



CHAPTER 241.

An Act respecting the Practice of Nursing.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Registered Nurses Act.” 1944, c. 38, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires, “Association” means the Registered Nurses’ Association of British Columbia. 1944, c. 38, s. 2.

Registered Nurses’
Association of
British Columbia.

3. The Registered Nurses’ Association of British Columbia, as constituted and existing under the Act repealed by this Act, shall continue as a body politic and corporate, having perpetual succession and a common seal, with power to acquire, hold, and dispose of real and personal property for the purposes of the Association, and to sue and be sued. 1944, c. 38, s. 3.

Constitution
and by-laws.

4. The constitution and by-laws of the Association approved at its annual meeting held in Victoria, British Columbia, on the eleventh day of April, 1942, and any subsequent amendments thereto passed prior to the coming into force of this Act shall be the constitution and by-laws of the Association. They shall come into effect upon the date fixed for the coming into force of this Act by the Lieutenant-Governor in Council pursuant to section 36 and they may be amended from time to time with the approval of the Lieutenant-Governor in Council in accordance with the procedure laid down in the constitution. 1944, c. 38, s. 4.

Annual meeting.

5. The Association shall meet at least once each year at a time and place to be determined by the constitution and by-laws of the Association. 1944, c. 38, s. 5.

Council.

6. There shall be a Council of the Association (hereinafter referred to as the "Council") elected from the members of the Association in accordance with the constitution and by-laws: Provided, however, that the Council selected under the provisions of the "Registered Nurses Act, 1935," shall remain in office until the first general meeting held under the provisions of the new constitution and by-laws. 1944, c. 38, s. 6.

Powers of Council.

7. The business of the Association shall be managed by the Council. In the interval between meetings of the Association the Council may exercise all such powers of the Association as are not by the constitution and by-laws required to be exercised by the Association in general meeting. 1944, c. 38, s. 7.

Regulations of Council.

8. For the better administration of the affairs of the Association the Council may from time to time make regulations not inconsistent with the constitution or by-laws of the Association or with the provisions of this Act, and, in particular but without limiting the generality of the foregoing, may make regulations, subject to the approval of the Lieutenant-Governor in Council, concerning the curricula and standards of schools of nursing. 1944, c. 38, s. 8; 1948, c. 66, s. 2.

Board of Examiners.

9. The Council shall appoint a Board of Examiners consisting of at least seven members, one of whom shall be a member of the College of Physicians and Surgeons, one a member of the Faculty of the University of British Columbia, and the remainder shall be members in good standing of the Association. Their appointments shall be subject to the approval of the Lieutenant-Governor in Council. 1944, c. 38, s. 9.

Duties of Board of Examiners.

10. The duties of the Board of Examiners shall be, subject to the regulations made by the Council, to arrange for the examination of applicants for registration in the Association, the setting of examination papers, and the examination and marking of papers. 1944, c. 38, s. 10.

Examinations.

11. Examination of applicants for registration shall be arranged by the Board of Examiners at least once in each year. Notice shall be given of the time and place of holding the examination six weeks before the date fixed for the examination. Such notice shall be mailed to every approved school of nursing as defined in sections 22 and 23, and shall further be published in such manner as may from time to time be prescribed by the Council in its regulations. 1944, c. 38, s. 11.

Entitlement to registration of present members of Association.

12. Every person who is a member of the Association at the commencement of this Act shall, subject to the provisions of this

Act, continue to be entitled to be registered as a member of the Association. 1944, c. 38, s. 12.

Requirements for registration of new applicants.

13. Any person who is a graduate of an approved school of nursing as defined in sections 22 and 23, and who is of good moral character, and has passed the examination prescribed by the Board of Examiners as provided in this Act, shall be entitled to become a member of the Association on producing evidence satisfactory to the Council in proof of such qualifications, and on written application in form approved by the Council, and on payment of the registration fee prescribed in the constitution and by-laws of the Association. 1944, c. 38, s. 13.

Registration of applicants already registered elsewhere.

14. Upon application and payment of the registration fee, the Council at its discretion may admit to membership, with or without further examination or training, any person, otherwise qualified, who is registered in any other Province or country, or who, having been so registered, has resigned while in good standing. 1944, c. 38, s. 14; 1948, c. 66, s. 3.

Registration of persons trained prior to April 22nd, 1921.

15. For a period of three years after the coming into force of this Act, upon application and payment of the registration fee by such person, the Council at its discretion may admit to membership without examination any person, otherwise qualified, who graduated from a school of nursing on or before the twenty-second day of April, 1921. 1944, c. 38, s. 15.

Permanent record.

16. (1) The Council shall cause a permanent record to be kept in which shall be entered the name and address of every person who has been or shall be granted registration under this Act or any preceding Act.

Current register.

(2) The Council shall cause a current register to be kept for the purpose of this Act, hereinafter referred to as the "register," in which shall be entered the name and address of every person who has paid the current dues and is otherwise in good standing. 1944, c. 38, s. 16.

Entitlement to use of term "Registered Nurse."

17. Only those persons whose names are entered in the register as members of the Association shall be entitled to use the title of "Registered Nurse" or the abbreviation "R.N.," or otherwise to represent themselves to the public as registered nurses. 1944, c. 38, s. 17.

Right of members to examine record and register.

18. The permanent record and current register shall be kept at the office of the Association and shall during business hours, subject to such reasonable restrictions as the Council may impose, be open to the inspection of any member. 1944, c. 38, s. 18.

Annual fee and certificate.

19. On or before the first day of March in each year every member of the Association shall pay to the Council such annual

fee as may be determined by the Association in its constitution and by-laws; and an annual certificate of membership, under the seal of the Association, shall be issued to every such member and shall remain in force until the first day of March in the following year. Failure to pay the annual fee shall automatically suspend any member from registration in the Province. 1944, c. 38, s. 19.

Use of funds of Association.

20. All fees payable under this Act and all moneys received for the benefit of the Association shall be the property of the Association, and shall be received and accounted for by the Council, and disbursed and appropriated under the direction of the Council for such purposes as may be deemed to be in the interests of the Association. 1944, c. 38, s. 20.

Reinstatement of members.

21. Any nurse whose registration has lapsed following resignation or who has been suspended because of non-payment of fees may be reinstated to membership on payment of such fees as may be determined by the Association in its constitution and by-laws. 1944, c. 38, s. 21.

Definition of "approved school of nursing."

22. For the purposes of this Act, the expression "approved school of nursing," in respect of the graduation of any person during the period beginning on the twenty-third day of April, 1921, and ending on the date of the commencement of this Act, means a school for the training of nurses that has been approved under the provisions of the "Registered Nurses Act, 1918," or any Act that has been substituted therefor, and in respect of the graduation of any person after the commencement of this Act means a school for the training of nurses that has been approved under the provisions of this Act or of the Act for which it is substituted. 1944, c. 38, s. 22.

Establishment of standards for approved schools of nursing.

23. No school of nursing shall be approved by the Council for the purposes of this Act unless it complies with the following provisions:—

(a) The school of nursing shall be one in which a course of instruction of at least three years is given and general training is provided by duly qualified practising physicians, nurses, and other qualified technicians in the following departments of nursing: Medical, surgical, obstetric, pediatric, and dietetic; the instruction or training being in:—

(i) A general hospital that has a daily average of at least fifty patients and provides all of the required instruction and training; or

(ii) A general hospital or a special hospital having a daily average of at least fifty patients, that while

not providing all of the required instruction or training, is affiliated with an approved hospital or hospitals in such a manner and for such a period as to ensure instruction or training being given to the students in the departments in which the hospital conducting the school of nursing is deficient; or

(iii) A general hospital connected or otherwise affiliated with a university where pre-clinical instruction is given:

- (b) In every school of nursing there shall be a principal, a night superintendent, and at least one full-time instructor who is qualified to teach nursing; and all members of the nursing staff shall be registered nurses. 1944, c. 38, s. 23.

Shortening of training period under certain circumstances.

24. Notwithstanding anything contained in section 23, in the case of a school of nursing coming within the scope of paragraph (iii) of clause (a) of section 23, the Council may reduce the amount of time devoted to the practice of nursing otherwise required. 1944, c. 38, s. 24.

Acceptance by Council of approved schools of nursing.

25. Schools of nursing that comply with the provisions of sections 22 and 23 shall be accepted by the Council as approved schools of nursing, and shall continue to be accepted so long only as the provisions of this Act and the regulations made by the Council pursuant to section 8 are observed therein. 1944, c. 38, s. 25; 1948, c. 66, s. 4.

Power of Council to require supplemental courses.

26. Where, in the opinion of the Council, it is practicable for a school of nursing, by arrangement or affiliation with an approved institution or public-health organization, to obtain instruction and training for its students in psychiatric nursing or in the preventive aspects of nursing, the Council may require that school to supplement the courses of instruction and training that it is otherwise required to give or provide by the addition thereto of a course in psychiatric nursing or in the preventive aspects of medicine and nursing. 1944, c. 38, s. 26.

Operation of schools of nursing subject to approval of Council.

27. No person shall establish, maintain, or conduct a school of nursing for nurses, or train or instruct or hold himself or herself out as being able to train or instruct persons to become qualified as nurses, without first obtaining the authority and consent in writing of the Council; and any person who contravenes the provisions of this section shall be liable, on summary conviction, to a penalty of not less than fifty dollars and not more than one hundred dollars for a first offence, and not less than one hundred dollars and not more than five hundred dollars for each subsequent offence. 1944, c. 38, s. 27.

Requirements for admission of students.

28. The minimum age of students for admission to the preliminary term in an approved school of nursing shall be eighteen years, and the minimum educational requirements shall be High School Graduation with University Entrance, or its equivalent as certified by the Registrar of the University of British Columbia. 1944, c. 38, s. 28; 1948, c. 66, s. 5.

Power to regulate hours of duty.

29. The Lieutenant-Governor in Council may make regulations governing the hours of duty for student nurses in schools of nursing. 1944, c. 38, s. 29.

Revocation of certificate.

30. The Council by a two-thirds majority vote of the members actually present at the hearing may revoke or suspend for such period as in its absolute discretion it may decide any certificate of registration for dishonesty, incompetency, a habit or illness rendering a nurse unfit or unsafe to be entrusted with the care of the sick, conduct derogatory to the ethical standards of the profession of nursing, or any wilful fraud or misrepresentation practised in procuring such certificate: Provided that no such certificate shall be revoked or suspended unless the member has been given at least thirty days' notice in writing of the specific charge and of the time and place of the hearing; at which time and place the member shall be entitled to be heard, present evidence, and be represented by counsel. Upon the revocation or suspension of the certificate the name of the member shall be removed from the register and she shall cease to be entitled to any of the privileges conferred on a registered nurse by this Act: Provided further that such person for a period of six months after the removal of the name from the register as aforesaid shall have the right of appeal to a Judge of the Supreme Court of British Columbia. The notice of appeal shall be in writing and shall set forth with reasonable certainty the grounds of appeal. It shall be filed in a registry of the Supreme Court and shall be served upon the Council, together with notice of time and place of hearing, at least six days before the hearing of such appeal. The procedure on appeal shall be as may be directed by a Judge of the Supreme Court. 1944, c. 38, s. 30.

Prohibition and penalty.

31. Any person not duly registered as a member of the Association pursuant to this Act who assumes or uses the title of "Registered Nurse" or the abbreviation "R.N.," or any other words, letters, or figures to indicate that such person is a registered nurse; and any person, not so registered pursuant to this Act, who either directly or indirectly, by advertisement, sign, or statement of any kind, advertises, alleges, or claims by any means whatsoever that she is entitled to assume or use, or does so assume or use, the title of "Registered Nurse" or the abbrevi-

ation "R.N.," or any other words, letters, or figures to indicate that such person is a registered nurse, or takes or uses any name, title, addition, or description implying or calculated to lead people to infer that she is registered under this Act, or is recognized by law as a registered nurse, shall be liable, on summary conviction, to a penalty of not more than one hundred dollars. 1944, c. 38, s. 31.

Proof of membership. **32.** In any prosecution under this Act, the production of an affidavit purporting to be the affidavit of a member of the Council in which it is sworn that the person charged is or is not registered under the provisions of this Act, as the case may be, shall be prima facie proof of such fact, and such affidavit shall be received in evidence without further proof that the affiant is a member of the Council. 1944, c. 38, s. 32.

Penalty for false representation. **33.** Every person who wilfully procures or attempts to procure himself or herself to be registered as a member of the Association under this Act by making any false or fraudulent representation or declaration, either verbally or in writing, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, and every other person knowingly aiding or assisting any such person therein shall, on summary conviction, be liable to a penalty of not more than fifty dollars. 1944, c. 38, s. 33.

Action for negligence or malpractice. **34.** No duly registered member of the Association shall be liable in any action for negligence or malpractice by reason of professional services requested or rendered, unless such action be commenced within one year from the date when, in the matter complained of, such professional services are terminated. 1944, c. 38, s. 34.

Exemptions. **35.** (1) This Act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family of the sick person, or to any person nursing the sick for hire who does not in any way assume or pretend to be a registered nurse.

(2) The provisions of the "Employment Agencies Act" shall not apply to the Association or to any placement service for its members operated by it or to any member of the Association utilizing such service. 1944, c. 38, s. 35; 1948, c. 66, s. 6.