

9.0 Delegation

Authority to Delegate

- 9.1 Subject to the Act and Regulations, a Licensee may Delegate an Aspect of Practice or a Restricted Activity in accordance with the limits and conditions set out in these Bylaws.
- 9.2 A Licensee must not Delegate an Aspect of Practice or a Restricted Activity that:
- (a) is not within the scope of practice of the Designated Health Profession in which the Licensee is licensed;
 - (b) the Licensee cannot provide or perform because of the class of Licence held by the Licensee;
 - (c) the Licensee cannot provide or perform because the Licensee does not hold a required certification under the Regulation or these Bylaws; or
 - (d) the Licensee cannot provide or perform because of a limit, condition or restriction on the Licensee's practice authority.

General Requirements for Delegation

- 9.3 A Licensee authorized to Delegate an Aspect of Practice or a Restricted Activity under these Bylaws must, in addition to complying with section 74(2) of the Act:
- (a) be satisfied that the delegated Aspect of Practice or Restricted Activity will be performed in accordance with the standards of practice applicable to the Licensee; and
 - (b) ensure that the delegation is noted in the applicable clinical record.

Revocation of Delegation

- 9.4 A Licensee may revoke a delegation at any time.

Responsibility for Delegated Services

- 9.5 A Licensee remains responsible for any Aspect of Practice or Restricted Activity that the Licensee delegates to another person.

Conditions for Delegation Other Than Delegation to a Student

- 9.6 A Licensee may only Delegate to a Delegatee who is not a Student if all of the following conditions are met:

- (a) the Delegatee must be an employee or contractor of the Licensee or the legal entity through which the Licensee provides Health Services;
- (b) the Licensee must be satisfied that the Delegatee has appropriate education, training, experience, or other qualifications which, in the Licensee's reasonable assessment, render the Delegatee capable of safely performing the Delegated Activity; and
- (c) the Delegated Activity must be among those set out in:
 - (i) Bylaw 9.7 for the Designated Health Profession of Chiropractic;
 - (ii) Bylaws 9.9 and 9.11 for the Designated Health Profession of Naturopathic Medicine; or
 - (iii) Bylaw 9.13 for the Designated Health Profession of Traditional Chinese Medicine and Acupuncture.

Aspects of Practice That May Be Delegated - Chiropractic

9.7 A Licensee in the class of Chiropractic: Full may Delegate the following Aspects of Practice:

- (a) supervising a Patient performing exercises; and
- (b) the application of hot and cold therapy to a Patient.

9.8 A Licensee who makes a delegation under Bylaw 9.7 must provide Supervision.

Aspects of Practice That May Be Delegated – Naturopathic Medicine

9.9 A Licensee in the class of Naturopathic Medicine: Full may Delegate the following Aspects of Practice:

- (a) mixing, compounding, and dispensing of herbs and/or tinctures;
- (b) dispensing a supplement that has been recommended by a Licensee;
- (c) take and document vital signs;
- (d) the application of hot and cold therapy to a Patient;
- (e) explanation of how to apply diet recommendations that have been made by a Licensee; and
- (f) preparation of equipment and/or Patients for an examination by a Licensee.

9.10 A Licensee who makes a delegation under Bylaw 9.9 must provide Supervision.

Restricted Activities that May Be Delegated – Naturopathic Medicine

9.11 A Licensee in the class of Naturopathic Medicine: Full may Delegate the following Restricted Activities:

- (a) placement and removal of a nebulizer for purposes of administering a substance to a Patient.

9.12 A Licensee who makes a delegation under Bylaw 9.11 must provide Supervision.

Aspects of Practice That May Be Delegated – Traditional Chinese Medicine and Acupuncture

9.13 A Licensee in the class of Traditional Chinese Medicine and Acupuncture: Full may Delegate the following Aspects of Practice:

- (a) mixing, compounding or dispensing of herbs.

9.14 A Licensee who makes a delegation under Bylaw 9.13 must provide Supervision.

Delegation to Students

9.15 A Licensee may Delegate any Aspect of Practice or Restricted Activity to a Student as part of a Recognized Education Program.

9.16 A Licensee may only Delegate an Aspect of Practice or Restricted Activity under Bylaw 9.15 if all of the following conditions are met:

- (a) the delegation must be made in accordance with any limits or conditions established by the Recognized Education Program;
- (b) the Licensee must be satisfied that the Student has appropriate education, training, experience, or other qualifications which, in the Licensee's reasonable assessment, render the Student capable of safely performing the Delegated Activity;
- (c) the Licensee must provide Supervision, or such other form of oversight or monitoring of the Student's performance of the Delegated Activity, based on:
 - (i) any guidelines established by the Recognized Education Program for the oversight of Students;
 - (ii) the nature and risk of the Delegated Activity;
 - (iii) the involvement of others overseeing the Delegated Activity; and
 - (iv) the stage of the Student's education, including the time the Student has completed in the Recognized Education Program and the Student's familiarity and experience with the Delegated Activity;
- (d) the Student must have liability insurance or professional liability protection, which may include liability insurance or professional liability protection provided through the Licensee or the Recognized Education Program; and

- (e) the Delegated Activity must take place on either:
 - (i) the premises on which the Recognized Education Program is taking place; or
 - (ii) other premises that the Student is attending for the purposes of the Recognized Education Program, in the form of a preceptorship or externship.

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