

Draft Regulation

Nurses Act
(R.S.Q., c. I-8)

Professional Code
(R.S.Q., c. C-26)

Nurses

— Terms and conditions for the issue of permits and special authorizations

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations.

For the purposes of section 95 of the Professional Code, the Regulation, the text of which appears below, will be examined by the Office des professions du Québec. Subsequently, it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendments upon the expiry of 45 days following this publication.

The purpose of the Regulation is to allow the Ordre des infirmières et infirmiers du Québec to continue to impose, as an additional condition for the issue of a permit to practise the nursing profession, the passing of an examination consisting in a method of assessment of the assimilation of knowledge of candidates for the profession of nursing and of graduates eligible by equivalence and of their capacity to apply their knowledge in solving problems specific to nursing.

The Regulation has no impact on businesses.

Further information on the Regulation may be obtained by contacting:

- Mme Hélène Rajotte
Secretary of the Ordre des infirmières et infirmiers du Québec
- M^e Claudette Ménard, advocate and legal counsel
Director of the Services juridiques de l'Ordre des infirmières et infirmiers du Québec
4200, boulevard Dorchester
Montréal (Québec) H3Z 1V4
Tel.: (514) 935-2501
1-800-363-6048
Fax: (514) 935-1799.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order which made the Regulation and to interested persons, departments or bodies.

ROBERT DIAMANT,
*Chairman of the Office des
professions du Québec*

Draft regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations

Nurses Act
(R.S.Q., c. I-8, s. 38, 1st par., subpar. c)

Professional Code
(R.S.Q., c. C-26, s. 94, par. *i* and s. 94.1;
1994, c.40, s. 81 and 82)

DIVISION I INTERPRETATION

1. In this Regulation, unless otherwise indicated by the context, the following expression shall mean:

(1) “candidate for the profession of nursing”: means a person who holds a diploma meeting permit requirements of the Order, a person who has proven to the Bureau of the Order that she has successfully completed a program in nursing or a person whose training received in Québec has been recognized as equivalent by the Bureau of the Order, who has applied to the Order for a permit and is awaiting its issue;

(2) “graduate eligible by equivalence”: means a person who holds a diploma issued by an educational establishment outside Québec and recognized as equivalent by the Bureau of the Order or a person whose training acquired outside Québec has been recognized as equivalent by the Bureau of the Order, and who has applied to the Order for a permit and is awaiting its issue;

(3) “nurse”: means any person entered on the roll of the Order;

(4) “Order”: means the “Ordre des infirmières et infirmiers du Québec”;

(5) “program in nursing”: means courses in theory and the clinical practice, as a whole, that lead to a diploma meeting permit requirements of the Order;

(6) “applicant for special authorization”: means a person who is legally authorized to practise outside Québec the same profession as the members of the Order and who applies for authorization to practise nursing in Québec for the account of a person or a group of persons;

(7) “secretary”: means the secretary of the Order.

DIVISION II GENERAL

2. To obtain a permit issued by the Order in accordance with the Nurses Act (R.S.Q., c. I-8), the Professional Code (R.S.Q., c. C-26) and the Charter of the French language (R.S.Q., c. C-11), any person shall pass the professional examination and, in certain cases, carry out a professional adaptation training period prescribed in this Regulation and shall comply with the other terms and conditions set out herein.

The dues required under this Regulation shall be determined by the Bureau of the Order pursuant to paragraph (8) of section 86.01 of the Professional Code.

Unless otherwise indicated by the context, the provisions of this Regulation that refer to the professional examination apply to the supplemental examination.

DIVISION III PROFESSIONAL ADAPTATION TRAINING PERIOD

3. In the interest of public protection, the Bureau of the Order may oblige a graduate eligible by equivalence to carry out a professional adaptation training period.

“Professional adaptation training period” means a period of integration of forty days of work in a clinical setting completed under the supervision of a nurse available in the building where the act is carried out, in a centre operated by an establishment within the meaning of the Act respecting health services and social services.

4. The professional adaptation training period shall be completed once a candidate has passed the professional examination, although the Bureau may decide that it will be completed at some other time.

Within ten days following completion of the training period, a graduate eligible by equivalence shall submit to the secretary an attestation of completion issued by the centre at which she received the training.

DIVISION IV PROFESSIONAL EXAMINATION

§1. General

5. The professional examination shall assess the extent to which candidates for the profession of nursing and graduates eligible by equivalence have assimilated their knowledge, as well as their capacity to apply their knowledge in solving problems specific to nursing.

6. A candidate for the profession of nursing shall register for and sit the first examination held following, if applicable, the day on which the Bureau of the Order recognizes her diploma meeting the permit requirements, recognizes that she has successfully completed a program in nursing or recognizes the training she received in Québec as equivalent. The candidate may take up to two years from the date set for the first examination for which she must register and that she must sit, to meet all the requirements for the issue of a permit.

The Bureau may excuse a candidate for the profession of nursing from the above-mentioned examination for a satisfactory reason, in particular where her absence is due to illness, accident, childbirth, the death of an immediate family member, or some other major event.

7. A graduate eligible by equivalence shall register for and sit the first examination held following the day on which the Bureau of the Order recognizes as equivalent a diploma issued to her by an educational establishment outside Québec or training that she received outside Québec.

The graduate eligible by equivalence shall pass the professional examination and, where required, shall complete the professional adaptation training period within two years following the decision of the Bureau of the Order to grant an equivalence for a diploma issued by an educational establishment outside Québec or for training received outside Québec.

8. Not less than sixty days preceding the date set for examination, the secretary shall send a notice of examination to each educational establishment that grants a diploma meeting permit requirements. The notice shall be published once in Québec, in a French-language and an English-language daily.

9. Each year the Bureau shall set the registration fees for the examination.

10. The examination may be written in French or in English.

11. The Order shall hold the examination not less than twice per year at locations determined by the Bureau of the Order. The supplemental examination shall be held at the same time.

12. The Bureau of the Order shall determine the passing mark and may decide that the result obtained on the professional examination will be expressed simply as a pass or a failure. Within fifteen days following receipt of the examination results at the corporate seat of the Order, the secretary shall send these to the persons who sat the examination.

13. Where so decided by the professional examination committee, a candidate fails the professional examination where she

(1) registers for the examination under false pretences; or

(2) copies or is party to copying during the examination.

Such decision by the committee may not be revised or appealed and a person who fails for either of the foregoing reasons shall not have the right to sit the supplemental examination.

14. Any person who fails the examination has the right to appeal to an authority designated by the Bureau of the Order to review her mark. An application to that effect shall be made in writing within thirty days following the mailing of the result.

15. No person may rewrite the examination more than twice. A person who fails shall sit the next examination held.

§2. Professional examination committee

16. The professional examination committee set up by resolution under paragraph (2) of section 86.01 of the Professional Code shall be made up of five nurses and a number of substitute members determined by the Bureau of the Order; committee members shall have not less than five years of experience in nursing, in a clinical setting or in teaching in nursing, and shall hold a master's degree.

17. The Bureau of the Order shall appoint the nurses and the substitute members of the committee for a three year term of office, which may be renewed once, and shall designate a chairperson from among the committee members.

18. The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular for drafting, evaluating, revising and correcting the examination questions and for supervising all examination sessions held.

The committee shall examine the overall report on the results of each examination and shall make its recommendations to the Bureau of the Order.

19. The committee may appoint experts to sit with its members, subject to the Bureau of the Order's approval for each appointment.

20. Nurses, substitute members of the committee and, where applicable, experts shall take an oath to the effect that they will respect the confidential nature of all information that comes to their attention during the performance of their duties.

21. The Bureau shall determine the general operating rules of the committee in accordance with paragraph (2) of section 86.01 of the Professional Code.

§3. Eligibility for the professional examination for a person having successfully completed a program in nursing

22. To be eligible for the professional examination, a person having successfully completed a program in nursing shall hold:

(1) a registration certificate issued by the secretary when the person registered for the first term of the program in nursing or at the beginning of a professional training period carried out under such program; or

(2) a diploma meeting the Order's permit requirements.

Where the diploma referred to in subparagraph (2) of the first paragraph is not available, the person shall provide proof of successful completion of the program in nursing, particularly by having the educational establishment attended by the person send a transcript to the secretary not less than thirty days preceding the date set for the examination.

§4. Examination registration process

23. Every person registering for the professional examination shall

(1) fill out and sign an application for registration using the form determined by the Bureau of the Order and send the application to the secretary so that it arrives not less than thirty days before the date set for the examination;

(2) enclose, with the application prescribed in paragraph 1, two recent, identical photographs of passport size (5 cm x 7 cm), signed on the white strip intended for that purpose; the photographs shall be authenticated on the back by the persons designated as sponsors for Canadian passports; and

(3) pay the examination fees not less than thirty days preceding the date set for the examination.

DIVISION V OTHER TERMS AND CONDITIONS FOR THE ISSUE OF A PERMIT

24. Every person applying for a permit provided for in section 40 of the Professional Code shall also

(1) not suffer from a physical or mental condition incompatible with the practice of nursing;

(2) provide proof that her knowledge of French is appropriate for the practice of nursing;

(3) complete an application for admission to nursing using the form determined by the Bureau of the Order;

(4) pay the fees required by the Bureau of the Order for the processing of an application and the issue of a permit;

(5) in the case where she practises nursing in another jurisdiction, provide proof that she is regularly practising in such jurisdiction.

DIVISION VI TERMS AND CONDITIONS FOR THE ISSUE OF TEMPORARY AND RESTRICTED PERMITS

25. The Bureau of the Order may, in accordance with section 41 of the Professional Code, issue a temporary permit to a person who is legally authorized to practise nursing outside Québec and who meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (2) of section 24.

26. The Bureau of the Order may, in accordance with section 37 of the Charter of the French language, issue a temporary permit to a person from outside Québec who:

(1) is a graduate eligible by equivalence; and

(2) meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (2) of section 24.

27. The Bureau of the Order may, in accordance with section 40 of the Charter of the French language, issue a restricted permit to a person who is already authorized to practise nursing under the laws of another province or country and who:

(1) is a graduate eligible by equivalence;

(2) has the official depositary of the documents in question forward to the secretary an attestation to the effect that the person is legally authorized to practise nursing under the laws of another province or country with which the person must comply at the time of her permit application; and

(3) meets all the terms and conditions for the issue of a permit set out in section 24, except the condition mentioned in paragraph (2).

DIVISION VII TERMS AND CONDITIONS FOR THE ISSUE OF A SPECIAL AUTHORIZATION

28. The president of the Order may, in accordance with section 33 of the Professional Code, empower a person legally authorized to practise nursing outside Québec to do so in Québec where the person

(1) submits a written application for special authorization to the president of the Order;

(2) has the official depositary of the documents in question forward to the president of the Order an attestation to the effect that the person is legally authorized to practise nursing outside Québec under the laws with which the person must comply at the time of her permit application;

(3) where the official documents are drafted in a language other than French or English, provides an authenticated French translation of the documents; and

(4) pays the fees required by the Bureau of the Order.

29. A person who, in accordance with section 33 of the Professional Code, is empowered to practise nursing in Québec for the purpose of completing a professional training period may practise only in accordance with the following terms and conditions:

(1) she shall practise under the supervision of a nurse or a group of nurses;

(2) she shall practise in the area of nursing required for the training period and required by the person or the group of persons indicated in the special authorization; and

(3) she shall practise during the hours required for the training period, for the account of the person or the group of persons and for the period indicated in the special authorization.

DIVISION VIII

TRANSITIONAL AND FINAL

30. Candidates for the profession of nursing and graduates eligible by equivalence referred to in section 34 of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by decree 644-93 on May 5, 1993 and which ceased to have effect on (*insert the date here*), may not make use of this regulation.

31. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.