

## Regulations and other acts

Gouvernement du Québec

### **O.C. 769-2004, 10 August 2004**

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**

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

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the Bureau of the Collège des médecins du Québec shall by regulation determine among the activities referred to in the second paragraph of section 31 of the Act those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians;

WHEREAS, in accordance with section 94.1 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and provide that reference to such standard includes any subsequent amendment made to it;

WHEREAS the Bureau made the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

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 it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians;

WHEREAS, pursuant to the second paragraph of section 19 of the Medical Act, 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 professionnel des inhalothérapeutes du Québec, the Ordre des pharmaciens du Québec, the Ordre professionnel des technologistes médicaux du Québec, and the Association des orthoptistes were consulted prior to the making of the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians;

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

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 activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **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)

Professional Code

(R.S.Q., c. C-26, s. 94.1)

**1.** The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians those which, pursuant to the conditions provided therein, may be performed by a nurse first surgical assistant.

In order to be authorized to perform the professional activities described in section 2, a nurse first surgical assistant must have a minimum of 3 years experience in an operative room, 1 year of which being in the concerned surgical discipline.

He or she must also be the holder of

(1) a baccalaureate in nursing sciences issued by a Quebec university or 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 section 2;

(2) a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières;

(3) since less than two years, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued, by a master instructor recognised by the Heart and Stroke Foundation of Quebec, according to the standards established by the Handbook of Emergency Cardiovascular Care for Healthcare Providers, 2003 Edition, of the Heart and Stroke Foundation of Canada.

**2.** A nurse first surgical assistant may, in the course of a 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) he or she performs these activities in the presence of the surgeon responsible for the surgical procedure;

(2) he or she performs these activities in a hospital centre as contemplated in 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).

For the performance of these activities, he or she must maintain their knowledge in cardio pulmonary resuscitation by obtaining a biennial attestation issued pursuant to the third paragraph of the third sub-paragraph of section 1.

He or she may not practice at no time simultaneously as a nurse in internal service.

**3.** A nurse may perform the activities described at section 2, if he or she abides by the conditions as provided therein and if on 28 December 2000:

(1) he or she was, either the holder of a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières, or enrolled in a program of studies leading to the issuing of this certificate and if he or she became the holder of the certificate;

(2) he or she is the holder, since less than two years, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued pursuant to the third paragraph of the third sub-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 (Suppl. 871).

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

6459