

Legislation and Regulation

An Introduction to the *Nursing Act, 1991*



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

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 procedural codes 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 profession. 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 has established several classes of Certificates of Registration.

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

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 exist 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. There is also the Emergency Special Assignment for nurses who come to assist with 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 specialties 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 CNO who are aged 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 acceptable nursing or practical nursing program
2. Evidence of recent safe nursing practice
3. Passing the national nursing registration exam
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 an in-depth explanation of each requirement, please see the interactive guide at www.cno.org.

Title protection

Many titles used by nurses are protected under the *Nursing Act*. In Ontario, only members of the College 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 CNO are called “illegal practitioners” and can be prosecuted under the *Nursing Act* and the 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 nurses who meet certain conditions the authority to initiate specific controlled acts. This means that these nurses 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 nurses can safely initiate such procedures. In some cases, nurses' authority 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 standard.

Additional controlled acts authorized to Nurse Practitioners

In addition to the three controlled acts authorized to nursing in the *Nursing Act*, Nurse Practitioners have the authority to perform the following controlled acts:

- communicating to a client or his/her representative a diagnosis made by the member or identifying, as the cause of a client's symptoms, a disease or disorder that can be identified from:

- i. the client's health history,
 - ii. findings from 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;
- ordering the application of a form of energy prescribed by the regulations (for example, diagnostic ultrasound);
 - prescribing a drug, or category of drug, designated in the regulations; and
 - administering a drug by inhalation or injection that the member has prescribed.

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. For more information, please refer to the *Quality Assurance Program* fact sheet.

Professional misconduct regulations

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

For more information

To learn more, contact the College of Nurses of Ontario at:

E-mail: cno@cnomail.org

Tel.: 416 928-0900

Toll-free in Ontario: 1 800 387-5526

Fax: 416 928-6507

Website: www.cno.org

Copies of the *Nursing Act, 1991*, can be obtained by contacting Service Ontario Publications at 1 800 668-9938 or 416 326-5300 or by accessing the website www.e-laws.gov.on.ca.

For more information about the *Nursing Act* and how it integrates with the RHPA, obtain the College's *Regulated Health Professions Act: Scope of Practice, Controlled Acts Model* reference document (#41052) by visiting the College's website or by contacting the College's Customer Service Centre.