

Gazette
officielle

^{DU}
Québec

Part

2

No. 42

18 October 2006

Laws and Regulations

Volume 138

Summary

Table of Contents
Regulations and other acts
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2006

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

Table of Contents

Page

Regulations and other acts

887-2006 Professional Code — Professional activities that may be engaged in within the framework of pre-hospital emergency services and care	3463
888-2006 Professional Code — Collège des médecins — Indemnity fund	3465
917-2006 Tariff of costs for the transportation, custody and preservation of dead bodies	3467
Fees payable for the registration or renewal of certificates for the purposes of the tax credit for design ...	3468

Regulations and other acts

Gouvernement du Québec

O.C. 887-2006, 3 October 2006

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

Professional activities that may be engaged in within the framework of pre-hospital emergency services and care

Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care

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 95 of the Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the 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 the professional activities that may be engaged in within the framework of pre-hospital emergency services and care to replace the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services, approved by Order in Council 233-2003 dated 26 February 2003;

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 17 May 2006 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 within the framework of pre-hospital emergency services and care, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care

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

DIVISION I GENERAL PROVISIONS

1. The purpose of this Regulation is to determine, amongst the professional activities that physicians may engage in, the professional activities that, pursuant to the terms and conditions set out herein, may be engaged in by a first responder, an ambulance technician, an ambulance technician trained in advanced care or by other persons within the framework of pre-hospital emergency services and care.

2. In the absence of a first responder or ambulance technician, any person who has received training in cardiopulmonary resuscitation meeting the standards prescribed by the American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care and including the use of the defibrillator may use the automated external defibrillator when performing cardio-respiratory resuscitation.

3. In the absence of a first responder or ambulance technician, any person having received training in the administration of adrenalin approved by the regional or national medical director of pre-hospital emergency services

may administer adrenalin with an auto-injection device to a person in the case of an acute anaphylactic allergic reaction.

4. The professional activities authorized in sections 5, 7 and 11 are engaged in under the clinical protocols developed by the Minister of Health and Social Services pursuant to section 3 of the Act respecting pre-hospital emergency services (R.S.Q., c. S-6.2) and approved by the Collège des médecins du Québec.

DIVISION II

ACTIVITIES AUTHORIZED FOR A FIRST RESPONDER

5. The first responder may :

1) use the automated external defibrillator for cardiopulmonary resuscitation ;

2) administer adrenalin with an auto-injection device in case of an acute anaphylactic allergic reaction.

“First responder” means a person whose name is on the list of first responders drawn up by an agency pursuant to section 339 of the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Corporation d’urgences-santé pursuant to section 87 of the Act respecting pre-hospital emergency services.

DIVISION III

ACTIVITIES AUTHORIZED FOR AN AMBULANCE TECHNICIAN

6. To be authorized to engage in the professional activities described in section 7, the ambulance technician must hold a diploma or an attestation of college studies in ambulance technician training.

The ambulance technician must also have :

1) a valid ambulance technician card, issued by the responsible authority designed by the Minister of Health and Social Services and be registered in the national workforce registry or constituted and maintained by the latter ; or

2) a valid identity card and a compliance certificate issued by an agency or by the Corporation d’urgences-santé.

7. In addition to the activities contemplated by section 5, the ambulance technician may :

1) assess the presence of signs or symptoms allowing the application of the protocols contemplated in section 4 in a person with a health problem that requires emergency intervention ;

2) insert a dual lumen esophago-tracheal tube in a person experiencing cardiopulmonary arrest or with an impaired state of consciousness and a respiratory rate of less than 8 breaths per minute ;

3) administer sublingually, orally, intranasally, subcutaneously, intramuscularly or by inhalation the necessary substances or medications to a person who presents a health problem requiring an emergency intervention ;

4) introduce an intravenous solution not containing medication using a short peripheral catheter at the request and in the presence of an ambulance technician trained in advanced care ;

5) use the semi-automatic defibrillator monitor for cardiopulmonary resuscitation ;

6) provide clinical monitoring of the condition of a person who presents a health problem requiring an emergency intervention.

8. Is authorized to engage in the professional activities referred to in sections 5 and 7 any person to whom a valid identity card and a compliance certificate is issued by a regional board or by Corporation d’urgences-santé between April 1, 2000 and April 1, 2003, and who has either :

1) a valid ambulance technician card, issued by the responsible authority designed by the Minister of Health and Social Services, and registered on the national workforce registry ; or

2) an identity card and a compliance certificate issued by an agency or the Corporation d’urgences-santé.

9. A student duly enrolled in a program of studies leading to a diploma contemplated in subparagraph 1) of section 6 may, in the presence of an ambulance technician who is recognized as an instructor by an institution of collegial studies, engage in the professional activities contemplated by sections 5 and 7 insofar as they are required for the completion of this program.

DIVISION IV
ACTIVITIES AUTHORIZED FOR AN AMBULANCE
TECHNICIAN TRAINED IN ADVANCED CARE

10. In order to be authorized to engage in the professional activities described in section 11, the ambulance technician trained in advanced care must, as of April 1, 2002, have successfully completed the advanced training recognized by the Corporation d'urgences-santé and approved by the Collège des médecins du Québec acting on behalf of the Corporation d'urgences-santé.

The ambulance technician must also have:

1) either a valid ambulance technician card issued by the responsible authority designed by the Minister of Health and Social Services, and registered on the national workforce registry;

2) or an identity card and a compliance certificate, issued by the Corporation d'urgences-santé.

11. The ambulance technician trained in advanced care may, in addition to the activities referred to in sections 5 and 7:

1) administer intravenously or endotracheally the medications required by an adult person presenting a severe arrhythmia;

2) administer intravenously glucose to a person identified as diabetic who presents impaired consciousness due to hypoglycemia;

3) proceed with a direct laryngoscopy of a person more than one year of age whose respiratory tract is obstructed by a foreign body and proceed to withdraw it.

He may also, as part of a research project designed to evaluate advanced pre-hospital emergency care, proceed with the endotracheal intubation of an adult person experiencing cardiopulmonary arrest or with an impaired state of consciousness.

12. This Regulation replaces the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services approved by Order in Council No. 233-2003 on March 12, 2003.

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

7818

Gouvernement du Québec

O.C. 888-2006, 3 October 2006

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

Collège des médecins du Québec
— Indemnity fund

Regulation respecting the indemnity fund of the Collège des médecins du Québec

WHEREAS, under section 89 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Collège des médecins du Québec, whose members are called upon to hold sums of money or other securities, shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a professional for purposes other than those for which they had been delivered to the professional in the practice of the profession;

WHEREAS, the Bureau of the Collège des médecins du Québec made the Regulation respecting the indemnity fund of the Collège des médecins du Québec;

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 being 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 14 June 2006 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 without amendment;

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

THAT the Regulation respecting the indemnity fund of the Collège des médecins du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the indemnity fund of the Collège des médecins du Québec

Professional Code
(R.S.Q., c. C-26, s. 89)

DIVISION I CONSTITUTION OF FUND

1. The Bureau of the Collège des médecins du Québec shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a physician for purposes other than those for which they had been delivered to him in the practice of his profession, including the payment of retainers.

DIVISION II COMPOSITION OF FUND

2. The fund shall be maintained at a minimum amount of \$50,000. It may consist of:

(1) the sums of money allocated thereto by the Bureau;

(2) assessments fixed for such purpose;

(3) the sums of money recovered from physicians by subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);

(4) the interest yielded by the sums of money constituting the fund;

(5) the sums of money that may be paid by an insurance company under a group insurance policy taken out by the Bureau for all its members.

This amount is after deduction of the administrative costs related to this fund.

DIVISION III MANAGEMENT OF THE FUND

3. The Bureau shall administer the fund. It is authorized to conclude an insurance contract for the purposes of the fund and to pay the premiums out of this fund.

4. The fund accounting shall be separate from that of the Collège.

5. The sums of money constituting the fund shall be invested by the Bureau in the following way:

(1) the portion of the sums that the Bureau anticipates using in the short term shall be deposited in a financial institution;

(2) the other portion shall be invested in accordance with sections 1339 and 1340 of the Civil Code.

DIVISION IV CONDITIONS AND STANDARDS RELATING TO RECEIVING AND KEEPING

6. The physician shall document for any sum of money or other security that a patient delivers to him in the practice of his profession.

Moreover, he shall deposit these valuables in an account used specifically for this purpose.

DIVISION V CLAIMS ON THE FUND

7. To be valid, a claim shall be filed in the course of the year during which the claimant becomes aware of utilization of the money or other securities for purposes other than those for which they had been given to the physician in the practice of his profession.

8. The time period prescribed in section 7 may be extended if the claimant demonstrates that for reasons beyond his control, he was unable to file a claim within the required time.

9. A claim in respect of a physician may be filed whether or not there has been a decision of the Committee on Discipline, the Professions Tribunal or any other competent court respecting him.

10. A claim shall:

(1) be submitted in writing;

(2) state the supporting facts;

(3) indicate the amount claimed, with supporting evidence;

(4) be sworn to.

11. A claim on the fund shall be sent to the secretary of the Collège.

12. The secretary shall enter the claim on the agenda of the first meeting of the Bureau following the date of its receipt.

DIVISION VI INDEMNITY

13. The Bureau shall decide whether it is expedient to allow a claim in whole or in part and, where applicable, shall set the indemnity. Its decision is final.

14. The maximum indemnity payable from the fund for a fiscal year of the Collège is \$50,000 for all claims in respect of a physician and \$15,000 per claimant.

If the total of claims accepted by the Bureau exceeds the \$50,000 indemnity, the indemnity shall be distributed proportionally to the amount of these claims.

The maximum indemnity shall be reconsidered every five years from the date on which this Regulation comes into force.

15. Before receiving the indemnity set by the Bureau, the claimant shall sign a discharge in favour of the Collège with subrogation of all his rights against the offending physician up to the amount of the indemnity.

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

7819

Gouvernement du Québec

O.C. 917-2006, 12 October 2006

An Act respecting the determination of the causes and circumstances of death
(R.S.Q., c. R-0.2)

Tariff of costs for the transportation, custody and preservation of dead bodies

Tariff of costs for the transportation, custody and preservation of dead bodies

WHEREAS, under subparagraphs 3 and 4 of the first paragraph of section 168 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., c. R-0.2), the Government may, by regulation, after consultation with the Chief Coroner, adopt a tariff concerning the costs of transporting, keeping and preserving dead bodies and the cost of any other service required for the administration of the Act;

WHEREAS, under the second paragraph of that section, the Government may also, by regulation, determine in which cases, on what conditions and to which categories of persons the tariff applies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Tariff attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 24 May 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Chief Coroner has been consulted;

WHEREAS it is expedient to make the Tariff without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Tariff of costs for the transportation, custody and preservation of dead bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Tariff of costs for the transportation, custody and preservation of dead bodies

An Act respecting the determination of the causes and circumstances of death
(R.S.Q., c. R-0.2, s. 168, 1st par., subpars. 3 and 4, and 2nd par.)

1. A carrier referred to in section 1 of the Regulation respecting the identification, transportation, preservation or keeping, custody and return or remittal of dead bodies, objects and documents, made by Order in Council 907-92 dated 17 June 1992, is to be paid the following amounts for the transportation of a dead body remitted to a coroner or to another person authorized under section 65, 66 or 68 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., c. R-0.2):

(1) \$100 for a round trip within the limits of Ville de Montréal or Ville de Québec or, in all other places, \$76 plus \$0.90 per kilometre travelled on a public road and \$1.80 per kilometre travelled off a public road; however, if the condition of the body is such that the vehicle and equipment require further cleaning, the carrier is to be

paid \$125 for a round trip within the limits of Ville de Montréal or Ville de Québec or, in all other places, \$101 plus \$0.90 per kilometre travelled on a public road and \$1.80 per kilometre travelled off a public road;

(2) \$60 for each additional body transported during a trip;

(3) \$17 per hour from the second hour, up to \$136 per employee, for the time waited or worked by the employee during the examination of the body or when taking possession of the body.

The living expenses of the carrier are reimbursed in accordance with Directive 7-74 of the Conseil du trésor entitled “Règles sur les frais de déplacement des personnes engagées à honoraires”.

2. The morgue designated under section 32 of the Act is to be paid \$30 for the custody or preservation of a dead body for a period of less than 24 hours. If the custody or preservation lasts 24 hours or more, the morgue is to be paid \$30 per period of 24 hours, including any incomplete 24-hour period.

The morgue is to be paid \$30 for each visit by the coroner or by the authorized person during the period of custody or preservation of the body.

3. This Tariff replaces the Tariff of costs for the transportation, custody and preservation of dead bodies, made by Order in Council 470-2001 dated 25 April 2001.

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

7820

M.O., 2006

Order of the Minister of Economic Development, Innovation and Export Trade dated 27 September 2006

An Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., c. M-30.01)

Regulation respecting the fees payable for the registration or renewal of certificates for the purposes of the tax credit for design

THE MINISTER OF ECONOMIC DEVELOPMENT, INNOVATION AND EXPORT TRADE,

CONSIDERING paragraph 1 of section 8 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., c. M-30.01), amended by chapters 37 and 50 of the Statutes of 2005 and by chapter 8 of the Statutes of 2006, which provides that the Minister may make regulations to prescribe the fees payable for any act performed or document issued by the Minister;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 14 June 2006 of a draft Regulation respecting the fees payable for the registration or renewal of certificates for the purposes of the tax credit for design, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be made by the Minister of Economic Development, Innovation and Export Trade on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period required by the Act has expired;

CONSIDERING that it is expedient to make the draft Regulation without amendment;

THEREFORE, the Minister of Economic Development, Innovation and Export Trade orders as follows:

The Regulation respecting the fees payable for the registration or renewal of certificates for the purposes of the tax credit for design, attached to this Order, is hereby made.

Québec, 27 September 2006

RAYMOND BACHAND,
*Minister of Economic Development,
Innovation and Export Trade*

Regulation respecting the fees payable for the registration or renewal of certificates for the purposes of the tax credit for design

An Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., c. M-30.01, s. 8, par. 1)

1. The fee for the registration or renewal of certificates for the purposes of the tax credit for design is

(1) for the registration of

(a) a certificate of eligibility – corporation having in-house design activities: \$245 annually;

(b) a certificate of eligibility – corporation having design activities carried out by an outside consultant: \$245 annually; and

(c) a certificate of qualification – designer: \$65.

(2) for the renewal of

(a) a certificate of eligibility – corporation having in-house design activities: \$125 annually; and

(b) a certificate of eligibility – corporation having design activities carried out by an outside consultant: \$125 annually.

2. For the purposes of this Regulation,

(1) “design activities” means activities carried out by an industrial designer, a fashion designer or a fashion pattern maker;

(2) “designer” means an industrial designer, a fashion designer or a fashion pattern maker who holds a diploma or experience recognized for the purposes of the tax credit for design;

(3) “certificate of eligibility – corporation having in-house design activities” means a certificate issued to a corporation or partnership by the Minister of Economic Development, Innovation and Export Trade for a period of one taxation year, certifying that it carried out in-house design activities during that period;

(4) “certificate of eligibility – corporation having design activities carried out by an outside consultant” means a certificate issued to a corporation or partnership by the Minister of Economic Development, Innovation

and Export Trade for a period of one taxation year, certifying that it had design activities carried out by an outside consultant during that period; and

(5) “certificate of qualification – designer” means a certificate issued to an individual, a corporation or a partnership by the Minister of Economic Development, Innovation and Export Trade, that recognizes the individual, corporation or partnership as a designer.

3. Beginning on 1 January 2007, the fees payable under this Regulation are adjusted on 1 January of each year based on the percentage change in the general Consumer Price Index for Canada (CPI), as determined by Statistics Canada, for the 12-month period ending on 30 September of the preceding year.

The fees adjusted in the prescribed manner are reduced to the nearest multiple of 5 if the increase is less than \$2.50; the fees are increased to the nearest multiple of 5 if the increase is equal to or greater than \$2.50. Should the CPI increase not result in an increase in fees for one or more years, the successive CPI increases will be added together to adjust the fees.

The Minister of Economic Development, Innovation and Export Trade is to inform the public of the adjustment under this section through Part 1 of the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.

4. This Regulation replaces the Regulation respecting the fees payable for the registration or renewal of a validation certificate for the purposes of the refundable tax credit for design approved by Order in Council 597-96 dated 22 May 1996.

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

7816

Index

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

	Page	Comments
Collège des médecins du Québec — Indemnity fund (Professional Code, R.S.Q., c. C-26)	3465	N
Determination of the causes and circumstances of death, An Act respecting the... — Tariff of costs for the transportation, custody and preservation of dead bodies (R.S.Q., c. R-0.2)	3467	N
Fees payable for the registration or renewal of certificates for the purposes of the tax credit for design (An Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation, R.S.Q., c. M-30.01)	3468	N
Ministère du Développement économique, de l'Innovation et de l'Exportation, An Act respecting the... — Fees payable for the registration or renewal of certificates for the purposes of the tax credit for design (R.S.Q., c. M-30.01)	3468	N
Professional activities that may be engaged in within the framework of pre-hospital emergency services and care (Professional Code, R.S.Q., c. C-26)	3463	N
Professional Code — Collège des médecins du Québec — Indemnity fund (R.S.Q., c. C-26)	3465	N
Professional Code — Professional activities that may be engaged in within the framework of pre-hospital emergency services and care (R.S.Q., c. C-26)	3463	N
Tariff of costs for the transportation, custody and preservation of dead bodies . . . (An Act respecting the determination of the causes and circumstances of death, R.S.Q., c. R-0.2)	3467	N

