the preparation of nurse practitioners meeting the requirements established by the Board under the rules, preparing nurse practitioners, or
2. who in the opinion of the Registrar and another member of the Association's nursing staff, has obtained additional nursing education or experience, sufficient, as prescribed by the rules, that, together with the education provided by the nursing program from which she graduated, is equivalent to the education provided in an approved nursing program for nurse practitioners referred to in subparagraph 1. above. [May 2, 2001]

B Unless otherwise provided by the rules, no nurse practitioner member shall be eligible for registration or renewal of registration as a nurse practitioner unless:

1. she presents evidence, satisfactory to the Registrar of the requisite hours of active practice as a nurse practitioner, as defined in the rules, while registered as a nurse practitioner with the Association or with the jurisdiction in which such practice occurred, and such active practice as a nurse practitioner meets the criteria and requirements set out in the rules; or
2. she has completed an approved nursing education program for the preparation of nurse practitioners in accordance with the rules; or
3. she has completed such nurse practitioner refresher course as may be required by the rules; or
4. she meets the requirements for renewal of registration for a nurse practitioner member set out in the rules in respect to persons who are enrolled in or have completed health-related, post-secondary education programs. [May 2, 2001]

C Nurse practitioner applicants who apply for renewal of registration and who do not meet the requirements of section 1.03.1B shall complete such nurse practitioner refresher course as may be required by the rules before becoming eligible for renewal of registration as a nurse practitioner. [May 2, 2001]

D The Registrar shall in respect of any person who has met the qualifications to be a nurse practitioner member enter a notation in the register indicating that such person is a nurse practitioner. [May 2, 2001]

E In addition to the rights and privileges of practising nurse members, nurse practitioner members shall be entitled to use the designation "nurse practitioner" or "N.P." in accordance with any requirements set out in the rules and to:

1. communicate to a patient or that person's substitute decision maker a diagnosis made by that nurse practitioner identifying a disease or disorder;
2. order the application of a form of energy designated in the rules;
3. order laboratory or other tests designated in the rules; and
4. prescribe a drug designated in the rules. [May 2, 2001]

F The Board may make rules,

1. designating the forms of energy that a nurse practitioner may order and designating the purpose for which, the circumstances in which and the form of energy which may be applied;
2. designating the laboratory and other tests that a nurse practitioner may prescribe; and
3. designating the drugs that a nurse practitioner may prescribe and the circumstances under which the drugs may be prescribed. [May 2, 2001]

G Rules relating to matters described in subsection F shall not be effective until approved by the Minister. [May 2, 2001]

### **Associate Membership and Temporary Registration**

#### **1.04 Associate Members**

- A Associate members shall be those persons whose names are entered in the temporary register and who have complied with the requirements of and have paid the fees set out in the by-laws and the rules. [May, 1985]
- B Associate members shall be entitled to the rights of non-practising members. [May, 1985]
- C Associate members shall be entitled to use the title "graduate nurse" and the initials "G.N.". [May, 1985]
- D Temporary registration shall be issued and renewed at such intervals and subject to such conditions, limitations and restrictions as may be set out in the rules. [May, 1985]
- E No person shall be entitled to temporary registration for a period exceeding two years. [May, 1985]

### 1.05 **Non-practising Members**

- A Non-practising members shall be those persons whose names are entered in the non-practising member's roster and who have complied with the requirements of and have paid the fees set out in the by-laws and the rules. [May, 1985]
- B Non-practising members shall be entitled to:
1. receive notice of and attend meetings of the Association and receive copies of any regular bulletins or publications issued by the Association; [May, 1985]
  2. vote, serve on committees and hold office in the chapters of which they are members. [June, 2005]
  3. serve, upon appointment, on committees of the Association in accordance with the by-laws and rules; and [May, 1985]
  4. membership in the Canadian Nurses Association, upon payment of the appropriate additional fee required. [May 29, 1986]
- C Non-practising members shall have no voting or other rights at meetings of the Association except as otherwise provided herein and shall not be eligible for nomination to any office of the Association. [May, 1985]
- D Non-practising membership shall be renewed annually in accordance with the by-laws and the rules. [May, 1985]

### 1.06 **Life Members**

- A Life members shall be those members or former members of the Association whose names are entered in the roster of life members by resolution of the Board in recognition of long or outstanding service to the Association. [May, 1985]
- B Life members shall have all the rights of practising nurse members without payment of fees provided that no life member shall practise nursing unless all other requirements for registration are met. [May, 1985]

### 1.07 **Honorary Members**

- A Honorary members shall be those persons whose names are entered in the roster of honorary members by resolution of the Board in recognition of distinguished service or valuable assistance to the nursing profession. [May, 1985]

- B Honorary members shall be entitled to receive notice of and attend meetings of the Association and to receive copies of any regular bulletins or publications issued by the Association but shall have no voting or other rights. [May, 1985]
- 1.08 A Registered nurse retired members shall be those former members who have retired from the practice of nursing whose names are entered in the roster of registered nurse retired members and who have complied with the requirements of the by-laws and the rules and have paid the fees established by the Board. [June 2, 1988]
- B Registered nurse retired members shall be entitled to use the designation “Registered Nurse Retired” or “Nurse Retired” or the abbreviations “R.N. Ret.” or “N. Ret.” but shall have no voting or other rights. [June 2, 1988]
- 1.09 Any member may resign as a member of the Association by delivering a written resignation to the Registrar prior to the expiry of her membership. [June 2, 1988]
- 1.10 The membership of any member who does not pay the required annual fees prior to the expiry date of the registration year as determined by the Board in any year shall lapse and the member, until such fees are paid, shall enjoy none of the rights and privileges of a member. [May 29, 2013]
- 1.11 Any former member who has resigned or whose membership has lapsed for nonpayment of fees may reapply for registration, temporary registration or membership upon payment of such fees as may be set out in the rules or be established by the Board and subject to compliance with all other requirements for renewal of registration, temporary registration or membership. [June 2, 1988]
- 1.12 **General Principles**
- The Association actively advocates the recognition and acknowledgement of past experience and career accomplishments and not only educational qualifications, when opportunities exist for employment, mobility, advancement or privilege within the profession. [May 16, 1989]
- 1.13 The Association will actively work to facilitate and protect the mobility of nurse registration across Canada. [May 16, 1989]

## **ARTICLE II--FEES**

- 2.01 The Board shall establish the dates of the membership registration year. Annual membership fees shall be paid each year to the Association on or before the last day of the registration year and annual membership fees received after this date shall not be accepted until a late payment fee is paid. [May 29, 2013]

- 2.02 The annual membership fee shall be in such amount as may from time to time be determined by the membership at an annual meeting by a resolution submitted by the Board. [May 29, 1986]
- 2.03 The Board may from time to time determine fees for any other matters by ordinary resolution of the Board. [May 29, 1986]
- 2.04 Life members and honorary members shall not be required to pay annual membership fees to the Association. [May 29, 1986]
- 2.05 Practising nurse membership and non-practising membership in the Association shall expire each year on the date as established by the Board of Directors, unless renewed prior to that date, and each person whose membership has expired shall enjoy none of the rights and privileges of a member. [May 29, 2013]
- 2.06 Fees, if any, for registered nurse retired membership shall be determined by a resolution of the Board from time to time but shall only be in such amount as is necessary to recover the Association's costs of such membership. [June 2, 1988]

### **ARTICLE III--FISCAL YEAR**

- 3.01 The fiscal year of the Association shall be established by the Board by resolution from time to time. [June 3, 2015]

### **ARTICLE IV--CHAPTERS AND REGIONS**

#### **Chapters**

- 4.01 There shall be eleven (11) local organizations of nurses hereinafter known as chapters.
- 4.02 The purpose of the chapters is to encourage active participation in nursing affairs, and to promote awareness of the objectives and activities of the provincial, national, and international nursing association.
- 4.03 Subject to chapter by-laws, all members of the Association shall be eligible for membership in chapters. [May, 1985]
- 4.04 Subject to chapter by-laws, practising nurse members and life members whose names are also entered in the register shall be entitled to participate at all levels of chapter activities. [May, 1985]
- 4.05 All other members of the Association shall be entitled to attend meetings, vote and serve on committees and hold offices at the chapter level.[June, 2005]

- 4.06 The officers of the chapter shall consist of the president, the president-elect and/or vice-president, a secretary or secretaries and treasurer, all of whom, subject to section 4.11, shall be elected at the annual meeting of the chapter. [June, 2005]
- 4.07 Meetings of the chapters shall be held from time to time at such place and such time as may be determined by the president provided that, on request from any three (3) members of the chapter in good standing, submitted in writing to the president, a meeting shall be called forthwith.
- 4.08 Notice of all meetings of the chapter shall be in writing or by the media and shall be given at least one (1) week prior to the date of the proposed meeting.
- 4.09 A copy of the minutes of each meeting of the chapter shall be forwarded by the chapter secretary to the Association immediately following such meeting.
- 4.10 A chapter may, from time to time, subject to the approval of the Association, make, alter, amend, and repeal any such by-law as may be deemed necessary, for the carrying out of its aims and objects, and in particular, without limiting the generality of the foregoing, may by by-law:
- A define the duties of officers of the chapter and chairmen of committees,
  - B define the structure of the executive committee,
  - C provide for meetings including an annual meeting,
  - D determine the quorum at all meetings,
  - E impose annual and other fees upon its members for local purposes, and
  - F subject to section 4.11, define the tenure of office of officers and chairmen of committees. [June, 2005]
- 4.11 The term of office for each chapter president shall be two (2) years.

### **Regions**

- 4.12 There shall be seven (7) electoral districts of the Province, to be known as regions, or such other number and with such boundaries as may be set out in the rules, from which directors of the Association, known as the region directors, shall be elected in accordance with the bylaws and the rules.[June, 2005]
- 4.13 Practising nurse members who reside in a region and practising nurse members who work in the region but who do not reside in New Brunswick shall be eligible to be nominated for the office of a region director for that region and to vote for persons nominated to be a

region director for that region in accordance with the bylaws and the rules.  
[May 29, 2013]

- 4.14 Each of the chapters of the Association shall be assigned to a region in accordance with the rules.[June, 2005]

#### **ARTICLE V--BOARD**

- 5.01 Commencing on September 1, 2006 and thereafter the Board shall consist of twelve (12) persons, being:[June, 2005]
- A the president and the president-elect;[June, 2005]
  - B seven (7) region directors; and [June, 2005]
  - C three (3) directors to represent the public, appointed in accordance with the provisions of the *Act*. [June, 2005]
- 5.02 A The term of office for the president and president-elect shall be two (2) years subject to Article XII. and section 5.05.[June, 2005]
- B The term of office for representatives of the public shall be two (2) years with a maximum of two (2) terms, provided that if the term of office of a director appointed to represent the public expires and a successor has not yet been appointed, the incumbent director shall for a period of up to one (1) year continue to hold office until a successor is appointed. [June 8, 2011]
  - C The term of office for a region director shall be two (2) years, subject to Article XII and section 5.05, and no region director shall serve more than two (2) consecutive terms, provided that after a lapse of two (2) years, such person is eligible for re-election.[June, 2005]
- 5.03 Subject to section 5.05, the term of office of all directors, whenever appointed or elected, shall commence and be effective on the 1st day of September in the year in which the director is elected or appointed. [May 29, 1991]
- 5.04 A member of the Board may hold only one (1) Board position. [May 29, 1991]
- 5.05 Notwithstanding any other article of these bylaws:[June, 2005]
- A if the term of office of the president-elect is not completed, the Board shall appoint a president-elect to fill the vacancy and at the next scheduled election date an election for the office of president-elect, and if necessary for the office of president, shall take place.[June, 2005]



- B the term of office for the president-elect elected pursuant to 5.05A shall coincide with the remaining term of office of the president, or the new term of office of the president, as the case may be.[June, 2005]
  - C if the term of office of the president is not completed, the president-elect, unless appointed pursuant to 5.05A shall succeed to the office of president for the remainder of the president's term and shall continue in the office of president an additional term.[June, 2005]
  - D if the president-elect has been appointed pursuant to 5.05A and the term of president is not completed, the Board shall appoint a president to fill the vacancy and at the next scheduled election date an election for the offices of president and president-elect shall take place for such terms as are appropriate in the circumstances to permit the effective implementation of the schedule of elections and terms of office contemplated in Article XII.[June, 2005]
  - E if a vacancy occurs in a region director position, the Board shall fill such vacancy and at the next scheduled election date an election for that position shall be held for such term as is appropriate in the circumstances to permit the effective implementation of the schedule of elections and terms of office contemplated in Article XII.[June, 2005]
  - F Any person appointed to fill a vacancy shall hold office until her successor, whether appointed or elected, commences her term of office. [June, 2005]
- 5.06 If any director fails to attend three (3) consecutive meetings of the Board after being duly advised of the holding of such meetings, the Board may by resolution declare the director's position to be vacant and appoint another person to fill the vacancy so created in accordance with section 5.05.[June, 2005]
- 5.07 Regular meetings of the Board shall be held at such time and place as may be determined by the president. [May 29, 1991]
- 5.08 A special meeting of the Board may be called at any time by the president and shall be called upon the written request of any three (3) members of the Board. [May 29, 1991]
- 5.09 Written notice of all meetings of the Board shall be given not less than three (3) days before the day of the meeting. A notice of special meeting shall state the purposes for which the meeting is being called. [May 29, 1991]
- 5.10 A majority of the Board constitutes a quorum for the transaction of any business. [May 29, 1991]

- 5.11 The Board shall at each regular annual meeting of the Association present an audited and summarized statement of the finances of the Association for the preceding year. [May 29, 1991]
- 5.12 The Board may conduct business by telephone or other communication facilities when necessary or desirable provided that a notice of meeting by telephone or other communication facilities has been given in accordance with the provisions of these by-laws or such notice has been waived. The minutes of any action taken by a meeting held by telephone or other communication facilities shall be made part of the minutes of the Board. [May 29, 1991]
- 5.13 Pursuant to section 6 and paragraph 5(l)(n) of the *Act* the Board may by resolution make, amend or repeal rules regulating any aspect, subject or matter of the business and affairs of the Association as may be governed by by-law, including such aspects, subjects or matters described in paragraphs 5(l)(a) to (o) inclusive of the *Act* and any such rule shall be valid, binding and effective from the date of the resolution of the Board until amended or repealed by an ordinary resolution at an annual, or special or general meeting of the Association called for the purpose of considering the same. [May 29, 1991]

#### **ARTICLE VI--OFFICERS**

- 6.01 The officers of the Association shall be the Executive Committee.

#### **ARTICLE VII--EXECUTIVE COMMITTEE**

- 7.01 Commencing on September 1, 2006 and thereafter the Executive Committee shall consist of:[June, 2005]
- A president:[June, 2005]
  - B president-elect:[June, 2005]
  - C two (2) region directors appointed annually by the Board, and [June, 2005]
  - D one (1) director representing the public, appointed annually by the Board.[June, 2005]
- 7.02 The duties of the following officers are as set out herein:[June, 2005]
- A **President**

Shall preside at all meetings of the Association, the Board and Executive Committee, and shall be an ex-officio member of all committees except the Nominating Committee. Shall perform all acts and deeds pertaining to the office,

and exercise a general control and supervision over the affairs of the Association, and be the official representative of the Association.

**B President-elect**

Shall succeed the president. In the absence of the president, perform all duties of the president and perform such other duties and have such powers as may be assigned by the Board or the president. [May 2, 2001]

- 7.03 The Executive Committee may act for the Board between meetings of the Board under subsection 9(1) of the *Act* and shall carry out such other duties as may be assigned to it by the Board from time to time. [June, 2005]
- 7.04 Meetings of the Executive Committee shall be called at any time by the president. [June, 2005]
- 7.05 The Executive Committee and any committee of the Board or the Association may conduct meetings by telephone or other communication facilities provided that a notice of such meeting by telephone or other communication facilities has been given not less than three (3) days before the date of such meeting or such notice has been waived. The minutes of any action taken by a meeting by telephone or other communication facilities shall be made part of the minutes of the committee holding such meeting. [May 29, 1986]

**ARTICLE VIII—COMMITTEES**

- 8.01 The following categories of committees are hereby established:
- A standing, and
  - B special. [May 29, 1991]
- 8.02 Commencing on September 1, 2006 and thereafter the standing committees shall be:[June, 2005]
- A Nursing Education Advisory Committee (chairman and all members appointed by the Board); [June, 2005]
  - B Nominating Committee (chairman and all members appointed by the Board); [June 8, 2011]
  - C Complaints Committee (chairman and all members appointed by the Board);[June, 2005]

- D Discipline Committee (chairman and all members appointed by the Board);[June, 2005]
  - E Review Committee (chairman and all members appointed by the Board). [June, 2005]
- 8.03 The Board may establish and make appointments to special committees as it may from time to time deem necessary. [May 29, 1991]
- 8.04 Except as otherwise provided herein the Board, at its meeting immediately preceding or immediately following the annual meeting each year, shall appoint such number of members to each of the said committees as may be deemed advisable. [May 29, 1991]
- 8.05 Notwithstanding any other provision in the bylaws or the rules the Board may, from time to time, fill vacancies on committees and appoint an additional member or members to any committee to serve for such terms as the Board may designate at the time of appointment. [June, 2005]
- 8.06 The Executive Director shall be an ex-officio member on all committees but shall have no vote. [May 29, 1991]
- 8.07 The quorum for committees is a majority. [May 29, 1991]

#### **ARTICLE IX—EXAMINATIONS**

- 9.01 Applicants for registration shall meet the examination and other requirements set out in the rules. [May 29, 1991]

#### **ARTICLE X--NURSING EDUCATION PROGRAMS**

- 10.01 To qualify for approval, schools of nursing shall meet the criteria for nursing programs as approved by the Board from time to time. [May 29, 1991]
- 10.02 To qualify for approval, nursing education programs for the preparation of nurse practitioners shall meet the criteria for such programs as approved by the Board from time to time. [May 2, 2001]

#### **ARTICLE XI—DISCIPLINE**

##### **11.01 Complaints Committee**

The Complaints Committee shall be composed of

- A eight (8) nurses, one of whom shall be a past member of the Board;
- B four (4) persons who are not members of the Association; and [May 11, 1995]

- C Notwithstanding the foregoing and 11.02B, such other persons who may be appointed by the Board from time to time, for such terms as may be designated by the Board at the time of appointment. [May 11, 1995]
- 11.02
- A The Board shall appoint a chairman of the Complaints Committee for a term of office of two (2) years and the chairman shall from time to time name a vice-chairman or vice-chairmen from among the other nurse members of the Complaints Committee to serve in the place of the chairman in the event of her absence or inability to act at any time. [May 11, 1995]
  - B The Board shall appoint the members of the Complaints Committee, other than the chairman, from a list of persons nominated by the chapters of the Association for terms of two (2) years provided that one-half of the first Committee members shall be appointed for initial terms of three (3) years.
  - C In the event of any vacancy on the Complaints Committee the Board shall fill such vacancy forthwith. [May 29, 1991]
- 11.03 Upon receiving a complaint the chairman of the Complaints Committee shall:
- A appoint a panel of three (3) members of the Committee to consider and investigate the complaint. Each panel shall consist of the chairman or a Vice-Chairman, one (1) nurse and one (1) person who is not a member of the Association. [May 11, 1995]
  - B cause the Executive Director or a person designated by the Executive Director to:
    1. notify the member in writing that a complaint has been received by the Committee and that an investigation is being conducted;
    2. forward a copy of the complaint to the member against whom the complaint is made and request that the member state her language preference;
    3. notify the member's employer, if known, that a complaint has been lodged against the member;
    4. conduct a preliminary investigation, request and obtain such information as she considers necessary for the purposes of the Committee and prepare and forward to the Committee and the member against whom the complaint is made a report of such investigation; and
    5. upon completion of the preliminary investigation, call a meeting of the Complaints Committee and notify the member of the date of the first

meeting of the Complaints Committee in accordance with the provisions of subsection 29(8) of the *Act*. [May 11, 1995]

11.04 After the Complaints Committee has made a determination under subsection 29(9) of the *Act*, the Committee shall forward to the Board, the member against whom the complaint has been made, the complainant and the member's employer a report of its determination, signed by the members of the Committee concurring therein. [May 29, 1991]

11.05 If the Complaints Committee has referred a complaint to the Discipline Committee or the Review Committee it shall submit all evidence and documents submitted to it together with the report described in section 11.04 to the Discipline Committee or the Review Committee as the case may be. [May 29, 1991]

11.06 Each panel shall constitute a quorum and shall act for, carry out and exercise all the duties and powers of the Complaints Committee. [May 29, 1991]

11.07 **Reinstatement**

A Applications for reinstatement of registration or membership after revocation or suspension and for removal or alteration of conditions, restrictions or limitations imposed on a member's registration, membership or practice (hereinafter collectively referred to as "sanctions") shall be considered by:

1. the Discipline Committee or a panel thereof, where the sanctions were originally ordered by the Discipline Committee or by the Board or the Court following a hearing of the Discipline Committee; or
2. the Review Committee or a panel thereof, where the sanctions were originally ordered by the Review Committee or by the Board or the Court following a hearing of the Review Committee.

B The Discipline or Review Committee shall make such investigations and conduct such hearings it deems necessary for the consideration of such applications.

C A panel of the Discipline or Review Committee appointed to consider an application under 11.07A shall be appointed in the manner set out in section 11.13A with such modifications as are necessary to ensure that no member of a panel appointed to consider that application has participated in a previous discipline or review proceeding respecting the applicant. [May 29, 1991]

11.08 The Discipline or Review Committee may specify a period of time before which the member may not apply for reinstatement. Where the Committee does not specify a time, no application under 11.07A may be made to the Discipline or Review Committee within twelve (12) months from the date on which the member's registration, membership or right to practise was revoked or suspended or subjected to conditions, restrictions or

limitations or within twelve months from the date of the determination of any previous application under 11.07A. [May 5, 1999]

11.09 The Discipline or Review Committee shall determine its own rules of procedure with respect to applications under 11.07A. [May 29, 1991]

11.10 A The Discipline or Review Committee shall not consider any application under 11.07A unless

1. the application is in writing and is signed by the applicant;
2. the application sets out the grounds of the application, the remedy or order sought and the remedial measures taken by the applicant;
3. the applicant has paid all fees prescribed by the Board; and
4. the applicant has complied with any requirements set out in the rules with respect to such applications.

B When the Discipline or Review Committee has made a decision, order or determination with respect to an application under 11.07A, the Committee shall forward to the Board and the applicant a copy of its decision, order or determination signed by the members of the Committee concurring therein. [May 29, 1991]

#### 11.11 **Discipline and Review Committees**

The Discipline and Review Committees (hereinafter referred to as a “Committee”) shall each be composed of:

- A six (6) nurses each having at least five (5) years nursing experience and being proficient in the French language;
- B eight (8) nurses each having at least five (5) years nursing experience and being proficient in the English language;
- C a chairman and a vice-chairman who shall be nurses each having at least five (5) years nursing experience and who shall be proficient in both the French and English languages;
- D six (6) persons who are not members of the Association and;
  1. two (2) of whom are proficient in the French language;
  2. two (2) of whom are proficient in the English language; and

3. two (2) of whom are proficient in both the French and English languages. [May 29, 1991]
- E Notwithstanding the foregoing and 11.12 A and B, such other persons, including additional vice-chairmen, having such qualifications as the Board determines are appropriate, who may be appointed by the Board from time to time for such terms as may be designated by the Board at the time of appointment. [May 11, 1995]
- 11.12 A The Board shall appoint a chairman of each Committee for a term of office of two (2) years and a vice-chairman or vice-chairmen, from time to time, to serve in the place of the chairman in the event of her absence or inability to act at any time. [May 11, 1995]
- B The Board shall appoint the members of each Committee, other than the chairman and the vice-chairmen, from a list of persons nominated by the chapters of the Association for terms of two (2) years provided that one-half of the first Committee members on each Committee shall be appointed for initial terms of three (3) years. [May 11, 1995]
- C In the event of any vacancy on either Committee the Board shall fill such vacancy forthwith. [May 29, 1991]
- 11.13 Upon receiving a complaint the chairman of the Review Committee or the Discipline Committee, as the case may be, shall:
- A 1. appoint a panel of four (4) members of the Committee to consider and investigate the complaint. Each panel shall consist of the chairman or a vice-chairman, two (2) nurses and one (1) person who is not a member of the Association. [May 11, 1995]
  2. in appointing a panel each Chairman shall consider the following factors:
    - (a) the immediate geographic area in which the member against whom the complaint was made resides, for the purpose, to the extent practicable, of appointing members of the panel who do not reside in the same area;
    - (b) the language preference of the member against whom the complaint was made; and
    - (c) the similarity of the length of nursing experience of the panel members with that of the member against whom the complaint has been made.



- B cause the Executive Director or a person designated by the Executive Director to:
1. notify the member in writing that a complaint has been received by the Committee and that an investigation is being conducted;
  2. request and obtain such information as she considers necessary for the purposes of the Committee and prepare and deliver to the Committee such information; and
  3. upon completion of such preliminary matters deemed necessary by the Executive Director or her designate, set a date for the first hearing of the Committee and notify the member of the said date in accordance with the provisions of subsection 33(1) of the *Act*. [May 11, 1995]
- 11.14 If a complaint or matter is being investigated pursuant to section 32 of the *Act*, in addition to the other requirements set out in Clauses 11.13 A and B, the Executive Director or her designate shall:
1. forward a copy of the complaint to the member against whom the complaint is made and request that the member state her language preference; and
  2. notify the member's employer, if known, that a complaint has been lodged against the member. [May 11, 1995]
- 11.15 When either Committee has made a determination or order under subsection 30(8) of the *Act* the Committee shall forward to the Board, the member against whom the complaint has been made, the complainant and the member's employer a report of its determination or order, signed by the members of the Committee concurring therein. [May 29, 1991]
- 11.16 Each panel of either Committee shall constitute a quorum and shall act for, carry out and exercise all the duties and powers of the respective Committee. [May 29, 1991]
- 11.17 A If either Committee makes an order pursuant to paragraphs 30(7)(b), (c) or (d) of the *Act* a copy thereof shall, whether made prior to or after the commencement of the first hearing of the Committee, be mailed forthwith to the member against whom the order is made.
- B Both the complainant and the member against whom a complaint is made have the right to be represented at any hearing by legal counsel, at their own expense.
- C Each Committee shall make such record of the evidence presented to it in such manner and form as it deems expedient.

- D It is the duty of the member against whom a complaint is made to appear at all hearings but in the event of non-attendance the Committee upon proof of mailing of notice of such hearing may proceed in the same way as though the member were in attendance. [May 29, 1991]

### **Alternate Complaint Resolution Process**

- 11.18 A proposal to resolve a complaint and the issues arising from a complaint may be considered by the Discipline or Review Committee (hereinafter in sections 11.18 to 11.23 referred to as the “Committee”) provided it is tendered in writing to the other party, includes an admission or admissions by the member to one or more of the allegations set out in the complaint and arising from the documents submitted in respect of the complaint, and contains the member’s consent to a specified order, conditional upon the acceptance of the proposal by the Committee. [May 29, 2013]
- 11.19 If the member, the complainant and the Association’s Registrar are in agreement with a resolution proposal tendered, the proposal shall be forwarded to the applicable Committee for consideration. [May 29, 2013]
- 11.20 In preparing a resolution proposal, the parties, if agreeable, may use a mediator, and the costs of the mediator shall be divided as agreed by the member and the complainant. [May 29, 2013]
- 11.21 The Committee may, in its discretion, accept a resolution proposal if satisfied that:
  - A the public is protected;
  - B the conduct or its causes can be, or have been, successfully remedied or treated, and if appropriate, the member is likely to successfully pursue remediation or treatment; and
  - C the resolution proposal is in the best interests of the public and the profession. [May 29, 2013]
- 11.22 If the Committee accepts a resolution proposal,
  - A the proposal shall form part of the decision and order of the Committee made in accordance with the provisions of the *Nurses Act*, disposing of the complaint; and
  - B there shall be no hearing before the Committee. [May 29, 2013]
- 11.23 If the Committee does not accept a resolution proposal, it may suggest amendments to the proposal and return it to the parties for review and

- A if both parties do not agree with the amendments to the proposal, the proposal shall be deemed to be rejected and the matter shall be referred to another panel of the Committee for a hearing, or
- B if both parties agree with the amendments to the proposal, the proposal shall be sent back to the Committee, which may
  - 1. accept the amended proposal, or
  - 2. reject the amended proposal and refer the matter to another panel of the Committee for a hearing.
- C Where a proposal is rejected by the Committee, the hearing before another panel of the Committee shall proceed without reference to the proposal or any admissions contained in the proposal. [May 29, 2013]

## **ARTICLE XII--NOMINATIONS AND VOTING**

- 12.01 The president-elect shall be elected by practising nurse members in odd numbered years, and [May 29, 2013]
  - A in such elections the candidate receiving the greatest number of votes shall be declared elected, and [June, 2005]
  - B such elections shall be held, conducted and governed in accordance with the methods of voting, requirements and procedures set out in the rules. [May 29, 2013]
- 12.02 Region directors shall be elected by the practising nurse members residing in their respective regions, and by the practising nurse members who work in the region but do not reside in New Brunswick, for terms of office of two (2) years, subject to 5.02C, and [May 29, 2013]
  - (a) the candidate receiving the greatest number of votes in an election for region director shall be declared elected, and [June, 2005]
  - (b) such elections shall be held, conducted and governed in accordance with the methods of voting, requirements and procedures set out in the rules. [May 29, 2013]
- 12.03 The Nominating Committee shall call for and endeavour to ensure that there are at least two (2) nominations for each position to be filled. [June, 2005]
- 12.04 All nominees must have consented to act if elected. [May 29, 1991]

12.05 Any two (2) practising members may submit nominations. [May 29, 1991]

12.06 If at the time announced for the close of nominations there is for any office or position only one nominee duly nominated for that office or position, that nominee is elected by acclamation to that office or position, and no election shall be required. [May 29, 2013]

**Voting on Resolutions and Motions at Meetings**

12.07 A Each practising nurse member may vote at the annual meeting either in person or by proxy.[June, 2005]

B The appointed proxy must be a practising nurse member.[June, 2005]

C No person shall hold more than four (4) proxies.

D The member appointing a proxy shall notify the Association office in writing on a form similar to the following or any other form which the Board shall approve. Proxy forms shall be mailed to the members approximately one (1) month prior to the date of annual meeting. This completed form shall be received at the Association office by the Friday immediately preceding the annual meeting. [May 29, 1991]

**FORM OF PROXY**

I, \_\_\_\_\_, a practising member of the Nurses Association of New Brunswick, hereby appoint \_\_\_\_\_ Registration No. \_\_\_\_\_ as my proxy, to act and vote for me, and on my behalf, at the annual meeting of the Association to be held on the \_\_\_\_\_ and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registration No. \_\_\_\_\_ Signature\_

12.08 In the event of a tie in a vote at the annual or a special meeting, a further vote shall be held.[June, 2005]

12.09 Voting on motions and resolutions at the annual or special meetings shall be by show of hands and proxies unless the membership requires a secret ballot, and abstentions shall not be counted.[June, 2005]

12.10 Before any vote is taken at the annual or special meetings, scrutineers shall be appointed by the chairman of the meeting. [June, 2005]

**ARTICLE XIII--MEETINGS**

- 13.01 The annual general meeting of the Association will be held at such time and place as the Board may determine. [May 29, 1991]
- 13.02 Notice of such meeting shall be mailed by the Executive Director to each member of the Association at the member's address as given in the membership list at least two (2) weeks prior to the date fixed for such meeting, but failure to give such notice shall not invalidate such meeting or any business transacted thereat.
- 13.03 Except for resolutions or motions arising out of the business of the annual meeting or the pre-annual meeting of the Board, copies of all resolutions, recommendations and other material to be voted upon at the annual meeting shall be mailed to the members at least two (2) weeks prior to the annual meeting. [May 29, 1991]
- 13.04 Special meetings of the Association may be called by the president at any time on seven (7) days notice in writing to each member of the Association. [May 29, 1991]
- 13.05 Whenever ten (10) voting members of the Association file, with the Executive Director, a notice in writing signed by them requiring a special meeting to be called and stating the objects of such meeting, the Executive Director shall notify the president, who shall thereupon call such special meeting. [May 29, 1991]
- 13.06 The majority of the members registered to vote at annual general and special meetings shall constitute a quorum provided that:
1. at least forty eight (48) members register to vote at a special meeting and at the annual general meeting held in odd numbered years, and
  2. at least thirty (30) members register to vote at the annual general meetings held in even numbered years [May 29, 2003]
- 13.07 The president may, at her discretion, cause a vote to be taken on any matter. The question or matter to be voted on shall be sent to all voting members of the Association at least ten (10) days prior to the last day set for counting the votes. All such votes shall be held, conducted and governed by the methods of voting, requirements and procedures set out in the rules. [May 29, 2013]

**ARTICLE XIV--RULES OF ORDER**

- 14.01 Except as otherwise provided in the by-laws and rules the proceedings of meetings shall be conducted according to the latest edition of *Robert's Rules of Order*. [May 20, 1993]

**ARTICLE XV--HEAD OFFICE**

15.01 The head office or permanent seat of the Association shall be in the city of Fredericton. [May 29, 1991]

**ARTICLE XVI--SEAL**

16.01 The seal of the Association heretofore in use shall continue to be the common seal of the Association. [May 29, 1991]

16.02 The custody of the seal of the Association shall be in the Executive Director. [May 29, 1991].

16.03 Authorized personnel, as outlined in the rules, shall affix the seal of the Association to documents. [May 29, 1991]

**ARTICLE XVII--EDITORIAL CHANGES**

17.01 Whenever amendments are made to by-laws, consequential editorial changes may be made to the by-laws or rules as required [May 29, 1991]

**ARTICLE XVIII--TRUST FUNDS**

18.01 All funds which may be committed to the care of the Association for benevolent purposes shall be treated as trust funds in accordance with the trusts on which the same are received, and be deposited in a chartered bank or invested as the Board may direct in the name of the Association as a special fund, and shall be withdrawn only by order of the Board or a committee having charge of the trust funds, named by the Board. [May 11, 1995]

**ARTICLE XIX--GENDER**

19.01 Words importing the feminine gender shall include the masculine gender and vice-versa wherever the context of these by-laws so require. [May 29, 1991]