

Any fixed rate shall remain in effect for a minimum period of 90 days after it was last broadcast or published. Notwithstanding the foregoing, nothing prevents a chemist from agreeing with a client on a price lower than the one published or broadcasted.

92. Explanations and indications respecting the advertisement of any fee or rate shall be of such a nature as to reasonably inform persons who have no particular knowledge of chemistry.

93. A chemist shall keep a complete copy of every advertisement in its original form for a period of 5 years following the date on which it was last published or broadcast. The copy shall be given to the syndic or one of his assistant upon request.

94. Any advertisement liable to influence persons who may be physically or emotionally vulnerable because of the occurrence of a specific event may be addressed only to the public in general.

95. A chemist, in his advertising, shall not use or allow the use of an endorsement or testimonial concerning him.

DIVISION VI GRAPHIC SYMBOL OF THE ORDRE DES CHIMISTES DU QUÉBEC

96. The Ordre des chimistes du Québec is represented by a graphic symbol that is in conformity with the original held by the director general.

97. Where a chemist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that such reproduction is in conformity with the original by the director general.

98. Where a chemist uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, he shall include the following notice in the advertisement:

“This advertisement is not an advertisement of the Ordre des chimistes du Québec and entails the liability of its authors only”.

DIVISION VII NAME OF A CHEMISTS' PARTNERSHIP

99. The name of a chemists' partnership shall include only the names of members who are practising together. However, the name of a deceased or retired member may be retained in the partnership name.

100. Where a chemist withdraws from a partnership to practise alone, to join another partnership or to fulfil a duty that is incompatible with the practice of his profession, his name shall be removed from the partnership name within 1 year of his withdrawal, unless there is an agreement in writing to the contrary.

DIVISION VIII FINAL PROVISIONS

101. This Regulation replaces the Regulation modifying the Code of ethics of chemists (R.S.Q., c. C-15, r. 2).

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

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Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— **Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (nurses)**

— **Amendments**

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 16 April 1999, adopted the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians.

In accordance with section 95 of the Professional Code, the Regulation has been transmitted to the Office des professions du Québec for examination after which it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment at the expiry of 45 days following this publication.

The purpose of the Regulation is to allow nurses to perform any medical act that is required to carry out the duties of nurse first surgical assistant, where the act is performed

- in accordance with a medical prescription;
- under the immediate supervision of a physician;
- in a hospital centre only;
- according to protocol;
- while the physician who is the surgeon responsible for the surgery is physically present at the beneficiary's side; and
- by a nurse who has the required training and meets the selection criteria.

The Regulation specifies that the function of nurse first surgical assistant as well as the required training and the selection criteria are jointly defined for the institutions by the Bureau of the Collège des médecins du Québec and the Bureau of the Ordre des infirmières et infirmiers du Québec in resolutions adopted by the Bureau of each of the two professional orders concerned.

The Regulation states that any amendment to the definition of the function of nurse first surgical assistant and the required training and selection criteria set out in the two above-mentioned resolutions must be made jointly by means of new resolutions adopted by the Bureau of each of the two professional orders concerned. The Regulation also provides that the resolutions must be transmitted to the Office des professions du Québec in the 15 days preceding the date stipulated in the resolutions for the coming into force of the amendments.

According to the Collège des médecins du Québec:

1. the Regulation defines the various conditions under which a nurse may perform medical acts that are clinical and technical acts required for the surgeon to safely perform the surgery;
2. with respect to public safety, the Regulation provides assurance that a nurse carrying out the duties of nurse first surgical assistant has acquired the knowledge and skills to correctly and efficiently perform all of the acts required to carry out the duties of that function;
3. the Regulation will not have any effect on businesses, small and medium-sized or other.

Additional information with respect to the draft Regulation, as well as copies of the resolutions adopted by the Bureau of the two professional orders concerned and referred to in the Regulation, may be obtained by contacting Doctor Rémi H. Lair, M.D., Assistant Secretary General, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8, telephone: (514) 933-4441 or 1888MÉDECIN, extension 287; fax: (514) 933-3112.

Any person having comments to make on the text reproduced below is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians*

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. b)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians is amended by adding, after section 1.02, the following section:

“**1.03** The function of nurse first surgical assistant to which section A-1.43 of Schedule A refers as well as the required training and selection criteria are jointly defined for establishments by the Bureau of the Collège des médecins du Québec and the Bureau of the Ordre des infirmières et infirmiers du Québec in resolutions adopted on April 16, 1999 by the Bureau of the Collège, and on April 15, 1999 by the Bureau of the Ordre.

The definition of the function of nurse first surgical assistant as well as the required training and selection criteria listed in these resolutions may not be amended without joint resolutions adopted by the Bureaus of the two professional orders concerned.

* The recent amendments to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on September 18, 1981 (1982, *G.O.* 2, 21) were introduced by the regulation approved by Order in council 551-98 of April 22, 1998 (1998, *G.O.* 2, 2390). For previous amendments, see the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 1999, updated to March 1, 1999.

The Bureau of the Collège shall transmit the two resolutions to the Office des professions du Québec in the 15 days prior to the date stipulated in these resolutions for the coming into force of these amendments.”

2. This Regulation is amended by adding, in Schedule A, after section A-1.42, the following section:

Act consisting in:	Medical prescription	Remote supervision	Supervision on the premises	Direct supervision	In a hospital centre only	According to protocol	Other conditions
“A-1.43 Any act which necessitates the practice of the function of nurse first surgical assistant	X			X	X	X	The physician who is physically present at the beneficiary's side when the act is executed is the surgeon responsible for the surgical procedure; the act is performed in the practice of the function of nurse first surgical assistant by a nurse who has the required training and meets the selection criteria.”

3. Section 5.02 of this Regulation is amended by adding, at the end, the following paragraph:

“They may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

4. Section 5.06 of this Regulation is amended by adding, at the end, the following paragraph:

“He or she may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

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