

Draft Regulations

Draft Regulation

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

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

Physicians

— Activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians

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 April 25, 2003, adopted the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians.

In accordance with the second paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the “Office des professions du Québec”, the “Ordre des infirmières et infirmiers du Québec”, the “Ordre des infirmières et infirmiers auxiliaires du Québec”, the “Ordre des inhalothérapeutes du Québec”, the “Ordre des pharmaciens du Québec”, the “Ordre des technologistes médicaux du Québec” and the “Association des orthoptistes” were consulted prior to the adoption of the Regulation.

The Regulation has been transmitted to the Office, which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26) It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

The Regulation aims at taking into account the new sharing of the professional activities in the field of health resulting from the coming into force of the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) and eliminate the authorizations to perform acts that have become useless due to the new sharing, while ensuring the continuity of the care and services provided to the population.

More particularly, according to the Collège des médecins du Québec :

1° this Regulation replaces the existing regulation by adjusting the terminology to the new legal context and repealing the schedules and provisions that have become obsolete following the adoption of an Act amending the Professional Code and other legislative provisions in the field of health ;

2° it also gives effect to the request of the orders mentioned above, by repealing the existing grandfather clauses so as to allow those orders to meet their new responsibilities regarding the persons concerned by these clauses ;

3° it allows the nurse first surgical assistant to continue to perform the activities that she is authorized to perform pursuant to the current regulation.

Further information may be obtained by contacting, M^e Édith Lorquet, Assistant to the Executive, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8 ; telephone number : (514) 933-4441, extension 362, or 1 888 633-3246, facsimile number : (514) 933-5374, e-mail : elorquet@cmq.org

Any person having comments to make on the following text 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, ministries and organizations.

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

Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. b ; 2002, c. 33, s. 16)

1. In this Regulation, the following terms mean :

(1) “hospital centre”: any hospital centre as contemplated in the Act respecting health services and social services (R.S.Q., c. S-4.2) or in the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(2) “direct supervision”: the presence of the physician with the recipient while the activity is being performed;

(3) “nurse first surgical assistant”: a nurse having a minimum of 3 years experience in an operative room, 1 year of which being in the concerned surgical discipline. Furthermore,

(a) she is the holder of a baccalaureate in nursing sciences issued by a Quebec university he or she has completed at least 60 credits in nursing sciences in the course of a program of university studies other than the program leading to the certificate mentioned in sub-paragraph *b*;

(b) she is the holder of a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières;

(c) she is the holder, since less than one year, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued, either by an establishment or an instructor recognised by the Heart and Stroke Foundation of Quebec, either by an establishment affiliated to a Quebec faculty of medicine.

2. A nurse first surgical assistant may, in the course of the clinical and technical assistance to the surgeon and according to a medical prescription, perform the complementary clinical and technical acts during the surgical procedure under the following conditions:

(1) she performs this activity under the direct supervision of the surgeon responsible for the surgical procedure;

(2) she performs the activity in a hospital centre.

For the purposes of the performance of this activity, she must maintain her knowledge in cardio pulmonary resuscitation by obtaining an annual attestation either of an establishment or instructor recognized by the Heart and Stroke Foundation of Quebec, either of an establishment affiliated with a Quebec faculty of medicine.

She practices at no time simultaneously as a nurse in internal service.

3. A nurse may perform the activity described at section 2, under the conditions as provided therein, if on 28 December 2000:

(1) she is, either the holder of a certificate in perioperative nurse care issued by the Université du Québec à Trois-Rivières, either enrolled in a program of studies leading to the issuing of this certificate and becomes the holder of the certificate;

(2) she meets the requirement of sub-paragraph *c* of the 3rd paragraph of section 1.

4. This Regulation replaces the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, enacted on 18 September 1981 (1982, *G.O.* 2, 21).

5. This Regulation comes into force on the fifteenth day after 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 — Professional activities that may be performed by an orthoptist

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 April 25, 2003, adopted the Regulation respecting professional activities that may be performed by an orthoptist.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

The Regulation aims at taking into account the new sharing of the professional activities in the field of health resulting from the coming into force of the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) and eliminate the authorizations to perform acts that have become useless due to the new sharing, while ensuring the continuity of the care and services provided to the population.