

Gazette
officielle
DU Québec

Part

2

No. 45

7 November 2007

Laws and Regulations

Volume 139

Summary

Table of Contents
Regulations and other acts
Draft Regulations
Decisions
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Table of Contents

Page

Regulations and other acts

888-2007	Industrial accidents and occupational diseases, An Act respecting... — Medical aid (Amend.)	2925
----------	--	------

Draft Regulations

Conditions governing the accreditation of manufacturers and wholesalers of medications	2929
Professional Code — Podiatrists — Professional activities that may be engaged in by persons other than podiatrists	2929

Decisions

Office of the National Assembly — Procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information	2931
--	------

Regulations and other acts

Gouvernement du Québec

O.C. 888-2007, 10 October 2007

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Medical aid — Amendments

REGULATION to amend the Regulation respecting medical aid

WHEREAS, under subparagraph 3.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Commission de la santé et de la sécurité du travail may make regulations determining the care, technical aid and costs forming part of the medical aid referred to in paragraph 5 of section 189 of the Act and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorization to which such payments may be subject;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 455 of the Act respecting industrial accidents and occupational diseases, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 10 January 2007, with a notice that on the expiry of 45-day period following that publication, it could be submitted to the Government for approval;

WHEREAS, the Commission adopted the Regulation to amend the Regulation respecting medical aid, without amendment, at its sitting of 22 March 2007;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting medical aid, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting medical aid*

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 189, par. 5 and s. 454, 1st par., subpar. 3.1)

1. Section 1 of the Regulation respecting medical aid is amended

(1) by replacing the definition of “health worker” by the following:

““health worker” means a natural person, other than a health professional within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), entered on the roll of a professional order governed by the Professional Code (R.S.Q., c. C-26) and working in the field of health care; (*intervenant de la santé*)”;

(2) by striking out the definition of “physical rehabilitation therapist”.

2. Section 3 is amended

(1) by replacing “l’ordonnance” in the French text of the second paragraph by “la prescription”;

(2) by striking out the last paragraph.

3. Section 6 is amended by replacing “Public Health Protection Act (R.S.Q., c. P-35)” in the second paragraph by “Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., c. L-0.2)”.

4. Section 8 is amended by replacing “of x-rays and of the supplies that he uses” by “x-rays, the supplies used by the health worker, and ancillary costs”.

5. Section 12 is revoked.

* The Regulation respecting medical aid, approved by Order in Council 288-93 dated 3 March 1993 (1993, *G.O.* 2, 963), was last amended by the regulation approved by Order in Council 561-94 dated 20 April 1994 (1994, *G.O.* 2, 1502)

6. Section 13 is replaced by the following:

“**13.** The Commission shall assume the cost of physiotherapy and occupational therapy treatment administered by a member entered on the roll of the Ordre professionnel de la physiothérapie du Québec or by an occupational therapist entered on the roll of the Ordre professionnel des ergothérapeutes du Québec.”

7. Section 14 is replaced by the following:

“**14.** The Commission shall pay the amounts in Schedule I for physiotherapy and occupational therapy treatment if the Commission and the physician in charge of the worker have received from the member of the Ordre professionnel de la physiothérapie du Québec or from the occupational therapist, for each worker, an initial report, a treatment termination report or, where required, a progress report for each 21-day period of treatment.”

8. Section 15 is replaced by the following:

“**15.** A report referred to in section 14 must contain the information prescribed in Schedule III and be signed by the member of the Ordre professionnel de la physiothérapie du Québec or by the occupational therapist who personally administered the treatment.”

9. Section 16 is replaced by the following:

“**16.** Despite section 14, no treatment administered shall be paid after the end of the following periods, whichever ends earlier:

(1) a period of 8 weeks from the date of taking charge by the health worker referred to in section 13, unless the health worker obtains from the physician in charge of the worker a reasoned opinion in writing to continue the treatment, giving an assessment of the worker’s functional status, and the opinion is sent by the health worker to the Commission;

(2) a treatment period in which 30 physiotherapy treatments or 30 occupational therapy treatments are administered after the taking charge, unless the health worker obtains the reasoned opinion in writing referred to in subparagraph 1 and the opinion is sent by the health worker to the Commission.

For the purposes of this section, a subsequent prescription from the same or another physician and the taking charge by another health worker of the same professional order to which section 13 refers does not

operate to extend the periods referred to in this section, unless the health worker obtains the reasoned opinion in writing required by subparagraph 1 and the opinion is sent by the health worker to the Commission. A single reasoned opinion in writing, duly completed for the treatment administered by the members of the same professional order, must be obtained and sent in accordance with this section within the abovementioned periods, in which case no other opinion is required.”

10. Schedule I is amended

(1) by replacing “Regular rate” by “Rate”;

(2) by striking out the column “Reduced rate” and the amounts relating thereto;

(3) by replacing

“Occupational therapy

Individual treatment, per session \$32.00

Group treatment, per session \$19.00”

by

“Occupational therapy

Individual treatment, per session \$35.00

Group treatment, per session \$21.00”;

(4) by replacing

“Physiotherapy

Individual treatment, per session \$32.00

Group treatment, per session \$19.00”

by

“Physiotherapy

Individual treatment, per session \$35.00

Group treatment, per session \$21.00”.

11. Schedule III is replaced by the following:

“SCHEDULE III

(s. 15)

REPORT CONTENT

1. An initial report, a progress report and a treatment termination report must contain

(1) the worker’s name, health insurance number, telephone number and address;

(2) the name and number of the member of the professional order;

(3) the name, telephone number and services dispenser number or, where applicable, the group number;

(4) the signature of the member of the professional order who personally administered the treatment and the date of the signature;

(5) the name of the physician in charge of the worker and number assigned to the physician by the professional order or, if there is a change of physician, the name of the new physician and number assigned to the new physician by the professional order;

(6) the date of the employment injury and, where applicable, the date of any relapse, reoccurrence or aggravation;

(7) the diagnosis by the physician in charge of the worker;

(8) the date of the prescription for treatment;

(9) an indication of any former referral or treatment in physiotherapy or occupational therapy in the case of the initial report;

(10) the date of the beginning of treatment;

(11) the frequency of treatment;

(12) an indication, where applicable, as to whether the treatment is for maintenance, for verification or for a special approach or whether there is a contraindication for the continuation of treatment; and

(13) the worker’s attendance record stating the dates of treatment administered and the dates of the worker’s absences for treatment, where applicable, except in the case of an initial report.

2. An initial report and a treatment termination report must contain, in addition,

(1) the date of taking charge and initial evaluation in the case of an initial report;

(2) the problems, goals and treatment plan in the case of an initial report; and

(3) in the case of a treatment termination report, the date of completion of treatment and, where applicable, the date of release from the physician in charge of the worker, as well as an evaluation of the worker’s condition upon the termination of treatment.

3. A progress report must contain, in addition to the information required by section 1,

(1) an evaluation of the worker’s subjective and objective signs;

(2) an analysis of the worker’s problems and the treatment plan;

(3) the changes in the worker’s condition;

(4) the reasons for and the date of any suspension of treatment; and

(5) the planned duration of any further treatment.”.

12. The cost of physiotherapy and occupational therapy treatment administered before the date of coming into force of this Regulation is to be paid by the Commission according to the rules applicable at the time the treatment was administered.

13. Where physiotherapy or occupational therapy treatment is pursuant to a prescription issued before the date of coming into force of this Regulation, section 16 of the Regulation respecting medical aid, as amended by section 9 of this Regulation, does not apply even if the treatment is administered after that date, unless the physician in charge of the worker again prescribes such treatment after that date.

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

Draft Regulations

Draft Regulation

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Manufacturers and wholesalers of medications — Conditions governing the accreditation — 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 conditions governing the accreditation of manufacturers and wholesalers of medications, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to modify the maximum limit of the profit margin for wholesalers of medications.

The modification proposed will reduce the maximum limit of the profit margin from 9% to 6%.

Further information may be obtained by contacting :

André Comeau
Conseil du médicament
1195, avenue Lavigerie, 1^{er} étage, bureau 100
Québec (Québec) G1V 4N3

Telephone: 418 643-3140
Fax: 418 646-8349

Any interested person wishing to comment on the draft Regulation may submit written comments to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, within the 45-day period.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications*

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01, s. 80)

1. Section 1 of Schedule I to the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications is amended by replacing “9” in subparagraph 2 of the second paragraph by “6”.

2. Schedule II is amended by replacing “9” in the first paragraph of section 2 by “6”.

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

8362

Draft Regulation

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

Podiatrists — Professional activities that may be engaged in by persons other than podiatrists

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 professional activities that may be engaged in by persons other than podiatrists”, made by the Bureau of the Ordre des podiatres 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 respecting the conditions governing the accreditation of manufacturers and wholesalers of medications, made by the Minister of Health and Social Services by Order 92-06 dated 6 July 1992 (1992, *G.O.* 2, 3263), was last amended by the regulation made by Minister’s Order 2007-016 dated 5 October 2007 (2007, *G.O.* 2, 2835A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

The Order specifies that the purpose of the Regulation is to allow persons enrolled in the program of studies in podiatry offered by the Université du Québec à Trois-Rivières to engage in certain activities reserved for podiatrists, and to establish the conditions on which they may do so.

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

Further information may be obtained by contacting Jean Tanguay, Director General and Secretary, Ordre des podiatres du Québec, 300, rue du Saint-Sacrement, bureau 324, Montréal (Québec) H2Y 1X4; telephone: 514 288-0019 or 1 888 514-7433; fax: 514 288-5463.

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 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 professional activities that may be engaged in by persons other than podiatrists

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

1. In this Regulation, “program of studies in podiatry” means the series of theoretical courses and the clinical experience leading to a university diploma in podiatry awarded by the Université du Québec à Trois-Rivières.

2. Among the professional activities that may be engaged in by podiatrists, the activities required for the completion of a program of studies in podiatry may be engaged in by a person enrolled in the program.

3. The activities referred to in section 2 must be engaged in under the supervision of a person who

(1) is a podiatrist, physician or professor in the program of studies in podiatry;

(2) is available to intervene on short notice;

(3) has not been, in the preceding three years, the subject of any decision made by a professional order, a committee on discipline of a professional order or the Professions Tribunal imposing the striking off the roll, revocation of the person’s permit or a limitation on or suspension of the right to practise.

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

8361

Decisions

Decision 1384-1, 25 October 2007

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

CONCERNING the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

AS the Commission d'accès à l'information was established under the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1);

AS according to sections 103 and 104 of that Act, as amended by sections 67 and 68 of the Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information and other legislative provisions (2006, c. 22), the Commission consists of two divisions, namely an oversight division and an adjudication division, and is composed of at least five members, including a chair and a vice-chair, appointed on a motion of the Prime Minister, by a resolution of the National Assembly approved by at least two-thirds of its members and stating the division to which the members are assigned for the duration of their terms;

AS according to section 104.1 of that Act, as enacted by section 69 of the Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information and other legislative provisions, the members of the Commission d'accès à l'information are chosen beforehand according to the procedure for selecting persons qualified for appointment as members of the Commission established by regulation of the Office of the National Assembly;

AS according to that section, the Office may, in particular,

(1) determine the manner in which a person may seek office as a member of the Commission d'accès à l'information;

(2) establish a selection committee to assess the qualifications of candidates for the office of member and give an opinion on the candidates to the Office;

(3) determine the composition of the committee and the method of appointing the committee members;

(4) determine the selection criteria to be taken into account by the committee; and

(5) determine the information that the committee may require of a candidate and the consultations it may carry out;

AS according to that section, committee members are not remunerated, except in the cases, on the conditions and to the extent determined by the Office, and are entitled to the reimbursement of expenses incurred in the exercise of the functions of office, on the conditions and to the extent determined by regulation of the Office;

AS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a proposed Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information was published in the *Gazette officielle du Québec* on 4 July 2007;

AS according to section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation or the Act under which it is made or approved;

AS according to section 183 of the Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information and other legislative provisions, section 69 of the Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information came into force on 15 June 2007;

AS it is expedient that the Office approve a procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information;

BY DECISION, THE OFFICE

APPROVES the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information; and

ORDERS the publication of the regulation in the *Gazette officielle du Québec*.

MICHEL BISSONNET,
President of the National Assembly

Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1, s. 104.1)

CHAPTER I RECRUITMENT NOTICE

1. When a list of persons qualified for appointment as members of the Commission d'accès à l'information is to be prepared, the Office of the National Assembly publishes a recruitment notice in three daily newspapers in Québec, inviting interested persons to submit their candidacy for the position of member of the Commission.

2. The recruitment notice must

- (1) contain a brief description of the position;
- (2) state the place where a person appointed is to be principally assigned and the division to which he or she is to be assigned for the duration of the term;
- (3) set out the eligibility requirements and the selection criteria prescribed by the Act and this Regulation and, where applicable, the professional qualifications and particular experience sought, given the Commission's needs;
- (4) describe how personal information is to be protected in the context of the selection procedure, and mention that the selection committee may consult with third parties; and
- (5) state the deadline for submitting a candidacy and the address where documents must be sent.

CHAPTER II CANDIDATES

3. Candidates must send in a résumé containing the following information:

(1) their name, home address and telephone number and, where applicable, their office address and telephone number;

(2) their date of birth;

(3) the college and university diplomas they hold;

(4) if they are a member of a professional order, the year of admission to the order, proof of membership and the number of years of practice, along with the main sectors of activity in which they have worked;

(5) a description of the activities through which they have acquired at least 10 years' experience relevant to the position of member of the Commission;

(6) any conviction for an indictable or criminal offence and any disciplinary decision made in their regard, together with a description of the offence or breach concerned and the penalty or disciplinary measure imposed;

(7) any conviction for a penal offence, together with a description of the offence concerned and the penalty imposed, if there is reasonable cause to believe that such an offence is likely to call into question their integrity or impartiality or that of the Commission, affect their ability to perform their duties or undermine public trust in them;

(8) the names of their employers or partners over the last 10 years; and

(9) a summary of the reasons for their interest in the position of member of the Commission.

Candidates must also provide a written statement agreeing to inquiries being made of an educational institution they attended, a professional order to which they belong or belonged, their employers in the last 10 years, a disciplinary body, police authorities or any other party.

CHAPTER III ESTABLISHMENT OF SELECTION COMMITTEE

4. Following the publication of the recruitment notice, the President of the National Assembly establishes a selection committee consisting of the following members:

(1) a chair, namely the chair of the Commission or, after consulting the chair of the Commission, another member of the Commission;

(2) Members of the National Assembly, one for each parliamentary group within the meaning of the Standing Orders of the National Assembly; and

(3) after consulting the Secretary General of the National Assembly, two persons the President considers representative of persons working in the field of access to documents held by public bodies or the protection of personal information.

5. A committee member whose impartiality could be questioned must withdraw with respect to a candidate, including in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the candidate by birth or marriage, up to the degree of first cousin; or

(3) the member is a partner, employer or employee of the candidate or was such a partner, employer or employee in the last 10 years; however, a member who is in the public service must withdraw with respect to a candidate only if the member is or was under the direct supervision of the candidate or is or was the candidate's immediate superior.

If a committee member has withdrawn or is absent or unable to act, the decision is made by the other members.

6. Committee members must take an oath of discretion before the Secretary General of the National Assembly, solemnly declaring that they will not disclose, without due authorization, any information that comes to their knowledge in the exercise of their functions.

7. The committee's mandate is to determine whether a candidate is qualified for the position to be filled.

8. The President of the National Assembly sends the list of candidates and their files to the chair of the selection committee.

CHAPTER IV ELIGIBILITY REQUIREMENTS AND SELECTION CRITERIA

9. In addition to the eligibility requirements prescribed by the Act and this Regulation, only a person having 10 years' relevant experience may be a member of the Commission.

10. The committee analyzes the candidates' files, short-lists the candidates who, in its opinion, meet the eligibility requirements and informs the other candidates that they have not been selected.

11. The selection criteria to be taken into account by the committee in determining whether a candidate is qualified are

(1) the candidate's personal and intellectual qualities and experience and knowledge in and interest for the field of access to documents held by public bodies or the protection of personal information;

(2) the candidate's judgment, listening skills, perceptiveness, level-headedness, decision-making abilities and expressive abilities; and

(3) the candidate's perception of the functions of a member of the Commission.

12. The committee may apply evaluative measures that it determines to candidates who meet the eligibility requirements.

13. The chair of the committee informs candidates who perform well on any such evaluative measures of the date and place of their meeting with the committee and informs the other candidates that they have not been selected.

Interviews are held without publicity, and at a discreet time and place.

CHAPTER V REPORT OF SELECTION COMMITTEE

14. The committee promptly submits its report to the President of the National Assembly.

15. The report must list the candidates the committee considers qualified for the position of member of the Commission.

The report may also include any comments that the committee considers appropriate, especially with respect to the particular characteristics or qualifications of the qualified candidates.

The list of qualified candidates remains valid for three years.

16. Committee decisions are made by a majority of its members. The committee chair has a casting vote.

17. A committee member may register dissent with respect to all or part of the report.

18. The President of the National Assembly forwards the list of candidates the committee considers qualified for the position of member of the Commission to the Premier.

19. If the Premier considers that, given the list of candidates, it would not be in the best interests of the proper discharge of the functions of the Commission to recommend a person for appointment, the Premier asks the President of the National Assembly to have a recruitment notice published in accordance with Chapter I.

The selection committee established after the publication of the new notice may include persons having sat on a previous committee.

CHAPTER VI **FINAL PROVISION**

20. Committee members are entitled to the reimbursement of transportation, meal and accommodation expenses in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603 dated 30 March 2000).

In addition to the reimbursement of those expenses, committee members who are not Members of the National Assembly, members of the Commission or employees of a government department or body are entitled to a fee of \$100 for each half-day of committee meetings they attend.

Expenses and fees are authorized by the Secretary General of the National Assembly and paid out of sums provided for that purpose in the budget of the National Assembly.

Index

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

	Page	Comments
Access to documents held by public bodies and the Protection of personal information, An Act respecting... — Office of the National Assembly — Procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information (R.S.Q., c. A-2.1)	2931	Decision
Industrial accidents and occupational diseases, An Act respecting... — Medical aid (R.S.Q., c. A-3.001)	2925	M
Manufacturers and wholesalers of medications — Conditions governing the accreditation (An Act respecting prescription drug insurance, R.S.Q., c. A-29.01)	2929	Draft
Medical aid (An Act respecting industrial accidents and occupational diseases, R.S.Q., c. A-3.001)	2925	M
Office of the National Assembly — Procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information (An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1)	2931	Decision
Podiatrists — Professional activities that may be engaged in by persons other than podiatrists (Professional Code, R.S.Q., c. C-26)	2929	Draft
Prescription drug insurance, An Act respecting... — Manufacturers and wholesalers of medications — Conditions governing the accreditation (R.S.Q., c. A-29.01)	2929	Draft
Professional Code — Podiatrists — Professional activities that may be engaged in by persons other than podiatrists (R.S.Q., c. C-26)	2929	Draft

