Description: Amendments to O. Reg 275/94 (General) under the *Nursing Act, 1991* requirements concerning the delegation of controlled acts.

Summary of Proposal :

College Introduction

Under the *Regulated Health Professions Act, 1991* (RHPA) and the *Nursing Act, 1991*, the College of Nurses of Ontario (CNO) is responsible for governing the self-regulating profession of nursing in Ontario.

Under these Acts, the CNO may make regulations on a variety of subject matters, including requirements concerning the delegation of controlled acts by nurses, subject to the prior review by the Minister of Health and Long-Term Care and the approval of the Lieutenant Governor in Council.

Summary

Delegation is a formal process by which a regulated health professional who has the authority and competence to perform a procedure under a controlled act delegates the performance of that procedure to another individual who may be a regulated or unregulated health care professional.

The regulation sets out certain conditions and limitations that CNO members must meet with respect to delegating or accepting the delegation of a controlled act. The provisions would authorize a Nurse Practitioner (NP), or Registered Nurse (RN) or Registered Practical Nurse (RPN) in the General or Emergency Assignment class who may perform a controlled act under the *Nursing Act, 1991*, to delegate that act.

In addition, the regulation would authorize an NP, or RN and RPN who holds a certificate of registration in the General, Emergency Assignment or Special Assignment class to perform a controlled act that has been delegated to them from a regulated health professional who is authorized to perform that controlled act.

Under the new delegation regulation:

1. NPs would not be permitted to delegate the following controlled acts:

* prescribing, dispensing, compounding or selling a drug
* ordering the application of a form of energy
* setting a fracture of a bone or dislocation of a joint
* psychotherapy, when this controlled act comes into force under the RHPA and *Nursing Act, 1991*

1. RNs and RPNs would not be permitted to delegate the controlled act of psychotherapy when this controlled act comes into force under the RHPA and the *Nursing Act, 1991.*
2. RNs and RPNs would not be permitted to delegate the controlled act of dispensing a drug when this controlled act comes into force under the *Nursing Act, 1991.*
3. A nurse would be prohibited from delegating a controlled act that was delegated to him or her.
4. A nurse would have to keep appropriate records every time a delegation occurs.
5. Before delegating a controlled act to another person, a nurse must ensure that he or she:
   * has the authority to perform the controlled act
   * has the knowledge, skill and judgment to do it safely and ethically
   * has a nurse-patient relationship with the patient
   * has considered the patient’s needs and best interests
   * is satisfied that sufficient safeguards and resources are available to the person performing the act (delegatee) so that the act can be performed safely and ethically
   * is satisfied that the delegatee has the knowledge, skill and judgment to perform the act
   * has considered whether the delegation should be subject to any conditions to ensure that it is performed safely and ethically
   * is satisfied that the delegatee is a person who is permitted to accept the delegation
   * is satisfied that the delegatee is either :
6. another nurse with a nurse-patient relationship with the patient
7. another health care provider who has a professional relationship with the patient
8. a person in the patient’s household, or
9. a person who routinely provides assistance to the patient
10. A nurse shall only perform a controlled act that was delegated to him or her if, before performing it, the nurse ensures that he or she:
    * has no reason to believe that the person who is delegating the controlled act (delegator) is not permitted to do so
    * has the knowledge, skill and judgment to do it safely and ethically
    * has a nurse-patient relationship with the patient
    * has considered the patient’s needs and best interests
    * is satisfied that sufficient safeguards and resources are available so that the act can be performed safely and ethically
    * has ensured that if the delegation is subject to any conditions, they have been met.