

Gouvernement du Québec

**O.C. 848-97, 25 June 1997**

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

**Nurses**

**— Criteria and terms 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

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter designated “the Order”, and its members shall be 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, every person is entitled to obtain a permit of the Order who applies therefor and who has complied with the conditions and formalities imposed under the Professional Code;

WHEREAS under paragraph *i* of section 94 of the Professional Code, the Bureau of the Order may, by regulation, determine, *inter alia*, the other terms and conditions for issuing permits, in particular the obligation to pass the professional examinations it determines;

WHEREAS under that paragraph, the Bureau of the Order, at its meeting held on 13 and 14 February 1997, duly made the Regulation respecting the conditions and terms for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice indicating, in particular, that it could be submitted to the Government, which could approve it with or without amendment at the expiry of 45 days from its publication, and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the chairman of the Office des professions du Québec;

WHEREAS after the publication of the Regulation, the chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, 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 an Act constituting a 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 was transmitted to the Office, which has examined it and formulated its recommendation;

WHEREAS it is expedient to approve the Regulation, 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 the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, the text of which is attached to this Order in Council, 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**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *i*)

**DIVISION I**  
**GENERAL**

**1.** To obtain a permit issued by the Ordre des infirmières et infirmiers du Québec 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), the applicant must pass the professional examination provided for in this Regulation and must meet the other terms and conditions determined herein.

The fees required under this Regulation shall be determined by the Bureau of the Order pursuant to paragraph 8 of section 86.0.1 of the Professional Code.

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

**2.** In this Regulation,

“candidate for the profession of nursing” means any person who has applied to the Order for a permit and is awaiting its issue, and who holds a diploma meeting permit requirements, or whose successful completion of a program in nursing is recognized by the Bureau of the Order or who has been granted a diploma equivalence or training equivalence by the Bureau of the Order under the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 847-97 dated 25 June 1997;

“diploma meeting permit requirements” means a diploma recognized, by regulation of the Government made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for the permit issued by the Order; and

“program in nursing” means the series of courses in theory and the clinical experience leading to a diploma meeting permit requirements.

**DIVISION II**  
**PROFESSIONAL EXAMINATION****§1. General**

**3.** The professional examination shall assess the assimilation of knowledge by a candidate for the profession of nursing, as well as her ability to apply that knowledge in solving problems specific to nursing.

**4.** A candidate for the profession of nursing shall register for and sit the first examination following the day on which the Bureau of the Order recognizes her diploma as meeting permit requirements, recognizes that she has successfully completed a program in nursing or grants a diploma equivalence or training equivalence, as the case may be.

**5.** A candidate for the profession of nursing 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 of the Order may, on the conditions it determines and for reasons owing to unavoidable circumstances of which proof must be provided by the candidate for the profession of nursing, grant an extension allowing the candidate to sit the professional examination at a later date.

**6.** A candidate for the profession of nursing who fails to sit the examination and wishes to retain her status within the meaning of the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses, approved by Order in Council 849-97 dated 25 June, must be excused by the Bureau of the Order for a valid reason such as illness, accident, childbirth, the death of a member of her immediate family or unavoidable circumstances, of which she must provide proof.

**7.** Not less than 60 days before the date set for an examination, the secretary of the Order shall send notice of the examination to every educational establishment that confers 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.

**8.** Each year, the Bureau of the Order shall determine the registration fee for the examination.

**9.** A candidate may sit the examination in French or in English.

**10.** The Order shall hold at least two examinations per year, at locations determined by the Bureau of the Order. The supplemental examination shall be held at the same time.

**11.** The Bureau of the Order shall determine the pass mark and may decide that the examination result will be indicated simply as a pass or a failure. Within 15 days following receipt of the examination results at the head office of the Order, the secretary of the Order shall mail them to the examinees.

**12.** Where so decided by the professional examination committee, an examinee shall fail 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 reviewed, and an examinee who fails for either of the foregoing reasons shall not be entitled to sit the supplemental examination.

**13.** Any person having failed the examination may request a review before the authority designated by the Bureau of the Order, for the purpose of verifying the result obtained. Such request shall be made in writing within 30 days following the mailing of the result and shall include the requisite fee.

**14.** No person may resit the examination more than twice.

*§2. Professional examination committee*

**15.** The professional examination committee formed by resolution under paragraph 2 of section 86.0.1 of the Professional Code shall be composed of five nurses and a number of substitute nurses determined by the Bureau of the Order; committee members shall hold a master's degree and shall have no less than five years of experience in nursing, in a clinical setting or in teaching in a program in nursing.

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

**17.** The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular the development, drafting, evaluation, revision and correction of the examination questions, as well as the supervision of all examinations held.

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

**18.** The committee may enlist the aid of experts, whose appointment is subject to the approval of the Bureau of the Order.

**19.** Nurses, substitute nurses and any experts on the committee shall swear an oath to maintain the confidentiality of all information that comes to their attention in the performance of their duties.

**20.** The Bureau of the Order shall determine the general operating rules of the committee in accordance with paragraph 2 of section 86.0.1 of the Professional Code.

*§3. Requirements for admission to the professional examination for persons having successfully completed a program in nursing*

**21.** To be admitted to the professional examination, a person having successfully completed a program in nursing shall

(1) have been issued a registration certificate by the secretary of the Order when the person registered for the first term of the program in nursing or no later than at the beginning of any period of professional training served under such program; and

(2) hold a diploma meeting permit requirements.

Where the diploma referred to in subparagraph 2 of the first paragraph is not available, the person shall provide proof of the successful completion of the program in nursing. Proof may be provided, in particular, in the form of a transcript sent to the secretary of the Order, no less than 30 days before the date fixed for the examination, by the educational establishment attended by the person.

*§4. Registration for the professional examination*

**22.** Any person wishing to register 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 shall ensure that the secretary of the Order receives the application no less than 30 days before the date set for the examination;

(2) enclose with the application referred to in paragraph 1, to be sent to the secretary of the Order, two identical passport-size photographs (5 cm x 7 cm) taken within the last 12 months and signed on the white signature strip. The photographs shall be authenticated on the back by any person authorized to act as a sponsor in respect of Canadian passports; and

(3) pay the examination fee no less than 30 days before the date set for the examination.

**DIVISION III**  
OTHER TERMS AND CONDITIONS  
FOR THE ISSUE OF A PERMIT

**23.** Any person applying for a permit shall also

(1) provide official proof that her knowledge of the French language is appropriate to the profession of nursing within the meaning of section 35 of the Charter of the French language;

(2) fill out and sign 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; and

(4) where the person is authorized to practise nursing in another jurisdiction, provide official proof that she is legally authorized to practise nursing outside Québec.

Subparagraph 1 of the first paragraph does not apply to a person applying for a temporary permit referred to in section 41 of the Professional Code.

**24.** This Regulation replaces 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, which was approved by Order in Council 922-96 dated 17 July 1996 and ceases to have effect on 31 July 1997.

**25.** This Regulation comes into force on 31 July 1997 and will remain in force for a period of five years from that date.

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Gouvernement du Québec

## O.C. 849-97, 25 June 1997

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 which, on 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), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter designated “the Order”, and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under paragraph *h* of section 94 of the Professional Code, the Bureau of the Order may, by regulation, determine, 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 under that paragraph, the Bureau of the Order, at its meeting held on 13 and 14 February 1997, duly made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain conditions and terms, may be performed by persons other than nurses;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice indicating, in particular, that it could be submitted to the Government, which could approve it with or without amendment at the expiry of 45 days from its publication, and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the chairman of the Office des professions du Québec;

WHEREAS after the publication of the Regulation, the chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, 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 an Act constituting a 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 was transmitted to the Office, which has examined it and formulated its recommendation;

WHEREAS it is expedient to approve the Regulation, 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 the professional acts which, on certain terms and conditions, may be performed by persons other than nurses, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*)

**1.** In this Regulation,

“diploma meeting permit requirements” means a diploma recognized, by regulation of the Government made