

**Laws and Regulations**

Volume 136

**Summary**

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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 759-2004, 10 August 2004**

**An Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, c. 3)**

#### **— Coming into force of certain provisions**

Coming into force of certain provisions of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, c. 3)

WHEREAS the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, c. 3) was assented to on 22 April 2004;

WHEREAS, under section 36 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 September 2004 as the date of coming into force of the provisions of section 26, paragraph 1 of section 27 and sections 28 to 30 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Minister of Health and Social Services:

THAT 1 September 2004 be fixed as the date of coming into force of the provisions of section 26, paragraph 1 of section 27 and sections 28 to 30 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, c. 3).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 786-2004, 10 August 2004**

**An Act respecting commercial aquaculture (2003, c. 23)**

#### **— Coming into force of the provisions**

Coming into force of the provisions of the Act respecting commercial aquaculture

WHEREAS the Act respecting commercial aquaculture (2003, c. 23) was assented to on 18 December 2003;

WHEREAS, under section 81 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 September 2004 as the date of coming into force of the provisions of the Act respecting commercial aquaculture;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT 1 September 2004 be fixed as the date of coming into force of the provisions of the Act respecting commercial aquaculture (2003, c. 23).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 769-2004, 10 August 2004**

Medical Act  
(R.S.Q., c. M-9)

Professional Code  
(R.S.Q., c. C-26)

#### **Physicians**

#### **— Activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians**

Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the Bureau of the Collège des médecins du Québec shall by regulation determine among the activities referred to in the second paragraph of section 31 of the Act those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians;

WHEREAS, in accordance with section 94.1 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and provide that reference to such standard includes any subsequent amendment made to it;

WHEREAS the Bureau made the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians;

WHEREAS, pursuant to the second paragraph of section 19 of the Medical Act, the Office des professions du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Ordre des pharmaciens du Québec, the Ordre professionnel des technologistes médicaux du Québec, and the Association des orthoptistes were consulted prior to the making of the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians;

WHEREAS the Bureau of the Collège made the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians**

Medical Act

(R.S.Q., c. M-9, s. 19, 1st par., subpar. b)

Professional Code

(R.S.Q., c. C-26, s. 94.1)

**1.** The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians those which, pursuant to the conditions provided therein, may be performed by a nurse first surgical assistant.

In order to be authorized to perform the professional activities described in section 2, a nurse first surgical assistant must have a minimum of 3 years experience in an operative room, 1 year of which being in the concerned surgical discipline.

He or she must also be the holder of

(1) a baccalaureate in nursing sciences issued by a Quebec university or he or she has completed at least 60 credits in nursing sciences in the course of a program of university studies other than the program leading to the certificate mentioned in section 2;

(2) a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières;

(3) since less than two years, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued, by a master instructor recognised by the Heart and Stroke Foundation of Quebec, according to the standards established by the Handbook of Emergency Cardiovascular Care for Healthcare Providers, 2003 Edition, of the Heart and Stroke Foundation of Canada.

**2.** A nurse first surgical assistant may, in the course of a clinical and technical assistance to the surgeon and according to a medical prescription, perform the complementary clinical and technical acts during the surgical procedure under the following conditions:

(1) he or she performs these activities in the presence of the surgeon responsible for the surgical procedure;

(2) he or she performs these activities in a hospital centre as contemplated in the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

For the performance of these activities, he or she must maintain their knowledge in cardio pulmonary resuscitation by obtaining a biennial attestation issued pursuant to the third paragraph of the third sub-paragraph of section 1.

He or she may not practice at no time simultaneously as a nurse in internal service.

**3.** A nurse may perform the activities described at section 2, if he or she abides by the conditions as provided therein and if on 28 December 2000:

(1) he or she was, either the holder of a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières, or enrolled in a program of studies leading to the issuing of this certificate and if he or she became the holder of the certificate;

(2) he or she is the holder, since less than two years, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued pursuant to the third paragraph of the third sub-paragraph of section 1.

**4.** This Regulation replaces the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, enacted on 18 September 1981 (Suppl. 871).

**5.** This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 770-2004, 10 August 2004

Professional Code  
(R.S.Q., c. C-26)

### Medical technologists

#### — Professional activities that may be engaged in by persons other than medical technologists

Regulation respecting the professional activities that may be engaged in by persons other than medical technologists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

WHEREAS the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than medical technologists;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than medical technologists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation respecting the professional activities that may be engaged in by persons other than medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*)

**1.** A student enrolled in a program of studies leading to a diploma giving access to a permit issued by the Ordre professionnel des technologistes médicaux du Québec may, among the professional activities that may be engaged in by medical technologists, engage in the activities required to complete the program, on the condition that the activities are engaged in under the supervision of a teacher or clinical instructor who is available to intervene on short notice.

**2.** A candidate referred to in section 6 of the Regulation respecting the standards for equivalence diplomas for the issue of a permit of the Ordre professionnel des technologistes médicaux du Québec, approved by Order in Council 1654-92 dated 11 November 1992, may, among the professional activities that may be engaged in by medical technologists, engage in the activities required to complete the training that would allow the candidate to be granted a diploma equivalence, on the condition that the activities are engaged in under the supervision of a teacher or training supervisor who is available to intervene on short notice.

**3.** A person who does not meet the conditions for the issue of a permit of the order may continue to engage in the following professional activities listed in subpara-

graphs *a* and *c* of paragraph 6 of section 37.1 of the Professional Code (R.S.Q., c. C-26), if the person was engaging in those activities on 11 July 1980 and if the person meets the conditions of practice that applied to the person at that time:

- (1) take specimens; and
- (2) introduce an instrument into a peripheral vein, according to a prescription.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## **O.C. 771-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Respiratory therapy externs — Professional activities that may be engaged in by respiratory therapy externs**

Regulation respecting the professional activities that may be engaged in by respiratory therapy externs

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

WHEREAS the Bureau of the Ordre professionnel des inhalothérapeutes du Québec made the Regulation respecting the professional activities that may be engaged in by respiratory therapy externs;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by respiratory therapy externs, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the professional activities that may be engaged in by respiratory therapy externs**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*)

**1.** The purpose of this Regulation is to determine among the professional activities that may be engaged in by respiratory therapists those that, following the terms and conditions determined herein, may be engaged in by respiratory therapy externs.

**2.** To be authorized to engage in the activities referred to in the first paragraph of section 3, a respiratory therapy extern must

(1) be registered in a program of studies leading to a diploma giving access to the permit issued by the Ordre professionnel des inhalothérapeutes du Québec and certify to the Secretary of the order that the first two years of the program were successfully completed less than 18 months previously;

(2) be entered in the register of externs held by the order;

(3) have completed an integration program of at least 15 days designed to familiarize the extern with the policies and guidelines of the institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) where the extern is engaged in the activities; and

(4) have the required knowledge and skill.

**3.** A respiratory therapy extern may engage in the following activities, in a general and specialized hospital centre or in a residential and long-term care centre operated by an institution referred to in paragraph 3 of section 2, if the health status of the patient is not critical and on condition that the extern does so according to an individual medical prescription and under the supervision of a respiratory therapist who is present at the institution:

(1) setting up and monitoring equipment used to administer oxygen, namely, nasal cannulas, masks, tents, face tents, and nebulizers;

(2) administering aerosol therapy without positive pressure; and

(3) setting up and monitoring special equipment to humidify inhaled air.

When engaging in those activities, an extern must comply with the rules governing respiratory therapists, in particular the rules relating to ethics and the generally accepted standards of practice of the profession of respiratory therapist.

An extern shall not engage in those activities in the following care units: intensive care, including the coronary unit; the operating suite; the recovery room; the emergency department; the neonatology unit; and the pulmonary function department.

**4.** A respiratory therapist extern must record interventions in the user's record and sign each entry, adding the abbreviation "R.T. extern".

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 772-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Respiratory therapists**

#### **— Professional activities that may be engaged in by persons other than respiratory therapists**

Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

WHEREAS the Bureau of the Ordre professionnel des inhalothérapeutes du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*)

**1.** A student registered in a program of studies leading to a diploma giving access to the permit issued by the Ordre professionnel des inhalothérapeutes du Québec may, among the professional activities that may be engaged in by respiratory therapists, engage in the activities required to complete the program, on condition that the student does so under the supervision of a clinical teacher, a preceptor or a respiratory therapist who is available to intervene on short notice.

**2.** A person who does not meet the conditions for the issue of a permit of the Order may continue to engage in the professional activities listed in paragraph 7 of section 37.1 of the Professional Code (R.S.Q., c. C-26) if the person was practising respiratory therapy on 7 February 1987 or was lawfully engaging in those activities between 11 June 1980 and 13 March 1985 and meets the conditions of practice that applied to the person at the time.

**3.** A medical technologist may, according to a prescription and using the same technology and the same procedures, continue to administer the cardiopulmonary function tests the technologist was administering on 30 January 2003.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 773-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Orthoptist**

#### **— Professional activities which may be performed by an orthoptist**

Regulation respecting the professional activities which may be performed by an orthoptist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with section 94.1 of the Code, the Bureau of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and provide that reference to such standard includes any subsequent amendment made to it;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (R.R.Q., 1981, Suppl. 871);

WHEREAS the Bureau of the Collège des médecins du Québec made the Regulation respecting the professional activities which may be performed by an orthoptist;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities which may be performed by an orthoptist, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the professional activities which may be performed by an orthoptist**

Professional Code  
(R.S.Q., c. C-26, s. 94 subpar. *h* and s. 94.1)

**1.** The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians those which, pursuant to the conditions provided therein, may be performed by an orthoptist.

**2.** In this Regulation, "orthoptist": any person who either

(1) holds an orthoptist's certificate issued by the Canadian Orthoptic Society or an equivalent certificate recognized by that body, according to the standards established by Section XI of its "By laws (2001)"; or

(2) was an orthoptist on 11 November 1987;

**3.** Any professional activities as contemplated in section 4 may only be performed in an ophthalmologist's office or on behalf of an institution which operates a hospital centre within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5). The patient must have an ophthalmological examination as a result of which he or she is referred to an orthoptist, except for the professional activities as contemplated in the first to the sixth paragraphs of that section which may also be performed in the course of a screening program.

**4.** An orthoptist may perform, under the conditions provided in this Regulation, the following professional activities:

(1) Observing and describing the general aspect of the eyes and accessory parts in relation to strabismus;

(2) Evaluating visual acuity and type of fixation including ophthalmoscopic method;

(3) Neutralizing prescription glasses;

(4) Evaluating oculomotor balance and binocular vision by:

(a) Examination by cover test;

(b) Evaluating oculomotor balance, ductions, versions and vergences;

(c) Evaluating accommodative convergence relations on accommodation;

(d) Making pre- and post-operative evaluations of ocular motility and the condition of binocular vision;

(e) Evaluating stereoscopic vision;

(f) Evaluating diplopia;

(g) Using prisms or additional removable lenses;

(h) Observing and describing ocular torticollis;

(i) Evaluating neutralization;



- (j) Evaluating retinal correspondence;
- (k) Looking for basic deviation.
- (5) Performing Hess test and its derivatives;
- (6) Evaluating visual field;
- (7) Treating amblyopia through:
  - (a) occlusion;
  - (b) penalization;
  - (c) active or passive methods to overcome amblyopia;
  - (d) home exercise program.
- (8) Treating the sensory element through:
  - (a) home exercise program;
  - (b) proven methods according to medical science data aimed at:
    - i. improving accommodative convergence;
    - ii. increasing vergence amplitude;
    - iii. eliminating pathological neutralization through occlusion of any other active exercise.
- (9) Applying drops or ointments for therapeutic purposes;
- (10) Instilling drops for diagnostic tests;
- (11) Performing electrooculography and electronystagmography;
- (12) Performing biometrics and doing calculations for intraocular lenses;
- (13) Performing ocular photography;
- (14) Performing refraction;
- (15) Testing visual aids and ensuring follow-up for rehabilitation of low vision.

**5.** A student duly enrolled in any orientation and integration program leading to a certificate as contemplated in the first paragraph of section 2, may perform, pursuant to section 4, any activities that may be performed by an orthoptist insofar as they are required for the completion of this program.

**6.** This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 774-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26; 2002, c. 33)

**Employee or technician in orthopedics  
— Professional activity which may be performed by  
an employee or a technician in orthopedics**

Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS it is expedient to replace the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Suppl. 871);

WHEREAS the Bureau of the Collège des médecins du Québec made the Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics**

Professional Code  
(R.S.Q., c. C-26, s. 94 *h*; 2002, c. 33, s. 5)

**1.** The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians that which, pursuant to the conditions provided therein, may be performed by a person who, on 11 June 1980, was qualified to act as employee or technician in orthopedics under the collective agreements then in force in Québec.

**2.** An employee or a technician in orthopedics may apply plaster casts in accordance with an individual prescription.

**3.** This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### **O.C. 775-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

#### **Notaires**

#### **— Terms and conditions for the issuance of permits by the Chambre**

Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *h* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Chambre des notaires du Québec made the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec;

WHEREAS, under section 95 of the Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments.

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 93, par. c and 94 par. h and i)

### **DIVISION I GENERAL**

**1.** A candidate for a permit to practice the notarial profession must apply to the Administrative Committee and

(1) possess the character, conduct, competence, and qualities required to practise the notarial profession;

(2) hold a diploma determined by the government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to the permit issued by the Order, or hold diploma or training equivalence recognized by the Administrative Committee pursuant to Division II;

(3) have successfully completed the training period or obtained the training period equivalence recognized by the Administrative Committee pursuant to Division IV;

(4) have paid the fees prescribed in paragraph (8) of section 86.0.1 of the Code.

### **DIVISION II DIPLOMA AND TRAINING EQUIVALENCE**

**2.** A candidate for diploma or training equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in paragraph (4) of section 1, and furnish the secretary with the following documents:

(1) the candidate's academic record, including a description of courses taken, the number of credits or hours relating thereto, and results obtained;

(2) proof of all diplomas;

(3) a document attesting to the candidate's participation in any training period or other continuing or refresher activity;

(4) a document attesting to and describing the candidate's relevant work experience.

**3.** Documents in support of an application for diploma or training equivalence written in a language other than French or English must be accompanied by a French translation certified under oath by a certified translator or by a translator who, if he is not from Québec, is recognized by the authorities in his province or country.

#### *§1. Diploma equivalence*

**4.** A candidate who holds a diploma that is awarded by an educational establishment outside Québec and does not give access to a permit issued by the Order pursuant to section 184 of the Professional Code may be granted diploma equivalence under the following conditions:

(1) the diploma was obtained within five years prior to the application, upon completion of university studies equivalent to those giving access to a permit issued by the Order;

(2) the university studies as a whole must have comprised at least 120 credits or the equivalent, 75 credits of which must have been obtained in the following subjects:

- (a) law of persons;
- (b) family law;
- (c) successions and gifts;
- (d) property;
- (e) obligations;
- (f) security on property;
- (g) nominate contracts;
- (h) civil evidence;
- (i) publication of rights;
- (j) civil procedure;



- (k) company law;
- (l) private international law;
- (m) tax law;
- (n) administrative law;
- (o) notarial practice;
- (p) title examination.

**5.** Where the diploma that is the subject of the application for equivalence has been obtained more than five years prior to the application, equivalence may be granted if the training or relevant work experience acquired by the candidate since that time has allowed the candidate to attain the level of legal knowledge possessed by a holder of a diploma giving access to a permit issued by the Order.

### *§2. Training equivalence*

**6.** A candidate may be granted training equivalence where he demonstrates that he has the knowledge and skill of a holder of a diploma giving access to a permit issued by the Order.

**7.** The following factors must be taken into account in the determination of a candidate's training equivalence:

- (1) the nature and number of years of the candidate's experience;
- (2) the fact that the candidate holds one or more diplomas obtained in Quebec or elsewhere;
- (3) the nature, content, and number of courses taken or training periods served, the number of credits involved, and results obtained.

### *§3. Recognition of equivalence*

**8.** The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to paragraph (2) of section 86.0.1 of the Professional Code.

**9.** The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 10.

Where the documents furnished pursuant to section 2 are insufficient to allow for an adequate appreciation of the candidate's training equivalence, the candidate shall be required to take an examination.

**10.** The Administrative Committee shall, upon the Admissions Committee's recommendation:

- (1) recognize diploma or training equivalence;
- (2) recognize partial training equivalence and determine the courses that must be successfully completed by the candidate; or
- (3) refuse to recognize diploma or training equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

**11.** The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

**12.** The Administrative Committee shall recognize a candidate's training equivalence where it is established that the candidate has successfully completed the courses required under a decision rendered under paragraph (2) of the first paragraph of section 10. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

## **DIVISION III**

### **PROFESSIONAL TRAINING PERIOD**

**13.** A candidate who wishes to register for the professional training period must meet the conditions set out in paragraphs (1), (2), and (4) of section 1 and apply in writing to the Administrative Committee at least 90 days prior to the anticipated training period commencement date.

### *§1. Objectives and conditions of the training period*

**14.** The objectives of the training period are as follows:

- (1) assimilation of theoretical knowledge;
- (2) acquisition of the skills required for the practice of the notarial profession;
- (3) development of professional competence;

(4) integration of the preventive aspect into the practice of the notarial profession.

**15.** The training period, administered by the Admissions Committee, shall consist of 32 consecutive weeks, on a full-time basis, in an environment that offers learning possibilities compatible with the objectives set out in section 14, and shall include compulsory participation in the professional program activities described in section 23.

No training period may begin before the date determined by the Admissions Committee.

**16.** An eligible candidate must successfully complete the training period within two years after obtaining the diploma or recognition of equivalence contemplated in Division II.

However, a candidate who demonstrates to the Admissions Committee that he was unable to complete the training period within the prescribed time due to illness, accident, graduate studies, pregnancy, or superior force shall be granted additional time equal to the time during which he was unable to complete the training period, up to a maximum of three years. The same applies to a candidate who pursue superior studies.

**17.** The training period must be completed under the supervision of a tutor, who must

(1) have been entered on the roll of the Order for no fewer than five years and have practised the profession on a full-time basis for the previous five years in a position compatible with the objectives of the training period set out in section 14;

(2) not have been the subject of a penalty imposed by the committee on discipline of the Order or by the Professions Tribunal, in the five years prior to his application, other than the penalty provided for in paragraph *a* of the first paragraph of section 156 of the Professional Code;

(3) not have been required by the Bureau to take a course or serve a period of refresher training or have been suspended or limited in his right to practise pursuant to the Professional Code in the five years preceding the date of his application; and

(4) have paid all duties, fees, or assessments due to the Order.

**18.** A notary who wishes to act as a tutor must apply in writing to the Admissions Committee.

Authorization to act as a tutor is granted by the Admissions Committee for three years and may be withdrawn at any time if the tutor no longer meets the conditions set out in section 17 or if the committee considers that the tutor does not perform his duties in accordance with section 19.

**19.** The tutor shall contribute to the training of the trainee for whom he is responsible and shall adequately supervise the trainee in the work environment. The tutor shall, in particular:

(1) facilitate the trainee's integration into the work environment;

(2) inform the trainee of the functioning of the work environment and of available resources;

(3) determine the trainee's duties, specifying work methods to be used and the deadlines to be met;

(4) help the trainee organize his work and introduce him to office management;

(5) gradually allow the trainee to perform certain professional acts;

(6) carry out periodic assessments of the work performed by the trainee, jointly with the supervisor if necessary;

(7) contribute to the assessment of the trainee's attainment of his training objectives.

**20.** A candidate must obtain the Admissions Committee's approval of his training plan before beginning his period of training. The committee shall assess the submitted project on the basis of the objectives set out in section 14, and may require certain modifications where it considers that the objectives will not otherwise be met.

**21.** The Admissions Committee shall appoint a supervisor for each trainee and tutor. Several trainees and tutors may be under the supervision of the same supervisor.

**22.** The supervisor shall, in particular:

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainees and tutors for whom he is responsible;

(3) prepare and conduct some of the professional program activities.

**23.** The training period shall include a professional program comprising the following activities:

(1) at least three integration seminars consisting of group sessions lasting one day or less and completed, according to the trainee's needs, with activities by correspondence aimed at aiding trainees to assimilate their training and practical experience through discussion and collective consideration of problems in the practice of the notarial profession;

(2) at least 10 analysis and synthesis sessions consisting of group sessions scheduled over at least 15 days and completed, according to the trainee's needs, with activities by correspondence aimed at developing the professional conduct and skills required in the practice of the notarial profession.

**24.** Upon a reasoned application in writing by the trainee or his supervisor, the Admissions Committee may authorize, subject to the conditions it deems appropriate:

- (1) a change of tutor;
- (2) an interruption in the training period lasting more than 10 business days;
- (3) modifications to the training period;
- (4) cancellation of the training period, where the elapsed portion has not exceeded eight consecutive weeks.

**25.** A trainee may, under the responsibility and close supervision of a tutor, perform all the professional acts of a notary except acts that fall within the province of a public officer.

## **§2. Assessment**

**26.** Training period assessments are designed to measure the attainment of the objectives set out in section 14. A period of training is successfully completed if the trainee attains the following levels of mastery:

- (1) for the objectives referred to in paragraphs (1) and (3) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills and be able to perform the tasks inherent thereto without help or supervision;
- (2) for the objective referred to in paragraph (2) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he periodically needs help or supervision;

(3) for the objective referred to in paragraph (4) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he needs help or supervision to master the skill as a whole.

**27.** Upon a trainee's completion of the training period, the tutor and the supervisor shall prepare a written assessment.

The tutor shall assess the attainment of objectives in terms of the work environment. The supervisor shall assess the attainment of objectives for the training program as a whole, including the professional program.

**28.** The tutor and the supervisor shall each provide a copy of their report to the trainee and the Admissions Committee within 15 business days following the end of the training period.

**29.** After examining the report, the Admissions Committee shall recommend that the Administrative Committee issue a certificate of achievement if the trainee has attained the level of mastery required for all the objectives set out in section 14.

**30.** Where a candidate has not attained the required level of mastery, the Admissions Committee shall recommend that the Administrative Committee issue a notice of failure.

The recommendation of the Admissions Committee must be reasoned and must indicate any activities that must be repeated to enable the trainee to attain required levels for all the objectives.

**31.** The Administrative Committee shall, upon the Admissions Committee's recommendation:

- (1) issue a certificate of achievement; or
- (2) refuse to issue a certificate of achievement, and determine the training activities that must be repeated to allow the candidate to reach the required levels.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his file.

**32.** The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

**33.** The Administrative Committee shall issue a certificate of achievement where it is established that the candidate has successfully completed the activities that must be repeated in accordance with a decision rendered under section 31. The secretary of the Order shall notify the candidate in writing within 30 days following issuance of the certificate.

#### **DIVISION IV** **PROFESSIONAL TRAINING PERIOD** **EQUIVALENCE**

**34.** A candidate for recognition of training period equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in paragraph (4) of section 1, and furnish the following documents :

(1) a document attesting to and describing the candidate's relevant work experience ;

(2) a document attesting to the candidate's participation in any training period or other continuing or refresher activity.

**35.** Documents in support of an application for professional training period equivalence that are written in a language other than French or English must be accompanied by a French translation certified under oath by a certified translator or by a translator who, if he is not from Québec, is recognized by the authorities in his province or country.

**36.** A candidate may be granted training period equivalence where he has attained the levels of mastery required under section 26.

**37.** The secretary of the Order shall send the documents listed in section 34 to the Admissions Committee.

**38.** The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 40.

**39.** The following factors must be taken into account in the determination of a candidate's training period equivalence :

(1) the nature and the number of years of the candidate's work experience ;

(2) the nature and content of continuing or refresher training that the candidate has received.

Where the documents furnished pursuant to section 34 are insufficient to allow for an adequate appreciation of the candidate's training period equivalence, the candidate shall be required to take an examination.

**40.** The Administrative Committee shall, upon the Admissions Committee's recommendation :

(1) recognize training period equivalence ;

(2) recognize partial training period equivalence and determine the training period activities that must be successfully completed by the candidate ; or

(3) refuse to recognize training period equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

**41.** The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

**42.** The Administrative Committee shall recognize a candidate's training period equivalence where it is established that the candidate has successfully completed the activities required under a decision of the Administrative Committee rendered under paragraph (2) of the first paragraph of section 40. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

#### **DIVISION V** **FINAL PROVISIONS**

**43.** This regulation replaces the Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec, approved by Order in Council 593-98 dated April 29, 1998, and the Regulation respecting the standards for equivalence of training for the issue of a permit by the Chambre des notaires du Québec, approved by Order in Council 1430-92 dated September 23, 1992.

**44.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## **O.C. 776-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Certified general accountants**

#### **— Code of ethics**

#### **— Amendments**

Regulation to amend the Code of ethics of certified general accountants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, such code must contain, *inter alia*:

(1) provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

(2) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a professional's obligation to release documents to his or her client;

(3) provisions setting out conditions, obligations and prohibitions in respect of advertising by the members of the order;

WHEREAS the Bureau of the Ordre des comptables généraux licenciés du Québec made the Regulation amending the Code of ethics of certified general accountants;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft of the regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of certified general accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Code of ethics of certified general accountants\***

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of ethics of certified general accountants is amended by adding the following section after section 3.01.06:

**“3.01.07.** A member who is informed that an inquiry is being held or who has been served notice of a complaint regarding the member's conduct or competence shall not harass, intimidate or threaten the person who requested the inquiry or any other person involved in the events relating to the inquiry or complaint.”.

**2.** Subdivisions 6 and 7 of Division III are replaced by the following:

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\* The Code of ethics of certified general accountants (R.R.Q., 1981, c. C-26, r.30) has been amended once, by the regulation approved by Order in Council 441-90 dated 4 April 1990 (1990, G.O. 2, 741).

*“§6. Provisions intended to preserve the secrecy of confidential information*

**3.06.01.** Every member must preserve the secrecy of all confidential information that becomes known to the member in the practice of the profession.

A member may be released from his or her obligation to preserve professional secrecy only with the authorization of the member's client or where so ordered by law. The member may also be released from his or her obligation to preserve professional secrecy only pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26) if the terms and conditions provided for in sections 3.06.03 and 3.06.04 are met.

**3.06.02.** To preserve secrecy with respect to confidential information that becomes known to a member in the practice of the profession, a member shall

(1) refrain from using such information to the prejudice of a client or with a view to obtaining, directly or indirectly, a benefit for himself or herself or for another person;

(2) take the necessary measures to prevent the member's colleagues and staff from disclosing or making use of such information that becomes known to them in the performance of their duties; and

(3) avoid holding or participating in indiscreet conversations concerning a client and the services provided to the client.

*§6.1. Lifting of professional secrecy to protect individuals*

**3.06.03.** A member who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates, orally or in writing, information protected by professional secrecy to prevent an act of violence shall, for each communication,

(1) enter the following particulars in the client's record, in a sealed envelope, as soon as possible:

(a) the name of the person or group of persons exposed to a danger;

(b) the name of the person who caused the member to communicate the information;

(c) the reasons supporting the decision to communicate the information;

(d) the name of the person to whom the information was given;

(e) the date and time of the communication;

(f) the mode of communication;

(g) the content of the communication;

(2) within five days of the communication, send the syndic a notice regarding the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

**3.06.04.** If it is necessary in the best interests of the person in imminent danger of death or serious bodily injury, a member shall consult another member, a member of another professional order or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

*§7. Consultation or access to documents and correction of information*

**3.07.01.** In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 20 days of its receipt, to any request made by a client

(1) to examine the documents concerning the client in any record established in the client's respect; or

(2) to obtain a copy of the documents concerning the client in any record established in the client's respect.

**3.07.02.** A member may, with respect to a request referred to in paragraph 2 of section 3.07.01, charge to the client reasonable fees not exceeding the cost for reproducing or transcribing the documents or the cost for transmitting a copy.

A member who charges such fees shall, before proceeding with the copying, transcribing or transmitting of the documents, inform the client of the approximate amount to be paid.

**3.07.03.** A member who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in any record established in the client's respect shall notify the client in writing that the disclosure would be likely to cause serious harm to the client or to a third person.



**3.07.04.** In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 20 days of its receipt, to any request made by a client

(1) to cause to be corrected, in any document concerning the client included in a record established in the client's respect, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in the client's respect; or

(3) to file in the record established in the client's respect the written comments made by the client.

**3.07.05.** A member who grants a request referred to in section 3.07.04 shall issue to the client a copy of the document or part of the document to allow the client to see for himself or herself that the information was corrected or deleted or, as the case may be, an attestation that the written comments of the client were filed in the record.

Upon written request by a client, a member shall send a copy of the corrected information or, as the case may be, of the attestation to any person from whom the member received the information and to any person to whom the information was communicated.

**3.07.06.** A member shall respond promptly to any request made by a client to retrieve a document given by the client.

**3.07.07.** A member may require that a request referred to in section 3.07.01, 3.07.04 or 3.07.06 be made and that the right be exercised at the professional domicile of the member during regular business hours.

**3.07.08.** A member who fails to reply within 20 days of receiving a request referred to in section 3.07.01 or 3.07.04 is deemed to have refused to grant the request.”.

**3.** The Code is amended by adding Divisions V, VI and VII after section 4.03.01 :

#### “DIVISION V CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING

**5.01.01.** A member practising in a partnership or joint-stock company of certified general accountants is solidarily responsible with the other members for complying with the rules respecting advertising, unless the

member can demonstrate that the advertising was done without the member's knowledge and consent and despite the measures taken to ensure compliance with those rules.

**5.01.02.** No member shall, by any means whatsoever, engage in or allow advertising that is false, incomplete, deceitful, or likely to be misleading.

**5.01.03.** No member shall use means of advertising that are likely to denigrate or depreciate another member or another partnership or joint-stock company of certified general accountants.

**5.01.04.** A member who advertises fees shall do so in a manner that can be understood by the public and shall, in particular,

(1) keep the amount of such fees in effect for the period specified in the advertising, which may not be less than 90 days following the last authorized broadcast or publication; and

(2) specify the services included in the fees.

The member may, however, agree with the client on an amount lower than the amount broadcast or published.

**5.01.05.** In any advertising, no member shall, by any means whatsoever, give more importance to fees than to the professional services offered.

**5.01.06.** In any advertising involving fees, a member shall specify the period during which such fees are valid, where applicable. This period may not be less than 90 days.

**5.01.07.** In any advertising, no member shall promise that certain results will be achieved.

**5.01.08.** In any advertising, no member shall use or allow to be used any endorsement or statement of gratitude in the member's regard.

**5.01.09.** A member shall keep a complete copy of every advertisement in its original form for a period of 12 months following the date on which it was last broadcast or published.

#### DIVISION VI GRAPHIC SYMBOL

**6.01.01.** The Order is represented by a graphic symbol that is in compliance with the original held by the secretary of the Order.

**6.01.02.** A member or a partnership or joint-stock company of certified general accountants reproducing the graphic symbol of the Order for advertising purposes and on stationery shall ensure that the symbol complies with the original held by the secretary of the Order.

A member who publishes an article, an opinion, a commentary or participates in their drafting, and who uses the graphic symbol of the Order, shall include the following disclaimer: "This text does not originate from the Ordre des comptables généraux licenciés du Québec and engages the liability of its author only."

## DIVISION VII

### NAMES OF PARTNERSHIPS OR JOINT-STOCK COMPANIES OF CERTIFIED GENERAL ACCOUNTANTS

**7.01.** Subject to section 7.02, the name of a partnership or joint-stock company of certified general accountants shall include only the names of one or more certified general accountants practising together.

**7.02.** The name of a partnership or joint-stock company of certified general accountants may include the name of a certified general accountant who has died or retired, during the one-year period following the certified general accountant's death or retirement, provided that the certified general accountant belonged to the partnership or joint-stock company at the time of death or retirement.

**7.03.** Where a certified general accountant withdraws from a partnership or joint-stock company to practise alone or within another partnership or joint-stock company, the certified general accountant's name must be removed from the name of the first partnership or joint-stock company.

**7.04.** The name of a partnership of certified general accountants may end with the expression "and associates" where, in addition to the partners whose names appear in the name of the partnership, the partnership has at least two partners or more."

**4.** This Regulation replaces the Regulation respecting advertising by certified general accountants (R.R.Q., 1981, c. C-26, r.37) which ceases to have effect on the date of coming into force of this Regulation, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76).

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 777-2004, 10 August 2004

Professional Code  
(R.S.Q., c. C-26)

### Chartered administrators

#### — Code of ethics

#### — Amendments

Regulation to amend the Code of ethics of chartered administrators

WHEREAS, in accordance with section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the same section, the code of ethics must include, *inter alia*, provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des administrateurs agréés du Québec made the Regulation to amend the Code of ethics of chartered administrators;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 10 March 2004, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:



THAT the Regulation to amend the Code of ethics of chartered administrators, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Code of ethics of chartered administrators\*

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of ethics of chartered administrators is amended by adding the following sentence at the end of section 46: “Chartered administrators may also be released from professional secrecy in the cases, under the conditions and in accordance with the terms and conditions set out in Division VII.1 of this Code.”.

**2.** The following is inserted after Division VII:

### “DIVISION VII.1

#### LIFTING OF PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS

**46.1.** Chartered administrators may communicate information that is protected by professional secrecy in order to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, chartered administrators may only communicate the information to the person exposed to the danger or the person’s representative, and to the persons who can come to the person’s aid. They may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

Chartered administrators who communicate such information may do so orally or in writing, provided the method chosen will not prejudicially delay the communication of the information.

**46.2.** Chartered administrators who, pursuant to section 46.1, communicate information that is protected by professional secrecy in order to prevent an act of violence must, as soon as possible,

(1) if the information was communicated orally, send a written confirmation to the person to whom it was communicated;

(2) enter the following particulars in the client’s record:

(a) the date and time that the information was communicated and the name of every person to whom the information was given;

(b) the mode of communication;

(c) the content of the information;

(d) the circumstances under which the information became known to the chartered administrator; and

(e) the reasons supporting the decision to communicate the information, including the name of the person who caused the chartered administrator to communicate the information and the name of the person exposed to a danger; and

(3) send the syndic of the Order a notice regarding the communication that includes the particulars referred to in paragraph 2.”.

**3.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 778-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### Radiology technologists

#### — Code of ethics

#### — Amendment

Regulation to amend the Code of ethics of radiology technologists

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional’s clients and the profession, particularly the duty to discharge professional obligations with integrity;

\* The Code of ethics of chartered administrators, approved by Order in Council 234-2003 dated 26 February 2003 (2003, *G.O.* 2, 1171), has not been amended since its approval.

WHEREAS, under the second paragraph of the same section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS, in accordance with section 87 of the Professional Code, the Bureau of the Ordre professionnel des technologues en radiologie du Québec made the Regulation to amend the Code of ethics of radiology technologists;

WHEREAS, under section 95.3 of the Professional Code, the secretary of the order sent a draft of the Regulation to every member of the order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 10 March 2004, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office des professions du Québec did not receive any comments following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of radiology technologists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Code of ethics of radiology technologists\*

Professional Code  
(R.S.Q., c. C-26)

**1.** The Code of ethics of radiology technologists is amended by inserting the following after section 27:

“**27.1.** A radiology technologist who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicates information protected by professional secrecy to prevent an act of violence shall

- (1) communicate the information immediately;
- (2) if the information is communicated orally, confirm the information in writing to the person to whom the information is given as soon as possible;
- (3) enter the following particulars in the user’s record as soon as possible:
  - (a) the date and time of the communication;
  - (b) the reasons supporting the decision to communicate the information including the name of the person who caused the radiology technologist to communicate the information and the name of the person or group of persons exposed to the danger; and
  - (c) the content of the communication, the mode of communication and the name of the person to whom the information was given; and
- (4) as soon as possible, send the syndic a notice of the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

In addition, if it is necessary in the best interests of the person or persons exposed to the danger, a radiology technologist who, pursuant to the third paragraph of section 60.4 of the Code communicates such information, shall consult a member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.”.

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\* The Code of ethics of radiology technologists, approved by Order in Council 789-98 dated 10 June 1998 (1998, *G.O.* 2, 2289), has not been amended since its approval.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## **O.C. 779-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Chartered accountants**

#### **— Code of ethics**

#### **— Amendments**

Regulation to amend the Code of ethics of chartered accountants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des comptables agréés du Québec must make, by regulation, a code of ethics governing the general and special duties of the members of the order towards the public, the clients and the profession;

WHEREAS the Bureau of the Ordre des comptables agréés du Québec made the Regulation to amend the Code of ethics of chartered accountants;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 31 March 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of chartered accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation amending the Code of ethics of chartered accountants\***

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** Section 1 of the Code of ethics of chartered accountants is amended:

(1) by replacing the first paragraph by the following:

“1. Each member shall comply with the Chartered Accountants Act (R.S.Q., c. C-48), the Professional Code (R.S.Q., c. C-26) and the regulations thereunder. The member shall, in particular, take reasonable measures to ensure that each person involved with him in the practice of his profession and any partnership or joint-stock company within which he practices his profession complies with the Chartered Accountants Act, the Professional Code and the regulations thereunder.”;

(2) and by the addition of the following at the end of the second paragraph:

“(11) internal auditing.”

**2.** Section 16 of the Code is amended by the addition of the phrase “or for which he does not have the proficiency or knowledge required” after the word “prepared.”

**3.** Section 19 of the Code is replaced by the following:

“**19.** A member shall act with due care, in keeping with current professional accounting and assurance standards, with the other standards, rules, and guidance and guidelines set out in the Canadian Institute of Chartered Accountants Handbook and with current scientific knowledge.

A member who is responsible, in whole or in part, for preparing or approving financial statements or for overseeing the accounting and financial reporting processes

\* The most recent amendments to the Code of ethics of chartered accountants approved by decree No. 58-2003 dated January 22, 2003 (2003, *G.O.* 2, 861) were made under the regulation approved by decree No. 22-2004 dated January 14, 2004 (2004, *G.O.* 2, 809).

shall also ensure that such statements and processes result in a fair presentation in accordance with generally accepted accounting principles.

For purposes of this Code, “generally accepted accounting principles” are those set out in the Canadian Institute of Chartered Accountants Handbook or any other accounting principles that should be applied in accordance with the law or current scientific knowledge.

**19.1.** A member who participates in an assurance engagement or a specified auditing procedures engagement shall notify the person responsible for the engagement if the financial statements are not presented fairly in accordance with generally accepted accounting principles.

If, after notification, the financial statements are still not presented fairly, the member shall notify in writing one of the partners or shareholders with voting rights of the partnership or joint-stock company within which he practices his profession. Such partner or shareholder shall hold the most senior position within the partnership or joint-stock company.

The member shall send the notifications provided for in the first and second paragraphs prior to the issuance of the financial statements or, failing which, as soon as possible. He shall also record and retain in the file the purpose of the notifications and the date on which the notifications were sent.

The information and the notifications referred to in the second paragraph shall be retained for a minimum of 24 months from the date they were sent or for any other period provided for under the standards, rules, and guidance and guidelines set out in the Canadian Institute of Chartered Accountants Handbook.

**19.2.** A member who is responsible for applying generally accepted accounting principles or for overseeing their application within an enterprise that is the subject of an engagement contemplated in section 19.1 shall notify his immediate superior if the financial statements are not presented fairly in accordance with these principles.

If, after such notification, the financial statements are still not presented fairly, the member shall also notify in writing the enterprise’s audit committee or similar body or, where there is no audit committee or similar body, the board of directors and the professional responsible for the engagement.

A member shall satisfy the obligations provided for in the third and fourth paragraphs of section 19.1.

**19.3.** A member who prepares or approves, in whole or in part, financial statements prepared solely for internal use within an enterprise or for a specified user within the meaning of Section 5600 of the Canadian Institute of Chartered Accountants Handbook is dispensed from satisfying the obligations set out in sections 19, 19.1 and 19.2.”.

**4.** Section 20 of the Code is revoked.

**5.** The Code is amended by the addition of the following after section 22:

“**22.1.** A member who signs an assurance report shall indicate in the report whether it was prepared by him alone or by several chartered accountants.”.

**6.** Division II, Chapter II of the Code is amended by replacing its heading by the following: “INTEGRITY.”

**7.** Section 23 of the Code is replaced by the following:

“**23.** A member shall perform his professional duties with integrity and objectivity.”.

**8.** Section 24 of the Code is amended by the replacement of the words “services or” by the following phrase: “services, the professional services generally performed by the other persons who carry out their professional activities within the partnership or joint-stock company within which the member practices his profession, or”.

**9.** The Code is amended by the addition of the following after section 25:

“**25.1** A member shall not perform an assurance engagement or a specified auditing procedures engagement for a fee that is lower than that charged by the member or partnership or joint-stock company he is replacing, or contained in other proposals for the engagement, except in the following circumstances:

(1) the persons assigned to the engagement are qualified and are devoting the appropriate time to it; and

(2) there is compliance with professional assurance standards, other standards, rules and guidance and guidelines set out in the Canadian Institute of Chartered Accountants Handbook.

**25.2.** A member who provides professional services other than those provided in engagements referred to in section 36.4 shall disclose in any report or other document, including that accompanying the financial statements or the financial information, which is addressed to a person other than his employer, the nature and

extent of any influence, interest or relationship which, in respect of the engagement, may be perceived as impairing his professional judgment or objectivity.”.

**10.** Sections 26 to 33 of the Code are revoked.

**11.** Section 34 of the Code is amended by the removal of the phrase “even when subject to a disclaimer of responsibility,” before subsection (1).

**12.** Section 35 of the Code is revoked.

**13.** Section 36 of the Code is amended by the addition of the phrase “or who participates in such an engagement” after the words “procedures engagement” before subsection (1).

**14.** The Code is amended by the addition of the following after section 36:

“**36.1.** A member shall handle with reasonable care any property entrusted to him by a client or employer.

**36.2.** A member who receives, handles or holds money or securities as a trustee, guardian, administrator, agent or liquidator shall maintain such records as are necessary to account for his management, custody, mandate or contract.

The money or securities thus received, handled or held shall be kept in a separate trust account or accounts in a financial institution.

Except when specifically authorized in writing by a client, a member shall not use, transfer, withdraw or otherwise employ such money or securities as payment for his fees or for purposes other than those for which they were entrusted.

## **DIVISION II.1** **INDEPENDENCE**

### **§1. Definitions**

**36.3.** For purposes of this Subdivision, the following terms mean:

“affiliate”: a company that has control over the client, or over which the client has control, or which is under common control with the client, including the client’s parent company or one of its subsidiaries;

“engagement period”: period that starts on the date when the member or the partnership or joint-stock company commits to perform the engagement and ends on the date when the resulting report is issued. For an engagement of a recurring nature, the period ends:

(1) in the case of an audit or review engagement referred to in section 36.8, on the date of notification by the client, the member or the partnership or joint-stock company within which the member practices his profession that the professional relationship has terminated or on the date the final assurance report is issued, whichever is later;

(2) in the case of an audit engagement referred to in section 36.9, on the date when the listed enterprise, the member or the partnership or joint-stock company within which the member practices his profession notifies the securities regulator that the listed enterprise is no longer an audit client of the partnership or joint-stock company within which the member practices his profession;

“engagement team”: all persons within the partnership or joint-stock company participating in the engagement, who provide quality control for the engagement and all other persons within the partnership or joint-stock company who are in a position to directly influence the outcome of the engagement;

“financial interest”: a security within the meaning of the Securities Act (R.S.Q., c.V-1.1), a share, including the option to purchase such security or such share and their derivatives or any other debt instruments;

“listed enterprise”: an enterprise whose shares, debt or other securities are quoted or listed on a stock exchange recognized by a Canadian or foreign securities regulator or that is subject to the standards established by such stock exchange, and that has market capitalization or total assets of \$10 million or more;

“network partnership or joint-stock company”: a partnership or joint-stock company that is, or can be perceived as being, under common control, ownership or management with the partnership or joint-stock company within which the member practices his profession.

“related entity”: an enterprise that exercises control over another enterprise within the meaning of Section 3840 of the Canadian Institute of Chartered Accountants Handbook.

### **§2. General provisions**

**36.4.** A member who performs or participates in an assurance engagement or a specified auditing procedures engagement shall remain free of any influence, interest or relationship which, in respect of the engagement, may impair or be perceived as impairing his professional judgment or objectivity.

**36.5.** A member who is a partner or shareholder with voting rights of the partnership or joint-stock company within which he practices his profession or who is in a management position within the partnership or joint-stock company shall not provide a professional service, other than an assurance service, to a client or an affiliate when a person within his partnership or joint-stock company or network partnership or joint-stock company performs an audit or review engagement for such client or affiliate, if the member, or a dependent or spouse, holds and controls a financial interest in the client or affiliate, or holds a financial interest therein that allows him to exercise significant influence over the client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook.

However, a member may provide a professional service, other than an assurance service, if the service is clearly insignificant considering the fees invoiced or the nature of the service provided.

**36.6** In an engagement to provide professional services in insolvency as a trustee in bankruptcy, a liquidator, a receiver-manager or an administrator within the meaning of the Bankruptcy and Insolvency Act, a member shall remain free of any influence, interest or relationship which, in respect of the engagement, may impair or be perceived as impairing his professional judgment or objectivity.

### **§3. Breaches of the independence rule**

#### **§§3.1. Assurance engagement or specified auditing procedures engagement**

**36.7** A member commits a breach of the independence rule contemplated in section 36.4 if, in the context of an assurance engagement or a specified auditing procedures engagement:

(1) the member participates on an engagement team when he, or a dependent or spouse, holds and controls a financial interest in the client or holds a financial interest in the client that allows him to exercise significant influence over the client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(2) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the member or partnership or joint-stock company holds and controls a financial interest in the client or holds a financial interest in the client that allows him to exercise significant influence over the

client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(3) the member or partnership or joint-stock company within which he practices his profession performs such an engagement for a client:

(a) when the partnership or joint-stock company has a loan from or has a loan guaranteed by the client, except when the client is a bank or other financial institution and the loan or guarantee is immaterial to the partnership or joint-stock company and the client, the loan or guarantee is made under terms and conditions that would have been imposed on any other person in similar circumstances, and the partnership or joint-stock company is complying with the terms of the loan;

(b) that is not a bank or other financial institution when the partnership or joint-stock company has a loan to the client;

(c) when the partnership or joint-stock company guarantees a loan of the client;

(4) the member or partnership or joint-stock company within which he practices his profession performs such an engagement for a client:

(a) when the partnership or joint-stock company has a loan from or has a loan guaranteed by an officer or director of the client or a shareholder of the client who owns more than 10% of the equity securities of the client;

(b) when the partnership or joint-stock company has a loan to or guarantees a loan of an officer or director of the client or a shareholder of the client who owns more than 10% of the equity securities of the client;

(5) the member participates on the engagement team when:

(a) he has a loan from or has a loan guaranteed by:

i. the client, unless the client is a bank or other financial institution, the loan or guarantee is made under terms and conditions that would have been imposed on any other person in similar circumstances and the member is complying with the terms of the loan;

ii. an officer or director of the client; or

iii. a shareholder of the client who owns more than 10% of the equity securities of the client;



(b) he has a loan to or guarantees a loan of the client, other than a bank or other financial institution, of an officer or director of the client, or of a shareholder of the client who owns more than 10% of the equity securities of the client;

(6) the member or partnership or joint-stock company within which he practices his profession performs an engagement when the partnership or joint-stock company has a business relationship with the client or its directors or officers unless the business relationship is clearly insignificant to the partnership or joint-stock company, the client, or its directors and officers, as the case may be;

(7) the member participates on the engagement team when he has a business relationship with the client or its directors or officers, unless the business relationship is clearly insignificant to the member, the client or its directors and officers, as the case may be;

(8) the member participates on the engagement team when a dependent or spouse of the member is a director or officer of the client or an employee of the client in a position to exercise direct and significant influence, within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook, over the subject matter of the engagement, or was in such a position during the period covered by the financial statements subject to the engagement or the engagement period;

(9) the member participates on the engagement team when he served as an officer or director for the client or performed functions for the client that put him in a position to exercise direct and significant influence, within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook, over the subject matter of the engagement during the engagement period;

(10) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the member or any other person practicing professional activities therein serves as an officer or director for the client;

(11) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during the engagement period, the member, the partnership or joint-stock company or any other person practicing professional activities therein makes a management decision or performs management functions for the client;

(12) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during the engagement period, the member, the partnership or joint-stock company or any other person practicing professional activities therein provides any of the following services to the client:

(a) promoting, dealing in or underwriting the client's securities;

(b) making investment decisions on behalf of the client or otherwise having discretionary authority over the client's investments;

(c) executing a transaction to buy or sell the client's investments; or

(d) safeguarding assets of the client;

(13) the member participates on an engagement team and he or the partnership or joint-stock company within which he practices his profession accepts a gift or hospitality, including a product or service discount, from the client, unless the gift or hospitality is clearly insignificant to the member or partnership or joint-stock company.

### *§§3.2. Audit or review engagement and audit of a listed enterprise*

#### *§§3.2.1. Audit or review engagement*

**36.8** A member commits a breach of the independence rule contemplated in section 36.4 if, in the context of an audit or review engagement:

(1) the member, partnership or joint-stock company within which he practices his profession, or a network partnership or joint-stock company is in a situation described in subsections 36.7(1) to (5), (12) or (13). For the application of these subsections, the word "client" includes affiliates;

(2) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the member, partnership or joint-stock company, or a network partnership or joint-stock company holds and controls a financial interest in the client or an affiliate or holds a financial interest in the client or an affiliate that allows him to exercise significant influence over the client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(3) the member, as the person with primary responsibility for an engagement for a client, performs the engagement at the main office in which one of the partners or shareholders with voting rights of the partnership or joint-stock company practices when this partner, this shareholder, a dependent or spouse holds and controls a financial interest in the client or an affiliate, or holds a financial interest in the client or an affiliate that allows him to exercise significant influence over the client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(4) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the pension or retirement plan of the partnership or joint-stock company, or of a network partnership or joint-stock company, holds and controls a financial interest in the client or an affiliate, or holds a financial interest in the client or an affiliate that allows him to exercise significant influence over the client's directors or officers within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(5) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the partnership or joint-stock company, or a network partnership or joint-stock company, holds a financial interest in an enterprise, and the member or the partnership or joint-stock company knows that the client or an affiliate, or a director, officer or controlling person of the client or affiliate, within the meaning of subsection 2 (3) of the Canada Business Corporations Act (R.S.C. 1985, c. C-44), also holds a financial interest in the enterprise, unless the client or affiliate is not in position to exercise significant influence over the enterprise within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(6) the member participates on the engagement team or any other team within a network partnership or joint-stock company that is in a position to influence the engagement when the member holds a financial interest in an enterprise and knows that the client or a director, officer or controlling person of the client or an affiliate holds a financial interest in the enterprise, unless the client is not in a position to exercise significant influence over the enterprise within the meaning of Sections 3050 and 3840 of the Canadian Institute of Chartered Accountants Handbook;

(7) the member or partnership or joint-stock company within which he practices his profession performs such an engagement for a client or an affiliate when a partner

or shareholder with voting rights of the partnership or joint-stock company within which he practices his profession, any person contemplated in paragraph (2)(1)a of the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint-stock company, approved by Order in Council 57-2003 dated January 22, 2003, or any candidate for the practice of one of the accounting professions employed by the partnership or joint-stock company, or a dependent or spouse, owns more than 0.1% of the securities of the client or affiliate within the meaning of section 1 of the Securities Act, or controls the client or affiliate by means other than the ownership of the majority of the common shares of the client or affiliate;

(8) the member participates on the engagement team or any other team within a network partnership or joint-stock company within which he practices his profession that is in a position to influence the engagement when the member knows that a parent, non-dependent child or sibling owns more than 0.1% of the securities of the client or an affiliate within the meaning of section 1 of the Securities Act, or controls the client or affiliate by means other than the ownership of the majority of the common shares of the client or affiliate;

(9) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when the partnership or joint-stock company or a network partnership or joint-stock company has a business relationship with the client or its directors or officers, unless such business relationship is clearly insignificant to the partnership or joint-stock company or network partnership or joint-stock company and the client or its directors or officers, as the case may be;

(10) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when a person within a network partnership or joint-stock company serves as an officer or a director of the client other than serving as secretary and the practice is permitted under the law or standards of practice, and the duties undertaken are exclusively administrative in nature;

(11) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or review or the engagement period, a person within a network partnership or joint-stock company makes a management decision or performs management functions for the client;



(12) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or review or the engagement period, the member or another person within the partnership or joint-stock company or within a network partnership or joint-stock company:

(a) prepares or changes a journal entry, determines or changes an account code or a classification for a transaction, or prepares or changes another accounting record without obtaining the approval of the client's management; or

(b) prepares a source document or originating data, or makes a change to such a document or data;

(13) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or review or the engagement period, the member, the partnership or joint-stock company, a network partnership or joint-stock company or a person within the partnership or joint-stock company or network partnership or joint-stock company provides legal services to the client other than those referred to in section 141 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1) in the resolution of a dispute or litigation in circumstances where the matters in dispute or subject to litigation are material in relation to such financial statements.

### §§§3.2.2. *Audit of a listed enterprise*

**36.9** A member commits a breach of the independence rule contemplated in section 36.4 if, in the context of an audit of a listed enterprise:

(1) the member participates on the engagement team, or a team within a network partnership or joint-stock company that is in a position to influence the engagement when a parent, non-dependent child or sibling is in an accounting role or a financial reporting oversight role at the client that puts the parent, non-dependent child or sibling in a position to exercise influence over either the contents of the financial statements or anyone who prepares them, or was in such a position during any period covered by the engagement;

(2) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when a person who participated in an audit of the financial statements of the listed enterprise has accepted employment in a financial reporting oversight role with respect to the enterprise before a period

of one year has elapsed from the date on which the financial statements were filed with a stock exchange recognized by a Canadian or foreign securities regulator;

(3) the member performs such an engagement for a listed enterprise, or a related entity, when a person practicing professional activities within the partnership or joint-stock company within which the member practices his profession, or within a network partnership or joint-stock company, serves as an officer or a director of the related entity or as secretary for the related entity;

(4) the member continues as the person with primary responsibility for the engagement or as the engagement quality control reviewer on such an engagement for a listed enterprise for more than five years, and thereafter resumes or assumes such functions before a further five years have elapsed from the date on which he ceased to perform these functions;

(5) the member, who has responsibility for decision-making on auditing, accounting and reporting matters that affect the performance of the engagement, or who maintains regular contact with the audit committee or management of the listed enterprise and provides more than ten hours of assurance services during the engagement period in connection with the annual financial statements or the interim financial information of the listed enterprise, or who has primary responsibility for an audit engagement for a subsidiary of the listed enterprise, continues in such role or roles for more than seven years and thereafter resumes or assumes such functions before a further two years have elapsed from the date on which he ceased to perform these functions. However, this provision does not extend to members who consult with the engagement team regarding technical or industry-specific issues, transactions or events;

(6) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or the engagement period, another person within the partnership or joint-stock company or a network partnership or joint-stock company makes a management decision or performs management functions for the listed enterprise or a related entity;

(7) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or the engagement period, the member, the partnership or joint-stock company, a network partnership or joint-stock company or another person within the partnership or joint-stock

company or a network partnership or joint-stock company, provides professional services to the listed enterprise or a related entity, the results of which are likely to be subject to audit procedures during the financial statement audit, including one of the following services, unless the member determines that the results of these services will not be subject to such procedures:

(a) accounting or bookkeeping services related to the accounting records or financial statements to be audited;

(b) valuation services;

(c) actuarial services;

(d) internal audit services that relate to the enterprise's internal accounting controls, financial systems or financial statements;

(e) financial information systems design, implementation, operation or management services;

(8) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or the engagement period, the member, the partnership or joint-stock company, a network partnership or joint-stock company or another person within the partnership or joint-stock company or a network partnership or joint-stock company, provides one of the following professional services to a listed enterprise or a related entity:

(a) services that consist in providing an expert opinion or other expert service for the listed enterprise or a legal representative thereof, for the purpose of advocating the enterprise's interest in a civil, criminal, regulatory, administrative or legislative proceeding or investigation;

(b) legal services other than those referred to in section 141 of the Act respecting the Barreau du Québec;

(c) human resource management services that involve:

i. searching for or seeking out prospective candidates for management, executive or director positions;

ii. engaging in psychological testing, or other formal testing or evaluation programs;

iii. undertaking reference checks of prospective candidates for an executive or director position;

iv. acting as a negotiator or mediator on the listed enterprise's behalf with respect to employees or future employees concerning any condition of employment, including position, status or title, compensation or fringe benefits; or

v. recommending that the enterprise hire a specific candidate for a specific job or advising it to do so;

(9) the member or partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or the engagement period, an audit partner or shareholder with voting rights who is on the engagement team earns or receives compensation for procuring any engagement that is not an assurance engagement from the listed enterprise, unless the partnership or joint-stock company within which the member practices his profession has fewer than five audit clients that are listed enterprises and fewer than ten partners or shareholders with voting rights;

(10) the member or partnership or joint-stock company within which he practices his profession provides services to a listed enterprise or a related entity without the prior approval of the audit committee, unless the following conditions exist:

(a) the services do not represent more than 5% of total audit fees paid by the listed enterprise and a related entity to the member, the partnership or joint-stock company and network partnerships or joint-stock companies in the fiscal year in which the services are provided;

(b) the services were recognized as assurance services at the time of the engagement;

(c) the provision of these services is promptly brought to the attention of the audit committee; and

(d) the audit committee or one or more designated representatives approves the services prior to the completion of the audit for the listed enterprise or the related entity;

(11) the member or the partnership or joint-stock company within which he practices his profession performs such an engagement when, during either the period covered by the financial statements subject to audit or the engagement period, a person within the partnership or joint-stock company or a network partnership or joint-stock company provides services referred to in subsection 36.7(12) to a related entity.

*§§3.3. Measures to evaluate compliance with the independence rule and obligations imposed on members*

**36.10.** A member who is required to comply with the independence rule provided for in section 36.4 shall, in respect of the particular engagement, identify threats to independence, evaluate the significance of those threats and, if the threats are other than clearly insignificant, identify and apply measures to reduce or eliminate them. The member shall document the decision to accept or continue the particular engagement. The documentation shall include the following information :

- (1) a description of the nature of the engagement ;
- (2) the threats identified ;
- (3) the measures identified and applied to reduce or eliminate the threats ; and
- (4) an explanation of how the measures reduce or eliminate the threats.

Where the threats cannot be reduced, the member shall :

- (1) eliminate the activity, relationship, influence or interest creating the threats ; or
- (2) refuse to accept or continue the engagement.

**36.11.** A member who violates section 36.4 shall communicate this violation in writing, on a timely basis, to another member, partner or shareholder with voting rights of the partnership or joint-stock company duly appointed by the board of directors or a similar internal management board of the partnership or joint-stock company.

A member who has been assigned to an engagement team to perform assurance services or apply specified auditing procedures shall also communicate in writing to the designated member any situation or facts that would put this member in violation of section 36.4.

**DIVISION II.2**  
**CONFLICT OF INTEREST**

**36.12.** A member shall not place himself in a situation where his loyalty to his client or employer may be compromised.

Subject to section 36.13, a member shall not place himself in a position where his self-interest or the interest of the partnership or joint-stock company within which

he practices his profession conflicts, or would be perceived as conflicting, with the interest of his client or the clients of the partnership or joint-stock company.

A member shall inform his client or employer of any interests, business connections or relationships of which the client or employer should be informed.

**36.13.** A member shall, before agreeing to provide professional services, determine whether there is any restriction, influence, interest or relationship which, in respect of these professional services, would place him, or would be perceived as placing him, in a conflict of interest position.

Conflict of interest situations shall be assessed in respect of all clients of the partnership or joint-stock company.

**36.14.** A member shall decline to perform professional services or cease to provide such services if the performance of the services creates a conflict of interest or is perceived as creating a conflict of interest, or as soon as he discovers a conflict of interest or is perceived as being in a conflict of interest position, unless the affected clients have knowledge of the conflict of interest and have consented to it or the member uses conflict management techniques and obtains the consent of all affected clients before performing the professional services.”.

**15.** Section 38 of the Code is amended by the following :

“**38.** A member shall not hold, receive, bargain for or acquire, directly or indirectly, any compensation, fee or benefit for personal advantage or for the advantage of the partnership or joint-stock company within which he practices his profession without the client’s knowledge and consent or without his employer’s knowledge and consent as the case may be.”.

**16.** The Code is amended by the addition of the following after section 39 :

**“DIVISION II.3**  
**ACCESS TO RECORDS”**

**17.** Sections 40 to 45 of the Code are revoked.

**18.** The Code is amended by the addition of the following after section 46 :

“**46.1.** A member shall promptly return to a client or, if so instructed by such client, to his successor, the records and documents belonging to the client, whether or not his fees have been paid.”.

**19.** Section 47 of the Code is revoked.

**20.** The Code is amended by the addition of the following before section 48:

**“DIVISION II.4  
PROFESSIONAL SECRECY”**

**21.** Section 52 of the Code is amended by the addition of the following after subsection (3):

“(4) refusal by the client to recognize an obligation for the professional fees and expenses or, after being given reasonable notice, to pay an amount to the member to cover such fees and expenses.”.

**22.** Section 57 of the Code is amended by the addition of the phrase “unless he can reasonably assume that the client is already informed” after the word “services.”

**23.** The Code is amended by the addition of the following after section 59:

“**59.1.** Subject to a decision of a court or other authority, a member shall not agree on a contingent fee with a client, i.e. offer or undertake to perform professional services for a fee payable only where a specified result of the service will be obtained or determined by reference to the result of the service:

(1) for any professional service requiring the member to hold himself free of any influence, interest or relationship which, in respect to the performance of his professional services, may impair or be perceived as impairing his professional judgment or objectivity;

(2) for a compilation engagement.

**59.2.** Subject to a decision of a court or other authority, a member shall not agree on a contingent fee with a client for a professional service not referred to in section 59.1 when such an agreement is liable to:

(1) impair or be perceived as impairing his professional judgment or objectivity in the performance of the professional services provided for under subsection 59.1(1);

(2) influence or be perceived as influencing the results of a compilation engagement.

**59.3.** Notwithstanding section 59.2, a member may agree on a contingent fee with a client for the following professional services:

(1) tax refund claims;

(2) assisting in tax appeals or preparing notices of objection to tax or tax assessments and reassessments;

(3) executive search services;

(4) personal financial planning services.

**59.4.** A member who charges a contingent fee shall have agreed with the client in writing on the basis for determining the fee before he begins to perform the professional services.

If the nature of the professional services changes while they are being performed, the member shall reassess whether the conditions set out in sections 59.1 and 59.2 are still met.”.

**TRANSITIONAL AND FINAL PROVISIONS**

**24.** A member referred to in subsection 36.9(4) with primary responsibility for the engagement may continue to perform that function until the end of the second fiscal year of the client commencing before 9 September 2004.

**25.** A member who has commenced to assume primary responsibility for the engagement as provided for in subsection 36.9(4) prior to the end of the client's second fiscal year commencing before 9 September 2004, may continue in that role for five years, notwithstanding the number of years, if any, that the member was previously the engagement quality control reviewer for the client.

**26.** A member referred to in subsection 36.9(4) acting as engagement quality control reviewer may continue in that role until the end of the third fiscal year of the client commencing before 9 September 2004.

**27.** A member referred to in subsection 36.9(5) may continue to perform the functions for a maximum of seven years following 9 September 2004.

**28.** A member or partnership or joint-stock company within which he practices his profession may continue to perform the engagement referred to in subsection 36.9(9), notwithstanding that a partner or shareholder contemplated in that subsection receives compensation during the fiscal year of the partnership or joint-stock company that includes 9 September 2004.

**29.** A member or partnership or joint-stock company within which he practices his profession may continue to offer the professional services referred to in subsections 36.9(7) and (8), provided that:

(1) there exists before 9 September 2004 or on the date of the first annual meeting held by the listed enterprise after July 1, 2004 but no later than July 1, 2005, a binding contract for the member or partnership or joint-stock company within which the member practices his profession to provide the professional services;

(2) the contract is completed before December 31, 2005.

**30.** A member or partnership or joint-stock company within which he practices his profession may continue to offer the professional services referred to in subsection 36.9(10) of this Regulation provided that:

(1) there exists before 9 September 2004 a binding contract for the member or partnership or joint-stock company to provide the professional services; and

(2) the contract is completed before the 365th day of the coming into force of the Regulation.

**31.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## **O.C. 780-2004, 10 August 2004**

Professional Code  
(R.S.Q., c. C-26)

### **Hyperbaric chamber operator — Professional activities that may be engaged in by a hyperbaric chamber operator**

Regulation respecting the professional activities that may be engaged in by a hyperbaric chamber operator

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under section 94.1 of the Code, the Bureau may, in a regulation that it is authorized to make under this Code or under an Act constituting the professional order, make compulsory a standard established by a

government or body; it may provide that reference to such a standard includes any subsequent amendment made to it;

WHEREAS section 95 of the Code provides that, subject to sections 95.1 and 95.2, every regulation made by the Bureau under this Code or an Act constituting a professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Bureau of the Collège des médecins du Québec made the Regulation respecting professional activities that may be performed by a hyperbaric chamber operator;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 February 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by a hyperbaric chamber operator, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the professional activities that may be engaged in by a hyperbaric chamber operator**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h* and s. 94.1)

**1.** The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by a hyperbaric chamber operator who engages in the



activities outside a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

**2.** To be authorized to engage in the professional activities referred to in section 3, a hyperbaric chamber operator must

(1) hold a hyperbaric chamber operator's certificate issued by the Institut maritime du Québec or have received training as a hyperbaric chamber operator that complies with CSA Standard CAN/CSA-Z275.4-97, Competency Standard for Diving Operations and any subsequent amendment; and

(2) receive refresher training at least every three years to maintain competency in hyperbaric chamber operation.

**3.** A hyperbaric chamber operator may, in accordance with current medical standards in diving medicine,

(1) if there is a possibility of decompression sickness, assess the diver for signs or symptoms of the sickness;

(2) in a case of emergency, initiate treatment for the decompression sickness in a hyperbaric chamber; and

(3) after discussing with a physician who has received training in Level II diving medicine that complies with CSA Standard CAN/CSA-Z275.4-97, Competency Standard for Diving Operations and any subsequent amendment, modify the algorithm for the treatment of the decompression sickness in a hyperbaric chamber.

**4.** A hyperbaric chamber operator must, after initiating treatment for decompression sickness under paragraph 2 of section 3, immediately contact a physician who has training in Level II diving medicine so that the treatment is continued under the physician's supervision.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## **O.C. 781-2004, 10 August 2004**

Transport Act  
(R.S.Q., c. T-12)

### **Bus Transport — Amendments**

Regulation to amend the Bus Transport Regulation

WHEREAS, under paragraph *c* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation, determine what activities require a permit for the transport of persons, provide exceptions to the activities requiring a permit as regards types of persons transported, kinds of services, the means of transport or transport systems used and the territory or distance covered, and prescribe conditions for the carrying on of such an activity or the availing of such an exception and fix the duration of such exception;

WHEREAS, under paragraph *d* of that section, the Government may, by regulation, prescribe the conditions on which a person may hold a permit;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Bus Transport Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Bus Transport Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Bus Transport Regulation\*

Transport Act  
(R.S.Q., c. T-12, s. 5, pars. c and d)

1. The Bus Transport Regulation is amended by deleting subparagraph 3 of section 5.
2. Section 10 is revoked.
3. Section 11 is amended by replacing “an artificial person shall have had its corporate seat or a place of business in Québec” by “a person’s corporate seat or place of business must be in Québec”.
4. This Regulation comes into force on 1 November 2004.

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Gouvernement du Québec

### O.C. 787-2004, 10 August 2004

Public Curator Act  
(R.S.Q., c. C-81)

#### Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS, under paragraphs 6 and 7 of section 68 of the Public Curator Act (R.S.Q., c. C-81), the Government may, by regulation, determine the information to be entered in the registers and fix the tariff of fees which the Public Curator may charge, in particular for the representation of persons and the administration of the property entrusted to the Public Curator;

WHEREAS the Government made the Regulation respecting the application of the Public Curator Act by Order in Council 361-90 dated 21 March 1990;

WHEREAS it is expedient to amend the Regulation in order to enter in the register of unclaimed property the net values, the amount of the fees and the balance, to

specify what information is not required and to establish a tariff of fees payable for the activities of the Public Curator respecting the protection of a person and the administration or liquidation of a person’s property entrusted to the Public Curator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Public Protector has made comments on the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the application of the Public Curator Act\*

Public Curator Act  
(R.S.Q., c. C-81, s. 68, pars. 6 and 7)

1. Section 7 of the Regulation respecting the application of the Public Curator Act is amended

(1) by adding “, the deceased” after “owners” in subparagraph *d* of paragraph 3;

(2) by adding the following at the end of paragraph 3:

\* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the regulation made by Order in Council 671-2001 dated 30 May 2001 (2001, *G.O.* 2, 2652). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

\* The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, *G.O.* 2, 633), was last amended by the regulation made by Order in Council 488-2002 dated 24 April 2002 (2002, *G.O.* 2, 2287). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

“(f) the net value of the property, the fees and taxes payable and the balance.

No information shall be entered in the register if the amount of the applicable fees and taxes is equal to or greater than the net value of the property, or if the owner or assign has indicated a refusal to recover the property or its value;”.

**2.** Section 7.1 is amended by adding the following paragraph:

“The entry of the property in the register may be removed if the amount of the fees and applicable taxes is equal to or greater than the value of the property, or if the owner or assign has indicated a refusal to recover the property or its value.”.

**3.** Section 8 is amended by replacing “the administration of property entrusted to him and the supervision of tutorships and curatorships” by “the protection and representation of a person, the administration of a person’s property and the administration of property entrusted to the Public Curator”.

**4.** Section 9 is amended in the first paragraph

(1) by replacing “0.75” by “1.5”;

(2) by adding the following sentence: “The fees may not, however, exceed the rate of return of the funds.”

**5.** Schedule II is replaced by the following:

## “SCHEDULE II (s. 8)

### FEES OF THE PUBLIC CURATOR

#### CHAPTER I PERSONS REPRESENTED

**1.** The fees that the Public Curator may, as applicant, charge for activities relating to the institution of protective supervision are \$1,000. The sum is payable at the end of the supervision if public protective supervision is instituted, or on the rendering of the judgment if private protective supervision is instituted.

**2.** The fees that the Public Curator may charge for activities relating to the protection of a person are \$800 per year. That sum is payable only after the death of the person represented if the death occurs while the person is under public protective supervision.

**3.** The fees that the Public Curator may charge in relation to the administration of property belonging to persons represented are as follows:

(1) for the collection of information for the purposes of an inventory of the property of the person represented: a lump sum of \$75 to which a tariff of \$75 per hour is added;

(2) for an inquiry: \$75 per hour;

(3) for the planning of the initial administration of the patrimony: \$75 per hour;

(4) for the planning and administration of the annual budget and the administration of movables: \$25 per month;

(5) for the recovery of a hypothecary loan or other receivable: \$315 per year;

(6) for the payment of a hypothecary loan or other debt: \$80 per year;

(7) for the disposal of a share: 2% of the transaction value;

(8) for the alienation of a movable other than a security: 25% of the transaction value;

(9) for the administration of an immovable: \$75 per month;

(10) for the alienation of an immovable: the lesser of \$3,000 and 5% of the transaction amount;

(11) for the administration of insurance: \$70 per policy, per year;

(12) for the filing of a fiscal return: \$50 per return;

(13) for the rendering of an account and transfer after the death of the person represented: \$1,700;

(14) for the rendering of an account and transfer during the lifetime of the person represented: \$300;

(15) for an intervention of a legal nature: \$100 per hour; and

(16) for the settlement of a succession in favour of the person represented: \$75 per hour.



## CHAPTER II

### ADMINISTRATION, PROVISIONAL ADMINISTRATION AND LIQUIDATION OF A SUCCESSION OR OTHER UNCLAIMED PROPERTY

4. The fees that the Public Curator may charge in relation to administration, to the provisional administration of property referred to in paragraphs 1 to 5 and 8 to 10 of section 24 of the Act or other property, or to the liquidation of a succession or other property are as follows:

- (1) for the opening of a file: \$455;
- (2) for the collection of information for the purposes of an inventory of the property: a lump sum of \$75 to which a tariff of \$75 per hour is added;
- (3) for an inquiry: \$75 per hour;
- (4) for the liquidation of an abandoned vehicle: \$280;
- (5) for the administration and liquidation of seized or abandoned property entrusted to the administration of the Public Curator by another statute: \$75 per hour;
- (6) for the liquidation of a movable other than a security or an abandoned vehicle: 25% of the transaction value;
- (7) for the collection and analysis of the information relating to an immovable: \$260;
- (8) for the sale of an immovable: 5% of the sale price, but not less than \$760 nor more than \$3,000;
- (9) for any other transfer of an immovable or for the settlement of an unmarketable immovable: \$220;
- (10) for the obtaining of judicial authorization to alienate or encumber property: \$175;
- (11) for the administration and liquidation of an enterprise: \$2,000;
- (12) for the filing of a fiscal return: \$50 per return;
- (13) for an intervention of a legal nature: \$100 per hour;
- (14) for the rendering of an account for management and transfer to the assign: \$700;
- (15) for the tracing of an owner or assign: \$75 per hour; and

(16) for the provisional administration and liquidation of a debt, receivable, bank account or insurance policy or any property other than property referred to in this section: \$1,300.

5. The fees that the Public Curator may charge in relation to the provisional administration of property referred to in paragraph 7 of section 24 or in section 24.1 of the Act are as follows:

- (1) for an inquiry: \$75 per hour;
- (2) for the liquidation of a security: \$50 for the sale of each series of securities of the same class issued by the same issuer and remitted to the broker at the same time;
- (3) for the administration and liquidation of property other than a security: 25% of the proceeds;
- (4) for the receipt, administration and transfer of property from a safety deposit box: \$155;
- (5) for the receipt, administration and transfer of property: 10% of the property value, but not less than \$2 nor more than \$1,000;
- (6) for the tracing of an owner or assign: \$75 per hour; and
- (7) for an intervention of a legal nature: \$100 per hour.

## CHAPTER III

### GENERAL

6. The hourly rate or lump-sum fees shall be indexed on 1 April each year according to the change in the All-Item Consumer Price Index for Canada for the preceding year. The change is calculated as the ratio that the index for the preceding year bears to the index for the second preceding year. The index for a year is the average of the monthly indexes published by Statistics Canada.

The fees, adjusted in the prescribed manner, shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50. The indexed fees shall be published by the Public Curator in Part 1 of the *Gazette officielle du Québec*.

7. The Public Curator may charge, for each copy requested under section 52 of the Act, the tariff provided for in the Regulation respecting fees for the transcrip-

tion, reproduction or transmission of documents or nominative information made by Order in Council 1856-87 dated 9 December 1987.”.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## M.O., 2004

### Order number 2004-010 of the Minister of Health and Social Services dated 13 August 2004

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to revoke the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the making, by Order in Council 23-95 dated 11 January 1995, of the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre;

CONSIDERING sections 159 and 205 of the Act to amend the Act respecting health services and social services and other legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the amendment made to section 432 of the Act respecting health services and social services by section 69 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) allowing the Minister of Health and Social Services, with the approval of the Conseil du trésor, to enter into an agreement with a body representing clinical biochemists working for institutions, concerning the terms of employment of such clinical biochemists;

CONSIDERING the approval obtained from the Conseil du trésor in accordance with that section to enter into such an agreement;

CONSIDERING the third paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with that section;

ORDERS:

THAT the Regulation to revoke the Regulation respecting terms and conditions of employment of clinical biochemists working for institutions operating a hospital centre be made.

Québec, 13 August 2004

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

### Regulation to revoke the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre \*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2, 1st par., subpar. 2)

**1.** The Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre is revoked.

**2.** This Regulation comes into force on 1 September 2004.

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\* The Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre, made by Order in Council 23-95 dated 11 January 1995 (1995, G.O. 2, 155), has not been amended since it was made.

## Draft Regulations

### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Midwives

##### — Diplomas giving access to permits — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to add section 1.31 to the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders in order to determine the diploma giving access to the permit of the Ordre des sages-femmes du Québec.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre des sages-femmes du Québec for their opinion. To that end, the Office will seek the opinion of the Order and send it to the Minister responsible for the administration of legislation respecting the professions with its own opinion, following the results of the consultation made with departments, teaching establishments and other interested bodies.

Further information may be obtained by contacting Raymonde Gagnon, President of the Ordre des sages-femmes du Québec, 430, rue Sainte-Hélène, bureau 405, Montréal (Québec) H2Y 2K7, telephone: (514) 286-1313 or 1 877 711-1313; fax: (514) 286-0008.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister

responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order concerned and to the interested persons, departments, teaching establishments and other bodies.

JACQUES P. DUPUIS,  
*Minister responsible for the administration  
of legislation respecting the professions*

### Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders\*

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by inserting the following after section 1.30:

“**1.31.** The Baccalauréat en pratique sage-femme from the Université du Québec à Trois-Rivières gives access to the permit issued by the Ordre des sages-femmes du Québec.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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\* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 19-2004 dated 14 January 2004 (2004, *G.O.* 2, 805) and 211-2004 dated 17 March 2004 (2004, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Road signs

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting road signs, the text of which appears below, may be made by the Minister of Transport on the expiry of 45 days following this publication.

The draft Regulation clarifies the sign standards applicable to tow trucks and heavy vehicles in transit. The message requiring vehicles to stop at a weigh station is also clarified by expressly exempting trailers used for recreational purposes. A tab sign is added to Schedule I to the draft Regulation following an agreement between Canada and the United States. The message on the tab sign indicates to drivers of certain heavy vehicles that clearance at the border crossing is expedited.

Further information may be obtained by contacting Michel Masse, Service des technologies d'exploitation, Direction du soutien à l'exploitation des infrastructures, ministère des Transports, 700, boulevard René-Lévesque Est, 22<sup>e</sup> étage, Québec (Québec) G1R 5H1 ; telephone: (418) 646-0528.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

YVON MARCOUX,  
*Minister of Transport*

## Regulation to amend the Regulation respecting road signs\*

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 289)

**1.** Section 4.1 of the Regulation respecting road signs is amended by inserting “, tow trucks” after “trucks”.

**2.** Section 24 is amended

(1) by adding the following signs after the first paragraph:



(2) by adding the following paragraph at the end:

“P-120-12 to P-120-14 signs do not apply to tow trucks, farm motor vehicles, farm machinery, farm tractors or outsized vehicles travelling under a special permit expressly authorizing access to a public road.”.

**3.** Section 25 is amended by replacing the second paragraph by the following:

“P-130-1, P-130-2, P-130-15 to P-130-20 and P-130-25 to P-130-27 signs do not apply to tow trucks, farm motor vehicles, farm machinery, farm tractors or outsized vehicles travelling under a special permit expressly authorizing access to a public road.”.

**4.** Section 26 is amended by adding the following paragraph at the end:

“The P-130-24 sign does not apply to tow trucks.”.

**5.** Section 35 is amended by replacing the second paragraph by the following:

“The P-240 sign also applies to combinations of vehicles with a trailer or semi-trailer that is more than 10 m in length. The sign does not apply to trailers more than 10 m in length used for recreational purposes.”.

**6.** Section 44 is revoked.

\* The Regulation respecting road signs was made by Order of the Minister of Transport dated 15 June 1999 (M.O., 1999) (1999, G.O. 2, 1642) and has been amended once, by Order of the Minister of Transport dated 13 December 2000 (2000, G.O. 2, 5911).

**7.** Schedule I is amended

(1) by inserting the following P-130-P-2 tab sign after the P-130-P sign:



P-130-P-2

(2) by replacing “P-130-P” by “P-130-P-1”.

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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