

# Notice to the Professions

## Issuing & Receiving Orders

October 16, 2017

The provincial Health Authorities are moving towards an electronic health record which will involve audiologists and speech-language pathologists employed in health authority settings. There have been numerous questions regarding our professions and whether they require orders to practice certain tasks and whether they are able to give orders to other health professionals.

Pursuant to [section 1 of the Nurses \(Registered\) and Nurse Practitioners Regulation \(Health Professions Act\)](#), an “order” means an instruction or authorization given by any method by a health professional for a registrant to provide a service that includes the performance of an activity described in section 7(1) to or for a named individual, if the health professional has assessed that individual, and includes:

- a. an instruction or authorization regarding the time or times at which the service is to be initiated by a registrant, and
- b. this instruction or authorization if it incorporates by reference, in whole or in part and with any changes the health professional considers necessary or appropriate, a guideline, protocol or other recorded description of a course of action or decision- making process to be used by a registrant in providing the service to or for a specified class of individuals;

There is no provision in the *Health Professions Act* (the “Act”) that speaks to a health profession’s authority to give or receive orders. Some professions (e.g. nursing), have been granted restricted activities, in their regulation, where there is a pre-condition that the profession can only perform those particular activities if they first give or issue an order.

Registered Audiologists (RAUDs) and Speech-Language Pathologists (RSLPs) do not have any conditions in the Speech and Hearing Health Professions Regulation (Health Professions Act) (the “Regulation”) which necessitates giving or receiving orders. Therefore, our registrants can receive requests or referrals from physicians and other health care professionals and are then free to decide whether to perform the services they are authorized to provide as described in their scope of practice. There is no requirement for an order to provide any audiology or speech-language pathology services to patients/clients.

CSHBC registrants have asked specific questions regarding “ordering diets” for dysphagic patients. Legal counsel for the College advises that RSLPs may request that a patient be put on a particular diet or be provided with a particular service. That said, RSLPs have no legal authority

to “order” a diet within the legal framework of the Act. It is within the scope of speech-language pathology to request, compound, or feed patients’ alternative diets, with the exception of designing, compounding, or dispensing nutrition that is administered through enteral or parenteral means.

A similar question has been raised regarding whether there is a need for an order for a RSLP to participate in a videofluoroscopic swallowing study and whether a RSLP can order the study. The restricted activity involved is as follows:

*Applying or ordering the application of a hazardous form of energy including diagnostic ultrasound, electricity, magnetic resonance imaging, lithotripsy, laser and X-ray, or as prescribed by regulation.*

It is the physician who makes the order (requisition) to Radiology to order and apply x-ray to the patient. The RSLP does not apply the energy form and there is no legal requirement for an order for the RSLP to participate in the videofluoroscopic swallowing study. Again, this is within the scope of speech-language pathology provided the RSLP participating in the study holds the relevant Certified Practice certificate. The administration of barium is part of this study and is part of the Certified Practice program of RSLPs who are qualified to perform this study.

RAUDs have asked if “not requiring an order” in any way negates the necessity of getting medical clearance when a red flag is noted. Obtaining medical clearance is part of our best practice protocol and should be adhered to regardless of the need (or lack thereof) for receiving or giving specific orders.

Another question has been about whether RSLPs can administer oral medications. The restricted activity involved is:

*Prescribing, compounding, dispensing or administering by any means a drug listed in Schedule I or II of the Pharmacists, Pharmacy Operations and Drug Scheduling Act.*

Currently, the Regulation does not include administering Schedule I or II drugs, so to be able to administer those would require a legislative change. RSLPs are authorized to use topical anesthetics in specific patient instances as outlined in the Regulation.

It is important to understand which definition of “order” is being used in the context of the electronic health records, as it may be that the designers are classifying requests, directives, and recommendations as “orders” which is not the current definition in the Act. If the definition is broader than the legal definition of “order”, then the application to RAUDs and RSLPs may be different than it would be using the narrower definition of order.