

Legislation and Regulation

An Introduction to the *Nursing Act, 1991*

Introduction

The *Nursing Act, 1991* in conjunction with the *Regulated Health Professions Act, 1991* (RHPA) came into effect in December 1993. These two pieces of legislation determine how the nursing profession is regulated in the province of Ontario. The RHPA contains a procedural code applicable to all of Ontario's self-regulated health professions. The *Nursing Act* contains a scope of practice statement, as well as provisions and regulations specific to the nursing profession¹. Among these are definitions of the classes of nurse registration, entry-to-practice and title protection regulations, and regulations on initiating controlled acts.

Scope of practice statement

Each profession has a scope of practice statement that describes what the profession does and the methods it uses. The nursing scope of practice statement is:

The practice of nursing is the promotion of health and the assessment of, the provision of, care for, and the treatment of, health conditions by supportive, preventive, therapeutic, palliative and rehabilitative means in order to attain or maintain optimal function.

Categories of registration and classes of certificates

The *Nursing Act* specifies that members comprise two categories of nurses: Registered Nurses (RNs) and Registered Practical Nurses (RPNs). Through the *Nursing Act*, the College of Nurses of Ontario (the College) has established several classes of Certificates of Registration.

General Class—Received by most RNs and RPNs upon initial registration with the College.

Temporary Class—For recent graduates or applicants from outside the province who meet all entry requirements except for having passed the registration exam. Some restrictions and conditions apply to those in the Temporary Class.

Special Assignment Class—For experienced nurses who come to Ontario for a limited period on exchange or for a special assignment. This class can also be used for nurses who come from outside Ontario to assist during large-scale emergencies.

Extended Class—RNs in this class are Nurse Practitioners (NPs) and have met additional competency requirements beyond those required in the General Class. There are four specialty certificates in the Extended Class: NP-Primary Health Care, NP-Adult, NP-Paediatrics and NP-Anaesthesia.

Retired Class—This class is available to current and previous members of the College who are age 65 or older and have retired from active nursing.

Entry to practice

Regulations under the *Nursing Act* establish the seven requirements that must be met for registration as an RN or RPN in the General Class:

1. Completion of an approved nursing or practical nursing program
2. Evidence of recent safe nursing practice
3. Passing the national registration examination
4. Evidence of fluency in written and spoken English or French
5. Registration or eligibility for registration in the jurisdiction where nurses completed their nursing program
6. Proof of Canadian citizenship, landed immigrant status, or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in nursing practice
7. Good character and suitability to practise.

For more information about requirements for NP registration refer to *Registering as a Nurse Practitioner in Ontario* at www.cno.org/np-reg.

Title protection

Many titles used by nurses are protected under the *Nursing Act*. In Ontario, only members of the College

¹ For more information on how the *Nursing Act* integrates with the RHPA, see *RHPA: Scope of Practice, Controlled Acts Model* at www.cno.org

can use the titles of nurse, Registered Nurse, Registered Practical Nurse, or any variation, abbreviation or equivalent in another language. Only nurses in the Extended Class can use the title of Nurse Practitioner. Individuals who refer to themselves as nurses or attempt to obtain employment as nurses in Ontario without being registered with the College are illegal practitioners and can be prosecuted under the *Nursing Act* and RHPA.

Controlled acts authorized to nursing

The RHPA lists 13 controlled acts that are considered potentially harmful if performed by unqualified persons. The *Nursing Act* authorizes nurses to perform three controlled acts, when ordered or permitted by the regulations pertaining to initiation. They are:

- performing a prescribed procedure below the dermis or mucous membrane;
- administering a substance by injection or inhalation; and
- putting an instrument, hand or finger:
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anal verge, or
 - vii. into an artificial opening in the body.

Initiation of controlled acts by nurses

The *Nursing Act* gives RNs and RPNs who meet certain conditions the authority to initiate specific controlled acts. This means that these RNs and RPNs may independently decide that a specific procedure is required and initiate the procedure without a specific order or directive from a physician. Regulations under the *Nursing Act* outline how RNs and RPNs can safely initiate such procedures. In some cases, the authority of RNs and RPNs to initiate may be limited by other legislation or employer policies. For further information, refer to the College's *Decisions About Procedures and Authority, Revised 2006* practice document.

Controlled acts authorized to NPs

NPs have the authority to perform the following controlled acts:

1. Communicating to a client, or a client's representative, a diagnosis made by the NP

- identifying as the cause of the client's symptoms, a disease or disorder.
2. Performing a procedure below the dermis or a mucous membrane.
3. Putting an instrument, hand or finger,
 - i. beyond the external ear canal
 - ii. beyond the point in the nasal passages where they normally narrow
 - iii. beyond the larynx
 - iv. beyond the opening of the urethra
 - v. beyond the labia majora
 - vi. beyond the anal verge, or
 - vii. into an artificial opening of the body.
4. Applying or ordering the application of a prescribed form of energy.
5. Setting or casting a fracture of a bone or dislocation of a joint.
6. Administering a substance, by injection or inhalation, in accordance with the regulation, or when it has been ordered by another health care professional who is authorized to order the procedure.
7. Prescribing, dispensing, selling or compounding a drug in accordance with the regulation.

Quality Assurance

The RHPA requires that the College establish and operate a Quality Assurance (QA) Program that assists nurses to maintain competence and continually evaluate their practice.

Professional misconduct regulations

Regulations under the *Nursing Act* define professional misconduct for nurses as an act or omission that breaches accepted ethical and professional standards of conduct. For a complete list of these regulations, refer to the College's *Professional Misconduct* document.

For more information

To learn more, contact the College at:

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For a copy of the *Nursing Act, 1991*, contact Service Ontario Publications at www.serviceontario.ca/publications.