

2022 Registration Review Report

College of Registered Psychiatric Nurses of Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the College of Registered Psychiatric Nurses of Manitoba (CRPNM) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of November 2022.

To provide context, a brief description of CRPNM's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

Since the introduction of Manitoba's fairness legislation in 2009, the College of Registered Psychiatric Nurses of Manitoba (CRPNM) has and continues to work co-operatively with FRPO. CRPNM is committed to the fair assessment and registration of internationally educated applicants (IEAs).

In Manitoba and across the country, nursing shortages are posing a serious challenge to provincial health care systems. This is resulting in renewed attention to the effectiveness and efficiency of IEN assessment and registration practice. CRPNM is working with Manitoba Health and other stakeholders considering options to improve registration opportunities for IENs in response to the shortage in Manitoba.

CRPNM has taken numerous steps to improve the fairness of its assessment and registration process. Some of the more significant measures include:

- working with educators and employers to expand gap training and supervised practice opportunities
- exploring additional assessment opportunities for IEAs with other provincial RPN regulators as well as Manitoba's RN and LPN regulators
- improving registration information, adopting progressive documentation policies, providing strong personal support and assistance, and introducing a progressive language expiration dating policy
- participating on various National Nursing Assessment Service (NNAS) boards and committees. This includes work updating the RPN-NNAS assessment tool and a recent streamlining review
- working with provincial regulators updating entry-level competencies and improving the Registered Psychiatric Nurses of Canada Examination
- participating with the Canadian Nurse Regulator Collaborative reviewing the language proficiency policies for the nursing professions in Canada, including a review of proficiency levels, and best assessment tools and practice

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may impact internationally educated applicants (IEAs).

CRPNM's compliance to necessary assessment criteria

CRPNM's assessment criteria and various requirements for registration are for the most part warranted and necessary.

FRPO identifies the following concern:

Currently all applicants educated out-of-province, domestic and internationally educated, must provide evidence of previous registration or evidence of eligibility for registration from the regulating authority in their home jurisdiction.

For those with previous registration, this makes sense. For domestically educated recent graduates who come to Manitoba without registering in their home province, securing an eligibility statement from a provincial RPN regulator is not difficult. Canadian regulators all have similar requirements. However, for recent IEA graduates who immigrate or move to Manitoba without registering in their home jurisdiction, securing eligibility documentation may be difficult.

FRPO understands CRPNM has not had experience with applicants having an issue with this requirement. CRPNM's general regulation also stipulates this requirement may be waived due to extenuating circumstances as determined by the registrar.

II. Duty to comply with domestic trade agreements – act,4(1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

CRPNM's compliance to abide labour mobility obligations

CRPNM's labour mobility policy for individuals registered in other provincial jurisdictions applying for registration in Manitoba does not fully comply with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies the following concern:

CRPNM requires applicants registered in other Canadian jurisdictions have either practiced as a registered psychiatric nurse for at least 1,400 hours within the last five years; completed an approved psychiatric nursing education program and passed an approved entry-to-practice exam within the last four years; or completed an approved course of instruction. Applicants who do not meet one of these requirements do not qualify for registration.

This practice hour requirement and the alternatives are material and not permitted under CFTA or NWPTA. If the applicant is considered current by the provincial regulator in their home jurisdiction at time of application to CRPNM, they have a right to be considered qualified in this respect in Manitoba.

Currently, all four provincial jurisdictions that regulate psychiatric nursing in Canada have adopted the same currency of practice requirements and criteria. This means that mobility applicants considered current in their home province will meet CRPNM's requirement and not be blocked. However, other provincial jurisdictions are considering regulating psychiatric nursing and standards may change. FRPO acknowledges there may be no current barrier, but these requirements are non-permissible and may easily come to pose a barrier.

III. **Notice of changes in registration practices – act, 5(2)**

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

CRPNM's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice.

CRPNM has updated FRPO regarding several policies. They have a history of notification and consultation with FRPO and continue to comply with this duty.

Recommendations

The Fair Registration Practices Office sees the following opportunities for the College of Registered Psychiatric Nurses of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Remove the practice hour requirement for labour mobility applicants.
2. Establish a policy to ensure consideration for internationally educated applicants who cannot easily secure registration eligibility documentation.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the College of Registered Psychiatric Nurses of Manitoba committed to the following action plan, current as of November 2022:

Recommendation	Action(s)	Anticipated Completion Date
1. Remove the practice hour requirement for labour mobility applicants.	CRPNM commits to review this action with our RPN regulatory counterparts to ensure there are not barriers to registration for labour mobility applicants. CRPNM commits to updating our webpage for labour mobility applicants and revising the language so that it addresses the ongoing practice hour requirement for renewal of registration.	January 2023
2. Establish a policy to ensure consideration for internationally educated applicants who cannot easily secure registration eligibility documentation.	CRPNM commits to continue reviewing these on a case-by-case basis and working with applicants to ensure there are not barriers to meeting registration requirements.	

College of Registered Psychiatric Nursing of Manitoba

Comments

Regarding the recommendation 2 to establish a policy, CRPNM does not believe this is necessary as the CRPNM General Regulation has provisions to waive this requirement in specified situations, as below:

2.7(3) An applicant who establishes under subclause (1)(a)(iii) that the applicant has successfully completed a psychiatric nursing education program outside Canada that the council considers to be comparable to a psychiatric nursing education program in Manitoba must also

(a) establish that the applicant was registered in good standing or was eligible for registration in the jurisdiction in which the applicant completed that psychiatric nursing education program — unless the registrar determines that due to extenuating circumstances in that jurisdiction the applicant was unable to become registered or is unable to establish that the applicant was registered

Compliance

FRPO's 2022 registration review of the College of Registered Psychiatric Nurses of Manitoba (CRPNM) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

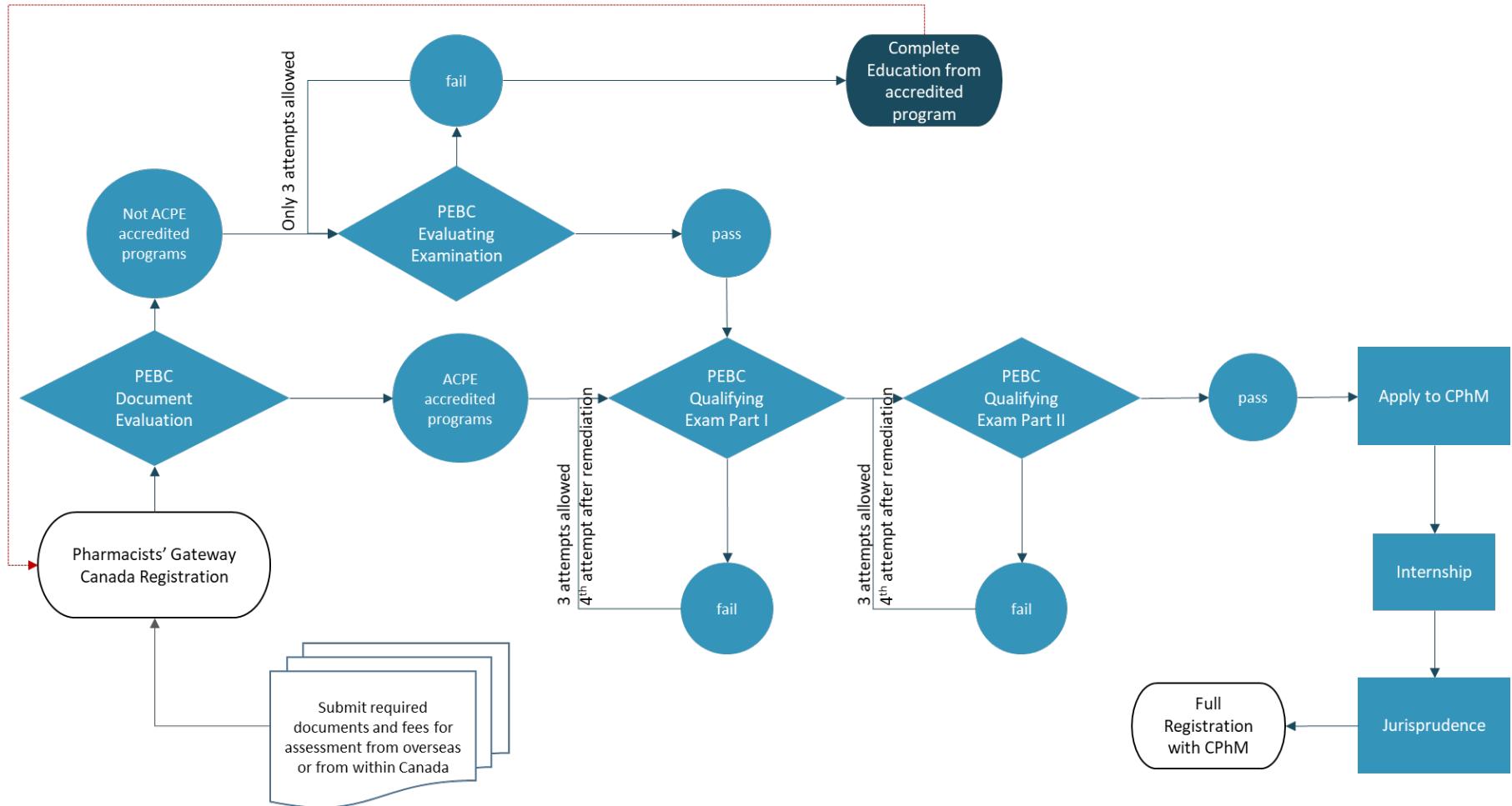
FRPO finds CRPNM compliant with the duty to notify.

FRPO finds CRPNM largely compliant with the duty for necessary assessment criteria and the duty to abide labour mobility obligations. Concerns are raised about the practice hour requirement for mobility applicants and the previous registration or eligibility for registration requirement.

CRPNM's action plan commitments partly address FRPO's concerns. Updating website information for mobility applicants and working with other provincial regulators to ensure no barriers are in place for mobility applicants is helpful and relevant. Harmonised currency standards across provincial jurisdiction is a practical solution, but only works if harmonization is maintained. If or when a jurisdiction adopts different standards, a barrier could arise. In this context, FRPO calls for a policy that makes clear no material requirement for practice hours will be imposed on mobility applicants considered current in their home jurisdiction.

With regard to the mandatory previous registration/eligibility for registration requirement, FRPO appreciates CRPNM is committed to fair treatment and has stipulated in regulation that applicants who cannot provide this documentation may have the requirement waived. However, FRPO's concern remains the relevance of this requirement for recent graduates in the first place. In this profession, a sophisticated credential assessment is performed by the National Nursing Assessment Service that determines the authenticity of credentials and the equivalence of the education program to Canadian standards. In this circumstance, there is little merit confirming an applicant's credentials makes them eligible for registration in a foreign jurisdiction employing foreign qualification standards.

Appendix 1 – Registration Process for Internationally Educated Applicants



Appendix 2 – Registration Data

College of Registered
Psychiatric Nurses of
Manitoba



1,130
Registered
Members

(As of December 2021)

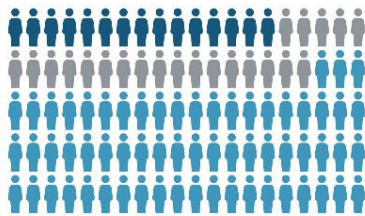
2011–2021 Internationally Educated Applicant Data



94

applications

Application Outcomes



registered - 15% | in process - 22% | file closed - 63%

Closed File Status



Top Countries of Education



applicants were educated in **8**
different countries



Median Time to Registration

1.7 years

2012–2021 Domestic Applicant Data



593

applications

568 (96%)

registrations