

## **DELEGATION by PHYSICIANS Under the Regulated Health Professions Act**

On May 31, 2018, registered nurses in Manitoba come under the governance of The Regulated Health Professions Act (“RHPA”). This will bring a number of changes to the governance of registered nurses.

Members of the College of Physicians and Surgeons of Manitoba have asked for clarification on any implications the change in the governance of the registered nurses may have on the practice of medicine given that physicians and other members of CPSM are still regulated under The Medical Act.

The RHPA introduces a new concept of “reserved acts”. Reserved acts are actions or clinical procedures that may present a risk of harm to the public unless the provider has the required expertise and training. The reserved acts that each profession may perform are set out in the RHPA regulations for that profession. Once the CPSM comes under the RHPA, physicians will be the only profession entitled to perform all of the reserved acts subject to limitations of competence, experience and training. This is not a major change for physicians from the current scope of the practice of medicine. However, professions such as the registered nurses will gain increased autonomy and ability to perform certain reserved acts specified in their regulations that were not previously within their scope of practice. Many of these reserved acts have been provided by registered nurses in the past. Under the RHPA the registered nurses will now be accountable for performing them within their own scope of practice. In a review of practices across the province, it was determined that many acts thought to be performed under delegation were, in fact, within the registered nurses’ scope of practice.

The College of Physicians and Surgeons of Manitoba wants to clarify how the changes for registered nurses may affect physicians with respect to the current practice of “delegations”.

Delegation is often confused with the terms ‘transfer of function’ and ‘delegation of function’. Delegation is a three-part process undertaken by the delegator which includes:

1. Assessment of the patient and their situation, as well as the competence of the care provider
2. Transfer of authority to perform the task to an individual who accepts the responsibility transferred; and
3. Oversight, including monitoring of the outcome of the delegation.

Note The delegator retains responsibility and accountability for the task. The person accepting the delegation is responsible to perform it competently.

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As of May 31, 2018, when the registered nurses come under the RHPA, physicians will continue to delegate the performance of certain acts with no change in their current practices except with respect to registered nurses.

The only significant change for physicians is that the registered nurses will be able to perform the “reserved acts” set out in their regulation as those reserved acts will be within their own scope of nursing practice. The performance of the reserved acts by a registered nurse is determined by the needs of their patient, the training and competence of the registered nurse as well as by any practice policies in the healthcare setting. Some reserved acts require the registered nurse to complete additional education and some require a physician’s order.

In practice settings where registered nurses will be performing reserved acts, there is a requirement for an inter-professional collaborative approach so that all members of the healthcare team will be included in the changes brought about by the registered nurses coming under the RHPA. In some settings there may be a patient care need that requires a registered nurse to perform a certain reserved act such as ordering tests but in other practice settings, this may not be the case. For more information regarding the registered nurse regulation, please see the College of Registered Nurses of Manitoba website:

<https://www.crnmb.ca/support/resources>

The registered nurse regulation under RHPA does not permit registered nurses to delegate the performance of any of their reserved acts to any other regulated profession nor can registered nurses accept delegations from any other regulated profession including physicians. If the task or skill is within the individual’s own scope of practice, then delegation is not required.

### **What does this the change to the regulation of registered nurses under the RHPA on May 31, 2018, mean for physicians?**

#### ***1. Can a physician delegate to residents, physician assistants or clinical assistants?***

**Answer: NO**

Physicians supervise residents, clinical assistants and physician assistants. Physicians do not now and never have “delegated” duties to these members of the CPSM whom they supervise. Physicians “authorize” residents, physician assistants and clinical assistants to perform certain duties based on the supervised individual’s level of training, competencies and experience. This has not changed.

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### **2. *Can a physician delegate to a member of another regulated health profession?***

**Answer: NO – for registered nurses ONLY**

**YES – for all other regulated professions subject to any applicable practice setting policies such as RHA or hospital policies or any regulations under the RHPA.**

The Registered Nurse regulations under the RHPA will not permit registered nurses to accept the delegation of a reserved act from any other health professional including a physician. A physician can still delegate to a licensed practical nurse, to a registered psychiatric nurse, or to a member of any other regulated health profession provided that the process of delegation set out above is followed by the delegating physician who:

- has assessed the needs of the patient/client;
- is satisfied that the individual receiving the delegation has the training, experience and competency to perform the duties;
- ensures that the individual receiving the delegation accepts the delegation;
- is available for consultation, supervision; and
- monitors the outcome of the delegation.

As other professions come under the RHPA this may change if those professions have a provision in their regulations such as the Registered Nurse regulations under the RHPA for registered nurses. In the mean time that is not the law and so there continues to be no change in delegation to any other health professional other than registered nurses.

However, in a model of inter-professional collaboration it is always appropriate for healthcare providers to learn from each other, and collaborate on the provision of care.

### **3. *Can a physician delegate to a non-regulated person such as their receptionist or a health care aide?***

**Answer – YES**

Again, there is no change for physicians. Physicians may delegate to non-regulated individuals provided the physician is satisfied with the individual's training, experience and competency and subject to any applicable practice setting policies that may be in place.

**For examples of how registered nurses will be practicing under the RHPA please see the last page of this document, prepared by the College of Registered Nurses of Manitoba.**

# Delegation under the RHPA

<b>RHPA</b> (Subject to the Regulations) Permits delegation to:	<b>Physicians</b> CPSM General Regulation	<b>Registered Nurses</b> CRNM General Regulation
1. Member of same regulation profession	<b>NO</b> Physicians cannot delegate to other members: physicians, residents, physician assistants, and clinical assistants, but can “authorize” the residents, CAs, and PAs they supervise to perform reserved acts such as labour & delivery, surgical procedures subject to the experience and competencies.	<b>NO</b> Registered nurses <u>cannot</u> delegate to other registered nurses.
2. Member of a different regulated health profession	<b>YES</b> Physicians can delegate to other regulated health professions, subject to any applicable practice setting policies or any regulations for that profession under the RHPA.  The College of Registered Nurses of Manitoba does not permit a registered nurse to accept a delegation from a member of another regulated health profession.  Physicians can delegate reserved acts to other regulated health professionals such as dietitians or physiotherapists, etc.	<b>NO</b> CRNM General Regulation does <u>not</u> permit a registered nurse to delegate to a member of another regulated profession.
3. Person(s) (unregulated) providing health care who is competent to perform that reserved act.	<b>YES</b> Physicians can delegate to unregulated health care workers provided they are competent.	<b>YES</b> Registered nurses can delegate to unregulated health care workers provided they are competent.  Must comply with CRNM practice direction “Assignment and Delegation to Unregulated Care Providers”.

**NOTE:** Any permitted delegations must be in accordance with any practice setting polices that are in effect including employer position/job descriptions.

Examples of reserved acts from the RN regulation:

1. “If there is an order, a registered nurse may administer a drug by any method (other than by intravitreal injection). If the drug is a non-prescription drug, the registered nurse may administer it by any method without an order.”

The implementation for this reserved act:

- RN requires an order from a physician, RN(NP), pharmacist etc. before administration of a medication or
- If drug is non-prescription, RN may administer without an order

RNs must comply with any policy respecting the performance of a reserved act that is in place in the practice setting where the RN performs that act if (a) the RN has been made aware of the policy; and (b) the policy is not inconsistent with the Act or the CRNM’s regulations, by-laws, practice directions or code of ethics.

2. “A registered nurse may (a) order or; (b) receive; reports of screening or diagnostic tests for the purpose of assessing, diagnosing or resolving a health condition that is appropriate to the registered nurse's practice if the registered nurse practises in an approved practice setting and the registered nurse (c) uses a clinical decision tool in place at the approved practice setting; or (d) collaborates with (i) a registered nurse (nurse practitioner), (ii) a registered nurse (authorized prescriber), (iii) a physician, (iv) a physician assistant, (v) a clinical assistant, or (vi) a pharmacist; who is legally permitted and competent to order or receive those reports.”

In order to implement this reserved act, RNs need to apply the clinical decision tool in their practice setting. This tool should be developed collaboratively with members of the interprofessional team. RNs need to collaborate with the team throughout the process and to ensure appropriate follow up care for the client.

3. “Subject to item 4, a registered nurse may perform any procedure on tissue below the dermis. Item 4, if a registered nurse has completed additional education, the registered nurse may perform a procedure on tissue below the dermis for the following purposes: (a) sharp wound debridement . . .;”

This reserved act refers to a procedure such as wound care. Registered nurses complete wound care as part of their foundational education. If an RN is to perform sharp wound debridement they need to complete additional education that meets CRNM Board established criteria before this activity is performed.