

Proposed Changes to the Nursing Act, 1991

S.O. 1991, CHAPTER 32

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the [Table of Public Statutes – Legislative History Overview](#).

Amended by: 1997, c. 9, ss. 1-3; 1998, c. 18, Sched. G, s. 37.

With the Exception of Section 5 (1), only those sections of the Act with proposed changes are included in this document. Section 5 (1) has been included to facilitate reader understanding of the proposed changes to nurse practitioner / registered nurse extended class authorization mechanisms respecting controlled acts.

Authorized acts

4. In the course of engaging in the practice of nursing, a member **other than one who holds an extended class certificate of registration as a registered nurse**, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Performing a prescribed procedure below the dermis or a mucous membrane.
2. Administering a substance by injection or inhalation.
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 into the body. 1991, c. 32, s. 4.

Additional requirements for authorized acts

- 5.** (1) A member shall not perform a procedure under the authority of section 4 unless,
- (a) the performance of the procedure by the member is permitted by the regulations and the member performs the procedure in accordance with the regulations; or
 - (b) the procedure is ordered by a person who is authorized to do the procedure by section 5.1 of this Act or by the *Chiropractic Act, 1991*, the *Dentistry Act, 1991*, the *Medicine Act, 1991* or the *Midwifery Act, 1991*. 1991, c. 32, s. 5 (1); 1997, c. 9, s 1.

Authorized acts by certain registered nurses

5.1 (4) In the course of engaging in the practice of nursing, a member ~~who is a registered nurse and~~ who holds an extended certificate of registration **as a registered nurse** ~~in accordance with the regulations~~ is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following: ~~acts in addition to those the member is authorized to perform under section 4:~~

1. ~~Communicating to a patient or to his or her representative a diagnosis made by the member identifying, as the cause of the patient's symptoms, that can be identified from,~~

- ~~_____ i. the patient's health history,~~
 - ~~_____ ii. the findings of a comprehensive health examination, or~~
 - ~~_____ iii. the results of any laboratory tests or other tests and investigations that the member is authorized to order or perform.~~
 - ~~— 2. Ordering the application of a form of energy prescribed by the regulations under this Act.~~
 - ~~— 3. Prescribing a drug designated in the regulations.~~
 - ~~— 4. Administering, by injection or inhalation, a drug that the member may prescribe under paragraph 3.~~
1. Communicating a diagnosis identifying a disease or disorder as the cause of a person's symptoms.
 2. Performing a procedure on tissue below the dermis or below the surface of a mucous membrane.
 3. Setting or casting a fracture of a bone or a dislocation of a joint.
 4. Administering a substance by injection or inhalation.
 5. 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 into the body.
 6. Applying or ordering the application of a form of energy prescribed by the regulations under this Act.
 7. Prescribing, dispensing, selling or compounding a drug.

Consultation

~~— (2) A member is not authorized to communicate a diagnosis under paragraph 1 of subsection (1) unless the member has complied with the prescribed standards of practice respecting consultation with members of other health professions. 1997, c. 9, s. 2.~~

Restricted titles

11. (1) No person other than a member shall use the title “nurse”, “**nurse practitioner**”, “registered nurse”, “**registered nurse extended class**” or “registered practical nurse”, a variation or abbreviation or an equivalent in another language. 1991, c. 32, s. 11 (1); 1998, c. 18, Sched. G, s. 37 (3).

Exception

(2) Despite subsection (1), a person may use the title “Christian Science nurse” or “~~graduate nurse~~”, a variation or abbreviation or an equivalent in another language.

Exception

~~(4) Despite subsection (3), a member who is a practical nurse may use the title “nursing assistant” or a variation or abbreviation of it for three years after this Act comes into force.~~

Representations of qualification, etc.

(5) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a nurse, registered nurse, **nurse practitioner**, or practical nurse or in a specialty of nursing.

Regulations

14. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) prescribing procedures for the purpose of paragraph 1 of section 4;
- (b) permitting a member to perform a procedure under clause 5 (1) (a) and governing the performance of the procedure including, without limiting the foregoing, prescribing the class of members that can perform the procedure and providing that the procedure may only be performed under the authority of a prescribed member or a member of a prescribed class;
- (c) prescribing the forms of energy that a member may order for the purpose of paragraph ~~2~~ **6** of section 5.1 ~~(1)~~ and prescribing the purpose for which, or the circumstances in which, the form of energy may be applied **or ordered**;
- ~~(d) designating the drugs that a member may prescribe for the purpose of paragraph 3 of subsection 5.1 (1) and prescribing the circumstances in which a member may prescribe the drugs;~~
- ~~—(e) prescribing standards of practice respecting the circumstances in which registered nurses who hold an extended certificate of registration should consult with members of other health professions. 1991, c. 32, s. 14; 1997, c. 9, s. 3 (1).~~

Incorporation by reference

(2) A regulation under clause ~~(e)~~ **(b) or (c)** may adopt by reference, in whole or in part and with such changes as may be necessary, any document or publication and may require compliance with the document or publication.

Transition before Act in force

16. (1) ~~The transitional Council is the Council of the College of Nurses of Ontario as it exists from time to time between the 25th day of November, 1991 and the day this Act comes into force.~~

Powers of transitional Council

~~—(2) After the 25th day of November, 1991 but before this Act comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.~~

Idem

~~—(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.~~

Powers of Minister

~~—(4) The Minister may,~~

- ~~—(a) review the transitional Council's activities and require the transitional Council to provide reports and information;~~
- ~~—(b) require the transitional Council to make, amend or revoke a regulation under this Act;~~
- ~~—(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Regulated Health Professions Act, 1991*.~~

Transitional Council to comply with Minister's request

~~—(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.~~

Regulations

~~—(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.~~

Idem

~~—(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.~~

Expenses

~~—(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4). 1991, c. 32, s. 16.~~

Transition after Act in force

~~—17. (1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 9 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 9 (1) or until one year has elapsed, whichever comes first.~~

Terms of members of transitional Council

~~—(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College.~~

Vacancies

~~—(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council. 1991, c. 32, s. 17.~~
