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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 90  
(2002, chapter 33)

**An Act to amend the Professional Code  
and other legislative provisions as  
regards the health sector**

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**Introduced 1 May 2002  
Passage in principle 12 June 2002  
Passage 14 June 2002  
Assented to 14 June 2002**

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## **EXPLANATORY NOTES**

*This bill establishes a new division of fields of professional practice in the health sector and identifies activities henceforth reserved to physicians, pharmacists, nurses, radiology technologists, dieticians, speech therapists and audiologists, physiotherapists, occupational therapists, nursing assistants, medical technologists and respiratory therapists.*

*In addition, the bill contains provisions to authorize non-professionals to engage in certain activities in specific circumstances or in certain well-identified environments, so as to better address the health needs of the population.*

*Furthermore, a framework is established to allow professionals who are not physicians, nurses for instance, to engage in certain medical activities. A committee or a physician will be designated by the Bureau of the Collège des médecins du Québec to verify the quality of such activities. The physicians working with such professionals outside a centre operated by a health or social services institution will be required to obtain the Bureau's authorization with respect to local conditions applicable to such activities. Finally, various measures are introduced to ensure proper supervision of medical activities engaged in by non-physicians in institutions.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Professional Code (R.S.Q., chapter C-26);
- Nurses Act (R.S.Q., chapter I-8);
- Medical Act (R.S.Q., chapter M-9);
- Pharmacy Act (R.S.Q., chapter P-10);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);

- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Radiology Technologists Act (R.S.Q., chapter T-5).



## Bill 90

### AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS THE HEALTH SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 37 of the Professional Code (R.S.Q., chapter C-26), amended by section 124 of chapter 56 of the statutes of 2000, is again amended

(1) by replacing paragraph *c* by the following paragraph :

“(c) the Ordre professionnel des diététistes du Québec : assess the nutritional status of a person and determine and ensure the implementation of a response strategy designed to tailor diet to needs in order to maintain or restore health;”;

(2) by replacing paragraph *m* by the following paragraph :

“(m) the Ordre professionnel des orthophonistes et audiologistes du Québec : assess the auditory, language, voice and speech functions, determine a treatment and intervention plan and ensure its implementation in order to improve or restore communication;”;

(3) by replacing paragraph *n* by the following paragraph :

“(n) the Ordre professionnel des physiothérapeutes du Québec : assess physical function limitations and disabilities related to the neurological, musculoskeletal and cardiopulmonary systems, determine a treatment plan and apply treatment in order to obtain optimal functional performance;”;

(4) by replacing paragraph *o* by the following paragraph :

“(o) the Ordre professionnel des ergothérapeutes du Québec : assess the functional abilities of a person, determine and implement a treatment and intervention plan, develop, restore or maintain skills, compensate disabilities, reduce handicapping situations and tailor the environment to needs in order to foster optimal autonomy;”;

(5) by replacing paragraph *p* by the following paragraph :

“(p) the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec : participate in the assessment of a person’s state of health and in the

carrying out of a care plan, provide nursing and medical care and treatment to maintain or restore health and prevent illness, and provide palliative care;”;

(6) by replacing paragraph *q* by the following paragraph :

“(q) the Ordre professionnel des technologistes médicaux du Québec : conduct analyses and tests in the field of medical biology on the human body or on specimens and ensure the technical validity of the results for diagnostic or therapeutic follow-up purposes;”;

(7) by replacing paragraph *s* by the following paragraph :

“(s) the Ordre professionnel des inhalothérapeutes du Québec : participate in the assessment of cardiopulmonary function for diagnostic or therapeutic follow-up purposes, participate in the administration of anesthesia, and deal with problems affecting the cardiopulmonary system;”.

**2.** The said Code is amended by inserting the following sections after section 37 :

**“37.1.** Every member of one of the following professional orders may engage in the following professional activities, which are reserved to such members within the scope of the activities they may engage in under section 37 :

(1) the Ordre professionnel des diététistes du Québec :

(a) determine a nutritional treatment plan, including the appropriate feeding route, where an individual prescription indicates that nutrition is a determining factor in the treatment of an illness ; and

(b) monitor the nutritional status of persons whose nutritional treatment plan has been determined ;

(2) the Ordre professionnel des orthophonistes et audiologistes du Québec :

(a) assess hearing disorders in order to determine an audiological treatment and intervention plan ;

(b) adjust a hearing aid in the course of an audiological procedure ;

(c) make a functional assessment of a person where required under an Act ; and

(d) assess language, speech and voice disorders in order to determine an orthophonic treatment and intervention plan ;

(3) the Ordre professionnel des physiothérapeutes du Québec :

(a) assess neuromusculoskeletal function in a person having a physical function limitation or disability;

(b) make a functional assessment of a person where required under an Act;

(c) introduce an instrument or a finger in the human body beyond the labia majora or anal margin;

(d) introduce an instrument in the human body in and beyond the pharynx or the nasal vestibule;

(e) use invasive forms of energy;

(f) provide treatment for wounds;

(g) make decisions as to the use of restraint measures;

(h) insert needles under the dermis to reduce inflammation, as a supplemental means, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94; and

(i) perform spinal and joint manipulations, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94;

(4) the Ordre professionnel des ergothérapeutes du Québec :

(a) make a functional assessment of a person where required under an Act;

(b) assess neuromusculoskeletal function in a person having a physical function limitation or disability;

(c) provide treatment for wounds; and

(d) make decisions as to the use of restraint measures;

(5) the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec :

(a) apply invasive measures for the maintenance of therapeutic equipment;

(b) take specimens, according to a prescription;

(c) provide care and treatment for wounds and alterations of the skin and teguments, according to a prescription or a nursing plan;

(d) observe the state of consciousness of a person and monitor neurological signs;

(e) mix substances to complete the preparation of a medication, according to a prescription ;

(f) administer prescribed medications or other prescribed substances via routes other than the intravenous route ;

(g) participate in vaccination operations under the Public Health Act (2001, chapter 60) ;

(h) introduce an instrument or a finger, according to a prescription, beyond the nasal vestibule, labia majora, urinary meatus or anal margin or into an artificial opening in the human body ; and

(i) introduce an instrument, according to a prescription, into a peripheral vein in order to take a specimen, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94 ;

(6) the Ordre professionnel des technologistes médicaux du Québec :

(a) take specimens ;

(b) perform phlebotomies, according to a prescription ;

(c) introduce an instrument, according to a prescription, in and beyond the pharynx or beyond the nasal vestibule, urinary meatus, labia majora or anal margin or into a peripheral vein ;

(d) administer, including intravenously from a peripheral site, prescribed medications or other prescribed substances, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94 ; and

(e) mix substances to complete the preparation of a medication, according to a prescription ;

(7) the Ordre professionnel des inhalothérapeutes du Québec :

(a) provide ventilatory assistance, according to a prescription ;

(b) take specimens, according to a prescription ;

(c) test cardiopulmonary function, according to a prescription ;

(d) provide clinical monitoring of the condition of persons under anesthesia, including sedation analgesia, or under ventilatory assistance ;

(e) administer and adjust prescribed medications or other prescribed substances ;

(f) mix substances to complete the preparation of a medication, according to a prescription; and

(g) introduce an instrument, according to a prescription, into a peripheral vein or an artificial opening or in and beyond the pharynx or beyond the nasal vestibule.

**“37.2.** A person shall not in any manner engage in a professional activity reserved under section 37.1 to members of a professional order, claim to have the right to do so or act in such a way as to lead to the belief that the person is authorized to do so, unless the person holds a valid, appropriate permit and is entered on the roll of the order empowered to issue the permit, except if it is allowed by law.”

**3.** The said Code is amended by inserting the following section after section 39:

**“39.1.** Notwithstanding section 37.2, the president of an order may by special authorization empower a person legally authorized to practise outside Québec the same profession as the members of the order to engage in the activities reserved for them under section 37.1 on behalf of any person or group of persons and for the period indicated in the authorization.

The authorization shall be valid for a period not exceeding 12 months and shall be renewed only by the Bureau.

If the president refuses to grant the authorization applied for, the application may be made to the Bureau and its decision in that respect is not subject to appeal.”

**4.** The said Code is amended by inserting the following division after section 39.1:

#### **“DIVISION III.1**

##### **“SPECIAL PROVISIONS RESPECTING CERTAIN PROFESSIONS**

**“39.2.** In this division, the words “order” and “professional order” mean a professional order mentioned in any of paragraphs 3, 5, 15, 21, 24, 34 to 38 and 40 of Schedule I.

**“39.3.** For the purposes of section 37.1 of this Code and the second paragraph of section 36 of the Nurses Act (chapter I-8), the word “prescription” means a direction given to a professional by a physician, a dentist or another professional authorized by law, specifying the medications, treatments, examinations or other forms of care to be provided to a person or a group of persons, the circumstances in which they may be provided and the possible contraindications. A prescription may be individual or collective.

For the purposes of the second paragraph of section 7 of the Radiology Technologists Act (chapter T-5), the word “prescription” also means a direction given by a veterinary surgeon or a person holding a permit referred to in section 186.

The definition of the word “prescription” set out in the first paragraph applies, in addition to paragraph *j* of section 1 of the Pharmacy Act (chapter P-10), for the purposes of subparagraph 5 of the second paragraph of section 17 of that Act.

**“39.4.** The field of practice of the members of an order includes disseminating information, promoting health and preventing illness, accidents and social problems among individuals and within families and communities to the extent that such activities are related to their professional activities.

**“39.5.** Section 37.2 shall not prevent persons or categories of persons from engaging in professional activities that may be engaged in by members of a professional order, provided that they do so in accordance with the provisions of a regulation under paragraph *h* of section 94.

**“39.6.** Notwithstanding any inconsistent provision, a parent, a childcare provider or an informal caregiver may engage in professional activities reserved to members of an order.

For the purposes of this section, an informal caregiver is a close relation who provides care and regular support, without remuneration, to another person.

**“39.7.** The invasive care involved in assistance with activities of daily living that is required on a sustained basis for the maintenance of health does not constitute a professional activity reserved to members of an order where it is provided by a person as part of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2) or as part of a home care program provided by an institution operating a local community service centre.

**“39.8.** Notwithstanding any inconsistent provision, a person working for an intermediate or family-type resource referred to in section 39.7 or under a home care program provided by an institution operating a local community service centre, or a person working in a school or another temporary alternative environment for children, may administer prescribed ready-to-administer medications by oral, topical, transdermal, ophthalmic, otic or rectal route or by inhalation, and administer insulin by subcutaneous route.

**“39.9.** The Office may, by regulation, determine places, cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 as well as the applicable conditions and procedures.

When drafting such a regulation, the Office must have due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution.

Before making a regulation under the first paragraph, the Office must consult with the Minister of Health and Social Services and the professional orders concerned.

**“39.10.** Any person acting on behalf of Héma-Québec may take blood specimens by means of pre-installed tubing.”

**5.** Section 94 of the said Code, amended by section 6 of chapter 34 of the statutes of 2001, is again amended

(1) by adding “and, where applicable, the conditions of practice” at the end of paragraph *e*;

(2) by replacing “professional acts that may be engaged in by members of the order, those that may be engaged in” in the first and second lines of paragraph *h* by “professional activities that may be engaged in by members of the order, those that may be engaged in” and by replacing “engage in such acts” in the fifth line of that paragraph by “engage in such activities”.

**6.** Section 188.1 of the said Code is amended by inserting “or engage in a professional activity that is reserved under section 37.1” after “exclusive profession” in the third line of subparagraph 3 of the first paragraph.

**7.** Section 189 of the said Code is amended by inserting “, unlawful engagement in a professional activity reserved to its members in the case of an order referred to in section 39.2” after “practise” in the fourth line of the first paragraph.

## AMENDING PROVISIONS

### HEALTH INSURANCE ACT

**8.** Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “or a midwife” in the sixth line of the third paragraph by “, a midwife or another professional authorized by law or a regulation under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9)”.

### ACT RESPECTING PRESCRIPTION DRUG INSURANCE

**9.** Section 8 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended

(1) by replacing “or a midwife” in the fifth line of the first paragraph by “, a midwife or another professional authorized by law or a regulation under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9)”;

(2) by adding “of the Minister” at the end of the first paragraph.

## NURSES ACT

**10.** Section 12 of the Nurses Act (R.S.Q., chapter I-8) is replaced by the following :

“**12.** In addition to the duties provided in sections 87 to 93 of the Professional Code, the Bureau shall, by regulation, determine the conditions and formalities applicable to the issue of a registration certificate to a student in nursing, and the causes for and the conditions and formalities applicable to the revocation of such a certificate.”

**11.** Section 14 of the said Act is amended by adding the following paragraph at the end :

“(f) regulate, in accordance with paragraphs *e*, *h* and *i* of section 94 of the Professional Code, the classes of specialization to which members of the Order must belong to engage in activities referred to in section 36.1 ; for that purpose, the Bureau may, in the regulation, establish an advisory committee.”

**12.** Section 36 of the said Act is replaced by the following sections :

“**36.** The practice of nursing consists in assessing a person’s state of health, determining and carrying out of the nursing care and treatment plan, providing nursing and medical care and treatment in order to maintain or restore health and prevent illness, and providing palliative care.

The following activities in the practice of nursing are reserved to nurses :

- (1) assessing the physical and mental condition of a symptomatic person ;
- (2) providing clinical monitoring of the condition of persons whose state of health is problematic, including monitoring and adjusting the therapeutic nursing plan ;
- (3) initiating diagnostic and therapeutic measures, according to a prescription ;
- (4) initiating diagnostic measures for the purposes of a screening operation under the Public Health Act (2001, chapter 60) ;
- (5) performing invasive examinations and diagnostic tests, according to a prescription ;

- (6) providing and adjusting medical treatment, according to a prescription ;
- (7) determining the treatment plan for wounds and alterations of the skin and teguments and providing the required care and treatment ;
- (8) applying invasive techniques ;
- (9) participating in pregnancy care, deliveries and postpartum care ;
- (10) providing nursing follow-up for persons with complex health problems ;
- (11) administering and adjusting prescribed medications or other prescribed substances ;
- (12) performing vaccinations as part of a vaccination operation under the Public Health Act ;
- (13) mixing substances to complete the preparation of a medication, according to a prescription ; and
- (14) making decisions as to the use of restraint measures.

**“36.1.** Nurses may, if they are so authorized by regulations under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9) and under paragraph *f* of section 14 of this 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.”

**13.** Section 37 of the said Act is repealed.

**14.** Section 41 of the said Act is amended

(1) by replacing “do any of the acts described in” in the second line of the first paragraph by “engage in any of the activities described in the second paragraph of” ;

(2) by replacing “acts done” in the first line of the second paragraph by “activities engaged in” ;

- (3) by striking out subparagraphs *c* and *d* of the second paragraph;
- (4) by striking out the third paragraph.

#### MEDICAL ACT

**15.** The Medical Act (R.S.Q., chapter M-9) is amended by inserting the following section after section 18.1:

**“18.2.** The Bureau may verify the quality of activities referred to in the second paragraph of section 31 engaged in by persons authorized by a regulation of the Bureau.

For that purpose, a committee or a member of the Order designated by the Bureau may obtain from the authorized persons and the physicians with whom they work or from any institution operating a centre in which such activities are engaged in, any information the committee or member considers useful that is directly related to those activities, and professional secrecy may not be invoked by any of them.

Where the authorized persons are professionals, the Bureau, if it considers it necessary, shall transmit the verification report to the professional order concerned.”

**16.** Section 19 of the said Act is amended

(1) by replacing “acts contemplated in section 31 those” in the first line of subparagraph *b* of the first paragraph by “activities referred to in the second paragraph of section 31 those” and by replacing “done” in the second line of that subparagraph by “engaged in”;

(2) by adding “for that purpose, the Bureau may, in the regulation, establish an advisory committee;” at the end of subparagraph *b* of the first paragraph.

**17.** Section 31 of the said Act is replaced by the following:

**“31.** The practice of medicine consists in assessing and diagnosing any deficiency in the health of human beings and in preventing and treating illness to maintain or restore health.

The following activities in the practice of medicine are reserved to physicians:

- (1) diagnosing illnesses;
- (2) prescribing diagnostic examinations;
- (3) using diagnostic techniques that are invasive or entail risks of injury;

- (4) determining medical treatment ;
- (5) prescribing medications and other substances ;
- (6) prescribing treatment ;
- (7) using techniques or applying treatments that are invasive or entail risks of injury, including aesthetic procedures ;
- (8) providing clinical monitoring of the condition of patients whose state of health is problematic ;
- (9) providing pregnancy care and conducting deliveries ; and
- (10) making decisions as to the use of restraint measures.”

**18.** Section 32 of the said Act is repealed.

**19.** The said Act is amended by inserting the following section after section 42 :

**“42.1.** Where a member of a professional order is authorized, by a regulation of the Bureau under subparagraph *b* of the first paragraph of section 19, to engage in an activity referred to in the second paragraph of section 31 and the member intends to engage in the activity outside a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5), the physician working with the professional shall transmit to the Bureau a proposal concerning the local conditions under which the activity may be engaged in ; the proposal must be authorized by the Bureau.

The secretary of the Collège shall inform the professional order concerned of the conditions that have been authorized.

The physician working with the professional shall supervise the manner in which the activity is carried on by the authorized professional.”

**20.** Section 43 of the said Act is amended

(1) by replacing “perform any of the acts described in” in the second line of the first paragraph by “engage in any activity described in the second paragraph of” ;

(2) by replacing “acts performed” in the first line of the second paragraph by “activities engaged in” ;

(3) by replacing “performs” in the third line of subparagraph *d* of the second paragraph by “engages in”.

## PHARMACY ACT

**21.** Section 10 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by replacing “acts contemplated in section 17 those” in the first line of subparagraph *a* of the first paragraph by “activities referred to in the second paragraph of section 17 those” and by replacing “performed” in the second line of that subparagraph by “engaged in”.

**22.** Section 17 of the said Act is replaced by the following section :

**“17.** The practice of pharmacy consists in determining and ensuring the proper use of medications, particularly to identify and prevent pharmacotherapeutic problems, and in preparing, storing and delivering medications in order to maintain or restore health.

The following activities in the practice of pharmacy are reserved to pharmacists :

- (1) issuing a pharmaceutical opinion ;
- (2) preparing medications ;
- (3) selling medications, in accordance with the regulation under section 37.1 ;
- (4) supervising medication therapy ;
- (5) initiating or adjusting medication therapy, according to a prescription, making use, where applicable, of appropriate laboratory analyses ;
- (6) prescribing and personally dispensing emergency oral contraception medication, provided a training certificate has been issued to the pharmacist by the Order pursuant to a regulation under paragraph *o* of section 94 of the Professional Code.”

**23.** Section 35 of the said Act is amended

(1) by replacing “perform any of the acts described in” in the second line of the first paragraph by “engage in any of the activities described in the second paragraph of” ;

(2) by replacing “acts performed” in the first line of the second paragraph by “activities engaged in” ;

(3) by replacing “performs” in the third line of subparagraph *a* of the second paragraph by “engages in”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**24.** Section 190 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph :

“(1.1) where applicable, supervising, subject to the responsibilities of the director of nursing care under subparagraphs 1 and 1.1 of the first paragraph of section 207, the activities referred to in the second paragraph of section 31 of the Medical Act (chapter M-9) that are engaged in by nurses or other professionals of the department who are authorized to engage in those activities by a regulation of the Bureau of the Collège des médecins du Québec;”;

(2) by replacing “of the role described in subparagraph 1” in the third line of the second paragraph by “of the roles described in subparagraphs 1 and 1.1”.

**25.** Section 192 of the said Act is amended by replacing “of the council of physicians, dentists and pharmacists, where such council exists” at the end of the second paragraph by “of the council of physicians, dentists and pharmacists, where such council exists and, as regards the rules governing medical care and the rules governing the use of medicines applicable to nurses authorized to engage in activities referred to in section 36.1 of the Nurses Act (chapter I-8), the recommendation of the council of nurses”.

**26.** Section 207 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph :

“(1.1) where applicable, cooperate in the supervision of the activities referred to in section 36.1 of the Nurses Act (chapter I-8);”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph :

“(2.1) where applicable, cooperate in determining the rules governing medical care and the rules governing the use of medicines applicable to nurses authorized to engage in activities referred to in section 36.1 of the Nurses Act ;

“(2.2) where applicable, keep and update a register of the nurses authorized to engage in one or more of the activities referred to in section 36.1 of the Nurses Act;”.

**27.** The said Act is amended by inserting the following section after section 207 :

**“207.1.** The director of nursing care may, for disciplinary reasons or on grounds of incompetence, particularly on the advice of the head of a clinical department or the director of professional services, limit or suspend a nurse’s right to engage in one or more of the activities referred to in section 36.1 of the Nurses Act in the centre.

In urgent cases, if the director of nursing care is unable or fails to act, the head of a clinical department or the director of professional services may apply a measure referred to in the first paragraph for a period not exceeding five days. The head of a clinical department or the director of professional services shall notify the director of nursing care as soon as possible.

If the director of nursing care refuses to apply a measure referred to in the first paragraph, such a measure may be applied by the executive director of the institution after consultation with the council of physicians, dentists and pharmacists and the council of nurses.

The Ordre des infirmières et infirmiers du Québec must be informed of any measure applied under this section.”

**28.** Section 220 of the said Act is amended

(1) by adding “and, where applicable, in cooperation with the council of physicians, dentists and pharmacists, the quality of the activities referred to in section 36.1 of the Nurses Act (chapter I-8) engaged in in the centre” at the end of subparagraph 1 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) making recommendations on the rules governing medical care and the rules governing the use of medicines applicable to their members in the centre;”.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**29.** Section 71.2 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) where applicable, supervise, subject to the responsibilities of the director of nursing care, the activities referred to in the second paragraph of section 31 of the Medical Act (chapter M-9) that are engaged in by nurses or other professionals of the department who are authorized to engage in those activities by a regulation of the Bureau of the Collège des médecins du Québec;”.

**30.** The said Act is amended by inserting the following section after section 115:

**115.1.** The director of nursing care may, for disciplinary reasons or on grounds of incompetence, particularly on the advice of the head of a clinical department or the director of professional services, limit or suspend a nurse's right to engage in one or more of the activities referred to in section 36.1 of the Nurses Act (chapter I-8) in the centre.

In urgent cases, if the director of nursing care is unable or fails to act, the head of a clinical department or the director of professional services may apply a measure referred to in the first paragraph for a period not exceeding five days. The head of a clinical department or the director of professional services shall notify the director of nursing care as soon as possible.

If the director of nursing care refuses to apply a measure referred to in the first paragraph, such a measure may be applied by the executive director of the institution after consultation with the council of physicians, dentists and pharmacists.

The Ordre des infirmières et infirmiers du Québec must be informed of any measure applied under this section.”

## RADIOLOGY TECHNOLOGISTS ACT

**31.** Section 7 of the Radiology Technologists Act (R.S.Q., chapter T-5) is replaced by the following section :

**7.** The practice of medical imaging technology and radiation oncology consists in using ionizing radiation, radioelements and other forms of energy for treatment or to produce images or data for diagnostic or therapeutic purposes.

The following activities in the practice of medical imaging technology and radiation oncology are reserved to radiology technologists :

- (1) administering prescribed medications or other prescribed substances ;
- (2) using ionizing radiation, radioelements or other forms of energy, according to a prescription ;
- (3) monitoring reactions to medications and other substances ;
- (4) introducing an instrument, according to a prescription, in and beyond the pharynx or beyond the urinary meatus, labia majora or anal margin or into a peripheral vein or artificial opening ; and
- (5) mixing substances to complete the preparation of a medication, according to a prescription.”

**32.** Section 8 of the said Act is repealed.

**33.** Section 12 of the said Act is amended

(1) by replacing “perform any act described in” in the second line of the first paragraph by “engage in any of the activities described in the second paragraph of”;

(2) by replacing “acts performed” in the first line of the second paragraph by “activities engaged in”.

**34.** The provisions of this Act come into force on the date or dates to be fixed by the Government.