

Gouvernement du Québec

O.C. 390-2004, 21 April 2004

Nurses Act
(R.S.Q., c. I-8)

Nurses

— **Acts contemplated in section 36 which may be performed by classes of persons other than nurses**
— **Amendment**

Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses

WHEREAS, under subparagraph *a* of the first paragraph of section 12 of the Nurses Act (R.S.Q., c. I-8), the Bureau of the Ordre des infirmières et infirmiers du Québec shall, by regulation, determine from among the acts contemplated in section 36 of the Act those which, under certain prescribed conditions, may be performed by classes of persons other than nurses, particularly nursing assistants;

WHEREAS the Bureau adopted the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses (R.R.Q., 1981, c. I-8, r.1);

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS, pursuant to the second paragraph of section 12 of the Nurses Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers auxiliaires du Québec were consulted prior to the adoption of the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec adopted the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation adopted 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 submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of 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* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses*

Nurses Act
(R.S.Q., c. I-8, s. 12, 1st par., subpar. a)

1. Section 5.03 of the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses is replaced by the following:

* The sole amendment to the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses (R.R.Q., c. I-8, r.1) was made by regulation approved by Order in Council No. 218-2002 of March 6, 2002 (2002, *G.O.2*, 1586).

“Notwithstanding section 5.01, any person who does not meet the conditions for issuance of a permit of the Ordre des infirmières et infirmiers auxiliaires du Québec and who, on 11 July 1980, was practising the activities described in paragraph *p* of section 37 of the Professional Code (R.S.Q., c. C-26), may continue to carry out the acts A-2 and A-3 specified in Schedule A, subject to Division II.”.

2. 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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Gouvernement du Québec

O.C. 391-2004, 21 April 2004

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

Nursing assistants

— Professional activities that may be engaged in by persons other than nursing assistants

Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities 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 section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants;

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 submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of 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* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants

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

1. A student enrolled in a program of studies leading to a diploma giving access to a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec may, among the professional activities that may be engaged in by nursing assistants, engage in activities required to complete the program, on the condition that they are engaged in under the supervision of a teacher or training supervisor who is available to intervene on short notice.

2. A person who does not meet the conditions for the issue of a permit of the Order may continue to engage in the professional activities listed in paragraph 5 of section 37.1 of the Professional Code (R.S.Q., c. C-26),