

2022 Registration Review Report

College of Licensed Practical Nurses of Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for College of Licensed Practical Nurses of Manitoba (CLPNM) 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 December 2022.

To provide context, a brief description of CLPNM'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 Licensed Practical Nurses of Manitoba (CLPNM) has and continues to work co-operatively with FRPO. CLPNM is committed to the fair assessment and registration of internationally educated nurses (IENs).

In 2012, CLPNM's assessment and registration process for IENs underwent a significant evolution with the introduction of a Clinical Competence Assessment (CCA) and the Practical Nurse Qualification Recognition Program (PNQR) offered at Assiniboine Community College.

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.

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

- working with Shared Health and employers, CLPNM recently moved to allow eligible IENs to work under supervision while they complete assigned gap training
- exploring opportunities for improving and better co-ordinating registration processes between Manitoba's RN, RPN, and LPN professions
- improving information, posting assessment outcomes, adopting progressive documentation and language expiration policies, and providing strong personal support and assistance
- working with Assiniboine Community College reviewing and improving the PNQR gap training program for IENs. Recently, this includes work reviewing the new Professional Communication course for the PNQR
- working with third party assessors to improve the CCA and reduce assessment wait times
- participating on various National Nursing Assessment Service (NNAS) boards and committees, including a recent streamlining review
- 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).

CLPNM's compliance to necessary assessment criteria

At this time, FRPO identifies no concerns with the necessity and relevance of CLPNM's assessment criteria and various requirements for registration.

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.

CLPNM's compliance to labour mobility obligations

CLPNM'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:

Labour mobility or endorsement applicants must demonstrate continuing competence as a practical nurse in Canada as a condition of registration. The requirement can be met by satisfying one of the following:

- recent Canadian practical nursing practice — 1,000 practice hours in the past four years
- successful completion of a practical nurse education program recognised by CLPNM or another Canadian practical nursing regulatory body in the past four years
- successful completion of a CLPNM approved clinical competency assessment (CCA), and any additional education and/or supervised practice required by CLPNM

This requirement for evidence of continuing competence is material and non-permissible. Applicants registered and considered current and competent by another regulator in Canada, have a right to be considered so in Manitoba.

In response to the current shortage of LPNs in Manitoba, CLPNM is waiving the practice currency requirement for labour mobility applicants. CLPNM remains concerned about some applicants who may not meet the requirement, and will continue to monitor the situation moving forward.

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.

[CLPNM's compliance to the duty to notify](#)

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

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

Recommendation

The Fair Registration Practices Office sees the following opportunity for the College of Licensed Practical Nurses of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Remove the continuing competence requirement for labour mobility or endorsement applicants.

Regulator Action Plan

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

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Remove the continuing competence requirement for labour mobility or endorsement applicants</p>	<p>In light of the need for more nurses in Manitoba, in October 2022, the CLPNM reviewed several registration processes, including the currency requirement for licensed practical nurses.</p> <p>While the CLPNM continues to interpret that the CFTA — Article 705, paragraph 4(b) — does allow for us to have reasonable expectations for practice experience, we know that the public interest has temporarily shifted such that the need for expedited application and registration processes may currently outweigh the benefits offered by rigorous, yet potentially lengthy, applicant vetting processes.</p> <p>Using the current Ministerial Order, the CLPNM is in the beginning stages of waiving the practice hour requirement for labour mobility applicants. As of mid-October 2022, we have begun accepting labour mobility applicants who do not meet the currency requirements. The CLPNM is collecting data and tracking outcomes related to this process change.</p> <p>The CLPNM continues to stress that there is potential risk in having licensed practical nurses (LPNs), without Canadian LPN practice experience, take on the full scope of LPN practice in Manitoba without the support of additional training. A very</p>	<p>ongoing</p>

Recommendation	Action(s)	Anticipated Completion Date
	<p>high percentage of the CLPNM’s labour mobility applicants are internationally educated nurses (IEN) residing in Manitoba who gain licensure in another Canadian jurisdiction, with a material difference in scope of practice and whose vetting process may be less vigorous, who then apply to the CLPNM through labour mobility provisions without Canadian LPN practice experience or supportive bridging or gap training.</p> <p>The CLPNM knows that IENs applying directly to the CLPNM are very well supported by the CLPNM credential assessment process, including the Clinical Competence Assessment (CCA) and the PNQR Bridging program, which they would now more often be bypassing with the temporary change in continuing competence requirements.</p> <p>The CLPNM is also in the beginning stages of having conversations with relevant stakeholders about how to support labour mobility applicants, who may also be IENs who did not undergo the CLPNM’s credential assessment process. The CLPNM would like to see bridging education be accessible for labour mobility applicants who are also IENs – even after they have been granted LPN registration — should they wish to address any competence gaps through a program meant to support IENs in Manitoba.</p>	

College of Licensed Practical Nurses of Manitoba

Comments

Although we are temporarily changing our practice hour requirement for labour mobility applicants, in response to government's request, we believe it is important for government to be aware of the potential risk introduced by this change.

The CLPNM is aware, from past CCA results, that some mobility applicants who apply to us with valid registration in another Canadian jurisdiction do not possess all of the entry-level competencies normally expected of all members of the profession in Manitoba, despite having been deemed competent for registration in other Canadian jurisdictions. For context, it is important to remain aware that other Canadian jurisdictions do not perform the same kind of rigorous competency assessments of IENs prior to registration, and the expectations for LPN practice are substantively different.

The CLPNM will be reviewing our use of other tools available to us to address gaps in competence, such as communication and education about professional standards, recommending — although not requiring — education, communication with employers so they are aware of the new variation in entry level competencies of professionals, and more frequent monitoring of competence following registration. Since, temporarily, we will not have the option of identifying and addressing gaps in competence prior to registration, in a proactive way, significant gaps in competence identified by an employer or the CLPNM following registration — which the registrant has not self-identified and addressed — may need to be dealt with in a more reactive way as a breach of professional standards.

The CLPNM would also like to offer an observation on the following comment in the registration review report:

This requirement for evidence of continuing competence is material and non-permissible. Applicants registered and considered current and competent by another regulator in Canada, have a right to be considered so in Manitoba.

We would like to note our respectful disagreement with the interpretation that requiring evidence of recent practice is non-permissible under the CFTA. CLPNM's labour mobility or endorsement applicants must demonstrate continuing competence as a practical nurse in Canada as a condition of registration. The requirement can be met by satisfying one of the following:

- recent Canadian practical nursing practice — 1,000 practice hours in the past four years
- successful completion of a practical nurse education program recognised by CLPNM or another Canadian practical nursing regulatory body in the past four years

College of Licensed Practical Nurses of Manitoba

Comments

- completion of nursing refresher or bridging education that is recognised by the regulator in the jurisdiction of licensure
- successful completion of a CLPNM approved clinical competency assessment (CCA), and any additional education and/or supervised practice required by CLPNM

It may be helpful to clarify that, at its core, this is a recency of practice requirement. All the other alternatives noted in the bulleted list are alternatives that we offer our registrants and applicants, to be reasonable and flexible.

Article 705, paragraph 4(b) of the CFTA, authorises regulators to **impose additional training, experience, examinations, or assessments as a condition of certification if the person has not practiced the occupation within a specified period of time**. The requirement must be no more onerous than those imposed on the jurisdiction's own workers. The requirement for labour mobility applicants is the same requirement for Manitoba LPNs. As per article 705, the requirement must not be a disguised restriction on labour mobility. The CLPNM requirement is not a disguised restriction as evidenced by the fact that this is the expectation we have of all Manitoba LPNs, and by the fact that the practice hours required to be competent have been defined by the Manitoba government in regulations under The Licensed Practical Nurses Act and Regulation.

If the CFTA intended that regulatory bodies would never consider a mobility applicant's recency of practice, relying instead on the fact that another regulatory body has done so, we are unclear of the reason for the inclusion of paragraph 4(b).

We have also noted that the **Guidelines for Meeting the Obligations of the Labour Mobility Chapter of the CFTA**, advise regulators that they might ask for evidence of good standing from another jurisdictional regulator, which includes asking for **confirmation there have been no substantial breaks in practice**. We interpret that, if this is a question regulators may ask, it must be intended that regulators are able to assess recency of practice.

For the time being, our differences in interpretation of the CFTA may be moot, as our recency of practice requirement for mobility applicants will be temporarily waived while the CLPNM's current Ministerial Order is in place.

Compliance

FRPO's 2022 registration review of the College of Licensed Practical Nurses of Manitoba (CLPNM) 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 CLPNM compliant with the duty for necessary assessment criteria and the duty to notify.

FRPO finds CLPNM not fully compliant with labour mobility obligations. There is a concern about CLPNM's continuing competence requirement for mobility applicants.

CLPNM has temporarily suspended the continuing competence requirement for mobility applicants to address the current shortage of nurses in Manitoba's health care system and in the public interest. This policy is commendable. It aligns with the kinds of actions, review and leadership CLPNM is engaging to address the crisis and improve registration outcomes and timelines for IENs.

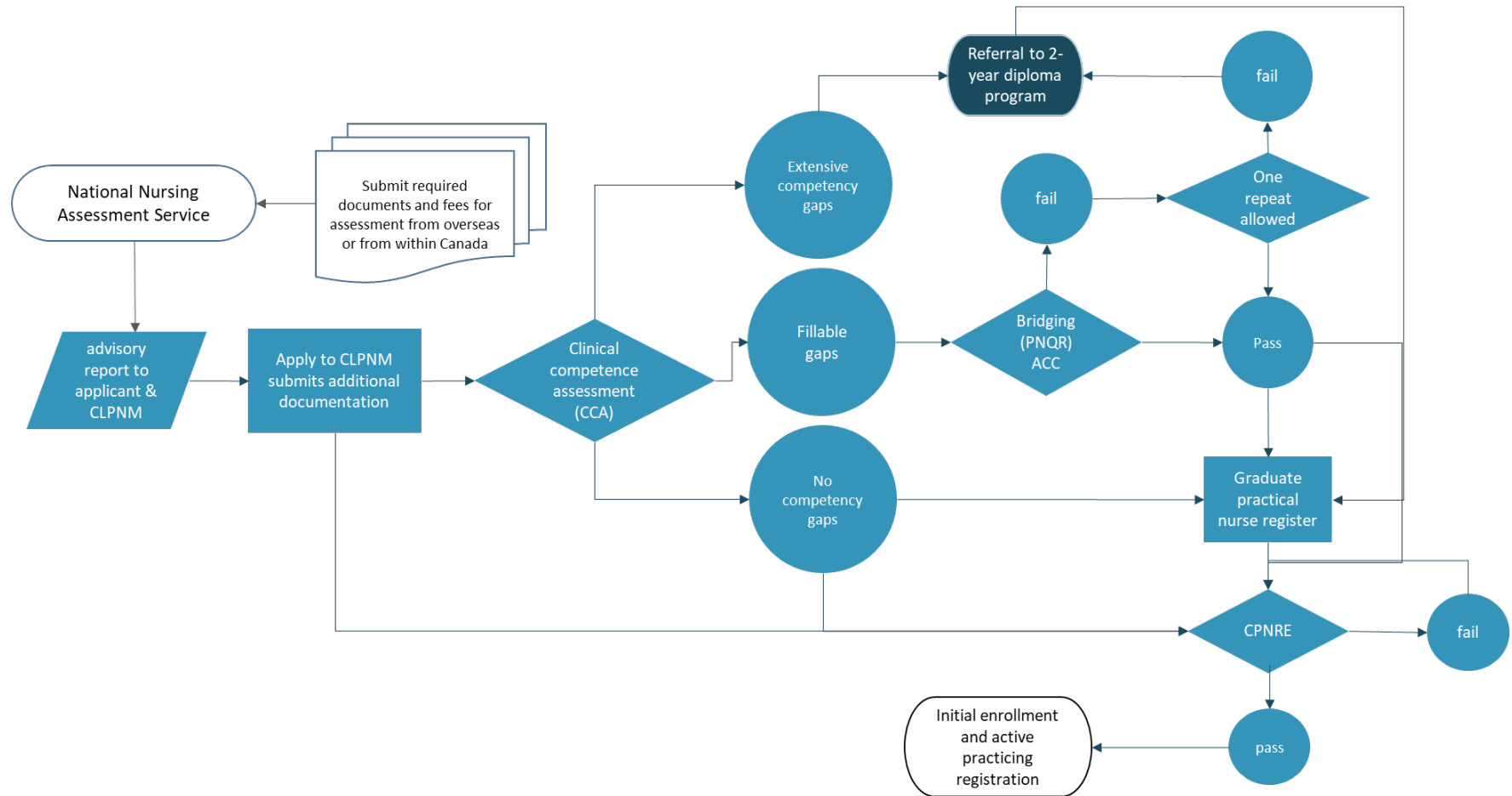
CLPNM has not agreed to permanently remove the continuing competence requirement for mobility applicants. In response to FRPO's recommendation, CLPNM has raised two issues:

1. Noting Article 705, paragraph 4(b) of CFTA, CLPNM sees their requirement as permissible, a reasonable expectation of continuing competence, similar to what is required of its own members and so is not a violation.
2. In CLPNM's judgement, permanently removing this requirement forgoes a substantive safety concern with mobility applicants who do not meet this requirement. They feel, some mobility applicants, particularly IENs with little or no Canadian practice experience, may be poorly vetted in other jurisdictions, lack sufficient competence and pose a risk only acceptable given the current labour shortage.

The CFTA provision 705, paragraph 4(b) is intended to apply in circumstances of applicants with a substantive break or leave from practice. Although CLPNM may have concerns about the adequacy of the vetting process for IENs in other provinces, these regulating authorities are confident in the qualification of these IENs and have issued the license.

Under Manitoba's mobility legislation, CLPNM is obligated to recognise these practitioners as qualified and the continuing competence requirement should be permanently removed.

Appendix 1 – Registration Process for Internationally Educated Applicants



Appendix 2 – Registration Data

College of Licensed
Practical Nurses of
Manitoba



3,663
Registered
Members

(As of December 2021)

2011-2021 Internationally Educated Applicant Data



824
applications

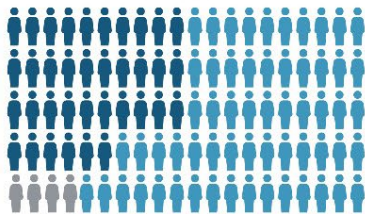


Top Countries of Education



applicants were educated in **31**
different countries

Application Outcomes



registered - **36%** | in process - **4%** | file closed - **60%**

Closed File Status



Median Time to Registration

2.3
years