

HEALTH PROFESSIONS GENERAL REGULATION

PROPOSED
TO AMEND
B.C. REG 275/2008

Contents

- 1 Definition
- Part 1- General Provisions**
- 2 Notice to be given
- 3 Date bylaws take effect
- 4 Oath of office
- 5 Prescribed trade agreements
- 6 Duty to report respecting hospitalized registrant
- 7 Prescribed periods- disposition of complaints and investigations
- 8 Refusal of access to register
- 9 Exception for opioid overdose
- Part 2- Emergency Provisions**
- 10 Definitions
- 11 Application
- 12 When emergency order may be made
- 13 Emergency order
- 14 Additional powers for purposes of emergency order
- 15 Conferring discretion under emergency order
- 16 Making emergency orders
- 17 Minister retains discretion over health professions
- 18 Limits on acting as authorized persons

Schedule 1

Schedule 2

Definition

- 1** In this regulation, "**Act**" means the *Health Professions Act*.

Part 1- General Provisions

Notice to be given

- 2** All designated health professions are prescribed for the purposes of sections 12 (3), 19 (6.2) (a) and (7) (a), 25.03 (3), 50 (3), 50.3 (4) and 55 (3) of the Act.

[en. B.C. Reg. 387/2012; am. B.C. Reg. 219/2017.]

Date bylaws take effect

- 3** For the purposes of section 19 (3.1) of the Act, the prescribed number of days is 60 days.

Oath of office

- 4** The oath of office set out in Schedule 1 is prescribed for the purpose of section 17.11 of the Act.

Prescribed trade agreements

- 5** The agreements set out in Schedule 2 are prescribed for the purpose of section 20.4 (2) (a) (iii) of the Act.

Duty to report respecting hospitalized registrant

- 6** Each college established under the Act is prescribed for the purposes of section 32.3 of the Act.

Prescribed periods — disposition of complaints and investigations

- 7** (1) For the purposes of section 50.55 (2) of the Act, the prescribed period for the disposition of a complaint made under section 32 (1) of the Act or an investigation by the inquiry committee under section 33 (4) of the Act is 120 days from the date the registrar receives the complaint in writing or the inquiry committee begins the investigation, as applicable.

(2) For the purposes of section 50.55 (3) of the Act, the prescribed period is 60 days from the date written notice is delivered in accordance with section 50.55 (2) of the Act.

(3) Despite subsection (1) and (2), the running of the periods referred to in those subsections are suspended during the period that

- (a) begins on the date this subsection comes into effect, and
- (b) ends on the date on which the provincial health officer provides notice under section 59 (b) of the *Public Health Act* that the public health emergency related to COVID-19 that is the subject of the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of that Act has passed.

Refusal of access to register

- 8** For the purposes of section 22 (2) of the Act, the registrar may refuse a person access to the register or to any information in the register if the registrar reasonably believes that
- (a) the access could threaten the safety of a registrant, or
 - (b) the person seeking access is doing so for commercial purposes.

[en. B.C. Reg. 418/2008.]

Exception for opioid overdose

- 9** (1) This section applies despite
- (a) section 4 (2) of the Medical Practitioners Regulation, and
 - (b) any limit or condition imposed under an enactment on the practise of a profession, occupation or trade by a person or class of persons.
- (2) If a person who is not otherwise authorized to administer naloxone to another person suspects that another person is suffering from an overdose of opioids, the person may assess and treat the other person if treatment is limited to the emergency administration of
- (a) naloxone, by intramuscular injection or intranasally, and
 - (b) first aid.
- (3) Repealed. [B.C. Reg. 6/2017, s. (a).]

[en. B.C. Reg. 239/2016, Sch.; am. B.C. Reg. 6/2017, s. (a).]

Part 2- Emergency Provisions

Definitions

10 In this Part:

- “**applicable college**” means, in relation to an authorized person who is a registrant, the college that is responsible for superintending the practice of a designated health profession by the registrant;
- “**authorized person**” means a registrant or health professional who is authorized under an emergency order to perform an activity or to provide a service;
- “**emergency order**” means an order made under section 13 (1);
- “**health profession regulation**” means the following:
- (a) a regulation made under the Act that regulates the practice of a designated health profession;
 - (b) a bylaw made, or another instrument issued, by an applicable college that establishes standards, limits or conditions for the practice of a designated health profession;
- “**medical health officer**” means a medical health officer designated under the *Public Health Act*;
- “**provincial health officer**” means the provincial health officer appointed under the *Public Health Act*;
- “**public health emergency**” means an emergency that is the subject of a notice provided by the provincial health officer under section 52 (2) of the *Public Health Act*.

Application

- 11** (1) This Part applies despite any provision to the contrary in a health profession regulation.
- (2) Except with respect to a requirement referred to in section 14 (e), an emergency order is valid only during the period that
- (a) begins on the date the order comes into effect, and
 - (b) ends on the earliest of the following dates:
 - (i) the date stated in the order;
 - (ii) the date on which the order is rescinded;
 - (iii) the date on which the provincial health officer provides notice under section 59 (b) of the *Public Health Act* that the public health emergency that is the subject of the emergency order has passed.

When emergency order may be made

- 12** (1) The provincial health officer may make an emergency order only if the provincial health officer is of the opinion that

- (a) the order is necessary for the purpose of responding to a public health emergency
 - (i) because the operation of a health profession regulation is adversely affecting, in one or more areas of British Columbia,
 - (A) the timely delivery of treatment or health care services,
 - (B) the scope of treatment or health care services that can be delivered, or
 - (C) the efficient and effective use of health human resources,
 - (ii) because health human resources in one or more areas of British Columbia are insufficient to meet the needs of persons affected by a public health emergency, or
 - (iii) for any other reason in the public interest, and
 - (b) authorized persons may perform the activities and provide the services referred to in the order without undue risk to the health or safety of any person.
- (2) The provincial health officer must not make an emergency order without first doing all of the following:
- (a) giving notice to the minister of the proposed order;
 - (b) making reasonable efforts to consult with all applicable colleges for the purpose of forming the opinion referred to in subsection (1);
 - (c) advising the minister of any objections made by the applicable colleges and
 - (i) of how the order addresses those objections, or
 - (ii) of why those objections cannot be accommodated.

Emergency orders

- 13** (1) If the conditions of section 12 are met, the provincial health officer may make an order to do one or more of the following:
- (a) authorize, but not require, a registrant to perform a specified activity or provide a specified service that the registrant would not be permitted to perform or provide under a health profession regulation;
 - (b) modify or waive a requirement, standard, limit or condition set under a health profession regulation and authorize, but not require, a registrant to perform a specified activity or provide a specified service in accordance with the modification or waiver;
 - (c) subject to subsection (2), authorize, but not require, a health professional who is not a registrant to perform a specified activity or to provide a specified service that, under a health profession regulation, may be performed or provided only by a registrant.

- (2) A health professional may perform an activity or provide a service under an emergency order referred to in subsection (1) (c) only under

the direct supervision of a registrant who is authorized, under a health profession regulation, to perform the activity or provide the service.

Additional powers for purposes of emergency order

- 14** The provincial health officer may, for the purposes of an emergency order, do one or more of the following:
- (a) make the order in respect of a specified person or a class of persons;
 - (b) set limits and conditions on an authorization made under the order, including limits and conditions with respect to
 - (i) the training, experience and qualifications of authorized persons,
 - (ii) the circumstances in which authorized persons may perform an activity or provide a service, and
 - (iii) the supervision of authorized persons;
 - (c) set different limits and conditions for different classes of authorized persons or circumstances, including with reference to
 - (i) the employer or types of employers of authorized persons, and
 - (ii) the types of places in which an activity may be performed or a service may be provided;
 - (d) restrict the application of the order to
 - (i) one or more geographic areas, or
 - (ii) a period of time, including until the happening of a specified event;
 - (e) require authorized persons to keep records or make reports in respect of matters relevant to the order and, for this purpose,
 - (i) authorize, but not require, another person or a person within a class of persons to keep the record or make the report on behalf of the authorized person, and
 - (ii) provide records or make reports to the provincial health officer, a medical health officer, the minister or an applicable college.

Conferring discretion under emergency order

- 15** (1) The provincial health officer may, in an emergency order, confer a discretion on a medical health officer, an applicable college, an employer, or the board of management or administrator of a hospital within the meaning of Part 1 of the *Hospital Act*, to determine whether an authorized person is competent to perform an activity or provide a service only if the provincial health officer sets limits and conditions under

- (a) section 14 (b) (i) to ensure, to the extent practicable, that activities are performed or services provided only by persons who are reasonably competent to do so, or
- (b) section 14 (b) (iii) to require direct supervision of the authorized person by a registrant who is authorized, under a health profession regulation, to perform the activity or provide the service.

(2)The provincial health officer may, in an emergency order, authorize an authorized person to self-assess whether the authorized person is competent to perform an activity or provide a service only if the provincial health officer sets limits and conditions as described in subsection (1).

Making emergency orders

- 16** The provincial health officer must, as soon as practicable,
- (a) publish an emergency order on a website maintained by or on behalf of the provincial health officer, and
 - (b) give a copy of an emergency order to the minister and the registrar of each applicable college.

Minister retains discretion over health professions

- 17** The provincial health officer must comply with any direction of the minister with respect to the following:
- (a) not to make a proposed emergency order;
 - (b) to make changes to a proposed emergency order;
 - (c) to rescind or modify an emergency order

Limits on acting as authorized persons

- 18** (1) Nothing in an emergency order authorizes a registrant to act contrary to a limit or condition imposed by an applicable college on the practice of a designated health profession by the registrant.
- (2) A person must not perform an activity or provide a service under an emergency order if any of the following circumstances apply:
- (a) the person is a registrant whose registration is suspended, under section 33 (2) or 39 (2) of the Act;
 - (b) the person is authorized to practise a health profession in another province or foreign jurisdiction but that authorization is suspended for a reason similar to a reason for which a registrant's registration could be suspended under section 33 (2) or 39 (2) of the Act.

Schedule 1

Oath of Office

I do swear or solemnly affirm that:

- I will abide by the *Health Professions Act* and I will faithfully discharge the duties of the position, according to the best of my ability;
- I will act in accordance with the law and the public trust placed in me;
- I will act in the interests of the College as a whole;
- I will uphold the objects of the College and ensure that I am guided by the public interest in the performance of my duties;
- I have a duty to act honestly;
- I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest;
- I will ensure that other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of performing my duty as a board member;

So help me God. *[omit this phrase in an affirmation]*

Witness

Signature of Board Member

Date

Schedule 2

[am. B.C. Reg. 212/2010.]

Prescribed Trade Agreements

Item	Agreement
1	Agreement on Internal Trade
2	British Columbia-Alberta Trade, Investment and Labour Mobility Agreement
3	New West Partnership Agreement

[Provisions relevant to the enactment of this regulation: [Health Professions Act](#), R.S.B.C. 1996, c. 183, ss. 12 (2) and 55 (2)]