

## Legislation and Regulation

# RHPA: Scope of Practice, Controlled Acts Model

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## Introduction

The scope of practice model is set out in the *Regulated Health Professions Act, 1991* (RHPA) and consists of two elements: a scope of practice statement and a series of authorized or controlled acts.

## Scope of Practice Statement

Each regulated health profession has a scope of practice statement that describes in a general way what the profession does and the methods that it uses. The scope of practice statement is not protected in the sense that it does not prevent others from performing the same activities. Rather, it acknowledges the overlapping scope of practice of the health professions.

### Nursing's Scope of Practice Statement

*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. (Nursing Act, 1991)*

## Controlled Acts

Controlled acts are activities that are considered to be potentially harmful if performed by unqualified persons. The 14 controlled acts established in the RHPA are:

1. Communicating to the individual or his/her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his/her personal representative will rely on the diagnosis.
2. Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.
3. Setting or casting a fracture of a bone or dislocation of a joint.
4. Moving the joints of the spine beyond the individual's usual physiological range of motion using a fast, low amplitude thrust.
5. Administering a substance by injection or inhalation.
6. 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.
7. Applying or ordering the application of a form of energy prescribed by the regulations under this Act.
8. Prescribing, dispensing, selling or compounding a drug as defined in the *Drug and Pharmacies Regulation Act* or supervising the part of a pharmacy where such drugs are kept.
9. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eyeglasses other than simple magnifiers.
10. Prescribing a hearing aid for a hearing-impaired person.
11. Fitting or dispensing a dental prosthesis, orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning.
12. Managing labour or conducting the delivery of a baby.
13. Allergy challenge testing of a kind in which a positive result of the test is a significant allergic response.
14. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship,

an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

### Authorization to Perform Controlled Acts

A regulated health professional is authorized to perform a portion or all of the specific controlled acts that are appropriate for that profession's scope of practice. Because of overlaps in practice, some professions are authorized to perform the same, or parts of the same, controlled acts. On the other hand, not all of the regulated health professions are authorized to perform controlled acts.

Note: The RHPA includes a number of exceptions that permit persons to perform controlled act procedures in defined circumstances. These exceptions are described on the column to the right.

### Controlled acts authorized to RNs and RPNs

RNs and RPNs are authorized to perform the following controlled acts:

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.
4. Dispensing a drug.
5. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation,

perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

A Registered Nurse (RN) or Registered Practical Nurse (RPN) may perform a procedure within the controlled acts authorized to nursing:

- if it is ordered by a physician, dentist, chiroprapist, midwife or Nurse Practitioner (NP); or
- if it is initiated by an RN or RPN in accordance with conditions identified in regulation.

### Exceptions to the need for authorization

Acupuncture is exempt from the controlled act of performing a procedure on tissue below the dermis when it is performed by a nurse in accordance with College standards. Therefore, authorization (e.g., an order) is not required for nurses to perform acupuncture.

The RHPA also provides several exceptions that allow persons to perform controlled acts. These exceptions are as follows:

- when providing first aid or temporary assistance in an emergency;
- when, under the supervision or direction of a member of the profession, a student is learning to become a member of that profession and the performance of the procedure is within the scope of the profession's practice;
- when treating a member of a person's household and the procedure is within the second or third controlled act authorized to nursing;
- when assisting a person with his/her routine activities of living and the procedure is within the second or third controlled act authorized to nursing; or
- when treating a person by prayer or spiritual means in accordance with the religion of the person giving the treatment.

In addition, a person who performs the following activities is not considered to be in contravention of the RHPA: ear-piercing or body-piercing for the purpose of accommodating a piece of jewelry, electrolysis and tattooing for cosmetic purposes. Other exceptions include male circumcision as part of a religious tradition or ceremony, and taking

a blood sample by a person employed by a laboratory licensed under the *Laboratory and Specimen Collection Centre Licensing Act*.

### Initiation of controlled acts

Regulations under the *Nursing Act, 1991* give the authority to initiate specific controlled acts to nurses who meet certain conditions. This means that these nurses may independently decide that a specified procedure is required and initiate that procedure in the absence of a specific order or medical directive from a physician. If initiating is within the scope of her/his role and competence, the initiating RN may perform the procedure or may write the order for another nurse to perform it; RPNs may initiate a procedure, but not write an order for another nurse to perform the procedure. Safe, appropriate initiation of a procedure involves:

- assessing the client and identifying a problem;
- considering all the available options to address the problem;
- weighing the risks and benefits of each option in light of the client's condition;
- deciding on a course of action; and
- accepting sole accountability for deciding that the particular procedure is required and ensuring that any potential consequences are managed appropriately.

RNs or RPNs who are competent to do so may perform a procedure initiated (ordered) by an RN. A nurse can initiate a procedure only when all of the following conditions are met:

- the nurse has the knowledge, skill and judgment to perform the procedure safely, effectively and ethically;
- the nurse has the knowledge, skill and judgment to determine whether the client's condition warrants performance of the procedure;
- the nurse determines that the client's condition warrants performance of the procedure having considered:
  - the known risks and benefits to the individual,
  - the predictability of outcomes of performing the procedure,
  - the safeguards and resources available in the circumstances to safely manage the outcomes of performing the procedure, and

- other relevant factors specific to the situation; and
- the nurse accepts sole accountability for determining that the client's condition warrants performance of the procedure.

Not all nurses will be competent to initiate controlled act procedures, nor will all nursing roles include this requirement. The knowledge, skill and judgment required to initiate a procedure is greater and different from that required to perform the same procedure. Nurses who consider initiating procedures are advised to clarify their scope of role responsibility within the health care team and with their employers.

The following are the procedures that may be initiated (performed) by an RPN who meets the conditions described above:

1. Care of a wound below the dermis or the mucous membrane by cleansing, soaking or dressing.
2. For the purpose of assisting a client with health management activities, a procedure that involves putting an instrument beyond the point in the client's nasal passages where they normally narrow, beyond the client's larynx or beyond the opening of the urethra.
3. For the purpose of assisting a client with health management activities, a procedure that requires putting a hand or finger beyond the labia majora
4. For the purpose of assessing a client or assisting a client with health management activities, a procedure that requires putting an instrument or finger beyond the anal verge.
5. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

The following are the procedures that may be initiated (performed and/or ordered) by an RN who meets the conditions previously described:

1. Care of a wound below the dermis or the mucous membrane by cleansing, soaking, irrigating, probing, debriding, packing or dressing.
2. Venipuncture to establish peripheral intravenous access and maintain patency using a solution of normal saline (0.9 percent) when the client requires medical attention and delaying venipuncture is likely to be harmful to the client.

This permits an RN to establish intravenous access in anticipation of treatment being prescribed imminently. The authorized procedure is establishing the access, not using the solution as a form of treatment. Determining the solution and rate of solution are not within the scope of RN practice.

3. For the purpose of assisting a client with health management activities, a procedure that involves putting an instrument beyond the point in the client's nasal passages where they normally narrow, beyond the client's larynx or beyond the opening of the urethra.
4. For the purpose of assessing a client or assisting a client with health management activities, a procedure that requires putting:
  - an instrument or finger beyond the individual's anal verge or into an artificial opening into the client's body; or
  - an instrument, hand or finger beyond the individual's labia majora.
5. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

Procedures that involve putting an instrument or finger into one of the body openings, or into an artificial opening of the body for the purposes of treating a health problem, cannot be initiated by an RN. Authorized procedures are also limited to those activities that do not require the use of a prescribed drug, as RNs in the General Class are not authorized to prescribe drugs. NPs have additional controlled act authority as discussed in the next section.

### Controlled acts authorized to NPs

Nurse Practitioners 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
8. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

These controlled acts reflect the broader scope of the NP role, which involves assessing, diagnosing and treating clients. Further information on the scope of practice of NPs can be found in the *Nurse Practitioner* practice document.

### Delegation

Delegation is a formal process by which a regulated health professional, who is authorized and competent to perform a procedure under one of the controlled acts, delegates the performance of that procedure to someone, regulated or unregulated, who is not authorized by legislation to perform it.

There are controlled acts not authorized to nursing by the legislation, but which may be performed by a nurse when the procedure has been delegated by a person who is authorized by legislation to perform it.

For information about nurses' accountabilities in delegating activities and accepting delegation, refer to the College's *Authorizing Mechanisms* and *Working With Unregulated Care Providers* practice documents.

### Conclusion

The RHPA scope of practice and controlled acts model provides a flexible framework that facilitates the evolution of the nursing profession's scope of practice. The College's practice document *Decisions About Procedures and Authority* assists nurses in making decisions about the performance of procedures and in understanding their individual accountability.



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