

CANADIAN NURSES PROTECTIVE SOCIETY

BYLAW NO. 5

Eligibility for Assistance Provisions of the CNPS Bylaws

The following excerpts include provisions of the CNPS Bylaws pertaining to Beneficiaries' eligibility and scope of assistance. They may be amended from time-to-time. A complete copy of the Bylaws is available on the CNPS website.

CORPORATE SEAL

1. The seal, an impression whereof is stamped in the margin hereof, shall be the seal of the CANADIAN NURSES PROTECTIVE SOCIETY (the "**Society**").

MEMBERSHIP

2. Membership in the Society shall be limited to those provincial and territorial nurses professional associations and colleges and, subject to the other provisions of these bylaws, their successors and assigns, interested in furthering the purposes of the Society and shall consist of each such association and college whose application for admission as a member has been approved (the "**Members**") by the Board of Directors of the Society (the "**Board**").

The members of the CNPS are provincial and territorial nursing associations and colleges

ELIGIBILITY FOR SERVICES

46. The Society may, in its discretion, provide assistance to eligible nurses who seek legal advice in respect of their legal and professional obligations, who face a threat of litigation or prosecution in connection with their nursing practice or otherwise require legal information, advice or representation in connection with any legal, judicial, quasi-judicial or administrative matter or proceeding related to their nursing practice. Such assistance may extend to the payment of all damages, costs, interest, fees and incidental expenses in a proceeding. Eligible nurses are nurses defined as such by the Board. Eligible nurses or, if applicable, their legal representatives, shall be known as the beneficiaries of the Society. For greater certainty, beneficiaries are not Members of the Society.

Assistance is discretionary

Scope of assistance includes legal advice; assistance with threats of litigation; representation in connection with legal proceedings

Eligible nurses are known as beneficiaries

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| 47. | Beneficiaries seeking assistance from the Society shall submit a written request for assistance and provide to the Society all relevant information that it may require to consider such request. | <i>How to request assistance</i> |
| 48. | The decision to grant assistance, including the extent and the conditions of such assistance, shall be made in each case by the Board, by a committee appointed for that purpose by the Board, or by the executive director where authorized to do so by a resolution of the Board. Without limiting the generality of the foregoing, where the decision to grant assistance includes the decision to retain counsel, the choice of counsel shall be at the sole discretion of the Society. Each request for assistance shall be considered in accordance with the then existing applicable guidelines, practices and procedures of the Society. | <i>Requests for assistance are considered by a committee</i> |
| 49. | Any beneficiary may request reconsideration by the Board (or a committee of the Board appointed for that purpose) of any aspect of an original decision to grant or deny assistance. The decision made by the Board or a committee of the Board further to that reconsideration is final. | <i>Appeal of committee decision to Board</i> |
| 50. | Every beneficiary receiving assistance from the Society and/or any legal representative of such beneficiary shall cooperate fully with the Society to ensure the appropriate conduct of the proceeding. | <i>Beneficiaries shall cooperate with the CNPS</i> |
| 51. | Subrogation: A beneficiary or a beneficiary's legal representative who accepts the Society's assistance is deemed to have agreed that the Society is subrogated, to the extent of the assistance rendered, to the beneficiary's rights of recovery against any third party and the beneficiary and/or his/her legal representative shall execute any document to formally confer such rights and shall collaborate as necessary to permit the effective exercise of such rights by the Society, its officers or Board. | <i>Subrogation of beneficiaries' rights of recovery against any third party</i> |