

Gouvernement du Québec

**O.C. 922-96, 17 July 1996**

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**

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

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), the Ordre des infirmières et infirmiers du Québec, hereinafter designated as “the Order”, and its members are, subject to that Act, governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under subparagraph *c* of the first paragraph of section 38 of the Nurses Act, amended by section 333 of Chapter 40 of the Statutes of 1994, every person who applies for a permit from the Order is entitled to obtain the permit if the person has complied with the conditions and formalities imposed under the Professional Code;

WHEREAS paragraph *i* of section 94 of the Professional Code, amended by section 81 of Chapter 40 of the Statutes of 1994, enables, in particular, the Bureau of the Order to determine, by regulation, the other terms and conditions for issuing permits and special authorizations, particularly the requirement to sit for and pass the professional examinations it determines;

WHEREAS the Bureau of the Order 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, in its French version, at its meeting held on 8 and 9 February 1996 and in its English version, at its meeting held on 18 and 19 April 1996;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 15 May 1996, with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry

of 45 days following that publication and inviting any interested person to submit his comments within that period;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office des professions for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation has been transmitted to the Office, which has examined it and made its recommendation;

WHEREAS under the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion, in particular, that the urgency of the situation so requires;

WHEREAS according to the second paragraph of section 18 of that Act, the reason justifying the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

WHEREAS it is expedient that the Regulation come into force on the date of its publication in the *Gazette officielle du Québec* for the following reason:

— the situation is urgent, in that the Regulation enables the Order to hold professional examinations, which must be held on 7 August 1996;

WHEREAS it is expedient to approve the Regulation made by the Bureau of the Order, but with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, the text of which is attached hereto, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## 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, 1<sup>st</sup> par., subpar. c; 1994, c. 40, s. 333)

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

### 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) “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 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 paragraphs (8) and (9) 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 EXAMINATION

#### §1. *General*

**3.** 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.

**4.** 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 as equivalent the training she received in Québec.

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

**5.** A candidate for the profession of nursing and a graduate eligible by equivalence may take up to two years from the date set for the first examination for which they must register and that they must sit, to meet all the requirements for the issue of a permit.

The Bureau may excuse a person 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.

**6.** 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 in Québec at least once, in a French-language daily and an English-language daily.

**7.** Each year the Bureau shall set the registration fees for the examination.

**8.** The examination may be written in French or in English.

**9.** 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.

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

**11.** Where so decided by the professional examination committee, a candidate fails the 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.

**12.** 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.

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

## *§2. Professional examination committee*

**14.** 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 the program in nursing, and shall hold a master's degree.

**15.** 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.

**16.** The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular for elaborating, 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.

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

**18.** 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.

**19.** 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*

**20.** 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; and

(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*

**21.** 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 IV** OTHER TERMS AND CONDITIONS FOR THE ISSUE OF A PERMIT

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

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

(2) complete an application using the form determined by the Bureau of the Order;

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

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

#### **DIVISION V** TERMS AND CONDITIONS FOR THE ISSUE OF TEMPORARY AND RESTRICTED PERMITS

**23.** 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 (1) of section 22.

**24.** 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 (1) of section 22.

**25.** 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 depository 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 22, except the condition mentioned in paragraph (1).

#### **DIVISION VI** TERMS AND CONDITIONS FOR THE ISSUE OF A SPECIAL AUTHORIZATION

**26.** 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 depository 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.

**27.** 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 VII TRANSITIONAL AND FINAL

**28.** 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 May 19, 1996, may not make use of this regulation.

**29.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and shall remain in force for a period of 1 year from that date.

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Gouvernement du Québec

### O.C. 923-96, 17 July 1996

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

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

#### Nurses

#### — Professional acts which may be performed by persons other than nurses

Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), the Ordre des infirmières et infirmiers du Québec, hereinafter designated as “the Order”, and its members, subject to that Act, shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS paragraph *h* of section 94 of the Professional Code, amended by section 81 of Chapter 40 of the Statutes of 1994, empowers the Bureau of the Order to determine, by regulation, among the professional acts that may be engaged in by members of the Order, those that may be engaged in by the persons or categories of

persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that same section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS the Bureau of the Order made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses, in its French version, at its meeting held on 8 and 9 February 1996 and, in its English version, at its meeting held on 18 and 19 April 1996;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 15 May 1996, with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following that publication and inviting any interested person to submit his comments within that period;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation has been transmitted to the Office, which has examined it and made its recommendation;

WHEREAS under the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion, in particular, that the urgency of the situation so requires;

WHEREAS according to the second paragraph of section 18 of that Act, the reason justifying the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

WHEREAS it is expedient that the Regulation come into force on the date of its publication in the *Gazette officielle du Québec* for the following reason: