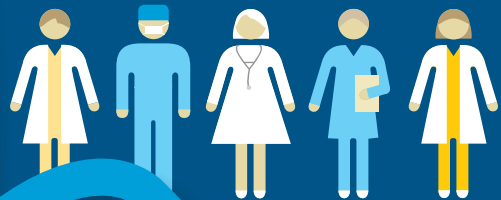


Revision of the
professional system

Impacts of

Bill 90



Organization of work is part of the FIQ's three main action priorities for 2009. This leaflet is the first in a series for the local union teams. In addition to offering up-to-date information on the main changes taking place, its goal is to develop critical analysis and to give organization of work a union approach.

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Bill 90

For several years different works have been in progress in order to update and modernize the Quebec professional system with the goal of optimizing the care and services offered to the public. In Quebec, the professional system is governed by the Professional Code and its ultimate mandate is to protect the public, particularly by adopting laws and regulations which control professional practice.

An Act to amend the Professional Code and other legislative provisions as regards the health sector, commonly known as Bill 90, came into effect in 2003. It deals with 11 professions in the physical health field governed by professional orders, including nurses, nursing assistants and respiratory therapists. Bill 90 permits a reflection on the evolution of the competencies of these professionals and makes their practice as autonomous as possible.

In a situation that is in perpetual motion, this process of changing professional practices is only in its infancy. For the FIQ however, it means a major step towards a reconfiguration of the roles, tasks, duties and responsibilities of care professionals. In this respect, it is imperative to take advantage of all the activities in progress, and to come, in the institutions in the network in order to extricate the best part not only in the interest of the patients but also that of the members. The implementation of Bill 90 for all care professionals as well as participation in the committees on care are key factors for the legislative changes to have a positive impact on organization of work.

A quick look at Bill 90

Professions affected

- Nurse
- Nursing assistant
- Respiratory therapist
- Physician
- Pharmacist
- Radiology technologist
- Medical technologist
- Dietitian
- Speech-language pathologist/audiologist
- Physiotherapist
- Occupational therapist

Objectives

Abolish certain barriers



professional deregulation

Relax and lighten the legal and regulative context



compliance and flexibility

Enhance interdisciplinary and multidisciplinary work



intra and inter professional collaboration

Recognition and optimization of competencies



organization of care and work

Main changes

- A redefinition of each profession's field of practice
- Activities reserved for each profession
- Reserved activities that professions share
- Common activities for all the professions (prevention, promoting health, information)
- Conditions of practice related to reserved activities
- Exceptions to reserved activities for professionals

The modifications

General fields of practice

Bill 90 brought about a revision of the fields of practice of the eleven professional orders by establishing a non exclusive practice domain for each professional and by targeting the context for the application of the activities that are provided in it. Now, the description of the professional fields of practice is sufficiently broad to take into consideration the evolution of practices without having to systematically have recourse to legislative modifications.

Reserved activities

Bill 90 also introduced activities reserved for each profession. These activities, listed in the Professional Code or the corresponding professional law, refer to a group of operations or interventions that can be carried out within the framework of the professional field of practice. They are reserved on the grounds of the risk of harm linked to their fulfillment as well as the competencies and knowledge required to perform them. They are often labeled in general terms in order to facilitate the evolution of practices.

In the case where the reserved activities are not exclusive to a profession and can be shared between members of different orders (information, health promotion, illness prevention, accidents and social problems of individuals, families and communities), their scope varies according to the purpose of the general field of practice.

Although the reserved activities must only be performed by the members of a professional order, exceptions are possible in some situations in order to promote access to care and services:

- emergency situations: by a professional or non professional (Code of Ethics, Charter of Human Rights and Freedoms);
- specific contexts: at home, within the scope of intermediate or family resources or a home-care programme, at school or another substitute temporary living environment for children (articles 39.6 to 39.10 of the Professional Code).

Conditions of practice for a reserved activity

According to the new provisions of Bill 90, one or several of the following conditions may be imposed on professionals for performing a reserved activity:

- a collective or individual prescription;
- an attestation of education;
- a nursing treatment plan;
- the therapeutic nursing plan;
- the application of the Public Health Act (ex.: vaccination);
- the application of a law (ex.: assessment connected to the protection plan, eligibility for a programme, the danger a person can represent for herself);
- the statutory condition (ex.: medical component of the Nurse Practitioner's practice, radial artery puncture authorized by regulation for respiratory therapists, short intravenous catheter of less than 7.5 cm authorized by regulation for nursing assistants).

The challenge of a new organization of work

The point of convergence between the professional legislation and the rules of the institutions

By virtue of the responsibilities given them by the Act respecting Health Services and Social Services, the institutions must set out guidelines for the professionals' practice according to the context, the needs of the community and the available resources. Thus, the institutions are not obligated to have professionals perform the reserved activities even if they are skilled in doing them. An institution can therefore choose which type of professional will provide what type of care, as long as this choice respects the purpose of the field of practice of each one.

In short, it is essential to make the distinction, in the context of Bill 90, between the rules of the professional system and the prerogatives of the workplaces on organization of work. Remember the subtle difference that exists between the professional's field of practice (what the laws authorize and the associated conditions) and the description of their tasks (under local jurisdiction and represent the employer's decisions on organization of work in the institution).

Union vigilance

The unions are deeply concerned in this context. Pressure must sometimes be applied to employers to get them to go ahead with the deployment of collective prescriptions and the therapeutic nursing plan. Training becomes a central element in taking on the new roles, tasks, duties and responsibilities ensuing from Bill 90.

In addition, the law targets, in particular, better professional collaboration. Therefore, the re-organization of work must be done in this sense. This exercise needs to be carried out thoroughly while respecting the professionals. Interdisciplinary work and professional collaboration must be carried out with the purpose of better meeting the health needs of the population and not that of substituting resources in order to meet budgetary requirements. Union vigilance is therefore important and unions must participate in all the steps of re-organization of work. The committee on care remains the preferred place to discuss it and make known the contribution of the care professionals it represents.

The care professionals affected by Bill 90

Nurse

General field of practice

The practice of nursing consists in assessing a person's state of health, determining and carrying out of the nursing care and treatment plan, providing nursing and medical care and treatment in order to maintain or restore health and prevent illness, and providing palliative care.

Nurses Act, L.R.Q., chapter I-8, art. 36

Reserved activities

- Assess the physical and mental condition of a symptomatic person.
- Provide clinical monitoring of the condition of persons whose state of health is problematic, including monitoring and adjusting the therapeutic nursing plan.
- Initiate diagnostic and therapeutic measures, according to a prescription.
- Initiate diagnostic measures for the purposes of a screening operation under the Public Health Act (chapter S-2.2).
- Perform invasive examinations and diagnostic tests, according to a prescription.
- Provide and adjust medical treatment, according to a prescription.
- Determine the treatment plan for wounds and alterations of the skin and teguments and provide the required care and treatment.
- Apply invasive techniques.
- Participate in pregnancy care, deliveries and postpartum care.
- Provide nursing follow-up for persons with complex health problems.
- Administer and adjust prescribed medications or other prescribed substances.
- Perform vaccinations as part of a vaccination operation under the Public Health Act.
- Mix substances to complete the preparation of a medication, according to a prescription.
- Make decisions as to the use of restraint measures.

Nurses Act, L.R.Q., chapter I-8, art. 36

Nursing assistant

General field of practice

Participate in the assessment of a person's state of health and in the carrying out of a care plan, provide nursing and medical care and treatment to maintain or restore health and prevent illness, and provide palliative care.

Professional Code, L.R.Q., chapter C-26, art. 37 p)

Reserved activities

- Apply invasive measures for the maintenance of therapeutic equipment.
- Take specimens, according to a prescription.
- Provide care and treatment for wounds and alterations of the skin and teguments, according to a prescription or a nursing plan.
- Observe the state of consciousness of a person and monitor neurological signs.
- Mix substances to complete the preparation of a medication, according to a prescription.
- Administer prescribed medications or other prescribed substances via routes other than the intravenous route.
- Participate in vaccination operations under the Public Health Act (chapter S-2.2).
- Introduce an instrument or a finger, according to a prescription, beyond the nasal vestibule, labial majora, urinary meatus or anal margin or into an artificial opening in the human body.
- Introduce an instrument, according to a prescription into a peripheral vein in order to take a specimen, providing a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph o of article 94.

Professional Code, L.R.Q., chapter C-26, article 371, 5°

General field of practice

Participate in the assessment of cardiopulmonary function for diagnostic or therapeutic follow-up purposes, participate in the administration of anesthesia and deal with problems affecting the cardiopulmonary system.

Professional Code, L.R.Q., chapter C-26, art. 37

Reserved activities

- Provide ventilatory assistance, according to a prescription.
- Take specimens, according to a prescription.
- Test cardiopulmonary function, according to a prescription.
- Provide clinical monitoring of the conditions of persons under anesthesia, including sedation analgesia, or under ventilatory assistance.
- Administer and adjust prescribed medications or other prescribed substances.
- Mix substances to complete the preparation of a medication, according to a prescription.
- Introduce an instrument, according to a prescription, into a peripheral vein or an artificial opening or in and beyond the pharynx or beyond the nasal vestibule.

Professional Code, L.R.Q., chapter C-26, article 37.1, 7°

References

COLLÈGE DES MÉDECINS DU QUÉBEC. *Le Collège*, vol. XLIV, n° 2, spring-summer 2004, p. 16-17.

COLLÈGE DES MÉDECINS DU QUÉBEC. Partage des activités dans le secteur de la santé, [on line]. [www.collegedesmedecins.qc.ca] (March 9, 2007)

GROUPE DE TRAVAIL MINISTÉRIEL SUR LES PROFESSIONS DE LA SANTÉ ET DES RELATIONS HUMAINES. *Une vision renouvelée du système professionnel en santé et en relations humaines*, Rapport d'étape, Québec, November 2001.

ORDRE DES INFIRMIÈRES ET INFIRMIERS DU QUÉBEC. *Guide d'application de la nouvelle Loi sur les infirmières et les infirmiers et de la Loi modifiant le Code des professions et d'autres dispositions législatives dans le domaine de la santé*, Carole Mercier, April 2003, 109 p., [on line] [www.oiiq.org/uploads/publications/autres_publications/Guide_application_loi90.pdf] (March 4, 2009)

ORDRE DES INFIRMIÈRES ET INFIRMIERS DU QUÉBEC ET ORDRE DES INFIRMIÈRES ET INFIRMIERS AUXILIAIRES DU QUÉBEC. *Orientations pour une utilisation judicieuse de la Règle des soins infirmiers*, 2005, 84 p.

ORDRE PROFESSIONNEL DES INHALOTHÉRAPEUTES DU QUÉBEC. *Guide d'application de la Loi modifiant le Code des professions et d'autres dispositions législatives dans le domaine de la santé - À l'intention des inhalothérapeutes*, April 2006, [on line] [www.opiq.qc.ca/pdf/divers/GuideLoi90.pdf] (March 4, 2009)



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