

Controlled Acts & the Personal Support Worker

Overview

Under certain conditions, PSWs may legally perform specific types of controlled acts. This document will explain when and how this can occur. The information provided in this fact sheet applies to PSW work not done in a licensed long term care home. If you are seeking information on controlled acts in Long Term Care Home, please see our fact sheet *What is a PSW's Role in Medication?*

What are Controlled Acts?

Controlled acts are tasks and procedures that are considered to be potentially harmful if performed by an unqualified person. These are set out in the [Regulated Health Professions Act \(RHPA\)](#). Section 27 (2) of the RHPA identifies 13 acts as controlled acts. For each act, the RHPA defines the regulated health professional(s) who are legally permitted to perform the act.

Exempted Acts

The [RHPA](#) allows certain acts to be performed by someone other than the designated health professional if one of five specific conditions apply. These conditions are set out in Section 29 (1) of the act and include the following situations:

- rendering first aid or temporary assistance in an emergency; or
- assisting a person with his or her routine activities of living and the act is a controlled act set out in paragraph 5 or 6 of subsection 27 (2).

The acts referred to in paragraphs 5 and 6 of Subsection 27 (2) are:

5. Administering a substance by injection or inhalation,
6. Putting an instrument, hand or finger,
 - a. Beyond the external ear canal,
 - b. Beyond the point in the nasal passages where they normally narrow,
 - c. Beyond the larynx,
 - d. Beyond the opening of the urethra,
 - e. Beyond the labia majora,
 - f. Beyond the anal verge, or
 - g. Into an artificial opening in the body¹.

¹ Regulated Health Professions Act, 1991 S.O. 1991, Chapter 18. Access Online November 16, 2009
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm

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You Must Be Taught With Each Client

In order for you to legally and safely perform an exempted act, *all* of the following conditions must be met:

- The act must be **routine** for the person
- The person's condition must be **stable**
- The expected outcomes of the act must be **predictable**
- You must be **taught** to perform the act by a person **legally able to perform the act**
- You must be **periodically monitored** by a **person legally able to perform the act**

As well, your employer must agree that you permitted to perform this act.

Training is Non-transferrable

You must be taught to perform the act with *each* client with whom you will perform the act—even if you have done the act many times before. You cannot transfer the training you got with client A to client B; you must be taught with client B.

As a PSW, you must always perform support carefully, correctly and professionally. Bear in mind that when you perform an act that is exempted, you are primarily responsible for the proper performance of that act. Make certain that you discuss with your employer and/or the health professional teaching you any questions or concerns you have about the act or your ability to perform it.

Delegation

Delegation is not specifically defined under the [RHPA](#). The Federation of Health Regulatory Colleges of Ontario (a group made up of the province's 22 health regulatory colleges) defines it as a process where a regulated health professional who is authorized to perform a controlled act gives that authority to someone who is not authorized to perform the act. This person could be another regulated health professional or an unregulated person - e.g. a PSW.²

Delegated acts are generally time limited activities for PSWs.

In order for an act to be delegated, all of the following must apply:

- The controlled procedure must be an act that can be delegated. (Not all regulated health professionals are allowed to delegate, some acts cannot be delegated and others are restricted in some way.)

² *An Inter-professional Guide on the Use of Orders, Directives and Delegation for Regulated Health Professionals in Ontario*, Federation of Health Regulatory Colleges of Ontario, 2007

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- The regulated health professional must be certain that the PSW is competent, current and comfortable with the act and they have the background knowledge necessary
- The regulated health professional must teach the PSW to perform the act with each client for whom the act is performed, even if the PSW has done it before
- Evaluating the PSW to make certain that the PSW remains competent in her/his performance of the procedure. The regulated health professional must either monitor the procedure personally or by making certain that a proper process for monitoring is in place.

When a regulated health professional delegates an act to another person, the regulated health professional remains responsible for the correct performance of the act. This does not change your responsibility – you are always expected to practice safely and competently.

Performing a Controlled Act

When you accept a delegation or agree to perform a controlled act that is exempted as defined in the RHPA you must be certain that you can carry out the act safely and competently. You must make certain that:

- you have been trained by a person authorized to perform the act;
- your questions with regard to performing the procedure have been answered; and
- the person teaching you has observed you performing the procedure and has told you that you are performing it correctly.

It is always a good idea to have in writing the specific instructions for performing the act.

As well, you must have the following information. If this information isn't given to you, you must ask for it. In most cases, this should be recorded in the support plan.

- When you can perform the task
- How often you should perform the task
- All technical requirements of the task
- Whom you would ask for information and guidance if you have concerns about the procedure
- To whom to report any problems or concerns
- Any relevant information about the client including allergies/health concerns that may be affected by what you do

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- The effects that should happen and what action you must take if the expected results do not appear
- Possible side effects and what to do if they arise
- The records to be kept and the procedure to be used for recording.

Special Circumstances

Sometimes, your employer will have a contract with a third party (such as the Community Care Access Centre). This contract may restrict the acts you can perform with a client covered by that contract, or the procedure you must follow before you do them with the client for the first time. In the case of the CCAC, these acts are usually referred to as "non-transferrable" acts. While some of these acts are also controlled acts, many are not. For example, "transferring a client" is often listed as a non-transferrable act. However, it is not a controlled act. You should have been taught transfer techniques in your PSW training. As well, some agencies decide that they will require individual teaching before allowing a support worker to perform a particular act. The agency is free to restrict a support worker's role in this way.

While you must always follow the requirements of your agency with regard to non-transferrable acts, it's important to remember that these requirements may apply only to the clients covered by that particular contract. If you are not certain whether you must follow a particular process before you perform an act with a client, discuss the issue with your supervisor.

Case Studies:

Bowel Routines in Home Care

Many routine bowel procedures (such as digital stimulation) are often performed by RNs or RPNs--even when the client is stable. If the client is stable, a PSW can be trained to perform the procedure as an exempted act. This benefits the client by reducing the number of different care providers and increasing continuity. It benefits the system by freeing the nurse to perform the tasks only a nurse may do.

Oral Health

Performing duties of oral health, such as brushing a client's teeth is not considered a controlled act, as the hand, finger and instrument are being inserted into the mouth, but do not go beyond the larynx.



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Diabetes Care in a Home Setting

When caring for a client living with diabetes, a PSW may be permitted to administer insulin by injection if it is a routine activity of daily living, the outcomes are predictable and the client's condition is stable. As administering a substance by injection is a controlled act, the PSW must be trained with each client with whom she is to perform the act.

When a Client Wants You to Perform An Act You Cannot Do

Sometimes, a client asks you to perform or help perform an act that is controlled, or that your agency restricts. Consult with your supervisor before performing any controlled act, any act that your agency restricts, or that you do not know how to do.

For more information on personal support workers and PSNO, visit our website: www.psno.ca

External Resources:

Regulated Health Professions Act, 1991

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm#BK22

Working With Unregulated Care Providers, College of Nurses of Ontario

http://www.cno.org/docs/prac/41014_workingucp.pdf

An Interprofessional Guide on the Use of Orders, Directives and Delegation for Regulated Health Professionals in Ontario

<http://mdguide.regulatedhealthprofessions.on.ca/why/default.asp>