

Gouvernement du Québec

O.C. 669-2007, 14 August 2007

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

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

Infirmières et infirmiers
— **Classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act**
— **Amendments**

Regulation to amend 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

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:

- (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, under paragraph *f* of section 14 of the Nurses Act, the Bureau of the Ordre des infirmières et infirmiers du Québec may, by regulation, in accordance with paragraphs *e*, *h* and *i* of section 94 of the Professional Code (R.S.Q., c. C-26), regulate the classes of specialization to which members of the Order must belong to engage in activities referred to in section 36.1 of the Nurses Act;

WHEREAS, under paragraph *c* of section 93 of the Code, the Bureau of an order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's

certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Code, that Bureau must, in the same manner, determine a procedure for recognizing an equivalence, standards for which are established in a regulation under paragraph *c* of that section, stipulating that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation to amend 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, in accordance with paragraph *f* of section 14 of the Nurses Act and paragraphs *c* and *c.1* of section 93 of the Professional Code;

WHEREAS the Bureau of the Collège des médecins made the Regulation to amend 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, in accordance with subparagraph *b* of the first paragraph of section 19 of the Medical Act;

WHEREAS, pursuant to section 95 of the Professional Code and 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* of 7 February 2007 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 received comments following the publication of the draft Regulation;

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 to amend 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, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend 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*

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c* and *c.1*, s. 94, par. *e*, *h* and *i* and s. 94.1)

Nurses Act
(R.S.Q., c. I-8, s. 14, par. *f*)

1. Section 2 of 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 is amended by inserting in subparagraph 2° of the first paragraph and after “specialist’s certificate”: “as well as physicians’ offices, medical clinics, dispensaries or other facilities providing first-line care.”.

2. Section 3 is amended by adding the following after paragraph 3°:

“4° nurse practitioner specializing in first-line care.”.

3. Section 5 is amended by replacing “Bureau” with “secretary”.

4. Section 6 is amended by replacing “Bureau” with “secretary”.

5. Section 9 is amended by replacing “the Bureau of the Order grants them” with “the date on which they are granted”.

6. Section 23 is amended as follows:

1° by deleting “number of hours” and “in the care units specified” from subparagraph 1° of the first paragraph;

2° by replacing, “by the Bureau of the Order” with “in application of Division IV” in the second paragraph.

7. This regulation is amended by inserting the following after section 23:

“**23.1.** A graduate diploma, issued by a Canadian university and preparing a nurse to work as a nurse practitioner in primary healthcare is equivalent to a diploma giving access to a specialist’s certificate issued to nurse practitioners specializing in first-line care.”.

8. Section 24 is amended by replacing “section 23” with “sections 23 and 23.1”.

9. Section 25 is amended as follows:

1° by inserting “, in first-line care or in a hospital centre in one or several fields specified in paragraph 1° of section 4 of Schedule I” into the first paragraph and after “Schedule I”;

2° by replacing “by the Bureau of the Order” with “in application of Division IV” into the second paragraph.

10. Section 26 is amended by inserting “the committee as set out in section 28 and, as the case may be,” into the wording preceding paragraph 1° and after “training equivalence application”.

11. Section 28 is amended by replacing “which shall study it and make recommendations to the Bureau of the Order” with “formed by the Bureau in application of paragraph 2° of section 86.0.1 of the Professional Code to examine the request and decide whether to grant or refuse to grant the diploma or training equivalence requested.”.

12. Section 29 is amended:

1° by inserting “but who are not members of the Bureau” after “Bureau of the Order” in the first paragraph;

2° by replacing “recommendations of the committee shall be formulated” with “decisions of the committee shall be rendered” in the second paragraph.

13. Section 30 is replaced by the following:

“**30.** Within 15 days following the date on which the equivalence eligibility committee renders its decision to grant or refuse to grant equivalence, the committee must notify the nurse in writing.

If the committee refuses to grant the equivalence requested, it must, at that time, inform the nurse, in writing, of the conditions she must meet in order to obtain such equivalence.”

14. Section 31 is amended by replacing, “the Bureau of the Order” with “the equivalence eligibility committee” in the first paragraph.

15. This regulation is amended by the insertion of the following after section 31:

“**31.1** The Bureau of the Order may solicit experts for the purpose of examining a request for review submitted pursuant to the first paragraph of section 31.”

16. Schedule I is amended by adding the following after section 3:

“4. Nurse practitioner specializing in first-line care:

1° Training program prerequisites:

3,360 hours in first-line care or in a hospital centre in one or several of the following fields: emergency/critical care, medicine, surgery, obstetrics or pediatrics;

2° Graduate program of 1, 580 hours, divided as follows:

(a) 630 hours of theory courses including:

Branch: Nursing Science

i. 45 hours in the use of scientific evidence;

ii. 45 hours in theoretical bases of nursing science;

iii. 135 hours in the following fields: health education, interprofessional collaboration, ethics and legal aspects;

Branch: Medical Science

i. 135 hours in pharmacology;

ii. 270 hours in the following fields: physiopathology, clinical assessment.

(b) 950 hours of clinical training in the field of the speciality concerned.”

17. The Secretary of the Order shall issue a training card to a nurse who requests one during the six months following 13 September 2007 and who meets the following conditions:

1° she is registered in the “extended class” category on the Roll of the College of Nurses of Ontario or as a “nurse practitioner” on the Register of the Nurses Association of New Brunswick;

2° she has practiced:

(a) a minimum of 3,360 hours, over the three years preceding her request, as a nurse registered in the “extended class” category on the Roll of the College of Nurses of Ontario or in the “nurse practitioner” category on the Register of the Nurses Association of New Brunswick; or

(b) a minimum of 3,360 hours, over the three years preceding her request, as a nurse in Canada, and holds a graduate diploma in Nursing Science issued in Canada;

3° she pays the required fee for the purpose of obtaining a training card.

A nurse holding a training card issued pursuant to the first paragraph above is, for purposes of 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, a “specialized nurse practitioner candidate” and she holds training equivalence for purposes of obtaining a “nurse practitioner specializing in first-line care” specialist’s certificate. Her training card is valid for the period during which she is eligible to sit the examination related to the specialty concerned.

She is eligible to sit the examination prescribed for “nurse practitioners specializing in first-line care”, in accordance with Division III of 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, and must sit the exam within the year following the date of issue of her training card. After the year has expired, she may not sit the examination unless she proves to the Bureau of the Order that she has kept her knowledge up to date and maintained her professional skills.

A “nurse practitioner specializing in first-line care” specialist’s certificate will be issued to her, provided she meets the following conditions:

1° she passes the specialty examination related to the “nurse practitioner specializing in first-line care” specialty, in accordance with Division III of 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° she pays the required fee for the purpose of obtaining a specialist’s certificate.

18. A nurse requesting a training card as set out in section 17 must produce the following supporting documentation, as the case may be:

1° a certified true copy of her graduate diploma in nursing, obtained in Canada;

2° an attestation regarding the number of hours of practice, as set out in subparagraph 2° of the first paragraph of section 17;

3° proof of registration on the roll or register of the professional order specified in subparagraph 1° of the first paragraph of section 17.

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

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Gouvernement du Québec

O.C. 670-2007, 14 August 2007

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

Diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders — Amendments

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned

being the Ordre des infirmières et infirmiers du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma and the Minister of Education, Recreation and Sports;

WHEREAS, pursuant to that provision, the Office carried out the required consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 7 February 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been made following that publication;

WHEREAS it is expedient to make corrections to the titles of certain diplomas which give access to specialist’s certificates of the Ordre des infirmières et infirmiers du Québec;

WHEREAS, on 27 April 2007, the Ordre des infirmières et infirmiers du Québec gave a favourable opinion in respect of the Regulation attached to this Order in Council;

WHEREAS, on 21 June 2007, the Office gave an opinion favourable to the Regulation attached to this Order in Council being made by the Government;

WHEREAS it is expedient to make the Regulation with amendments;

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