

Gazette
officielle
DU Québec

Part

2

No. 20

16 May 2007

Laws and Regulations

Volume 139

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Regulations and other acts

Gouvernement du Québec

O.C. 329-2007, 2 May 2007

Health Insurance Act
(R.S.Q., c. A-29)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *b* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine among the services contemplated in section 3 of the Act, those which are not to be considered insured services and how often some of those contemplated in subparagraph *c* of the first paragraph or in the second paragraph of section 3 may be rendered in order to remain insured services;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) and it is expedient to amend it;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 8 November 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Board was consulted on the amendments;

WHEREAS the 45-day period has expired and no comments were received before the expiry of that period;

WHEREAS it is expedient to make the Regulation without amendment;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpar. *b*)

1. The Regulation respecting the application of the Health Insurance Act is amended in section 22 by replacing paragraph *d* by the following:

“(d) any service provided by correspondence or telecommunication, except the telehealth services referred to in section 108.1 of the Act respecting health services and social services (R.S.Q., c. S-4.2; 2005, c. 32) for which payment is otherwise provided for under the Act.”

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 application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) was last amended by the regulation made by Order in Council 5-2005 dated 19 January 2005 (2005, *G.O.* 2, 470). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

Draft Regulations

Draft Regulation

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

Activities engaged in and described in sections 39.7 and 39.8 of the Professional Code — 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 the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, made by the Office des professions du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation determines that the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26) may be engaged in by persons acting for a rehabilitation centre for physically impaired persons during social integration activities. It also enables persons acting for schools or other temporary alternative environment for children to provide the invasive care involved in assistance with activities of daily living referred to in section 39.7 of the Code, subject to certain conditions.

The Office advises that the new measures will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Martin Poisson, Direction des affaires juridiques, or Line Poitras, Direction de la recherche et de la coordination, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any interested 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^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code*

Professional Code
(R.S.Q., c. C-26, s. 39.9)

1. The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code is amended by inserting the following before section 1:

“DIVISION I REHABILITATION CENTRES”.

2. Section 2 is amended by replacing “or socio-occupational program administered by the centre” at the end of the second paragraph by “, the socio-occupational program administered by the centre or during outings within the scope of a socio-occupational program administered by the centre”.

3. The following Division is inserted after section 3:

“DIVISION II SCHOOLS AND OTHER TEMPORARY ALTERNATIVE ENVIRONMENTS FOR CHILDREN

3.1. The persons acting on behalf of a school or other temporary alternative environment for children may engage in the activities described in section 39.7 of the Professional Code if an agreement to that effect has been entered into between the school or temporary alternative environment and an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

3.2. A person acting on behalf of a school or other temporary alternative environment for children may engage in the activities referred to in section 3.1, at any place they are required, on the following conditions:

* The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, approved by Order in Council 66-2004 dated 29 January 2004 (2004, G.O. 2, 989), has only been amended by the regulation approved by Order in Council 634-2005 dated 23 June 2005 (2005, G.O. 2, 2300).

(1) the person learns how to perform the activities with a professional from the institution authorized by law to engage in such activities, namely a physician, a nurse, a nursing assistant or a respiratory therapist;

(2) the person is supervised the first time he or she engages in the activity by a professional from the institution authorized to engage in the activity;

(3) the person complies with the rules of care in force in the institution to which the agreement referred to in section 3.1 refers, where applicable; and

(4) the person has access at all times to a professional authorized to engage in the activities.”.

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

8114

Draft Regulation

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

Hearing-aid acousticians — Conciliation and arbitration procedure for accounts of members of the Ordre

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 respecting the conciliation and arbitration procedure for accounts of members of the Ordre des audioprothésistes du Québec, appearing below, may be submitted to the Government which may approve it, with or without amendment,

In accordance with section 88 of the Professional Code (R.S.Q., c. C-26), the draft Regulation establishes the conciliation and arbitration procedure for accounts of hearing-aid acousticians that may be used by persons having recourse to their services. The draft Regulation includes provisions that allow a person to use the procedure if the person has already paid the account in whole or in part, and provides for the setting up of a council of arbitration which may, if necessary, determine the amount of any reimbursement to which a person may be entitled. The draft Regulation provides that the arbitration may take place before a council composed of one or three members according to the amount of the dispute.

Further information may be obtained by contacting Claude Forest, Secretary General of the Ordre des audioprothésistes du Québec, 11305, rue Notre-Dame Est, Montréal-Est (Québec) H1B 2W4; telephone: 514 640-5117; e-mail: oaq@ordreaudio.qc.ca

Any person having comments on the matter 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^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the regulation and to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation respecting the conciliation and arbitration procedure for accounts of members of the Ordre des audioprothésistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I CONCILIATION

1. The syndic of the Ordre des audioprothésistes du Québec must send a copy of this Regulation to every person who requests it.

2. A client who has a dispute with a hearing-aid acoustician concerning the amount of an account for professional services that has been paid in whole or in part, or that remains unpaid, may apply in writing for conciliation by the syndic within 60 days of the date of receipt of the account.

3. A hearing-aid acoustician whose account is the subject of an application for conciliation may consent to conciliation by the syndic, despite the expiry of the 60-day period.

4. A hearing-aid acoustician may not bring legal action for the recovery of an account for professional services as long as the time to file an application for conciliation is not expired.

5. Within five days of receiving an application for conciliation, the syndic must so notify the hearing-aid acoustician or, if the syndic cannot notify the acoustician personally within that time, the hearing-aid acoustician's firm. The syndic must also send the client a copy of this Regulation.

6. A hearing-aid acoustician may not, from the receipt of an application for conciliation by the syndic, bring legal action for the recovery of an account as long as the dispute may be settled by conciliation or arbitration.

However, a hearing-aid acoustician may apply for provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

7. The syndic must proceed with the conciliation in the manner the syndic considers most appropriate. To that end, the syndic may require from the hearing-aid acoustician or the client any information or document he or she considers necessary.

8. Any agreement reached by the client and the hearing-aid acoustician must be in writing, signed by the parties, and filed with the secretary of the Order and the syndic. It may consist of a letter from the syndic to the client and the member acknowledging the agreement.

9. If conciliation does not lead to an agreement within 30 days of the date of receipt of the application for conciliation, the syndic must, within the following 30 days, send a conciliation report by registered mail to the client and the hearing-aid acoustician.

The report must contain, where applicable, the following information:

- (1) the amount of the account for fees in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the hearing-aid acoustician acknowledges having to reimburse or is willing to accept in settlement of the dispute; and
- (4) the amount suggested by the syndic during conciliation as payment to the hearing-aid acoustician or reimbursement to the client.

The syndic must also send the client a form provided for in Schedule I and describe the procedure and deadline for submitting the dispute to arbitration.

DIVISION II ARBITRATION

§1. *Application for arbitration*

10. If conciliation does not lead to an agreement, the client may apply for arbitration of the account within 30 days of receipt of the conciliation report by sending the form in Schedule I, duly completed, to the secretary of the Order.

The client must enclose a copy of the conciliation report with the application for arbitration.

11. Within five days of receiving an application for arbitration, the secretary of the Order must so notify the hearing-aid acoustician concerned by registered mail or, if the secretary cannot notify that person personally within that time, the hearing-aid acoustician's firm.

12. An application for arbitration may not be withdrawn unless it is withdrawn in writing with the consent of the hearing-aid acoustician.

13. A hearing-aid acoustician who acknowledges having to reimburse a client must deposit the amount with the secretary of the Order, who must then remit it to the client.

In such a case, the arbitration must proceed and pertain only to the amount still in dispute.

14. An agreement reached between the client and the hearing-aid acoustician after the application for arbitration must be recorded in writing, signed by the parties and filed with the secretary of the Order.

If the agreement is reached after the council of arbitration has been formed, the agreement must be recorded in the arbitration decision and the council decides the expenses as provided in section 29.

§2. *Council of arbitration*

15. A council of arbitration must be composed of three arbitrators when the amount in dispute is \$1,500 or more and of a single arbitrator when the amount in dispute is less than \$1,500.

16. The Bureau must appoint the member or members of the council of arbitration from among the members of the Order and, if the council consists of three arbitrators, the Bureau must appoint the chair.

17. Before acting, the members of the council of arbitration must take the oath provided for in Schedule II.

18. The secretary of the Order must inform in writing the arbitrators and the parties that a council has been formed.

19. An application for the recusation of an arbitrator may be made only on one of the grounds provided for in article 234 of the Code of Civil Procedure, excluding paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within ten days of receiving the notice provided for in section 18 or ten days after the cause for recusation becomes known.

The Bureau must rule on such an application and, where required, must see that the recused arbitrator is replaced.

§3. *Hearing*

20. The council of arbitration must give the parties at least ten days' written notice of the date, time and place of the hearing.

21. A party may be represented by an advocate or assisted by another person it chooses.

22. The council of arbitration must, with diligence, hear the parties, receive their evidence or record their failure to appear. To that end, it must follow the rules of procedure it deems most appropriate.

The council may ask the parties to submit, within a given time, a statement of their pretensions with supporting documents.

23. If a party requires the recording of testimony, it must pay the cost thereof.

24. Should an arbitrator die or become unable to act, the others must complete the hearing.

In the case of a council of arbitration with a single arbitrator, the latter must be replaced by a new arbitrator and a new hearing must be held.

§4. *Arbitration decision*

25. The council of arbitration must decide within 60 days after completion of the hearing.

26. The decision is made by a majority of the members of the council; should there not be a majority, the decision is made by the chair.

The decision must be reasoned and signed by the single arbitrator or by the arbitrators who concur in it. The fact that an arbitrator refuses or is unable to sign must be mentioned in the decision, which has the same effect as though signed by all the arbitrators. A dissenting member may state the reasons for his or her refusal in the decision.

27. The expenses incurred by the parties for the holding of the arbitration must be borne by each of them.

28. In its arbitration decision, the council of arbitration may maintain or reduce the account in dispute, determine the reimbursement or payment to which a party may be entitled, where applicable, and rule on the amount that the client acknowledged owing and that the client sent with the application for arbitration. For those purposes, the council may take into account the quality of the services provided.

29. In its decision, the council of arbitration may decide the arbitration expenses, namely the expenses incurred by the Order for the arbitration. The total amount of the expenses may not exceed 15% of the amount to which the arbitration pertains.

The council of arbitration may also, when the account in dispute is confirmed in whole or in part or a reimbursement is awarded, add interest and an indemnity as provided in articles 1618 and 1619 of the Civil Code, calculated from the date of the application for conciliation.

30. The arbitration decision is binding on the parties and is enforceable after homologation pursuant to articles 946.1 to 946.6 of the Code of Civil Procedure.

31. The council of arbitration must file the arbitration decision with the secretary of the Order, who must send it to each party and the syndic within 10 days of the filing.

32. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of hearing-aid acousticians (R.R.Q., 1981, c. A-33, r. 5). However, the former Regulation shall continue to govern the conciliation and arbitration procedure for accounts when conciliation was applied for with the syndic before the date of coming into force of this Regulation.

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

Any interested 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^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order which made the Regulation and to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of land surveyors*

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

1. The Code of ethics of land surveyors is amended by inserting the following section after section 1.02:

“**1.03.** Every land surveyor who carries on his professional activities within a partnership or joint-stock company within the meaning of the Civil Code of Québec or within a partnership or joint-stock company referred to in chapter VI.3 of the Professional Code (R.S.Q., c. C-26), who is a partner, shareholder, director or officer of a partnership or joint-stock company must ensure that the partnership or company complies with the Land Surveyors Act (R.S.Q., c. A-23), the Professional Code and the regulations thereunder.

Practising the profession within a partnership or company does not alter or reduce in any manner a land surveyor's duties and obligations under the Land Surveyors Act, the Professional Code and the regulations thereunder.”

2. Section 3.01.02 is amended by adding the following second paragraph:

“A land surveyor must inform a client when he or she foresees that essential aspects of all or a part of the services he was retained to perform may be provided by another person.”

3. Section 3.02.02 is amended by replacing the first sentence by the following:

“**3.02.02.** A land surveyor must avoid any misrepresentation with respect to his level of competence or the efficiency of his services, those generally provided by the members of the profession or, where applicable, those generally provided by the persons who carry on their professional activities within the same partnership or company as the land surveyor.”

4. Section 3.02.07 is replaced by the following:

“**3.02.07.** A land surveyor must handle with care any property entrusted to him. The land surveyor may not lend it or use it for purposes other than those for which it was entrusted to him and must return it to its rightful possessor once the professional services have been performed.

A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that the partnership or company complies with the requirements of the first paragraph when the property is entrusted to the partnership or company in the performance of the professional services.”

5. Section 3.04.01 is amended by adding the following at the end:

“or, where applicable, the liability of the partnership or company within which he carries on his professional activities or that of another person who also carries on his professional activities within the partnership or company.”

6. Section 3.05.01 is amended by adding the following three paragraphs:

“A land surveyor may not be party to an agreement under which the nature and extent of professional expenses may influence the quality of his professional activities.

In the same manner, a land surveyor may not be party to an agreement with another professional under which the nature and extent of the latter's professional expenses may influence the quality of his professional activities.

Any agreement entered into by a land surveyor in the exercise of his profession must be entirely in writing and include a statement that the obligations under it comply the provisions of this Code and include a clause authorizing the communication of the agreement to the Order.”

* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r.4) was last amended by the regulation approved by Order in Council 830-2003 dated 20 August 2003 (2003, *G.O.* 2, 2707). For previous amendments refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

7. The Code is amended by inserting the following section after section 3.05.02:

“**3.05.02.01.** A land surveyor must subordinate his personal interests, those of the partnership or company within which he carries on his professional activities or in which he has an interest and those of any person carrying on professional activities within that partnership or company or not, to the interests of the client.”.

8. Sections 3.05.03 and 3.05.04 are replaced by the following:

“**3.05.03.** A land surveyor may share his fees only with a person with whom he is authorized to practise under the Regulation respecting the practice of the land surveyor profession, within a partnership or joint-stock company (*enter the number and date of the Order in Council approving the Regulation*) or within a partnership within which he or she is authorized to practise under that Regulation.

3.05.04. A land surveyor may share his fees with a person referred to in section 3.05.03 only to the extent that such sharing corresponds to an apportionment of services and liabilities.”.

9. Section 3.05.05 is amended by adding the following at the end:

“except the customary thanks and gifts of small value.”.

10. Sections 3.06.03, 3.06.04 and 3.06.05 are replaced by the following:

“**3.06.03.** A land surveyor may not use confidential information obtained in the practice of his profession for his benefit, for the benefit of the partnership or company within which he carries on his professional activities or the benefit of a person other than the client.

3.06.04. A land surveyor may not agree to provide professional services if it entails or may entail the disclosure or use of information or confidential documents obtained from a client without the latter’s written consent, unless ordered by law.

3.06.05. A land surveyor must take reasonable measures to ensure that the absolute secrecy of the confidential information he receives in the practice of his profession is maintained by any employee or person who cooperates with the land surveyor or carries on his activities within the partnership or company within which the land surveyor carries on his professional activities.”.

11. The Code is amended by inserting the following section after section 3.08.04:

“**3.08.04.01.** A land surveyor who carries on his professional activities within a partnership or company must ensure that the fees and expenses for professional services provided by land surveyors are always indicated separately on any invoice or statement of fees sent by the partnership or company to a client, except if a lump sum payment was agreed upon in writing with the latter. However, in the latter case, the statement or invoice must detail the professional services provided by the land surveyor.”.

12. The Code is amended by inserting the following section after section 3.08.05:

“**3.08.05.01.** If a land surveyor carries on his professional activities within a joint-stock company constituted for the purposes of carrying on such activities, the fees and expenses related to professional services he provided within that company and on its account belong to that company, unless otherwise agreed.”.

13. Section 4.01.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58, 59.1, 59.2 and those that may be determined under the second paragraph of section 152.”;

(2) by adding “with whom he is not authorized to practise his profession within a partnership or company” at the end of paragraph *h*;

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

“(p) carrying on his professional activities within a partnership or company with other persons while knowing that one or more of the conditions, terms or restrictions under which he is authorized to so practise his profession are not met.”.

14. Section 4.02.03 is replaced by the following:

“**4.02.03.** A land surveyor must respond to any communication from a syndic, inspector, investigator or member of the professional inspection committee or a member of an accounts arbitration council; the land surveyor must also respond within the deadline using the method of communication determined by them.”.

15. Section 5.01.04 is amended by adding the following paragraph:

“A land surveyor who carries on his professional activities within a partnership or company in which persons other than land surveyors also practise their profession must, in any advertising, describe separately the professional services of a land surveyor included in a lump sum fee.”.

16. Section 5.01.07 is replaced by the following:

“**5.01.07.** A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that advertising by the partnership or company or by any other person practising his profession within complies, as regards land surveyors, with the rules set out in this Division.”.

17. The Code is amended by inserting the following sections after section 6.0.2:

“**6.0.3.** When using the Order’s graphic symbol in advertising, a land surveyor must not mislead the public into believing that it is advertising by the Order.

6.0.4. A land surveyor who carries on his professional activities within a partnership or company must ensure that any use of the Order’s graphic symbol within the partnership or company complies with sections 6.0.2 and 6.0.3.

6.0.5. A land surveyor must ensure that a partnership or company within which he carries on his professional activities uses the Order’s graphic symbol in connection with advertising or its name only if all services provided by that partnership or company are the professional services of land surveyors.

In the case of a partnership or company providing the professional services of land surveyors and services of persons other than land surveyors with whom land surveyors are authorized to carry on their professional activities, the Order’s graphic symbol may be used in connection with the name or in the advertising of that partnership or company on the condition that the graphic symbols identifying each professional order to which those persons belong, are also used.

However, the Order’s graphic symbol may always be used in connection with the name of a land surveyor.”.

18. The title of Division VII is replaced by “NAME OF THE PARTNERSHIP OR COMPANY”.

19. Sections 7.01 and 7.02 are replaced by the following:

“**7.01.** A land surveyor must not carry on his professional activities within a partnership or company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.

7.02. A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that any document produced by the partnership or company within the land surveyor’s professional practice is identified in the name of a land surveyor.”.

20. Section 7.03 is revoked.

21. 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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Draft Regulation

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

Medical technologists — Diploma or training equivalence standards for the issue of a permit — 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 diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec, made by the Bureau of the Ordre professionnel des technologistes médicaux du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the Regulation is to determine, pursuant to paragraph c.1 of section 93 of the Professional Code, the equivalence recognition procedure which must provide among other things that the decision is to be reviewed by persons other than those who made it. This new enabling provision was introduced by the Act to amend the Professional Code as regards the issue of permits (2006, c. 20), which came into force on 14 June 2006.

The Order advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Alain Collette, Director General and Secretary of the Ordre professionnel des technologistes médicaux du Québec, 1150, boulevard Saint-Joseph Est, bureau 300, Montréal (Québec) H2J 1L5; telephone: 514 527-9811; fax: 514 527-7314.

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^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation to amend the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, pars. c and c.1; 2006, c. 20, s. 4)

1. Section 2 of the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec is amended by replacing paragraphs 1 and 2 by the following:

“(1) “diploma equivalence” means recognition by the Order that a diploma issued by an educational institution outside Québec certifies that the candidate’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma determined by a regulation of the Government, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), that gives access to the permit issued by the Order;

(2) “training equivalence” means recognition by the Order that a candidate’s training has enabled the candidate to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma determined by a regulation of the Government, made under the first paragraph of section 184 of that Code, that gives access to the permit issued by the Order.”.

2. Section 5 is amended by replacing “the administrative committee must take into account the following factors” in the second paragraph by “the following factors must be taken into account”.

3. Section 8 is amended

(1) by striking out “and make appropriate recommendations to the administrative committee” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“The committee is composed of persons who are not members of the administrative committee.”;

(3) by replacing “a recommendation” in the second paragraph by “a decision”;

(4) by adding the following at the end of the second paragraph:

“(4) provide a comparative assessment, made by the Ministère de l’Immigration et des Communautés culturelles, of any diploma obtained.”.

4. Section 9 is amended

(1) by replacing the words “administrative committee” wherever they appear by “committee”;

(2) by replacing “At its first meeting following receipt of a recommendation from the committee” in the first paragraph by “Within 90 days of the date of receipt of an equivalence application”.

5. Section 10 is amended by replacing “administrative committee’s decision” in the first paragraph by “committee’s decision”.

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

* The Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec, approved by Order in Council 470-2006 dated 30 May 2006 (2006, G.O. 2, 1724), has not been amended since it was approved.

Draft Regulation

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

Medical technologists — Issue of permits for medical technologists in cytopathology — 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 the issue of a permit of medical technologist in cytopathology, made by the Bureau of the Ordre professionnel des technologistes médicaux du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the Regulation is to determine, pursuant to paragraph *c.1* of section 93 of the Professional Code, the equivalence recognition procedure which must provide among other things that the decision is to be reviewed by persons other than those who made it. This new enabling provision was introduced by the Act to amend the Professional Code as regards the issue of permits (2006, c. 20), which came into force on 14 June 2006.

The Order advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Alain Collette, Director General and Secretary of the Ordre professionnel des technologistes médicaux du Québec, 1150, boulevard Saint-Joseph Est, bureau 300, Montréal (Québec) H2J 1L5; telephone: 514 527-9811; fax: 514 527-7314.

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^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation to amend the Regulation respecting the issue of a permit of medical technologist in cytopathology *

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c.1*, and s. 94,
pars. *i* and *m*; 2006, c. 20, s. 4)

1. Section 4.4 of the Regulation respecting the issue of a permit of medical technologist in cytopathology is amended by replacing “the administrative committee must take into account the following factors” in the second paragraph by “the following factors must be taken into account”.

2. Section 4.7 is amended

(1) by striking out “and make appropriate recommendations to the administrative committee” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“The committee is composed of persons who are not members of the administrative committee.”;

(3) by replacing “a recommendation” in the second paragraph by “a decision”;

(4) by adding the following at the end of the second paragraph:

“(4) provide a comparative assessment, made by the Ministère de l’Immigration et des Communautés culturelles, of any diploma obtained.”.

3. Section 4.8 is amended

(1) by replacing the words “administrative committee” wherever they appear by “committee”;

(2) by replacing “At its first meeting following receipt of a recommendation from the committee” in the first paragraph by “Within 90 days of the date of receipt of an equivalence application”.

4. Section 4.9 is amended by replacing “administrative committee’s decision” in the first paragraph by “committee’s decision”.

* The Regulation respecting the issue of a permit of medical technologist in cytopathology, approved by Order in Council 925-2002 dated 21 August 2002 (2002, *G.O.* 2, 4578), has been amended once, by the regulation approved by Order in Council 471-2006 dated 30 May 2006 (2006, *G.O.* 2, 1727).

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

8115

Draft Regulation

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

Physicians

— **Terms and conditions for the issuance of permit and specialist's certificates**
— **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 amending the Regulation respecting terms and conditions for the issuance of the permit and specialist's certificates" by the Collège des médecins du Québec, adopted by the Bureau of the Collège des médecins du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is principally to modify the procedure for recognizing an equivalence so that a decision may be the subject of a review by persons other than those who made it.

The Collège des médecins advises that the Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mtre. Linda Bélanger, in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: 1 888 633-3246 or 514 933-4441, extension 5362, facsimile number: 514 933-3276, e-mail: lbelanger@cmq.org

Any person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

GAÉTAN LEMOYNE,
*President of the Office des
professions du Québec*

Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, sub. c and c.1, s. 94,
sub. h and i and s. 94)

1. The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates of the Collège des médecins du Québec is amended in its section 2:

(1) by adding in subparagraph (1) and after the words "the committee" the following "composed of persons other than the members of the Executive Committee and";

(2) by replacing in subparagraphs (3), (4) and (5), the word "Bureau" by the word "Collège".

2. Section 4 of this Regulation is amended by replacing in the second paragraph the word "Bureau" by the word "committee".

3. Section 11 of this Regulation is amended:

(1) by replacing in subparagraph (1) the word "Bureau" by the word "Collège".

(2) by replacing subparagraph (2) by the following: "he has been the holder of a restrictive permit for at least twelve months".

4. Section 14 of this Regulation is amended by replacing the word "Bureau" by the word "Collège".

5. Section 21 of this Regulation is amended by replacing the word "Bureau" by the word "committee".

6. Section 24 of this Regulation is amended by deleting subparagraph (2).

7. Section 32 of this Regulation is amended by replacing in subparagraph (1) the word "Bureau" by the word "Collège".

* The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec was approved by Order in council No. 339-2006 of April 26, 2006 (2006, G.O. 2, 1435). It has not been amended since.

8. Section 33 of this Regulation is amended:

(1) by replacing, in the first paragraph the words “makes a recommendation to the Bureau” by the words “decides whether the candidate must be granted an equivalence or not”;

(2) by replacing in the second paragraph the words “recommend to the Bureau to grant” by the word “recognize”.

9. Section 41 of this Regulation is amended by replacing the words “provides reasons for its decision to the Bureau” by the words “decides whether the candidate must be granted an equivalence or not”.

10. Section 42 of this Regulation is replaced by the following:

“**42.** Within 15 days after the date of its decision, the committee so informs the candidate in writing.

When the committee partially or entirely refuses the requested equivalence, it must notify the candidate in writing of the conditions that must be satisfied in order to obtain this equivalence.”.

11. Section 43 of this Regulation is replaced by the following:

“**43.** The candidate informed of the decision of the committee not to grant the requested equivalence or to grant it only partially may ask for this decision to be reviewed on condition that the review is requested in writing to the secretary of the committee within 30 days of receipt of this decision.

The Executive Committee, at the first regular meeting after receipt of such a request, must examine the request for review. Before reaching a decision, it must allow the candidate to submit observations to this meeting.

For this purpose, the secretary of the committee informs the candidate of the date, place and time of the meeting during which the request will be reviewed by means of written notice sent by registered mail at least 15 days before the meeting is held.

A candidate who wishes to be present to make observations must so inform the secretary of the committee at least 5 days before the date planned for the meeting. The candidate may however send written observations to the secretary of the committee before the date planned for the meeting.”.

12. Section 44 of this Regulation is replaced by the following:

“**44.** The decision of the Executive Committee is final and must be sent to the candidate by registered mail within 30 days after the date of the decision.”.

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

8113

Draft Regulation

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

Physiotherapists and physical rehabilitation therapists — Standards for equivalence of diplomas and training

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 respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist’s permit or a physical rehabilitation therapist’s permit, made by the Bureau of the Ordre professionnel de la physiothérapie du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the purpose of the draft Regulation, which replaces the Regulation currently in force, is to update the standards for equivalence of diplomas according to the training program offered by the educational institutions that issue the diplomas giving access to a physiotherapist’s permit. The Regulation also takes into account the integration of physical rehabilitation therapists into the Order by establishing the standards for equivalence of diplomas giving access to the permit. An additional purpose is to modify the procedure for recognizing an equivalence so that a decision may be the subject of a review by persons other than those who made it.

The Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Julie Martin, Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000,

Anjou (Québec) H1M 3N8; telephone: 514 351-2770, extension 247; toll free: 1 800 361-2001, extension 247; fax: 514 351-2658; e-mail: jmartin@oppq.qc.ca

Any interested 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^e 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 sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit or a physical rehabilitation therapist's permit

Professional Code
(R.S.Q., c. C-26, s. 93, pars. c, c.1)

DIVISION I GENERAL

1. This Regulation applies to every candidate for the practise of the profession who does not hold a diploma giving access to the physiotherapist's permit or physical rehabilitation therapist's permit determined by a regulation made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) and who, for the purpose of obtaining a permit, applies to have a diploma issued by an educational institution outside Québec, or training received in Québec or outside Québec, recognized as equivalent.

2. In this Regulation,

“diploma equivalence” means recognition by the Bureau of the Order that a diploma issued by an educational institution outside Québec certifies that the level of competence of the diploma holder is equivalent to the level attained by the holder of a diploma giving access to the physiotherapist's permit or physical rehabilitation therapist's permit, as the case may be;

“training equivalence” means recognition by the Bureau of the Order that a candidate's training has enabled the candidate to attain a level of competence equivalent

to the level attained by the holder of a diploma recognized as giving access to a physiotherapist's permit or physical rehabilitation therapist's permit, as the case may be.

DIVISION II DIPLOMA EQUIVALENCE STANDARDS

§1. *Diploma giving access to a physiotherapist's permit*

3. The holder of a diploma issued by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of university studies comprising a minimum of 105 credits. A credit represents 15 hours of theory and 30 hours of practice or 45 hours of clinical training. The credits must be apportioned as follows:

- (1) at least 17 credits in biological sciences;
- (2) at least 5 credits in psychosocial sciences and communication;
- (3) at least 45 credits in physiotherapy sciences;
- (4) at least 6 credits in administration and research; and
- (5) at least 19 credits in clinical professional training.

§2. *Diploma giving access to a physical rehabilitation therapist's permit*

4. The holder of a diploma issued by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of college studies comprising a minimum of 2,745 hours of training, of which 2,085 hours must be apportioned as follows:

- (1) at least 465 hours in biology, physiology and pathophysiology;
- (2) at least 405 hours in technical intervention and electrotherapy;
- (3) at least 300 hours in rehabilitation, apportioned as follows:
 - (a) 150 hours in orthopedics and rheumatology;
 - (b) 60 hours in neurology;
 - (c) 45 hours in peripheral vascular disorders and respiratory disease; and

- (d) 45 hours in geriatrics;
- (4) at least 120 hours in clinical approach and patient-practitioner relationship; and
- (5) at least 750 hours in clinical training.

5. Despite sections 3 and 4, if the diploma for which an equivalence application is made was obtained three years or more before the application and, considering the developments in the profession, the knowledge certified by the diploma no longer corresponds to the knowledge currently being taught, the candidate is granted a training equivalence pursuant to section 6 if the candidate has attained the level of competence since obtaining the diploma.

DIVISION III TRAINING EQUIVALENCE STANDARDS

6. A candidate is granted a training equivalence if the candidate demonstrates, to the Bureau's satisfaction, having a level of competence equivalent to that acquired by the holder of a diploma recognized as giving access to a physiotherapist's permit or physical rehabilitation therapist's permit, as the case may be.

In assessing the training equivalence of a candidate, the Bureau must take into account the following factors:

- (1) total years of education;
- (2) diplomas obtained;
- (3) the nature, content and quality of courses taken and marks obtained and the number of credits related thereto;
- (4) training periods and other training activities; and
- (5) the nature and length of relevant clinical experience.

DIVISION IV EQUIVALENCE RECOGNITION PROCEDURE

7. The secretary of the Order must send a copy of this Regulation to every person who applies or intends to apply for a diploma or training equivalence.

8. A candidate who wishes to have an equivalence recognized must apply in writing and provide the secretary with the following documents required to support the candidate's application, together with the application examination fees required by paragraph 8 of section 86.0.1 of the Professional Code:

- (1) a certified true copy of all diplomas in support of the candidate's application;
- (2) a certified true copy of the transcript;
- (3) a detailed description of the program of study taken, including courses, practice and clinical training;
- (4) if applicable, a certified true copy of the permit to practise the profession issued outside Québec or proof of membership in a professional association outside Québec;
- (5) a detailed summary and a document attesting to the candidate's relevant work experience; and
- (6) a document attesting to the candidate's participation in training or upgrading activities since the diploma was obtained.

9. The candidate must provide a French or English translation of any document submitted in support of the candidate's application and written in a language other than French or English. The translation must be certified as true to the original by a member of the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec or by an authorized consular or diplomatic representative.

10. The secretary must send the documents referred to in section 8 to a committee established by the Bureau to examine applications for a diploma or training equivalence and make a recommendation to the Bureau.

For the purpose of making an appropriate recommendation, the committee may require the candidate who applied for a diploma or training equivalence to come to an interview, to pass an examination or to complete a training period.

11. After receiving a recommendation, the Bureau must decide whether to

- (1) recognize the candidate's diploma or training equivalence;
- (2) recognize the candidate's diploma or training equivalence in part and inform the candidate that either one or both of the following conditions must be met for the equivalence to be granted:
 - (a) successful completion of training courses;
 - (b) successful completion of training or upgrading sessions; or

(3) refuse to recognize the diploma or training equivalence.

12. The Bureau must inform the candidate of its decision by mail within 30 days of its decision.

13. A candidate who is informed of the Bureau's decision not to recognize the diploma or training equivalence or to recognize the equivalence in part may apply to the Bureau for a review, provided that the candidate applies to the secretary in writing within 30 days of receiving the decision.

14. The Bureau must establish a committee to decide an application for review. The Bureau is to appoint members who are not members of the Bureau or of the committee referred to in section 10.

15. The committee must, before making its decision, inform the candidate of the date on which the meeting on the application will be held and of the candidate's right to make submissions.

16. A candidate who wishes make submissions in person at the meeting must notify the secretary at least 15 days before the date scheduled for the meeting. A candidate who wishes to make written submissions must send them to the secretary within that period.

The decision of the committee is final and must be sent to the candidate by registered mail within 30 days following the date of the decision.

17. This Regulation replaces the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit, approved by Order in Council 1257-96 dated 2 October 1996.

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

Municipal Affairs

Gouvernement du Québec

O.C. 325-2007, 2 May 2007

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Correction to Order in Council 1052-2006 dated
15 November 2006 concerning the Amalgamation of
Ville de Granby and Canton de Granby

WHEREAS, by Order in Council 1052-2006 dated
15 November 2006, the Government amalgamated Ville
de Granby and Canton de Granby;

WHEREAS an obvious omission was made in section 20
of the Order in Council;

WHEREAS section 214.2 of the Act respecting municipal
territorial organization (R.S.Q., c. O-9) allows the
Government to correct an error in writing or supply an
obvious omission in an order made under the Act;

IT IS ORDERED, therefore, on the recommendation of
the Minister of Municipal Affairs and Regions:

THAT section 20 of Order in Council 1052-2006 dated
15 November 2006 concerning the Amalgamation of
Ville de Granby and Canton de Granby be corrected to
replace the second paragraph by the following:

“The balance of the surplus accumulated in the account
of the former Ville de Granby may be used to carry out
public works in the sector made up of the territory of the
former town or to reduce taxes for the taxpayers in that
sector.

The surplus accumulated in the account of the former
Canton de Granby may be used to reduce taxes for the
taxpayers in the sector made up of the territory of the
former township.”.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

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