

Draft Regulations

Draft Regulation

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

Nurses

— **Professional acts which, on certain terms and conditions, may be performed by persons other than nurses**

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec, at its meeting held on February 20, 2004, adopted the “Regulation to amend the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses”.

The said regulation has been transmitted to the Office des professions du Québec for examination in accordance with section 95 of the Professional Code (R.S.Q., c. C-6). Thereafter, it will be submitted, with the recommendation of the Office, to the Government which, in accordance with the same section, may approve it, with or without amendment, following the expiry of a period of 45 days from the publication of this notice.

The Ordre des infirmières et infirmiers du Québec advises that this Regulation proposes, among other things, to modify the professional activities that may be engaged in by candidates for the profession of nursing. It also proposes to add to the conditions upon which they may engage in the said activities, more specifically in regard to those that relate to supervision, the integration process and specific training. The Regulation also makes provision for a candidate for the profession of nursing to decline to engage in an activity where she considers that she does not possess the requisite knowledge and skill.

This Regulation has no impact on businesses, in particular small and medium-sized businesses.

Further information concerning the proposed Regulation may be obtained by contacting France Pedneault, Legal Advisor to General Secretariat, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal, Québec H3Z 1V4; telephone: (514) 935-2501 or 1 800 363 6048; fax: (514) 935-3147.

Persons wishing to submit comments are invited to forward them, before the expiry of the said period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec, Québec G1R 5Z3. These comments will be communicated by the Office to the Minister Responsible for the Administration of Legislation respecting the Professions; they may also be submitted to the professional order that made the Regulation and to the persons, departments and agencies concerned.

GAÉTAN LEMOYNE,
*Chairman of the Office
des professions du Québec*

Regulation to amend the 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. The title of the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses (c. I-8, r.0.1) is replaced by the following:

* The Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses was made by Order in Council 849-97 dated 25 June 1997 (1997 G.O. 2, 3601) and has not been amended since that date.

“Regulation respecting the professional activities which, on certain terms and conditions, may be engaged in by persons other than nurses”.

2. Section 1 of the said regulation is amended by replacing, in the second and third lines of the third paragraph, the words “perform professional acts” with the words “engage in professional activities”.

3. Section 2 of the said regulation is amended:

(1) by replacing the first paragraph with the following paragraph:

“A candidate for the profession of nursing may, subject to the restricted or excluded activities referred to in Schedules 1 and 2, engage in any professional activity that may be engaged in by a nurse, on the following conditions:

(1) the candidate shall engage in the authorized professional activities only 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);

(2) the candidate shall have taken part in an integration program enabling her to consolidate the knowledge and skill needed to engage in the professional activities concerned using the methods of care that she will be required to apply for that purpose, to demonstrate her ability to engage in the said activities and to familiar herself with the policies and directives of the institution;

(3) the candidate shall work under the supervision of a nurse possessing the relevant experience who is present in the care unit in which the activity is engaged in, so that the nurse is able to intervene with the user on a rapid basis or provide a rapid response to a consultation request from the candidate, except for long-term care or residential units, where the candidate shall work under the supervision of a nurse possessing the relevant experience who is present in the building in which the activity is engaged in, so that the nurse is able to intervene with the user or respond to a consultation request from the candidate within a short time;

(4) the candidate shall make sure, before engaging in one of the authorized activities, that she possesses the requisite knowledge and skill; if she does not possess such knowledge and skill, she shall decline to engage in the said activity until she has received the necessary training.”;

(2) by inserting, after the second paragraph, the following paragraph:

““Care unit” means a care unit that does not include a unit spread over more than one site or more than one floor of a building.”;

(3) by deleting the third and fourth paragraphs.

4. The Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses is amended by inserting, after section 2, the following:

“**2.1** 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 her 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.”.

5. Section 4 of the said regulation is amended by replacing, in the third line of the first paragraph, the word “perform” with the words “engage in”, by replacing, in the fourth line of the same paragraph, the words “act that may be performed” with the words “activity that may be engaged in” and by replacing, in the sixth and seventh lines of the same paragraph, the words “act is performed” with the words “activity is engaged in”.

6. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 2)

PROFESSIONAL ACTIVITIES WHICH MAY BE ENGAGED IN BY A CANDIDATE FOR THE PROFESSION OF NURSING, SUBJECT TO SPECIAL RESTRICTIONS

Professional activities	Special restrictions
1. Assessing the physical and mental condition of a symptomatic person;	Except in a triage situation, in an ambulatory clinic or through the medium of telecommunications.
2. Providing clinical monitoring of the condition of persons whose state of health is problematic, including monitoring and adjusting the therapeutic nursing plan;	<p>Before monitoring the condition of a client undergoing cardiac monitoring, fetal monitoring or monitoring of uterine contractions, the candidate must have completed a theoretical and practical training program enabling her to acquire the necessary knowledge and demonstrate her ability to provide such clinical monitoring.</p> <p>The candidate may not engage in this professional activity with the following persons:</p> <p>(1) a client about to give birth who is undergoing monitoring in the case of a high-risk pregnancy;</p> <p>(2) a client who is in shock, a client with multitrauma or a client who needs to be resuscitated in an emergency department or service;</p> <p>(3) a client undergoing hemodynamic monitoring through the insertion of catheters in the vascular system for the purpose of surveying cardiac function, blood volume and blood circulation.</p>
3. Performing vaccinations as part of a vaccination operation under the Public Health Act (2001, c. 60);	The candidate is authorized to take part in the vaccination procedure in the presence of a nurse who evaluates the patient and makes the decision with respect to the administration of the vaccine.
4. Administering and adjusting prescribed medications or other prescribed substances.	The candidate may not take telephone prescriptions.

SCHEDULE II

(s. 2)

PROFESSIONAL ACTIVITIES WHICH MAY NOT BE ENGAGED IN BY A CANDIDATE FOR THE PROFESSION OF NURSING

1. Initiating diagnostic and therapeutic measures, according to a prescription;
2. Initiating diagnostic measures for the purposes of a screening operation under the Public Health Act (2001, c. 60);
3. Determining the treatment plan for wounds and alterations of the skin and teguments;
4. Making decisions as to the use of restraint measures.
5. No professional activity reserved to nurses may be engaged in by the candidate while accompanying a client to another institution or resource where the client is being transferred in order to receive care or services.

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