

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

under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as meeting the requirements for the permit issued by the Ordre des infirmières et infirmiers du Québec;

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

“status of candidate for the profession of nursing” means the authorization that allows a person to perform professional acts in accordance with section 2.

2. A candidate for the profession of nursing may, while awaiting the issue of her permit and her entry on the roll of the Order, perform, on the same conditions, any professional act that may be performed by a nurse, but may do so only under the direct supervision of a nurse who is present in the building in which the act is performed in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

“Candidate for the profession of nursing” means any person who holds a diploma meeting permit requirements, whose successful completion of a program in nursing is recognized by the Bureau of the Order or to whom a diploma equivalence or training equivalence is granted 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, and who has applied for a permit in accordance with the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 848-97 dated 25 June 1997.

Such person acquires the status of candidate for the profession of nursing, which applies from 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.

That status terminates on the day on which a permit is issued by the Order or on the expiry of a two-year period beginning on the date of the professional examination that the candidate for the profession of nursing must sit under the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec.

3. The secretary of the Order shall publish, in an official or regular publication sent by the Order to every nurse, the name of any person whose status as a candidate for the profession of nursing has terminated.

4. A graduate eligible by equivalence may, during and for the purposes of her program of studies or additional training, perform, on the same conditions, any professional act that may be performed by a nurse, but may do so only under the direct supervision of a nurse who is present in the building in which the act is performed in a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons.

“Graduate eligible by equivalence” means any person who has undertaken a program of studies or additional training whose content is determined by the Bureau of the Order for the purposes of granting an equivalence in accordance with 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.

5. A person legally authorized to practise nursing outside Québec and holding special authorization under section 33 of the Professional Code to practise nursing in Québec for the purpose of serving a period of training, may practise nursing only

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

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

(3) during the hours stipulated for the period of training, on behalf of the person or group of persons and for the period of time specified in the special authorization.

6. This Regulation replaces 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, which was approved by Order in Council 923-96 dated 17 July 1996 and ceases to have effect on 31 July 1997.

7. This Regulation comes into force on 31 July 1997.