

Regulations and other Acts

Gouvernement du Québec

O.C. 344-2012, 4 April 2012

Medical Act
(R.S.Q., c. M-9)

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

Nurse

— Certain surgical first assistance activities that may be engaged

Regulation respecting certain surgical first assistance activities that may be engaged in by a nurse

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors 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, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the board of directors of the Collège des médecins du Québec must, 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 the board of directors of the Collège des médecins du Québec made the Regulation respecting certain surgical first assistance activities that may be engaged in by a nurse, after having consulted, in accordance with the second paragraph of section 19 of that Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be 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 respecting certain surgical first assistance activities that may be engaged in by a nurse was published in Part 2 of the *Gazette officielle du Québec* of 14 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting certain surgical first assistance activities that may be engaged in by a nurse, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting certain surgical first assistance activities that may be engaged in by a nurse

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. *b*)

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

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by a surgical first assistant nurse.

2. A surgical first assistant nurse may, within the scope of providing surgical first assistance and according to a prescription, perform the following surgical techniques and clinical procedures during surgery:

(1) using and installing various complex surgical instruments and devices within the surgical site;

(2) incising, manipulating, dissecting and removing tissue;

(3) performing certain steps of the surgical procedure within the surgical site;

(4) choosing and using an in-depth hemostatic method;

(5) suturing deep tissue of the surgical wound and ligating thoroughly.

3. To be authorized to engage in the activities referred to in section 2, nurses must

(1) have a minimum of 24 months of experience in an operating suite during the last 5 years;

(2) hold a certificate of 30 credits of nursing practice as surgical first assistant issued by a Québec university;

(3) hold a bachelor's degree in nursing;

(4) hold a biennial attestation in advanced cardiac life support issued by an instructor trainer recognized by the Heart and Stroke Foundation of Québec, according to the standards of the Handbook of Emergency Cardiovascular Care for Healthcare Providers by the Heart and Stroke Foundation of Canada;

(5) engage in those activities in the following places:

(a) a hospital centre operated by an institution within the meaning of 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);

(b) a specialized medical centre within the meaning of the Act respecting health services and social services;

(c) a private health facility within the scope of medical services provided as “associated medical clinics” within the meaning of those acts;

(6) engage in those activities in the presence of the surgeon responsible for the surgery, except for the opening or closing of the surgical wound where the surgeon must be present in the building and available at all times to intervene rapidly;

(7) at no time practise simultaneously as a scrub nurse.

4. A nurse may engage in the activities referred to in section 2 if, before 3 May 2012, the nurse meets the requirements provided for in sections 2 and 4 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 (c. M-9, r. 13).

5. A nurse who has been issued the following meets the training requirements provided for in paragraph 2 of section 3:

(1) a registered nurse first assistant (RNFA) certificate upon completion of a program recognized by the Competency and Credential Institute (CCI);

(2) a registered nurse first assistant (RNFA) certificate issued by the British Columbia Institute of Technology or by the Centre for Nursing Studies, Memorial University of Newfoundland.

6. A person registered in a training program leading to the certificate provided for in paragraph 2 of section 3 is authorized to engage in the activities referred to in section 2 for the purpose of completing the program, provided that the person complies with the other conditions provided for in this Regulation and engages in those activities in a hospital centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native Persons.

7. This Regulation replaces Division I 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 (c. M-9, r. 13) and strikes out “a nurse first surgical assistant,” in section 1 of that Regulation.

8. 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. 345-2012, 4 April 2012

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

**Athletic therapists
— Certain professional activities that may
be engaged**

Regulation respecting certain professional activities that may be engaged in by athletic therapists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be