

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 February 18, 2005, 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” and the “Ordre des infirmières et infirmiers du Québec” 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 purpose of this Regulation is to authorize a specialized nurse practitioner to perform certain medical activities in compliance with the provisions of Section 36.1 of the Quebec Nurses Act (R.S.Q., c. I-8) and to prescribe, depending on the nursing specialties, the conditions for performing these activities. Authorization to perform the activities contemplated in this regulation is conditional to a nurse obtaining a specialists’ certificate in accordance with the provisions of the Ordre des infirmières et infirmiers du Québec’s regulation pursuant to subparagraph *f* of section 14 of the Nurses Act.

Further information may be obtained by contacting, M^e Linda Bélanger in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 5362; facsimile number: (514) 933-3276; e-mail: lbelanger@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.

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

Regulation respecting the activities contemplated in section 31 of the Medical Act which may engaged in 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, among the professional activities that may be performed by physicians, those that pursuant to the terms and conditions set out in the Regulation, may be engaged in by a nurse first surgical assistant, a specialized nurse practitioner contemplated in the Regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act (*O.C.*_____, *date*), or another person.

DIVISION I NURSE FIRST SURGICAL ASSISTANT

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

He or she must also hold:

(1) a baccalaureate in nursing sciences issued by a Quebec university, or have completed at least 60 credits in nursing as part of a university program other than the program leading to the certificate mentioned in subparagraph 2;

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

(3) an attestation dating back less than two years, confirming the successful completion of training in cardiopulmonary resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec, according to the standards established by its Handbook of Emergency Cardiovascular Care for Healthcare Providers.

3. A nurse first surgical assistant may, within the context of clinical and technical assistance to the surgeon and according to a medical prescription, perform complementary clinical and technical activities 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 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, a nurse first surgical assistant must maintain his or her skills in cardiopulmonary resuscitation by obtaining a biennial attestation issued pursuant to section 2, subparagraph 3.

At no time may he or she act simultaneously as a nurse in internal service.

4. A nurse may perform the activities described in Division III if he or she abides by the conditions provided therein, and if on December 28, 2000:

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

(2) he or she had been issued an attestation less than two years prior, confirming the successful completion of training in cardiopulmonary resuscitation issued pursuant to section 2, subparagraph 3.

DIVISION II **SPECIALIZED NURSE PRACTITIONER**

§1. Authorized activities

5. A nurse who holds a specialist's certificate in any of the classes of specialties stipulated in the Regulation respecting Ordre des infirmières et infirmiers du Québec

classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act may perform the following medical activities, under the terms and conditions stipulated in subsection §2:

(1) prescribing diagnostic examinations;

(2) using diagnostic techniques that are invasive or entail risks of injury;

(3) prescribing medications and other substances;

(4) prescribing medical treatment; and

(5) using techniques or applying medical treatments that are invasive or entail risks of injury.

§2. Terms and conditions for authorization

6. A nurse practitioner specialized in neonatology is authorized to perform an activity stipulated in section 5, in neonatology, under the following terms and conditions:

(1) this activity involves a newborn infant, whether premature or full-term, who presents a pathology requiring admission to intensive care or intermediate neonatal care, and is performed during the infant's stay in hospital;

(2) this activity is performed in a hospital centre within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) where tertiary care in neonatology is provided;

(3) this activity is the subject of a rule governing medical care or a rule governing the use of medicines that is in force in the hospital centre, unless this involves prescribing a medication contemplated in Schedule II or III of the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 on May 27, 1998;

(4) he or she holds and renews every two years an attestation of instructor-level training in neonatal resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec according to the standards established by its Handbook of Emergency Cardiovascular Care for Healthcare Providers, according to the applicable edition.

7. A nurse practitioner specialized in nephrology is authorized to perform an activity stipulated in section 5, subparagraphs 1, 3 or 4, in nephrology, under the following terms and conditions:

(1) this activity involves a patient suffering from renal failure who requires care and services in predialysis, hemodialysis, peritoneal dialysis or kidney transplantation;

(2) this activity is performed in a hospital centre within the meaning of the Act respecting health services and social services where dialysis care is offered in conjunction with a nephrology department;

(3) this activity is the subject of a rule governing medical care or a rule governing the use of medicines that is in force in the hospital centre, unless this involves prescribing a medication contemplated in Schedule II or III of the Regulation respecting the terms and conditions for the sale of medications.

8. A nurse practitioner specialized in cardiology is authorized to perform an activity stipulated in section 5, in cardiology, under the following terms and conditions:

(1) this activity involves a hospitalized or ambulatory adult clientele exhibiting health problems that require care and services for heart failure, for secondary prevention, for post-surgery including heart transplants, in a congenital heart disease clinic, in hemodynamics, or in electrophysiology;

(2) this activity is performed in a hospital centre within the meaning of the Act respecting health services and social services, where cardiology services are offered and at least three cardiologists are practicing, excluding locum cardiologists;

(3) this activity is the subject of a rule governing medical care or a rule governing the use of medicines that is in force in the hospital centre, unless this involves prescribing a medication contemplated in Schedule II or III of the Regulation respecting the terms and conditions for the sale of medications;

(4) he or she holds and renews every two years an attestation of instructor-level training in neonatal resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec according to the standards established by its Handbook of Emergency Cardiovascular Care for Healthcare Providers according to the applicable edition.

§3. Other authorized persons

9. A specialized nurse practitioner candidate contemplated in the Regulation respecting *Ordre des infirmières et infirmiers du Québec* classes of specialties related to the performance of certain acts may perform the activities stipulated in section 5.

Besides the terms and conditions stipulated in subdivision §2, an activity performed by a specialized nurse practitioner candidate is subject to the following terms and conditions:

(1) the activity is performed in a training site indicated on a training card issued pursuant to the Regulation respecting *Ordre des infirmières et infirmiers du Québec* classes of specialties related to the performance of acts contemplated in section 36.1 of the *Nurses Act*;

(2) the activity is performed under the supervision of a specialist physician with the collaboration of a specialized nurse practitioner or, failing that, a nurse who has at least three years of relevant clinical experience;

(3) the activity is performed insofar as it is required to complete the program in which the specialized nurse practitioner candidate is enrolled, where applicable.

10. A nurse or a person authorized by special authorization under Section 33 of the Professional Code to practise the profession of nursing in Quebec may perform the activities stipulated in section 5 if he or she is enrolled in a university training program outside Quebec that leads to a specialized nurse practitioner diploma.

Besides the terms and conditions stipulated in subdivision §2, an activity performed by a person contemplated in the first paragraph is subject to the following terms and conditions:

(1) the activity is performed in a training site indicated on the list drawn up by the specialized nurse practitioners' training committee, pursuant to the Regulation respecting the committees on training of the *Ordre des infirmières et infirmiers du Québec* (*O.C. _____ date*), indicated in the special authorization stipulated in the first paragraph, where applicable;

(2) the activity is performed under the supervision of a specialist physician with the collaboration of a specialized nurse practitioner or, failing that, a nurse who has at least three years of relevant clinical experience;

(3) the activity is performed insofar as it is required to complete the program in which the person contemplated in the first paragraph is enrolled.

DIVISION III

11. This Regulation replaces the Regulation respecting the activities contemplated in section 31 of the *Medical Act* which may be performed by classes of persons other than physicians, approved by Order in Council 769-2004, August 10, 2004 (*G.O.* 2, 3847).

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

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Draft Regulation

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

Nurses

— Committees on training

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation establishes two committees on training. The first committee is to work collaboratively with the Order and the institutions issuing diplomas that give access to a permit issued by the Order. Its uniqueness lies in the fact that two directors of nursing care are to sit on the committee.

The second committee is established as part of the regulatory framework that must be set in place to allow specialty nurse practitioners to engage in medical activities. One of the salient features of the committee is the presence on it of representatives of the Collège des médecins du Québec. A program review subcommittee is also established with functions allowing it to give opinions to the educational institutions that issue diplomas giving access to a specialty nurse practitioner's certificate, to ensure follow-up on the opinions given, in particular through site visits, to prepare a list of the recognized training environments and to give its opinion on the expediency of maintaining or removing the diplomas on the list established by regulation under section 184 of the Professional Code (R.S.Q., c. C-26). Entitlement to vote is determined by the matters under consideration.

The Order anticipates the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Carmelle Marchessault, Director, Direction des services juridiques, 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.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order concerned or to interested persons, departments and bodies.

YVON MARCOUX,
*Minister responsible for the administration
of legislation respecting the professions*

Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec

Professional Code
(R.S.Q., c. C-26, s. 184, 2nd par.)

DIVISION I NURSES COMMITTEE ON TRAINING

1. A nurses committee on training is hereby established within the Ordre des infirmières et infirmiers du Québec.

2. The committee is an advisory committee whose mandate is to examine matters relating to the quality of the training of nurses, in keeping with the respective and complementary jurisdictions of the Ordre des infirmières et infirmiers du Québec, the universities and colleges and the Minister of Education, Recreation and Sports.

Quality of training means the appropriateness of the professional skills training required for the practice of the profession of nurse.

As regards training, the committee is to consider

(1) the objectives of the training programs offered by educational institutions leading to a diploma that gives access to a permit;

(2) the objectives of the other terms and conditions for the issuance of permits that may be imposed by a regulation of the Bureau of the Ordre des infirmières et infirmiers du Québec, such as professional training periods or professional examinations; and

(3) the standards for a diploma or training equivalence, prescribed by regulation of the Bureau of the Ordre des infirmières et infirmiers du Québec, that gives access to a permit.