

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 1993. These two pieces of legislation determine how the nursing profession is regulated in Ontario. The RHPA contains a procedural code applicable to all of Ontario's self-regulated health professions. The *Nursing Act* establishes the mandate of the College of Nurses of Ontario and defines a scope of practice for the nursing profession. Regulations are made under the *Nursing Act* about registration (e.g., classes of registration, entry-to-practice requirements, title protection), controlled acts (including initiation), quality assurance and professional misconduct.

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* establishes two categories of nurses: Registered Nurses (RNs) and Registered Practical Nurses (RPNs). Regulations under the Act establish several classes of Certificates of Registration within each category.

General Class—Most of the College's RNs and RPNs are registered in this class.

Extended Class—RNs in this class are Nurse Practitioners (NPs). They have met additional competency requirements beyond those required in the General Class. There are three specialty certificates in the Extended Class: NP-Adult, NP-Paediatrics, NP-Primary Health Care (a fourth specialty certificate, NP-Anaesthesia, is not available at this time).

Temporary Class—RNs and RPNs in this class are recent graduates, or applicants from outside the province, who have met all entry-to-practice requirements except successful completion of the registration exam. Members of this short-term class practise as an RN or RPN subject to specific terms, conditions, and limitations.

Special Assignment Class—A short-term, non-renewable registration for individuals (usually from outside of Canada) who have an appointment or assignment with an approved facility in Ontario. Members of this class practise as an RN or RPN subject to specific terms, conditions, and limitations.

Emergency Assignment Class—Qualified RNs and RPNs, usually from outside of Ontario, are registered in this class when the provincial government has asked the College to issue certificates of registration in this class.

Non-Practising Class—Available to current and previous members of the College's General or Extended classes, members in this class are not permitted to practise nursing in Ontario or to hold themselves out as qualified to practise in the province.

Entry to practice

Regulations under the *Nursing Act* establish the requirements that must be met for registration as an RN, RPN, or NP in Ontario. To register in the General Class, for example, applicants are required to:

- Successfully meet the nursing education requirement
- Provide evidence of nursing practice
- Successfully complete the national registration examination
- Successfully complete the jurisprudence examination
- Demonstrate language proficiency in either English or French
- Provide proof of citizenship, permanent residency or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of nursing in Ontario

- Complete a Declaration of Registration Requirements

Title protection

Many titles used by nurses are protected under the *Nursing Act*. This means that, 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 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 these controlled acts when ordered or permitted by the regulations pertaining to initiation:

- performing a prescribed procedure below the dermis or mucous membrane;
- administering a substance by injection or inhalation;
- 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.
- dispensing a drug.

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*, practice document.

Controlled acts authorized to NPs

NPs have the authority to perform the following controlled acts:

- 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.
- performing a procedure below the dermis or a mucous membrane.
- 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.
- applying or ordering the application of a prescribed form of energy.
- setting or casting a fracture of a bone or dislocation of a joint.
- 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.
- 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

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

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