

Gouvernement du Québec

O.C. 1776-2022, 7 December 2022

Professional Code
(chapter C-26)

Nurses

— Certain professional activities relating to vaccination and screening which may be performed by persons other than nurses

Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter 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, in accordance with subparagraph *h* of the first paragraph of section 94 of the Code, the board of directors of the Ordre des infirmières et infirmiers du Québec consulted the Collège des médecins du Québec, the Ordre des acupuncteurs du Québec, the Ordre des orthophonistes et audiologistes du Québec, the Ordre des audioprothésistes du Québec, the Ordre des chimistes du Québec, the Ordre des chiropraticiens du Québec, the Ordre des dentistes du Québec, the Ordre des denturologistes du Québec, the Ordre des diététistes-nutritionnistes du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des hygiénistes dentaires du Québec, the Ordre des médecins vétérinaires du Québec, the Ordre des opticiens d'ordonnance du Québec, the Ordre des optométristes du Québec, the Ordre des podiatres du Québec, the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec, the Ordre des technologues en prothèses et appareils dentaires du Québec, the Ordre professionnel des technologues médicaux du Québec, the Ordre des technologues professionnels 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 des sages-femmes du Québec and the Ordre professionnel de la physiothérapie du Québec before making the Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses on 26 October 2022;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26), 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, 12 and 13 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses was published in Part 2 of the *Gazette officielle du Québec* of 16 November 2022 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 10 days following that publication;

WHEREAS, in accordance with section 95 of the Code, the Office examined the Regulation on 5 December 2022 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine which of the professional activities that may be performed by nurses may also, on the terms conditions set out in the Regulation, be performed by

- (1) an acupuncturist;
- (2) an audiologist;
- (3) a hearing-aid acoustician;
- (4) a chemist;
- (5) a chiropractor;
- (6) a dentist;
- (7) a denturologist;
- (8) a dietician;
- (9) an occupational therapist;
- (10) a dental hygienist;
- (11) a veterinary surgeon;
- (12) a dispensing optician;
- (13) an optometrist;
- (14) a speech therapist;
- (15) a physiotherapist;
- (16) a podiatrist;
- (17) a medical electrophysiology technologist;
- (18) a medical imaging technologist;
- (19) a physiotherapy technologist;
- (20) a dental prosthesis and appliance technologist;
- (21) a radiation oncology technologist;
- (22) a medical technologist;
- (23) a professional orthopaedic, orthotic and prosthetic technologist;
- (24) a professional animal health technologist;
- (25) an ambulance technician registered in the national workforce registry established by the Minister of Health and Social Services under subparagraph 10 of the second paragraph of section 3 of the Act respecting pre-hospital emergency services (chapter S-6.2);
- (26) a nursing assistant;
- (27) a respiratory therapist;
- (28) a pharmacist;
- (29) a midwife;
- (30) the holder of a diploma of doctor of medicine awarded by a school of medicine listed in the World Directory of Medical Schools;
- (31) a candidate for the profession of nursing within the meaning of the Regulation respecting the professional activities which may be performed by persons other than nurses (chapter I-8, r. 2);
- (32) a candidate for the profession of nursing assistant within the meaning of the Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants (chapter C-26, r. 149.1);
- (33) a respiratory therapy extern within the meaning of the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists (chapter C-26, r. 164.1);
- (34) a nursing extern within the meaning of the Regulation respecting the professional activities which may be performed by persons other than nurses;
- (35) a medical technology extern within the meaning of the Regulation respecting the professional activities that may be engaged in by medical technology externs (chapter C-26, r. 237);
- (36) a medical student and a resident within the meaning of the Regulation respecting the professional activities that may be engaged in by persons other than physicians (chapter M-9, r. 12.1);
- (37) a student registered in a vocational program leading to a diploma qualifying for a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec who has earned credits for competencies 1 to 17 of that program;
- (38) a student registered in a university program leading to a diploma qualifying for the permit issued by the Ordre des sages-femmes du Québec who has completed the first two years of the program;
- (39) a student registered in at least the third year of an undergraduate university program leading to a diploma qualifying for the permit issued by the Ordre des pharmaciens du Québec;
- (40) a student registered in at least the second session of the penultimate year of a program leading to a diploma qualifying for a permit held by one of the professionals referred to in paragraphs 1 to 24;
- (41) a student registered for the third year of a college program in prehospital emergency care.

2. A person referred to in section 1 may, in accordance with Divisions II and III, perform a professional activity referred to in those Divisions, provided that the person

(1) is acting on behalf of a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(2) performs the activity as part of a mass campaign; and

(3) complies, with the necessary adaptations, with generally recognized standards of practice and, for a person who is not a member of a professional order, with the regulatory standards applicable to nurses in connection with ethics, including those concerning the updating and development of knowledge and skills and those concerning record keeping.

DIVISION II VACCINATION

3. A person referred to in one of paragraphs 27 and 29 of section 1 may administer a vaccine as part of an activity arising from the application of the Public Health Act (chapter S-2.2) and mix substances to complete the preparation of a vaccine.

4. A person referred to in one of paragraphs 1 to 25, 30 and 33 to 41 of section 1 may perform the professional activities referred to in section 3 when

(1) the person has completed training recognized by the Minister of Health and Social Services focusing on

(a) professional and legal responsibilities;

(b) knowledge of the vaccine to be administered;

(c) vaccine preparation and administration;

(d) vaccine management; and

(e) knowledge of the unusual clinical manifestations and emergencies associated with vaccination;

(2) the state of health of the person to be vaccinated has been assessed by an accredited professional, who must be present at the vaccination site; and

(3) a sufficient number of accredited professionals are available at all times and present at the site to intervene swiftly and provide clinical supervision after the vaccination.

However, a person referred to in one of paragraphs 1 to 25, 30, 35, 40 and 41 of section 1 can only perform such professional activities if the person to be vaccinated is at least 5 years of age.

In addition, a person referred to in one of paragraphs 33 to 41 of section 1 must act under the supervision of an accredited professional.

For the purposes of this Regulation, “accredited professional” means any professional who may initiate or perform a vaccination, meaning any professional who is accredited to diagnose or assess the state of health of a person with respect to the vaccine to be administered.

DIVISION III SCREENING

5. A person referred to in one of paragraphs 22, 26 and 27 of section 1 may take a nasopharyngeal or oropharyngeal sample for screening purposes as part of an activity arising from the application of the Public Health Act (chapter S-2.2).

6. A person referred to in one of paragraphs 1 to 21, 23 to 25 and 28 to 41 of section 1 may perform the professional activity referred to in section 5 when the person has completed training recognized by the Minister of Health and Social Services focusing on

(1) professional and legal responsibilities;

(2) sampling technique; and

(3) management of the samples taken.

When the person referred to in the first paragraph does not have the knowledge and skills needed to intervene in an emergency situation, a sufficient number of professionals with such knowledge and skills must be present at the site where the sample is taken.

In addition, a person referred to in one of paragraphs 31 to 41 of section 1 must act under the supervision of a professional with the knowledge and skills needed to intervene in an emergency situation.

DIVISION IV FINAL

7. This Regulation comes into force on 1 January 2023.

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