

# **Draft Bylaws: College of Health and Care Professionals of British Columbia**

## 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 prohibitions, requirements, 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.
- 9.3 Unless authorized under Bylaw 9.20 [*Delegation to Students*], Licensees in the following Designated Health Professions must not Delegate an Aspect of Practice or a Restricted Activity:
- (a) Dietetics;
  - (b) Occupational Therapy;
  - (c) Opticianry;
  - (d) Physical Therapy; and
  - (e) Psychology.

### General Requirements for Delegation

- 9.4 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) provide specific and appropriate instructions to the Delegatee on the performance of the Aspect of Practice or Restricted Activity being delegated;
  - (b) be satisfied that the Delegatee will provide or perform the Aspect of Practice or Restricted Activity in accordance with the standards of practice applicable to the Licensee;
  - (c) ensure the Delegatee is willing to accept the delegation and document the accepted delegation;

- (d) ensure the Patient's informed consent is obtained and documented in the clinical record;
- (e) ensure that the Delegatee who performed the Aspect of Practice or Restricted Activity is clearly identified in the clinical record;
- (f) retain the original or a copy of the clinical record documenting the Delegated Activity;
- (g) personally review each clinical record documenting the delegated activity;
- (h) ensure that any indicated follow-up is provided to the Patient or that the Patient is notified of the requirement to seek follow-up; and
- (i) be satisfied that liability insurance or professional liability protection is in place for the Delegated Activity.

### **Revocation of Delegation**

9.5 A Licensee may revoke a delegation at any time.

9.6 A Licensee must revoke a delegation if at any time the Licensee has reason to believe that the Delegatee is incapable or unwilling to perform the Delegated Activity safely and in accordance with the Act, the Regulations, and these Bylaws.

### **Responsibility for Delegated Services**

9.7 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**

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

- (a) 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;
- (b) the Licensee must have considered, based on first-hand knowledge, the affected Patient's health needs and any risk-factors that may impact the safe provision of the Delegated Activity;
- (c) unless otherwise specified, the Delegated Activity must take place in a Health Care Facility; and
- (d) the Delegated Activity must be among those set out in:
  - (i) Bylaw 9.9 for the Designated Health Profession of Audiology;

- (ii) Bylaw 9.12 for the Designated Health Profession of Hearing Instrument Dispensing;
- (iii) Bylaw 9.15 for the Designated Health Profession of Optometry; or
- (iv) Bylaw 9.17 for the Designated Health Profession of Speech-Language Pathology.

### **Restricted Activities That May Be Delegated - Audiology**

- 9.9 A Licensee in the class of Audiology: Full may Delegate the following Restricted Activities:
- (a) conducting a screening test that involves the insertion of an instrument, hand, finger, device or a substance that is under pressure into the ear canal;
  - (b) making earmold impressions; and
  - (c) making earmold impressions and shell modifications.
- 9.10 A Delegatee may perform the Restricted Activity set out in Bylaw 9.9(a) in any setting where it can be safely provided in accordance with the applicable Practice Standards.
- 9.11 A Licensee who makes a delegation under Bylaw 9.9 must provide Supervision.

### **Restricted Activities That May Be Delegated – Hearing Instrument Dispensing**

- 9.12 A Licensee in the class of Hearing Instrument Dispensing: Full may Delegate the following Restricted Activities:
- (a) conducting a screening test that involves the insertion of an instrument, hand, finger, device, or a substance that is under pressure into the ear canal;
  - (b) making earmold impressions; and
  - (c) making earmold impressions and shell modifications.
- 9.13 A Delegatee may perform the Restricted Activity set out in Bylaw 9.12(a) in any setting where it can be safely provided in accordance with the applicable Practice Standards.
- 9.14 A Licensee who makes a delegation under Bylaw 9.12 must provide Supervision.

### **Restricted Activities That May Be Delegated – Optometry**

- 9.15 A Licensee in the class of Optometry: Full may Delegate the following Restricted Activities:
- (a) the topical administration of a diagnostic drug; and
  - (b) the fitting and supply of a contact lens.
- 9.16 A Licensee who makes a delegation under Bylaw 9.15 must provide Supervision.

## **Restricted Activities That May Be Delegated – Speech-Language Pathology**

9.17 A Licensee in the class of Speech-Language Pathology: Full may Delegate the following Restricted Activities:

- (a) conducting a screening test that involves the insertion of an instrument, hand, finger, device, or a substance that is under pressure into the ear canal.

9.18 A Delegatee may perform the Restricted Activity set out in Bylaw 9.17(a) in any setting where it can be safely provided in accordance with the applicable Practice Standards.

9.19 A Licensee who makes a delegation under Bylaw 9.17 must provide Supervision.

## **Delegation to Students**

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

9.21 A Licensee may only Delegate an Aspect of Practice or Restricted Activity under Bylaw 9.20 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 be covered by 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.

DRAFT