



Facing a complaint as a nurse? What to expect

The Nurses Association of New Brunswick (“NANB”) is legally responsible under the **Nurses Act** to protect the public by regulating Registered Nurses, Graduate Nurses, Nurse Practitioners, and Graduate Nurse Practitioners (collectively, “nurses”) in New Brunswick. Part of this legal responsibility includes addressing complaints about nurses who are currently registered or who were registered to practise nursing in New Brunswick at the time the complaint arose.

The complaints process is designed to protect the public, maintain public trust in the nursing profession, and promote the delivery of safe, competent, and ethical nursing care. While this process may understandably cause some concern for the nurse involved, it can also serve as a valuable learning opportunity and lead to positive practice changes.

Below is a brief explanation of the initial steps in NANB’s complaints and investigation process from the responding nurse’s perspective to provide some general information regarding what nurses can expect if they are named in a complaint. More information is available on the NANB website: [The Complaints Process - NANB](#).

How will a nurse know if they have been named in a complaint?

Nurses will be notified by NANB when a complaint has been submitted, using the e-mail and/or mailing address listed in the nurse’s NANB profile. To avoid delays in communication, it is important that nurses keep the contact information in their NANB profile up to date.

When notified by NANB, nurses will receive a Notice of Complaint, which will outline the issues requiring a response, and will enclose a copy of the complaint and any other documentation submitted by the complainant. Nurses will also be informed that the matter will be investigated.

Nurses will then be provided with an opportunity to respond in writing to the issues identified in the Notice of Complaint and submit any documentation related to the complaint.

What happens during the investigation of the complaint?

The role of NANB investigators is to gather all information relevant to the issues raised in the complaint. As part of the investigation, the investigator may interview witnesses and collect relevant documentation, such as medical records, incident reports, photos, video surveillance, and employer policies. If new issues arise during the investigation, the scope of the investigation may be expanded to include them, and the nurse will have an opportunity to respond to the new issues.



The **Nurses Act** provides the investigator with wide-ranging powers, including the legal authority to enter and inspect the business premises of a nurse and examine anything the investigator believes may provide evidence regarding the issues being investigated.

Nurses who are named in a complaint or who have knowledge of an incident being investigated have a duty to cooperate with NANB's investigation. Failing to cooperate with NANB during the investigation process may constitute professional misconduct.

Once all the information is gathered by the investigator, a Record of Investigation is prepared, and the matter is scheduled for review by the Complaints Committee. The Record of Investigation includes the complaint, the nurse's response, all documentation submitted by both the complainant and the nurse, as well as all other documentation collected during the investigation.

Nurses will receive a copy of the Record of Investigation and will have an opportunity to respond to any new documentation received since submitting their response.

What happens at the Complaints Committee meeting?

The Complaints Committee, consisting of two nurses and one public member, will review the Record of Investigation. The Complaints Committee considers only written materials, so neither the complainant nor the nurse involved in the complaint will attend the Complaints Committee meeting.

Upon review of the Record of Investigation, the Complaints Committee will determine if the complaint should be dismissed, or if the complaint warrants further consideration by either the Discipline Committee or the Fitness to Practice (Review) Committee.

When appropriate, as an alternative to referring the matter to the Discipline or Fitness to Practice (Review) Committee, the Complaints Committee may propose or accept a Consent Agreement to resolve the complaint. A Consent Agreement is a formal agreement between NANB and the nurse named in the complaint, which outlines specific remedial steps that the nurse agrees to pursue to address the issues raised in the complaint, such as education, performance evaluations, supervision requirements, and/or other conditions on their practice.

Will the nurse be suspended from practice?

In most cases, the answer is no. However, if the Complaints Committee is of the opinion that a danger to the public could result from *not* suspending the nurse's registration, it may impose an interim suspension until a final decision is made by the Discipline or Fitness to Practice (Review) Committee. Interim suspensions are imposed sparingly and only in cases where there is a real risk of harm to the public.



When appropriate, as an alternative to imposing an interim suspension, the Complaints Committee may propose or accept an agreement (called an Undertaking) under which the nurse agrees to specific conditions and/or restrictions on their practice until a final decision is made by the Discipline or Fitness to Practice (Review) Committee. This approach protects the public without fully restricting the nurse's ability to practice.

How will the nurse be notified about the Complaints Committee's decision?

Once the Complaints Committee has reached a decision, the nurse named in the complaint will receive the Committee's written decision.

Does the nurse need a lawyer?

Nurses may choose to have legal representation throughout the complaints process, but it is not required. Nurses may be eligible for legal representation through the New Brunswick Nurses Union (NBNU) or the Canadian Nurses Protective Society (CNPS). Alternatively, nurses may choose to engage private legal representation at their own expense.