

**Regulated Health Professions Act, 1991**  
**Loi de 1991 sur les professions de la santé réglementées**

**ONTARIO REGULATION 107/96**  
**CONTROLLED ACTS**

**Consolidation Period:** From July 1, 2015 to the [e-Laws currency date](#).

Last amendment: O. Reg. 167/15.

*This Regulation is made in English only.*

INTERPRETATION

**0.1** In this Regulation,

“diagnostic ultrasound” means ultrasound that produces an image or other data. O. Reg. 296/04, s. 1.

FORMS OF ENERGY

**1.** The following forms of energy are prescribed for the purpose of paragraph 7 of subsection 27 (2) of the Act:

1. Electricity for,
  - i. aversive conditioning,
  - ii. cardiac pacemaker therapy,
  - iii. cardioversion,
  - iv. defibrillation,
  - v. electrocoagulation,
  - vi. electroconvulsive shock therapy,
  - vii. electromyography,
  - viii. fulguration,
  - ix. nerve conduction studies, or
  - x. transcutaneous cardiac pacing.
2. Electromagnetism for magnetic resonance imaging.
3. Soundwaves for,
  - i. diagnostic ultrasound, or
  - ii. lithotripsy. O. Reg. 107/96, s. 1.

EXEMPTIONS

**2.** A member of the College of Chiropractors of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying electricity for electrocoagulation or fulguration. O. Reg. 107/96, s. 2.

**3.** (1) A member of the Royal College of Dental Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying electricity for defibrillation or electrocoagulation. O. Reg. 107/96, s. 3 (1).

**3.1** A member of the College of Medical Radiation Technologists is exempt from subsection 27 (1) of the Act for the purpose of applying electromagnetism if the application is ordered by a member of the College of Physicians and Surgeons of Ontario and,

- (a) the electromagnetism is applied for magnetic resonance imaging using equipment that is,
  - (i) installed in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act* and the site of the public hospital is graded under that Act as a Group N site of a hospital, and
  - (ii) operated by the public hospital mentioned in subclause (i);
- (b) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:

- (i) the electromagnetism is used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*;
  - (ii) the magnetic resonance imaging is provided to persons who are insured persons within the meaning of the *Health Insurance Act*,
  - (iii) the electromagnetism is applied in an independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging; or
- (c) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
- (i) the electromagnetism is not used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*, or the magnetic resonance imaging is not provided to persons who are insured persons within the meaning of that Act, or both,
  - (ii) the electromagnetism is applied in a facility that is operated by an operator that holds a licence under the *Independent Health Facilities Act* in respect of magnetic resonance imaging,
  - (iii) the electromagnetism is applied in a facility that is operated on the same premises as the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
  - (iv) the electromagnetism is applied using the same equipment that is used to provide magnetic resonance imaging in the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
  - (v) the operator of the facility in which the electromagnetism is applied is a party to a valid and subsisting agreement with the Minister concerning the provision of magnetic resonance imaging. O. Reg. 228/03, s. 1.
- (2) A member of the Royal College of Dental Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying electricity for electromyography or nerve conduction studies, in the course of conducting research. O. Reg. 107/96, s. 3 (2).

4. A member of the College of Midwives of Ontario is exempt from subsection 27 (1) of the Act for the purpose of ordering the application of soundwaves for pregnancy diagnostic ultrasound or pelvic diagnostic ultrasound. O. Reg. 107/96, s. 4.

4.1 A member of the College of Optometrists of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying soundwaves for diagnostic ultrasound in order to perform corneal pachymetry or A/B scan ocular ultrasonography.

5. (1) A member of the College of Physicians and Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying, or ordering the application of, electricity for a procedure listed in paragraph 1 of section 1 or soundwaves for a procedure listed in paragraph 3 of section 1. O. Reg. 107/96, s. 5 (1).

(2) A member of the College of Physicians and Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying or ordering the application of electromagnetism if,

- (a) the electromagnetism is applied for magnetic resonance imaging using equipment that is,
  - (i) installed in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act* and the site of the public hospital is graded under that Act as a Group N site of a hospital, and
  - (ii) operated by the public hospital mentioned in subclause (i);
- (b) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
  - (i) the electromagnetism is used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*;
  - (ii) the magnetic resonance imaging is provided to persons who are insured persons within the meaning of the *Health Insurance Act*,
  - (iii) the electromagnetism is applied in an independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging; or
- (c) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
  - (i) the electromagnetism is not used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*, or the magnetic resonance imaging is not provided to persons who are insured persons within the meaning of that Act, or both,
  - (ii) the electromagnetism is applied in a facility that is operated by an operator that holds a licence under the *Independent Health Facilities Act* in respect of magnetic resonance imaging,

- (iii) the electromagnetism is applied in a facility that is operated on the same premises as the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
- (iv) the electromagnetism is applied using the same equipment that is used to provide magnetic resonance imaging in the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
- (v) the operator of the facility in which the electromagnetism is applied is a party to a valid and subsisting agreement with the Minister concerning the provision of magnetic resonance imaging. O. Reg. 228/03, s. 2.

**6.** A member of the College of Psychologists of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying, or ordering the application of, electricity for aversive conditioning. O. Reg. 107/96, s. 6.

**7.** A person is exempt from subsection 27 (1) of the Act for the purpose of applying electricity for aversive conditioning if the application is ordered and directed by a member of the College of Physicians and Surgeons of Ontario or by a member of the College of Psychologists of Ontario. O. Reg. 296/04, s. 2.

**7.1** (1) A person is exempt from subsection 27 (1) of the Act for the purpose of applying soundwaves for diagnostic ultrasound if the application is ordered by a member with ordering authority, and the soundwaves for diagnostic ultrasound are applied,

- (a) in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act*, and the equipment is operated by the public hospital;
  - (b) in a private hospital operated under the authority of a licence issued under the *Private Hospitals Act* and the equipment is operated by the private hospital;
  - (c) in an independent health facility licensed under the *Independent Health Facilities Act* in respect of diagnostic ultrasound on a site for which that independent health facility is licensed in respect of diagnostic ultrasound; or
  - (d) in a fixed site where health services are customarily performed, and the application is ordered by a member with ordering authority who treats his or her own patients in the course of his or her health care practice, but only if,
    - (i) there exists an ongoing professional health care relationship between the patient and the member with ordering authority, or between the patient and a regulated health professional who ordinarily practises with that member at one or more sites in Ontario,
    - (ii) there exists an ongoing professional health care relationship between the patient and a regulated health professional who has given an opinion on the health of the patient, or between the patient and a regulated health professional who ordinarily practises at one or more sites in Ontario with the regulated health professional who has given the opinion, and the patient has requested that the member with ordering authority confirm, refute or vary that opinion and,
      - (A) the member orders the application of soundwaves for diagnostic ultrasound in the course of an assessment of the patient resulting from that request, and
      - (B) the diagnostic ultrasound is directly related to that assessment, or
    - (iii) there exists an ongoing professional health care relationship between the patient and a regulated health professional who has referred the patient to the member with ordering authority for the purpose of a consultation, or between the patient and a regulated health professional who ordinarily practises at one or more sites in Ontario with the regulated health professional who has made the referral and,
      - (A) the member conducts an assessment of the patient, and
      - (B) the diagnostic ultrasound is directly related to that assessment or services arising out of that assessment.
- O. Reg. 296/04, s. 2.

(2) In this section,

“member with ordering authority” means,

- (a) a member of the College of Midwives of Ontario, with respect to ordering the application of soundwaves for pregnancy diagnostic ultrasound or pelvic diagnostic ultrasound,
- (b) a member of the College of Nurses of Ontario who is a registered nurse in the extended class, with respect to ordering the application of soundwaves for diagnostic ultrasound of the abdomen, pelvis and breast, or
- (c) a member of the College of Physicians and Surgeons of Ontario, with respect to ordering the application of soundwaves for diagnostic ultrasound. O. Reg. 296/04, s. 2.

**8.** (1) The following activities are exempt from subsection 27 (1) of the Act:

1. REVOKED: S.O. 2006, c. 27, s. 19 (1).

2. Ear or body piercing for the purpose of accommodating a piece of jewellery.
3. Electrolysis.
4. Tattooing for cosmetic purposes. O. Reg. 107/96, s. 8; S.O. 2006, c. 27, s. 19 (1).

(2) A person who is a member of a College listed in Column 1 of the Table is exempt from subsection 27 (1) of the Act for the purpose of performing acupuncture, a procedure performed on tissue below the dermis, in accordance with the standard of practice and within the scope of practice of the health profession listed in Column 2.

TABLE

	Column 1	Column 2
1.	College of Chiropodists of Ontario	Chiropody
2.	College of Chiropractors of Ontario	Chiropractic
3.	College of Massage Therapists of Ontario	Massage Therapy
3.1	College of Naturopaths of Ontario	Naturopathy
4.	College of Nurses of Ontario	Nursing
5.	College of Occupational Therapists of Ontario	Occupational Therapy
6.	College of Physiotherapists of Ontario	Physiotherapy
7.	Royal College of Dental Surgeons of Ontario	Dentistry

S.O. 2006, c. 27, s. 19 (2); O. Reg. 167/15, s. 1 (1, 2).

(3) A person mentioned in subsection (2) is exempt from subsection 27 (1) of the Act for the purpose of performing acupuncture only if he or she has met the standards and qualifications set by the College. O. Reg. 167/15, s. 1 (3).

(4) REVOKED: O. Reg. 167/15, s. 1 (3).

(5) A person is exempt from subsection 27 (1) of the Act for the purpose of performing acupuncture, a procedure performed on tissue below the dermis, if the acupuncture is performed as part of an addiction treatment program and the person performs the acupuncture within a health facility. S.O. 2006, c. 27, s. 19 (2).

(6) In subsection (5),

“health facility” means a facility governed by or funded under an Act set out in the Schedule. S.O. 2006, c. 27, s. 19 (2).

**9.** Male circumcision is an activity that is exempt from subsection 27 (1) of the Act if the circumcision is performed as part of a religious tradition or ceremony. O. Reg. 107/96, s. 9.

**10.** REVOKED: O. Reg. 167/15, s. 2.

**11.** The taking of a blood sample from a vein or by skin pricking is an activity that is exempt from subsection 27 (1) of the Act if the person taking the blood sample is employed by a laboratory or specimen collection centre licensed under the *Laboratory and Specimen Collection Centre Licensing Act*. O. Reg. 107/96, s. 11.

**12.** (1) A medical geneticist who holds a doctorate is exempt from subsection 27 (1) of the Act for the purpose of communicating to an individual or his or her personal representative a diagnosis identifying a genetic disease or genetic disorder as the cause of the symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis, if,

- (a) the disease or disorder identified is within the geneticist’s area of expertise; and
- (b) the geneticist is employed by a university or a health care facility and the communication of the diagnosis is performed in accordance with the university’s or facility’s guidelines or protocols. O. Reg. 107/96, s. 12 (1).

(2) In this section,

“health care facility” means a facility governed by or funded under an Act set out in the Schedule. O. Reg. 107/96, s. 12 (2).

**13.** A member of the College of Nurses of Ontario who holds a general certificate of registration as a registered nurse is exempt from subsection 27 (1) of the Act for the purpose of prescribing a solution of normal saline (0.9 per cent) for venipuncture performed to establish peripheral intravenous access and maintain patency. O. Reg. 107/96, s. 13.

**14.** (1) Subject to subsection (4), a member of the College of Respiratory Therapists of Ontario who holds a general or graduate certificate of registration is exempt from subsection 27 (1) of the Act for the purpose of performing a tracheostomy tube change for a stoma that is more than 24 hours old. O. Reg. 87/14, s. 1.

(2) Subject to subsection (4), a member of the College of Respiratory Therapists of Ontario who holds a limited certificate of registration is exempt from subsection 27 (1) of the Act for the purpose of performing a tracheostomy tube change for a

stoma that is more than 24 hours old, as long as the performance of the procedure is permitted by the terms and conditions of his or her certificate of registration. O. Reg. 87/14, s. 1.

(3) Subject to subsection (4), a member of the College of Respiratory Therapists of Ontario who holds a general certificate of registration is exempt from subsection 27 (1) of the Act for the purpose of performing a tracheostomy tube change for a stoma that is less than 24 hours old. O. Reg. 87/14, s. 1.

(4) A member of the College of Respiratory Therapists of Ontario shall not perform a procedure described in subsection (1), (2) or (3) unless the procedure is ordered by,

- (a) a member of the College of Physicians and Surgeons of Ontario, the College of Midwives of Ontario or the Royal College of Dental Surgeons of Ontario; or
- (b) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the *Nursing Act, 1991*. O. Reg. 87/14, s. 1.

#### SCHEDULE

1. *Alcoholism and Drug Addiction Research Foundation Act.*
2. *Cancer Act.*
3. *Child and Family Services Act.*
4. *Homes for Special Care Act.*
5. *Independent Health Facilities Act.*
6. *Long-Term Care Homes Act, 2007.*
7. *Mental Health Act.*
8. *Ministry of Community and Social Services Act.*
9. *Ministry of Correctional Services Act.*
10. *Ministry of Health and Long-Term Care Act.*
11. *Ontario Mental Health Foundation Act.*
12. *Private Hospitals Act.*
13. *Public Hospitals Act.*

O. Reg. 87/14, s. 2.

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