



COUNCIL OF THE COLLEGE OF REGISTERED NURSES OF MANITOBA

IN THE MATTER OF:

Ronna Sigua, CRNM # 308167

AND IN THE MATTER OF:

Section 38 of *The Regulated Health Professions Act*

NOTICE OF DECISION WITH REASONS

Members of Council Appeal Panel:

Irene Hamilton, Public Representative, Council Member, Appeal Panel Chair
Lindsay Mulholland, Public Representative, Council Member
Martha Ross, RN(NP), Council Member

Other Attendees:

Ronna Sigua, CRNM # 308167, Applicant (Represented)
Evan Edwards, Duboff Edwards Schachter Law Corporation (Legal Counsel for the Applicant)
John Miller (Support person to the Applicant)

Katherine Stansfield, CEO/Registrar
Suzanne Wowchuk, Chief of Regulatory Practices
Jeff Hirsch, TDS Law (Legal Counsel for the CEO/Registrar)

Kevin Williams, Taylor McCaffrey LLP, (Legal Counsel for the Appeal Panel)

Members of the Public:

Riza Cuevas
Ronaly Venturina

Introduction

The mandate of the College of Registered Nurses of Manitoba (the "CRNM") is set out in section 10(2) of *The Regulated Health Professions Act* (the "RHPA"). Section 10(1) obligates the CRNM to carry out its mandate, duties and powers and govern its members in a manner that serves and protects the public interest.

Section 10(2)(b) gives the CRNM the mandate to develop, establish and maintain standards of academic or technical achievement and qualifications required for registration as a member and monitor compliance with and enforce those standards.

In 2021, Ms. Ronna Sigua applied to the CRNM for registration and the CRNM applied its standards for registration and did not approve Ms. Sigua's application. Ms. Sigua appealed the decision of the CRNM.

On July 26, 2022, an Appeal Panel of the Council of CRNM (the "Panel") heard the appeal. The decision of the Panel is to allow the appeal and direct the CRNM to register Ms. Sigua.

Our reasons follow.

Background

Ms. Sigua is an Internationally Educated Nurse who received her education in the Philippines. In 2013 she applied to the CRNM for registration, and after her application was evaluated using the CRNM's then standards, she was advised on August 15, 2014 by the Manager, Registration Services that "...in order to pursue registration as a registered nurse in Manitoba, you would be required to complete a basic nursing education program approved by the Board of Directors of the College...". Further she was advised that "...you require more additional education than can be provided by the Bridge to Canadian Nursing Program or the Red River College RN Refresher Program."

Ms. Sigua did not complete a basic nursing education program. She did complete a bridging program at John Abbott College in Quebec in 2017 and successfully wrote the Quebec Professional Nursing Exam (OIIQ), and was registered in Quebec in 2019. In 2020, she became registered in Ontario as a mobility applicant.

On March 4, 2021, Ms. Sigua reapplied to CRNM as a labour mobility applicant, on the basis that she was registered in another Canadian jurisdiction. On March 11, 2022 she was advised by the CEO/Registrar that her application was not approved and that she was required to undergo a Clinical Competency Assessment (the "CCA") as part of the registration process. Ms. Sigua did not undergo that assessment, and instead filed this appeal pursuant to ss. 38(1) of The Registered Health Professions Act (the RHPA).

The Standard of Review

The Panel heard argument from the parties on the appropriate Standard of Review that ought to be applied to the March 11, 2022 decision of the CRNM. The Panel concluded it was not necessary to determine the issue as the decision could not stand, regardless as to whether the Standard of Review that applied to the decision was one of reasonableness or correctness.

Facts

The facts in this case are not at issue.

Ms. Sigua argues that she is entitled to be registered based on Chapter 7 of the Agreement on Internal Trade (the "AIT"), ss.3(1), 3(2), and 7 of The Labour Mobility Act of Manitoba, ss. 32(3) of the RHPA and the RHPA regulation.

The CRNM argues that because Ms. Sigua was known to it prior to the 2021 application and it had previously required the Ms. Sigua to complete a nursing education program, it is entitled to impose the requirement to undergo a further CCA to assess and identify any gaps in her nursing practice and to help determine appropriate remedial education if required.

Decision

Manitoba, Ontario, and Quebec are all parties to the AIT, the predecessor to the Canadian Free Trade Agreement (the "CFTA"). Article 705 in the CFTA sets out the obligations of each province and territory to the agreement, conditions that a regulatory body under the jurisdiction of a province or territory may impose on the certification of a worker, and outlines circumstances where the regulatory authority in a province or territory may not be limited. The CRNM did not put forward that any conditions or exceptions from the limitation of its authority as cited in the CFTA as applying in this case.

Therefore, we conclude that the following mandatory wording of subparagraph of Article 705 applies:

1. Subject to paragraphs 2, 3, 4, and 6 and Article 707, any worker certified for an occupation by a regulatory authority of a Party shall, upon application, be certified for that occupation by each other Party that regulates that occupation without any requirement for any material additional training, experience, examinations, or assessments as part of the certification procedure.

Subsection 32(3) of the RHPA states:

In approving an application for registration, the registrar or board of assessors, as the case may be, must comply with the obligations under a domestic trade agreement

It is the decision of the Panel that these provisions apply to Ms. Sigua. Therefore, we allow her appeal and direct that the CRNM register Ms. Sigua as a registered nurse in Manitoba.

Addendum

It is noted by the Panel that after its deliberations and it had reached its decision, the CRNM provided the Panel with a Compliance Order under The Labour Mobility Act from the Minister of Health dated July 26, 2022.

It orders in part "...where an applicant to the College is registered in good standing as a registered nurse in another jurisdiction in Canada, the College must not require such applicant to take the Clinical Competence Assessment (the "CCA") in order to be registered with the College."

SIGNED by the Council Appeal Panel on the 11th day of August 2022



Irene Hamilton, Public Representative
Council Member
Appeal Panel Chair



Lindsay Mulholland, Public Representative
Council Member



Martha Ross RN(NP)
Council Member