

## Regulations and other acts

Gouvernement du Québec

### O.C. 996-2005, 26 October 2005

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 engaged in by classes of persons other than physicians

Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in 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 that 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 that Code or under the Act constituting the professional order, make compulsory a standard established by a government or body and provide that reference to such a standard includes any subsequent amendment made to it;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.1 and 95.2 of that Code, every regulation made by the Bureau of a professional order under that 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 that provision, the Government approved, by Order in Council 769-2004 dated 10 August 2004, 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 36.1 of the Nurses Act (R.S.Q., c. I-8), nurses may, if they are so authorized by regulations made under paragraph *f* of section 14 of that Act and subparagraph *b* of the first paragraph of section 19 of the Medical Act, engage in one or more of the following activities referred to in the second paragraph of section 31 of the Medical Act:

- (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;

WHEREAS it is expedient to replace 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 order to allow nurses to engage in the activities referred to in section 31 of the Medical Act;

WHEREAS, in accordance with the second paragraph of section 19 of the Medical Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec were consulted before the making of the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in 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 engaged in by classes of persons other than physicians;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 25 May 2005, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, 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 engaged in 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 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 approved by Order in Council 997-2005 dated 26 October 2005, 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 detailed in the current edition of the 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 section 3 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) he or she engages in that activity with a newborn infant, whether premature or full-term, who presents a pathology requiring admission to intensive care or intermediate neonatal care during the infant's stay in a hospital centre within the meaning of the Act respecting health services and social services where tertiary care in neonatology is provided;

(2) this activity must be the subject of a rule governing medical care or a rule governing the use of medicines that is in force in this 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 dated May 27, 1998, and is performed in accordance with the provisions of the *Règlement sur les normes relatives aux ordonnances faites par un médecin*, approved by the Office des professions du Québec on February 23, 2005 and published in the *Gazette officielle du Québec* on March 9, 2005, adapted as required;

(3) this nurse must maintain his or her skills in neonatal resuscitation by obtaining a biennial instructor's level attestation of training in neonatal resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec according to the standards detailed in the current edition of *Handbook of Emergency Cardiovascular Care for Healthcare Providers*, published by the Heart and Stroke Foundation of Canada.

**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) he or she engages in that activity with a patient suffering from renal failure who requires care and services in predialysis, hemodialysis, peritoneal dialysis or kidney transplantation in a hospital centre within the meaning of the Act respecting health services and social services where dialysis care is offered with the aid of a nephrology department;

(2) this activity must be the subject of a rule governing medical care or a rule governing the use of medicines that is in force in this 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, and is performed in accordance with the provisions of the *Règlement sur les normes relatives aux ordonnances faites par un médecin*, adapted as required.

**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) he or she engages in that activity with a hospitalized or ambulatory adult clientele requiring care and services for heart failure, in secondary prevention, in post-surgery including heart transplants, in a congenital heart disease clinic, in hemodynamics, or in electrophysiology, in a hospital centre within the meaning of the Act respecting health services and social services, where cardiology care and services are dispensed by at least three cardiologists, excluding locum cardiologists;

(2) this activity must be the subject of a rule governing medical care or a rule governing the use of medicines that is in force in this 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, and is performed in accordance with the *Règlement sur les normes relatives aux ordonnances faites par un médecin*, adapted as required;

(3) this nurse must maintain his or her skills in cardiovascular resuscitation by obtaining a biennial instructor's level attestation of training in cardiovascular resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec according to the standards detailed in the current edition of the Handbook of Emergency Cardiovascular Care for Healthcare Providers published by Heart and Stroke Foundation.

### §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 contemplated in section 36.1 of the Nurses Act may perform an activity stipulated in section 5.

Besides the terms and conditions stipulated in subdivision 2, a specialized nurse practitioner candidate performs this activity under 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 under the supervision of a medical specialist with the collaboration of a specialized nurse practitioner or, failing that, a nurse who has at least three years of relevant clinical experience;

(2) the activity is performed insofar as it is required to complete the program in which he or she is enrolled and, when the latter is completed, during the period in which he or she is eligible for the examination prescribed for that speciality as contemplated in Division III of this Regulation.

**10.** A nurse or a person authorized by special authorization under Section 33 of the Professional Code (R.S.Q., c. C-26) to practise the profession of nursing in Quebec may perform an activity 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, a person contemplated in the first paragraph performs this activity under the following terms and conditions:

(1) the activity is performed in a training site indicated on the list drawn up by the program review subcommittee, pursuant to the Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec edicted by Order in Council 1000-2005 dated 26 October 2005, indicated in the special authorization stipulated in the first paragraph, where applicable, under the supervision of a medical specialist with the collaboration of a specialized nurse practitioner or, failing that, a nurse who has at least three years of relevant clinical experience;

(2) the activity is performed insofar as it is required to complete the program in which he or she 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.

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

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Gouvernement du Québec

### O.C. 997-2005, 26 October 2005

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

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

#### Infirmières et infirmiers

#### — Classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act

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

WHEREAS, under section 36.1 of the Nurses Act (R.S.Q., c. I-8), nurses may, if they are so authorized by regulations under subparagraph *b* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9) and under paragraph *f* of section 14 of the Nurses Act, engage in one or more of the following activities referred to in the second paragraph of section 31 of the Medical Act: