

IMPORTANT NOTICE

Proposed Amendments to the Controlled Acts Regulation and Registration Regulation for Members of the Extended Class



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

THE STANDARD OF CARE.

College Seeking Member Feedback on Regulation Changes

Currently, the College of Nurses of Ontario regulates Primary Health Care Nurse Practitioners in the Extended Class. Known as Registered Nurses in the Extended Class, or RN(EC)s, they have an extended scope of practice that allows them to prescribe some drugs, order certain laboratory and diagnostic tests and make some diagnoses.

To meet the growing needs of the health care system, the College is proposing that Acute Care Nurse Practitioners be included in the Extended Class. This proposal involves significant changes to the *Nursing Act, 1991*, and the regulations made under the Act, and will impact all members of the Extended Class, both primary and acute care.

At this time, Council is proposing changes to two regulations under the Act: the *Controlled Acts* regulation and the *Extended Certificates of Registration* regulation. A new section has also been drafted that addresses mutual recognition requirements for applicants to the Extended Class from other Canadian jurisdictions.

The following pages outline the proposed changes to regulations and provide information on how to send your feedback to the College.

The Nursing Act

The proposed changes to the Nursing Act are enabling and consistent with the expectations of a self-regulating professional. For example, most of the conditions for the performance of controlled acts have been removed. Also, there are additional controlled acts for RN(EC)s. To review the proposed Act changes in their entirety, please visit the College website, www.cno.org. The Act is not included in the membership consultation.

The amendments address authorization issues that exist with the current Act relating to the ability of the Nurse Practitioner to write orders for the performance of controlled acts that may be carried out by other nurses; for example, the performance of venipuncture to collect a blood sample. In addition, it is proposed that the title Nurse Practitioner be protected. At its June meeting, Council forwarded the proposed changes of the Act to the Government of Ontario for approval.

Changes to the Controlled Act Regulation

The draft changes to the *Controlled Acts* regulation (page 5) are intrinsically linked to the proposed amendments to the *Nursing Act*.

If approved, these changes will have a profound impact on the practice of RN(EC)s, or Nurse Practitioners. The changes will allow RN(EC)s to prescribe a broad range of drugs and to order, and in some situations perform, laboratory and diagnostic tests consistent with their specialty area of practice. The proposed changes will eliminate the need for the current problematic and prescriptive Drug, Laboratory and Diagnostic Test Lists. The list of prescribed forms of energy, both for application and ordering, has been enhanced for RN(EC)s to meet the practice requirements of all of the various Nurse Practitioner settings. This change is in accordance with the self-regulating principle that members will perform and order within their own specific range of competencies.

Another important change to this regulation is the proposal that the requirements for the performance and ordering of controlled acts be detailed in practice standard documents, and not in regulation. This change will allow for greater flexibility and expedience in meeting the needs of the evolving health care system.

The College is currently developing a standard for RN(EC) practice that is expected to be presented to Council in September.

Extended Class Mutual Recognition Agreement (Section 8.3)

The Mutual Recognition section (page 6) is new and outlines the means by which a Nurse Practitioner applicant from another Canadian jurisdiction may become eligible for membership in the Extended Class in Ontario. This section emulates existing requirements that RN and RPN applicants from other Canadian jurisdictions must meet to be eligible to enter the General Class of nursing registration. The Mutual Recognition registration regulations for RN(EC)s were developed to meet federal requirements agreed to by the provinces and territories under the Labour Mobility Chapter of the Agreement on Internal Trade.

Changes to the Extended Certificate of Registration Regulation

The *Extended Certificates of Registration* regulation¹ (sections 11.1 to 11.5) is a revision of the existing registration requirements.

This amended regulation outlines the requirements that applicants to the Extended Class must meet and includes RN(EC) equivalence, as well as educational programs and examination requirements. The regulation establishes four specialty certificates within the Extended Class for Nurse Practitioners: Primary Health Care, Paediatrics, Adult and Anaesthesia. The specialty certificates were created under the authority of the Regulated Health Professions Act and represent very broad streams of practice. They are not meant to capture clinical specialties such as cardiology, women's health, oncology nursing, etc.

The regulation also addresses title protection for Registered Nurse in the Extended Class and the initials RN(EC), and Nurse Practitioner and the initials NP, and specifies

the mandatory use of either of these titles by a member registered in any of the four specialties. A choice of one of the two designations must follow the member's name in any official documentation. When practising in an individual role however, a member may use the appropriate specialty designation; for example, Nurse Practitioner—Adult.

Summary

The *Regulated Health Professions Act* requires that regulatory amendments² be circulated to members and that 60 days be allowed for feedback. At the September Council meeting, a report of the feedback received will be presented, and Council will be asked to make a decision about the regulations to be submitted to the Ministry of Health and Long-Term Care.

Also in September, Council will be considering changes to the Quality Assurance Regulations to ensure that RN(EC)s' ongoing practice meets the standard of practice to ensure public safety is protected. With Council's approval, these regulations will be circulated to the membership for feedback in the September issue of *The Standard*.

Member Feedback

Your feedback is important.

Please e-mail your feedback to Jenna Hofbauer, Council Affairs Coordinator, at jhofbauer@cnomail.org or fax it to 416 928-5916, before **August 25, 2006**.

¹Due to the complexity of the changes to this regulation, the amendments are shown in their entirety without indicating where the changes were made. To clarify the deletions and additions, the College has developed a comparison chart and rationale which is available at www.cno.org.

²The RHPA specifies that regulatory amendments must be circulated to the membership prior to final approval by Council. Changes to an Act, such as the Nursing Act, are not within Council's mandate and therefore any proposed Act changes are forwarded by Council directly to the government. Decisions regarding changes are made only by government.

Proposed Amendments to the Controlled Acts Regulation and the Registration Regulation for Members of the Extended class

The following are the proposed changes to the Controlled Acts Regulation and the Registration Regulation. For more detail on these proposals visit the College website at www.cno.org.

Part III Controlled Acts

For clarity, the proposed changes to the Controlled Acts Regulation show the additions (bold) and deletions (strike out).

15. (3) No registered nurse in the general class and no ~~registered nurse in the extended class~~ shall order a procedure set out in subsection (4) unless he or she meets all of the conditions set out in subsection (5). O. Reg. 39/98, s. 9.
 16. Sections 14 and 15 **shall not be interpreted as authorizing** ~~do not authorize~~ a member to prescribe a drug as defined in subsection 117 (1) of the *Drug and Pharmacies Regulation Act*. O. Reg. 115/96, s. 10.
 17. ~~For the purpose of clause 5 (1) (a) of the Act, a registered nurse in the extended class may perform any of the following procedures if he or she meets all of the conditions set out in subsection 15 (5):~~
 1. ~~With respect to the care of a wound below the dermis or below the surface of a mucous membrane, any of the following procedures:~~
 - i. ~~cleansing;~~
 - ii. ~~soaking;~~
 - iii. ~~irrigating;~~
 - iv. ~~probing;~~
 - v. ~~debriding;~~
 - vi. ~~packing;~~
 - vii. ~~dressing;~~
 - viii. ~~suturing, except below the fascia and except in cases in which there may be underlying damage.~~
 2. ~~Venipuncture to establish peripheral intravenous access.~~
 3. ~~Venipuncture to obtain a blood sample for a~~
- test set out in Appendix C of Regulation 682 of the Revised Regulations of Ontario, 1990 (Laboratories) made under the Laboratory and Specimen Collection Centre Licensing Act.
4. ~~A procedure that, for the purpose of assessing or treating an individual or assisting an individual with health management activities, requires putting an instrument;~~
 - i. ~~beyond the point in the individual's nasal passages where they normally narrow;~~
 - ii. ~~beyond the individual's larynx; or~~
 - iii. ~~beyond the opening of the individual's urethra.~~
 5. ~~A procedure that, for the purpose of assessing or treating an individual, assisting an individual with health management activities or making a diagnosis with respect to an individual, requires putting an instrument or finger;~~
 - i. ~~beyond the individual's anal verge; or~~
 - ii. ~~into an artificial opening into the individual's body.~~
 6. ~~A procedure that, for the purpose of assessing or treating an individual, assisting an individual with health management activities or making a diagnosis with respect to an individual, requires putting an instrument, hand or finger beyond the individual's labia majora.~~ O. Reg. 39/98, s. 10.
18. ~~For the purposes of paragraph 2 of subsection 5.1 (1) of the Act, the application of sound-waves for diagnostic ultrasound of the abdomen, pelvis and breast may be ordered by a registered nurse in the extended class.~~ O. Reg. 39/98, s. 10.
18. (1) **For the purposes of paragraph 6 of section 5.1 of the Act, a registered nurse in the extended class may apply the following forms of energy:**
 1. **Electricity for**
 - i. **cardiac pacemaker therapy,**
 - ii. **cardioversion,**
 - iii. **defibrillation,**
 - iv. **electrocoagulation,**
 - v. **fulguration, or**
 - vi. **transcutaneous cardiac pacing.**
 2. **Soundwaves for diagnostic ultrasound**

(2) For the purposes of paragraph 6 of section 5.1 of the Act, a registered nurse in the extended class may order the application of the following forms of energy:

1. Electricity for
 - i. cardiac pacemaker therapy,
 - ii. cardioversion,
 - iii. defibrillation,
 - iv. electrocoagulation,
 - v. electromyography,
 - vi. fulguration,
 - vii. nerve conduction studies, or
 - viii. transcutaneous cardiac pacing.
2. Electromagnetism for magnetic resonance imaging.
3. Soundwaves for diagnostic ultrasound

The application of sound waves for diagnostic ultrasound of the abdomen, pelvis and breast may be ordered by a registered nurse in the extended class. *O. Reg. 39/98, s. 10.*

~~19. (1) For the purposes of paragraph 3 of subsection 5.1 (1) of the Act, the following drugs are designated:~~

- ~~1. An immunizing agent set out in Schedule 2.~~
- ~~2. A drug set out in Schedule 3.~~
- ~~3. Any drug that may lawfully be purchased or acquired without a prescription. *O. Reg. 39/98, s. 10.*~~

~~(2) If circumstances are set out opposite a drug set out in Schedule 3, a registered nurse in the extended class shall only prescribe the drug under paragraph 2 of subsection (1) in those circumstances. *O. Reg. 39/98, s. 10.*~~

~~20. For the purposes of subsection 5.1 (2) of the Act, the prescribed standards of practice respecting consultation with members of other health professions shall be those set out in the publication of the College entitled “Standards of Practice for Registered Nurses who hold an extended class certificate of registration”, as that publication exists and is amended from time to time by the College. *O. Reg. 39/98, s. 10.*~~

20. (1) The document entitled “Practice Standard: Performance of Controlled Acts by Nurse

Practitioners”, as published and amended from time to time by the College, is prescribed as a standard of practice for the profession.

(2) The document entitled “Practice Standard: Authorizing of Others to Perform Acts Authorized to Nurse Practitioners”, as published and amended from time to time by the College, is prescribed as a standard of practice of the profession.

(3) The College shall ensure that each of the standards of practice referred to in subsections (1) and (2) and all amendments to it are circulated among members who hold an extended certificate of registration as a registered nurse and that it is available to the public upon request.

(4) Each member who holds an extended certificate of registration as a registered nurse and who performs any act authorized to the member under section 5.1 of the Act shall ensure that the standards of practice referred to in subsection (1) is complied with.

(5) Each member who holds an extended certificate of registration as a registered nurse and who orders or otherwise authorizes a member or other person to perform any act authorized to the member under section 5.1 of the Act, shall ensure that the standards of practice referred to in subsection (2) is complied with.

Proposed Amendments to Part II of the College’s General Regulation being Ontario Regulation 275/94 as amended to Ontario Regulation 22/06 (“Registration Regulation”)

Due to extensive changes to the following regulation, the amendments are shown in their entirety without indicating deletions/additions. To view the deletions/additions visit the College website at www.cno.org.

The amendments involve the adding of the following provisions:

Mutual Recognition for Extended Class RNs

8.3 (1) Subject to subsection (3), an applicant who meets all of the following requirements shall have met the requirements for an extended certificate of registration as a registered nurse:

1. The applicant must have been registered

- to practise nursing in another province or territory in Canada with a certificate or licence considered by the Registration Committee to be one which was equivalent to an extended certificate of registration as a registered nurse.
2. The applicant must satisfy either the Executive Director or the Registration Committee that the applicant previously practised one of the specialties in nursing recognized by this regulation, in another province or territory in Canada.
 3. If any of the nursing programs which the applicant completed in order to be permitted to practise one of the specialties in nursing recognized by this regulation were not university programs, the applicant must have successfully completed such additional education and training as shall be determined by the Registration Committee.
 4. The applicant must have successfully completed the examinations for that specialty in the extended class as referred to in subparagraph 3 i of subsection 11.1 (1).
 5. The applicant must provide written confirmation from the regulatory body for nursing in each province or territory in Canada in which the applicant practised during the five years prior to the date of application verifying that the applicant, while registered, met that regulatory body's continuing competence or quality assurance requirements.
 6. The applicant,
 - i. in the opinion of the Executive Director or the Registration Committee, as the case may be, must have no additional need for education or experience based on evidence of safe nursing practice in a specialty in nursing recognized by this regulation during the preceding year, or
 - ii. must have successfully completed such additional education requirements as shall be determined by the Registration Committee.
 7. The applicant must meet the requirements of section 5.
 - (2) Where paragraph 3 of subsection (1) is applicable to an applicant, the applicant shall, if requested by the Registration Committee, undergo an assessment of his or her competence in a form approved by the Registration Committee so as to permit the Registration Committee to determine what additional nursing education, training or experience, if any, is required in order for the applicant to meet the requirements of that paragraph 3.
 - (3) Subsection 11.1 (4) applies to an applicant under this section.
 - (4) Where the Executive Director is not satisfied that the applicant meets the requirements of subparagraph 6 i of subsection (1), the Executive Director shall refer the application to the Registration Committee to consider what additional education would need to be taken by the applicant to meet the requirements of subparagraph 6 ii of subsection (1).
 - (5) Subsection (1) is not applicable to an applicant,
 - (a) who, at any time, was the subject of a proceeding for professional misconduct, incompetence or incapacity in relation to the nursing profession or another health profession, other than a proceeding which was completed based upon its merits;
 - (b) who, at any time, was the subject of an inquiry or investigation by or on behalf of a regulatory body governing nursing in a province or territory in Canada, which was not completed on its merits or which resulted in the resignation of the applicant as a member of that regulatory body;
 - (c) who, at the time of the application, was the subject of an outstanding order or decision of a regulatory body governing nursing in a province or territory in Canada;
 - (d) who, at the time of the application, was in breach of an order or in violation of a decision of a regulatory body governing nursing in a province or territory in Canada;
 - (e) who, at any time, was in breach of any written agreement with or undertaking provided to a regulatory body governing nursing in a province or territory in Canada; or
 - (f) whose right to practise in a province or territory in Canada was, at the time of the application,

subject to terms, conditions or limitations, other than those applicable to all members of the class of certificate of registration which the applicant held.

- (6) The requirements of paragraphs 1, 2, 3, 4, 5 and 6 of subsection (1) are non-exemptible.

Extended Certificates of Registration

11.1 (1) The following are non-exemptible registration requirements for an extended certificate of registration as a registered nurse:

1. The applicant,
 - i. must hold or have held a general certificate of registration as a registered nurse, issued by the College, or
 - ii. must satisfy the Registration Committee,
 - A. that he or she meets the registration requirements for a general certificate of registration as a registered nurse as set out in paragraphs 1 and 3 of subsection 6 (1.1), or
 - B. that the applicant graduated from a program of nursing prior to January 1, 2005 and that, had the applicant applied prior to January 1, 2005, he or she would have met the registration requirements for a general certificate of registration as a registered nurse; or
 - iii. must hold or have held a certificate of registration as a registered nurse in another jurisdiction which the Registration Committee is satisfied is equivalent to an extended certificate of registration as a registered nurse.
2. The applicant,
 - i. must have graduated from an Ontario university program for preparing registered nurses for a specialty in the extended class which program was, at the time the applicant graduated, approved by Council,
 - ii. must have graduated from a university program in another province or territory in Canada or one of the United States of America for preparing registered nurses for a specialty in the extended class which program was, at the time the applicant graduated, approved by Council,

- iii. must have graduated from a university nursing program that the Registration Committee is satisfied was, at the time the applicant graduated, equivalent to the education currently provided to a graduate of an Ontario university program referred to in subparagraph i, or
 - iv. subject to subsection (3), must have graduated from a nursing program other than one referred to in subparagraphs i, ii or iii and satisfied the Registration Committee that he or she has obtained additional nursing education, training or experience that, together with the education provided by the nursing program from which he or she graduated, is equivalent to the education currently provided to a graduate of an Ontario university program referred to in subparagraph i.
3. At the time of successfully completing all other requirements for registration as a registered nurse in the extended class or at the time of application, whichever is later, the applicant must,
 - i. successfully complete
 - a) such examinations as shall be approved by Council, or
 - b) such examinations as shall be set by or administered by the College for that specialty in the extended class for which the applicant had successfully completed the program referred to in paragraph 2, and
 - ii. satisfy the Registration Committee that, during the past five years,
 - A. he or she has practised nursing for at least two years,
 - B. his or her nursing practice was performed safely, and
 - C. for at least one of those years, he or she practised in a nursing role that required him or her to use advanced knowledge and decision-making skills in assessment, diagnosis and health care management.
- (2) The following are registration requirements for an extended certificate of registration as a registered nurse:

1. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
 2. The applicant is a Canadian citizen or a permanent resident of Canada or authorized under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of nursing.
 3. An applicant who graduated from a program referred to in subparagraph ii, iii or iv of paragraph 2 of subsection (1) must, if the program was located outside Ontario, show proof of registration, or eligibility for registration, as the equivalent of a registered nurse in the extended class, in the jurisdiction in which the program was located.
 4. The applicant must not have been refused registration in the nursing profession in another jurisdiction.
- (3) An applicant who graduated from a program referred to in subparagraph iv of paragraph 2 of subsection (1) shall, if requested by the Registration Committee, undergo an assessment of his or her competence in a form approved by the Registration Committee so as to permit the Registration Committee to determine what additional nursing education, training or experience, if any, is required in order for the applicant to meet the requirements of that subparagraph.
- (4) If an applicant for an extended certificate of registration fails to successfully complete the examinations referred to in subparagraph i of paragraph 3 of subsection (1), the applicant must, as an additional non-exemptible registration requirement,
- i. if requested by the Registration Committee, undergo an assessment of his or her competence in a form approved by the Registration Committee, and
 - ii. successfully complete such additional education and obtain such additional training and experience as the Registration Committee determines is necessary to enable the applicant to practise safely in a specialty recognized by this regulation, before resubmitting to the examinations referred to in subparagraph i of paragraph 3 of subsection (1).
- 11.2** (1) There shall be four specialties in the extended class, namely:
1. Primary Health Care.
 2. Paediatrics.
 3. Adult.
 4. Anaesthesia.
- (2) An applicant being issued an extended certificate of registration shall also be issued a specialty certificate for that specialty for which the applicant successfully completed the examinations referred to in subparagraph i of paragraph 3 of subsection 11.1 (1).
- (3) A member holding an extended certificate of registration on the date this regulation came into force shall be issued a Primary Health Care specialty certificate.
- (4) A member holding a specialty certificate shall be entitled to the issuance of a specialty certificate in another speciality upon meeting all of the requirements which would otherwise have been applicable to the member had he or she been an initial applicant for the issuance of an extended certificate of registration in relation to that other speciality.
- (5) For greater clarity, a specialty certificate is not a class of certificate of registration.
- Titles**
- 11.3** (1) Subject to subsections (2), (3), (4) and (5), a member holding an extended certificate of registration shall use the title “Nurse Practitioner” or the abbreviation “NP” or the title “Registered Nurse Extended Class” or the abbreviation “RN(EC)”, when practising in that role.
- (2) A member holding a specialty certificate in Primary Health Care may use the title “Nurse Practitioner–Primary Health Care” or the abbreviation “NP–PHC”, when practising in that role.
- (3) A member holding a specialty certificate in Paediatrics may use the title “Nurse Practitioner–Paediatrics” or the abbreviation “NP–Paediatrics”, when practising in that role.
- (4) A member holding a specialty certificate in Adult healthcare may use the title “Nurse

Practitioner–Adult” or the abbreviation “NP–Adult”, when practising in that role.

- (5) A member holding a specialty certificate in Anaesthesia may use the title “Nurse Practitioner–Anaesthesia” or the abbreviation “NP–Anaesthesia”, when practising in that role.
- (6) Except as permitted by the Act or this regulation, no other title, designation, variation or abbreviation shall be used by a member holding an extended certificate of registration.
- (7) No member shall use the title “Nurse Practitioner”, any variation or abbreviation thereof, or the designation “Registered Nurse–Extended Class”, or any variation or abbreviation thereof, unless the member holds an extended certificate of registration.
- (8) No member shall refer to himself or herself as a specialist in any of the specialties referred to in subsection 11.2 (1) unless the member holds a specialty certificate in that specialty.

- 11.4** (1) Where a member’s extended certificate of registration is suspended or revoked, any specialty certificate issued to the member is automatically suspended or revoked until the suspension or the revocation is lifted or removed.
- (2) Where a former member’s extended certificate of registration is reinstated, the former member’s specialty certificate shall also be reinstated unless otherwise directed by the committee that determined that the reinstatement should take place.
 - (3) Where a member holding an extended certificate of registration resigns that certificate, any specialty certificate issued to the member is automatically revoked.

Examinations

- 11.5** (1) A person who meets the following requirements is entitled to attempt the examinations, the successful completion of which is a requirement for an extended certificate of registration as a registered nurse:
1. The person must file a completed examination application form with the College at least

ninety days before the commencement of the examinations.

2. The person must pay the required examination fee to the College at least ninety days before the commencement of the examinations.
 3. The person must meet the requirements of paragraph 1 of subsection 11.1 (1).
 4. The person must meet the requirements of paragraph 2 of subsection 11.1 (1) for that specialty to which the examinations relate.
 5. Where the person previously attempted but failed to successfully complete the examinations referred to in subparagraph 3 i of subsection 11.1 (1), the person must have met the requirements of subsection 11.1 (4).
 6. The person must not have attempted on three previous occasions the examinations for a specialty which would, if successfully completed, have met the examination requirement for registration in the extended class.
- (2) For greater clarity, examinations taken prior to the applicant’s successful completion of the program referred to in paragraph 2 of subsection 11.1 (1) shall not be considered in determining eligibility pursuant to paragraphs 5 or 6 of subsection (1).





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