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Coming into force of Acts

Gouvernement du Québec

O.C. 393-2008, 23 April 2008

An Act to promote the maintenance and renewal of public infrastructures (2007, c. 38)

— Coming into force

COMING INTO FORCE of the Act to promote the maintenance and renewal of public infrastructures

WHEREAS the Act to promote the maintenance and renewal of public infrastructures (2007, c. 38) was assented to on 21 December 2007;

WHEREAS section 9 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 30 April 2008 as the date of coming into force of the Act to promote the maintenance and renewal of public infrastructures;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Act to promote the maintenance and renewal of public infrastructures (2007, c. 38) come into force on 30 April 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 356-2008, 16 April 2008

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

Land surveyors — Code of ethics — Amendments

Regulation to amend the Code of ethics of land surveyors

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

WHEREAS the Ordre des arpenteurs-géomètres du Québec made a Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r.4);

WHEREAS, under the aforementioned section, the Bureau of the Ordre des arpenteurs-géomètres du Québec made the Regulation to amend the Code of ethics of land surveyors;

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 of the Ordre des arpenteurs-géomètres du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of land surveyors, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 after section 1.02:

“**1.03.** Every land surveyor who carries on professional activities within a partnership or joint-stock company within the meaning of the Civil Code of Québec or referred to in Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) and is a partner, shareholder, director or officer of a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock 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 joint-stock company does not in any manner modify or reduce a land surveyor’s duties and obligations under the Land Surveyors Act, the Professional Code and the regulations thereunder.”

* 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 September 2007.

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

“A land surveyor who foresees that essential aspects of all or a part of the services for which the land surveyor is being retained may be provided by another person must so inform the client.”.

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 the land surveyor’s level of competence or the efficiency of 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 joint-stock 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 professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock 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 joint-stock company within which he carries on professional activities or that of another person who also carries on activities within the partnership or joint-stock 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 the land surveyor’s professional activities.

Every agreement entered into by a land surveyor or a partnership or joint-stock company in which the land surveyor is a partner or a shareholder in the practice of his profession must be entirely in writing and include a statement by the parties that the obligations under it comply with the provisions of this Code, and include a clause authorizing the communication of the agreement to the Order on request.”.

7. The following is inserted after section 3.05.02:

“**3.05.02.01.** A land surveyor must subordinate his personal interests, those of the partnership or joint-stock company within which he carries on professional activities or has an interest and those of any person carrying on activities within the partnership or joint-stock 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 surveying profession within a partnership or joint-stock company, approved by Order in Council 627-2007 dated 7 August 2007, or within a partnership within which the land surveyor 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 liability.”.

9. Section 3.05.05 is amended by adding “other than customary tokens of appreciation and gifts of small value” at the end.

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 joint-stock company within which he carries on professional activities or for the benefit of a person other than the client.

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

3.06.05. A land surveyor must take reasonable measures to ensure that any employee or person who works with the land surveyor or carries on activities within the partnership or joint-stock company within which the land surveyor carries on professional activities preserves the secrecy of confidential information received in the practice of the land surveyor's profession.”.

11. The following is inserted after section 3.08.04:

“**3.08.04.01.** A land surveyor who carries on professional activities within a partnership or joint-stock 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 joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the land surveyor.”.

12. The following is inserted after section 3.08.05:

“**3.08.05.01.** If a land surveyor carries on professional activities within a joint-stock company constituted for the purposes of such activities, the fees and expenses related to the professional services the land surveyor provided within and on behalf of the joint-stock company belong to it, 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 within a partnership or joint-stock company” at the end of paragraph *h*;

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

“(p) carrying on professional activities within a partnership or joint-stock company with other persons while knowing that one or more of the conditions, terms or restrictions under which he is authorized to so carry on professional activities are not satisfied or complied with.”.

14. Section 4.02.03 is replaced by the following:

“**4.02.03.** A land surveyor must reply to any communication from a syndic, an assistant syndic and an inspector, investigator or member of the professional inspection committee or a member of an accounts arbitration council, and the land surveyor must do so within the time and 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 professional activities within a partnership or joint-stock company in which persons other than land surveyors also practise must, in any advertising, describe separately the professional services of the 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 professional activities within a partnership or joint-stock company must take reasonable measures to ensure that advertising by the partnership or joint-stock company or by any other person carrying on activities within it 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 6.02:

“**6.03.** When using the graphic symbol of the Order in advertising, a land surveyor must not mislead the public into believing that the advertising originates from the Order.

6.04. A land surveyor who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that any use of the graphic symbol of the Order within the partnership or joint-stock company complies with sections 6.02 and 6.03.

6.05. A land surveyor must take reasonable measures so that a partnership or joint-stock company within which he carries on professional activities uses the graphic symbol of the Order in connection with advertising or its name only if all the services provided by the partnership or joint-stock company are the professional services of land surveyors.

In the case of a partnership or joint-stock company providing 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 graphic symbol of the Order may be used in connection with the name or in the advertising of the partnership or joint-stock company on the condition that the graphic symbol identifying each professional order to which those persons belong is also used.

The graphic symbol of the Order may, however, 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 JOINT-STOCK COMPANY”.

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

“**7.01.** A land surveyor may not carry on professional activities within a partnership or joint-stock 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 professional activities within a partnership or joint-stock company must take reasonable measures to ensure that any document produced by the partnership or joint-stock company in connection with the professional activities of land surveyors 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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Gouvernement du Québec

O.C. 357-2008, 16 April 2008

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

**Physiotherapist and physical rehabilitation therapist
— Standards for equivalence of diplomas and training for the issue of a permit**

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

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

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre professionnel de la physiothérapie du Québec made 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;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 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 examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist’s permit or a physical rehabilitation therapist’s permit, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 3 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.

The first paragraph of section 5 of the replaced regulation continues to apply to applications for review of the decisions made by the Bureau less than 30 days before 15 May 2008.

Sections 14 to 16 of this Regulation apply to the applications for review referred to in the second paragraph, and to any application for review in respect of which the Bureau has not made a decision before 15 May 2008. The applications for review are, however, examined on the basis of the provisions of the replaced regulation.

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

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Gouvernement du Québec

O.C. 358-2008, 16 April 2008

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

Physical therapists or physical rehabilitation therapists

— Professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists

— Amendments

Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation to 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 section 95 of the Code provides that, subject to sections 95.1 and 95.2, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with section 95 of the Code, the Government approved the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists by Order in Council 803-2005 dated 31 August 2005;

WHEREAS the Bureau of the Ordre de la physiothérapie du Québec made the Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2007 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 to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists*

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

1. The Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists is amended by replacing its title by “Regulation respecting certain professional activities in physiotherapy”.

2. Section 1 is replaced by the following:

“DIVISION I PERSONS OTHER THAN PHYSICAL THERAPISTS OR PHYSICAL REHABILITATION THERAPISTS

1. Among the professional activities that may be engaged in by physical therapists or physical rehabilitation therapists, the activities required for the completion of a program of studies in physiotherapy or physical rehabilitation techniques may be engaged in by a student, on the condition that the student engages in the activities under the supervision of a teacher or training supervisor who is available to intervene at short notice if

(1) the program of studies in which the student is enrolled leads to a diploma giving access to a permit issued by the Order;

(2) the program of studies in which the student is enrolled leads to a diploma in physiotherapy or physical rehabilitation techniques issued by a Canadian educational institution outside Québec; or

(3) the program of studies in which the student is enrolled leads to a diploma in physiotherapy or physical rehabilitation techniques issued by an educational institution outside Canada that has entered into an agreement on the terms and conditions of admission of a foreign student with an educational institution that has a program leading to a diploma giving access to a permit issued by the Order.”.

3. Section 3 is amended by replacing paragraph 3 by the following:

“(3) not have been the subject of a decision by the Bureau imposing a refresher training period or course, a limitation on or suspension of the right to practise or the striking off the roll of the Order, in the 5 years preceding the date on which he or she supervises as a teacher or training supervisor.”.

4. The following is inserted after section 3:

“DIVISION II PHYSICAL THERAPISTS

3.1. A physical therapist may, within the scope of the training provided for in the Regulation respecting a training activity by physical therapists to insert needles under the dermis to reduce inflammation, as a supplemental means, approved by the Office des professions du Québec on 18 October 2007 and published in the *Gazette officielle du Québec* on 7 November 2007, insert needles under the dermis to reduce inflammation, in the presence of a training instructor referred to in paragraph 1 of section 1 of the Regulation or a physical therapist authorized to engage in that activity in accordance with subparagraph *h* of paragraph 3 of section 37.1 of the Professional Code (R.S.Q., c. C-26).”.

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

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* The Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists was approved by Order in Council 803-2005 dated 31 August 2005 (2005, *G.O.* 2, 3921) and has not been amended since.

Gouvernement du Québec

O.C. 359-2008, 16 April 2008

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

Comptables en management accrédités — Standards for equivalence of diplomas for the issue of a permit — Amendments

Regulation to amend the Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec

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

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des comptables en management accrédités du Québec made the Regulation to amend the Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette*

officielle du Québec of 11 July 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions du Québec following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec *

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

1. The Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec is amended by striking out “the Bureau of” in the second paragraph of section 1.

2. Section 2 is amended by replacing “section 86” in the part before subparagraph 1 of the first paragraph by “paragraph 8 of section 86.0.1”.

* The Regulation respecting the standards for equivalence of diplomas for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec, approved by Order in Council 321-92 dated 4 March 1992 (1992, *G.O.* 2, 1727), has not been amended since its approval.

3. Sections 6 to 8 are replaced by the following:

“6. The secretary must send the documents referred to in section 2 to the committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code made up of persons other than members of the administrative committee to examine and decide diploma equivalence applications.

If the committee refuses to grant the diploma equivalence, it must give the reasons and inform the candidate of any programs of study, training periods or examinations which if successfully completed would enable the candidate to be granted the equivalence. The committee must also inform the candidate of the candidate’s right to apply for a review of the decision in accordance with section 7.

The secretary must send a copy of the committee’s decision to the candidate by registered or certified mail within 30 days of the decision.

7. A candidate who is informed of the committee’s decision not to grant the diploma equivalence may apply to have the decision reviewed by the administrative committee by sending a written request to that effect to the secretary of the Order within 30 days of receiving the decision. The candidate may include written submissions for the administrative committee.

The administrative committee has 60 days from the date of receipt of the review application to make its decision.

8. The decision of the administrative committee is final and must be sent to the candidate in writing by registered or certified mail within 30 days following the date of the meeting.”

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

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Gouvernement du Québec

O.C. 360-2008, 16 April 2008

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

**Comptables en management accrédités
— Standards for equivalence of training for the
issue of a permit
— Amendments**

Regulation to amend the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec

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

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des comptables en management accrédités du Québec made the Regulation to amend the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions du Québec following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec*

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

1. The Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec is amended by striking out “the Bureau of” in the second paragraph of section 1.

2. Section 2 is amended by replacing “section 86” in the part before subparagraph 1 of the first paragraph by “paragraph 8 of section 86.0.1”.

3. Section 4 is amended by replacing “Bureau” in the part before paragraph 1 by “Order”.

4. Sections 5 to 7 are replaced by the following:

“**5.** The secretary must send the documents referred to in section 2 to the committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code made up of persons other than members of the administrative committee to examine and decide training equivalence applications.

If the committee refuses to grant the training equivalence or grants it in part, it must give the reasons and inform the candidate of any programs of study, training periods or examinations which if successfully completed would enable the candidate to be granted the equivalence. The committee must also inform the candidate of the candidate’s right to apply for a review of the decision in accordance with section 6.

The secretary must send a copy of the committee’s decision to the candidate by registered or certified mail within 30 days of the decision.

6. A candidate who is informed of the committee’s decision not to grant the training equivalence or to grant the equivalence in part may apply to have the decision reviewed by the administrative committee by sending a written request to that effect to the secretary of the Order within 30 days of receiving the decision. The candidate may include written submissions for the administrative committee.

The administrative committee has 60 days from the date of receipt of the review application to make its decision.

7. The decision of the administrative committee is final and must be sent to the candidate in writing by registered or certified mail within 30 days following the date of the meeting.”

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

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* The Regulation respecting the standards for equivalence of training for the issue of a permit of the Ordre professionnel des comptables en management accrédités du Québec, approved by Order in Council 322-92 dated 4 March 1992 (1992, *G.O.* 2, 1728), has not been amended since its approval.

Gouvernement du Québec

O.C. 361-2008, 16 April 2008

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

Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit — Amendments

Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec

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

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des technologues en radiologie du Québec made the Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007, with a notice

that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions du Québec following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec *

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

1. The Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec is amended by replacing section 2 by the following:

“2. In this Regulation,

(1) “diploma equivalence” means recognition that a diploma issued by an educational institution outside Québec certifies that the candidate's level of knowledge

* The Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec, approved by Order in Council 523-2005 dated 1 June 2005 (2005, *G.O.* 2, 1873), has not been amended since its approval.

and skills is equivalent to the level attained by the holder of a diploma recognized 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 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 the Code, that gives access to the permit issued by the Order.”.

2. Section 5 is amended by replacing “the Bureau shall take all the following factors into consideration” in the second paragraph by “the following factors must be taken into account”.

3. Sections 8 to 10 are replaced by the following:

“**8.** The secretary of the Order must send the documents referred to in section 6 to a committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Code which is to examine and decide equivalence applications. The committee is composed of persons who are not members of the Bureau.

In order to make a decision, the committee may require the candidate to come to an interview, to pass an examination, to complete a training period, or to meet any combination of those requirements.

9. The committee may make one of the following decisions:

- (1) grant the candidate’s diploma or training equivalence;
- (2) grant the candidate’s training equivalence in part; or
- (3) refuse to grant the candidate’s diploma or training equivalence.

Within 15 days of the decision, the committee is to send the decision to the candidate in writing by registered mail.

If the committee refuses to grant the equivalence applied for or grants the training equivalence in part, it must, at the same time, inform the candidate in writing of any programs of study, bridging programs, training periods or examinations which if successfully completed within the allotted time would enable the candidate to be granted the training equivalence. The committee must

also inform the candidate of the candidate’s right to apply for a review of the decision in accordance with section 10.

10. A candidate who is informed of the committee’s decision to refuse to grant the equivalence or to grant it in part may apply to the Bureau of the Order for a review.

The candidate may apply to the secretary in writing for a review within 30 days of receiving the decision.

The Bureau must examine the application for review at the first regular meeting following its receipt. It must, before making a decision, allow the candidate to make submissions at the meeting.

For that purpose, the secretary must inform the candidate of the date, time and place of the meeting where the application will be examined, by means of a written notice sent by registered mail at least 15 days before the date set for the meeting.

A candidate who wishes to make submissions in person at the meeting must notify the secretary at least 5 days before the date scheduled for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

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

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

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Gouvernement du Québec

O.C. 362-2008, 16 April 2008

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

**Optometry
— Practice of the profession of within a partnership or a company**

Regulation respecting the practice of the profession of optometry within a partnership or a company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Ordre des optométristes du Québec may make a regulation

respecting the practice of the profession of optometry within a partnership or a company and, under paragraphs *g* and *h* of section 93 of the Code, the Order must, by regulation, impose on its members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of the members' profession, and fix the conditions and procedure and, as appropriate, any fees applicable to the declaration made to the Order;

WHEREAS the Bureau of the Ordre des optométristes du Québec made the Regulation respecting the practice of the profession of optometry within a partnership or a company;

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 it was made by the Bureau of the Ordre des optométristes du Québec;

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

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the Bureau of a professional order under section 90 or 91, paragraph *d*, *g* or *h* of section 93, or paragraph *j*, *n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the Bureau of an order under that paragraph;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS the Office has approved, with amendments, Division II of the Regulation, containing sections 8 and 9, and paragraph 1 of section 11 of the Regulation;

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 practice of the profession of optometry within a partnership or a company, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of the profession of optometry within a partnership or a company

Professional Code
(R.S.Q., c. C-26, a. 93, par. *g* and *h*, a. 94, par. *p*)

DIVISION I GENERAL PROVISIONS

1. An optometrist may, subject to the terms and conditions provided herein, carry on his professional activities within a limited liability partnership or a joint-stock company in the meaning of chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

2. An optometrist may carry on his professional activities within a partnership or company providing optometric services if the following conditions are respected:

1. more than 50% of the shares are held by:

(a) the optometrists or persons legally authorized to practice this profession outside Quebec;

(b) legal entities, trusts or any other enterprise where the voting rights attached to the shares are held by one or more of the persons contemplated by subparagraph *a*;

(c) the persons, trusts or other enterprises contemplated by subparagraphs *a* and *b*;

2. a third party may not compel the persons, enterprises or trusts contemplated by paragraph 1 to repurchase the shares that it holds in the company;

3. more than 50% of the voting rights attached to the shares of the company are held by the persons, trusts or other enterprises contemplated by paragraph 1, and the other voting rights, where applicable, are held by:

(a) dispensing opticians or persons legally authorized to practice this profession outside Quebec;

(b) the legal entities, trusts or any other enterprise where the voting rights attached to the shares are held entirely by the persons contemplated by subparagraph *a*;

(c) the persons, trusts or other enterprises contemplated by subparagraphs *a* and *b*;

4. more than 50% of the partners or directors appointed by the partners to manage the business of the limited liability partnership and the board of directors of the joint-stock company are the persons contemplated by subparagraph *a* of paragraph 1, and the other persons, where applicable, are the persons contemplated by subparagraph *a* of paragraph 3;

The optometrist must ensure that these conditions are included, as appropriate, in the partnership agreement, articles of association, the shareholder agreement or any other document related to the constitution and operation of the partnership or company.

For the purposes of this section, a company providing optometric services is a company whose partnership or company name includes the titles, abbreviations or initials reserved for optometrists or a partnership or company within which an optometrist offers services including the examination or functional analysis of the eyes, assessment of visual disorders, orthoptics or prescription of ophthalmic lenses or medication.

3. In all other cases than those contemplated by section 2, an optometrist is authorized to carry on his professional activities in a partnership or company if the following conditions are met:

1. more than 50% of the shares of the partnership or company are held by:

(a) optometrists, dispensing opticians or persons legally authorized to practice these professions outside Quebec;

(b) legal entities, trusts or any other enterprise where the voting rights attached to the shares of the partnership or company are held entirely by one or more of the persons contemplated by subparagraph *a*;

(c) the persons, trusts or other enterprises contemplated by subparagraphs *a* and *b*;

2. a third party may not compel the persons, enterprises or trusts contemplated by paragraph 1 to repurchase the shares that it holds in the partnership or company;

3. 50% or more of the voting rights attached to the shares of the partnership or company are held by the persons, trusts or other enterprises contemplated by paragraph 1 of section 2 and the other voting rights, where applicable, are held by the persons, trusts or other enterprises contemplated by paragraph 3 of section 2;

4. 50% or more of the partners or directors appointed by the partners to manage the business of the limited liability partnership and the board of directors of the joint-stock company are the persons contemplated by subparagraph *a* of paragraph 1 of section 2, and other persons, where applicable, are the persons contemplated by subparagraph *a* of paragraph 3 of section 2.

The optometrist must ensure that these conditions are stipulated, as appropriate, in the partnership agreement, articles of association, shareholder agreement or any other document related to the constitution and operation of the partnership or company.

4. An optometrist must at all times ensure that the partnership or company allows him to comply with the provisions of the Professional Code, the Optometrists Act (R.S.Q., c. O-7) and the regulations adopted in accordance with these laws.

5. If he notices that one of the conditions prescribed in this Regulation or chapter VI.3 of the Professional Code is no longer met, the optometrist must, within 15 days, take the necessary measures to comply, failing which, he shall no longer be authorized to carry on his professional activities within the partnership or company.

6. The partnership or company name must not be a number name.

7. When an optometrist practices professional activities within a joint-stock company, the income resulting from professional services rendered by him within that company and on its behalf belongs to that company, unless it is otherwise agreed.

DIVISION II

SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR COMPANY MEMBERS

8. To be authorized to carry on his professional activities in accordance with this Regulation, an optometrist who practices his professional activities within a partnership or company must provide and maintain on behalf of the partnership or company, either by means of an insurance or suretyship contract or by joining a group insurance plan, coverage for liabilities of the partnership

or company arising from the fault or negligence of an optometrist in the course of the practice of his professional activities within such partnership or company.

9. Such coverage must particularly provide the following minimum conditions:

1. an undertaking by the insurer or the surety to pay on behalf of the partnership or company, over and above the amount of coverage that the optometrist must provide pursuant to the Regulation respecting professional liability insurance of members of the Order des optométristes du Québec, taken by a decision of December 16, 1998, or any amount that the partnership or company may legally be liable to pay to a third party regarding a claim submitted during the period of coverage as a result of a fault or negligence of an optometrist in the course of the practice of his professional activities within the partnership or company, up to the amount of the coverage;

2. an undertaking by the insurer or the surety to hold the partnership or company harmless and to defend the partnership or company in any lawsuit launched against it and to pay, apart from the amounts covered, all the costs and expenses of the lawsuits launched against the partnership or company, including investigation and defense costs and interest on the amount of coverage;

3. an undertaking that this coverage shall extend to all claims submitted in the five years following the period of coverage during which one of the members of the partnership or company dies, leaves the partnership or company or ceases to be a member of the Order, in order to maintain a coverage for the partnership or company against the faults or negligence of a member in the practice of his professional activities within the partnership or company;

4. an undertaking that the amount of coverage shall be at least \$1,000,000 per claim and \$2,000,000 per year for all claims submitted against the partnership or company in the period of coverage of 12 months;

5. an undertaking by the insurer or the surety to give the secretary of the Order 30-day prior notice of intent to terminate or modify the insurance contract or surety when said modification concerns a condition prescribed in this Regulation;

6. an undertaking by the insurer or the surety to immediately notify the secretary of the Order when the insurance contract or surety is not renewed.

The suretyship contemplated by the section 8 must be obtained from a bank, a savings and credit union, a trust company or insurance company and guarantee that the

surety will provide the coverage in accordance with the conditions set out in this Regulation and pay, by waiving the benefits of division and discussion, on behalf of the partnership or company up to the amount of the suretyship.

DIVISION III DISCLOSURE OF INFORMATION

10. Within 15 days of the continuance of a general partnership as a limited liability partnership, an optometrist practicing in said partnership must publish a notice in the locality in which the partnership has a place of business that informs his patients, in general terms, of the nature, scope and effects of the change of status particularly on his and the partnership's professional liability.

11. The optometrist who wants to carry on his professional activities within a partnership or company must first submit to the secretary of the Order:

1. the declaration prescribed in section 12, accompanied by the required fees corresponding to 20% of the amount of the annual membership dues fixed by the Bureau in accordance with paragraph k of the first subparagraph of section 86;

2. a certificate confirming that the partnership or company is secured in accordance with division II;

3. in the case of a joint-stock company, a copy of the articles of association, issued by a competent authority, certifying that the company exists;

4. written confirmation that the partnership or company is duly registered in Quebec;

5. an undertaking from the partnership or company in which he practices his professional activities to allow the persons, committees or tribunal mentioned in section 192 of the Professional Code to require any person to produce and obtain the information mentioned in section 15;

6. if applicable, a true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) indicating that the general partnership has become a limited liability partnership.

7. A statement under oath of office according to which none of the partners, shareholders or officers of the company or partnership have direct or indirect interest in a company that manufactures or sells ophthalmic lenses, frames, medication or other products linked to the practice of optometry.

12. The optometrist must make a declaration under professional oath on a form provided by the secretary of the Order that contains the following information:

1. the optometrist's name and membership number and his status within the partnership or company;

2. the principal and all other names used in Quebec, and the registration number given by Enterprise Registrar, of the partnership or company within which the optometrist practices his professional activities;

3. the legal form of the partnership or company and the fact that this partnership or company complies with the conditions prescribed in section 1 and, as applicable, section 2 or 3;

4. the head office address of the partnership or company and the addresses of its establishments in Quebec;

5. in the case of a limited liability partnership, the names and residential addresses of all partners domiciled in Quebec, as well as, where applicable, the names and residential addresses of the directors appointed by the partners to manage the partnership or company, whether the directors are domiciled in Quebec or not, and, in all cases, the orders or professional associations to which they belong, where applicable;

6. in the case of a joint-stock company, the names and residential addresses of the directors, officers and managers of the company and the orders or professional associations to which they belong, where applicable;

7. where applicable, the date on which the general partnership became a limited liability partnership.

13. Where more than one optometrist practices their professional activities within the same partnership or company, one respondent may make the declaration for all the optometrists in the partnership or company.

The respondent's declaration is deemed to be each optometrist's declaration. The optometrist however remains fully responsible for the accuracy of the information provided pursuant to paragraphs 1 and 2 of section 12.

The respondent must be an optometrist who is a partner, director, manager, officer or shareholder of the partnership or company.

14. To retain his right to carry on his professional activities in a partnership or company, an optometrist or respondent must:

1. update and provide, before March 31 of every year, the declaration contemplated by section 12;

2. promptly notify the secretary of the Order of any change in the surety prescribed in division II or in the information given in the declaration prescribed in section 12 that may violate the conditions prescribed in sections 2 and 3.

DIVISION IV ACCESSIBILITY OF INFORMATION

15. The documents that may be required from the partnership or company under paragraph 5 of section 11 are the following:

1. if the optometrist practices within a limited liability partnership:

(a) the partnership agreement as amended;

(b) the partnership registration and updates thereof;

(c) the names and residential addresses of the principal officers;

(d) the complete and updated register of partners.

2. if he practices within a joint-stock company:

(a) the complete and updated register of articles of association and by-laws of the company;

(b) the complete and updated register of securities;

(c) the complete and updated register of shareholders;

(d) the complete and updated register of directors;

(e) all shareholder agreements and voting agreements as amended;

(f) any agreement concerning a stock option with voting or any other rights, even if they are conditional, given to a person to have such shares issued to himself;

(g) the registration certificate of the companies and updates thereof;

(h) the names and residential addresses of the principal officers.

SECTION V TRANSITIONAL

16. The optometrist who carries on his professional activities within a joint-stock company formed before the date on which this Regulation came into force, at the latest in the year following this date, must comply with the requirements prescribed in this regulation.

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

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Gouvernement du Québec

O.C. 363-2008, 16 April 2008

Optometry Act
(R.S.Q., c. O-7)

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

Optometrists
— Code of ethics
— Amendments

Regulation amending the Code of ethics of optometrists

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

WHEREAS the Bureau of the Ordre des optométristes du Québec made the Regulation amending the Code of ethics of optometrists;

WHEREAS, under section 95.3 of the 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, pursuant to section 95 of the Code and 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 must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2007 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 has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation amending the Code of ethics of optometrists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Code of Ethics of optometrists*

Optometry Act
(R.S.Q., c. O-7)

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

1. Section 14 of the Code of Ethics of optometrists is amended by adding, at the end, the following paragraphs:

“The optometrist must ensure that the Optometry Act (R.S.Q., c. O-7), the Professional Code (R.S.Q., c. C-26) and the regulations thereunder are respected by employees, students, trainees, shareholders, partners and all other persons he works with in the practice of the profession.

An optometrist who practices his professional activities within a partnership or company in the meaning of the Civil Code or a partnership or company contemplated by paragraph VI.3 of the Professional Code must ensure that the partnership or company respects the Optometry Act, the Professional Code and the regulations thereunder.

The duties and obligations that result from the Optometry Act, the Professional Code and the regulations thereunder are in no way undermined by the fact that an optometrist carries on his professional activities within a partnership or company.”.

* The latest amendments to the Code of ethics of optometrists, approved by Order in Council 643-91 of May 8, 1991 (1991, *G.O.* 2, 2428), have been made by the regulation approved by Order in Council 24-2004 of January 14, 2004 (2004, *G.O.* 2, 913). For later amendments, see the *Tableau des modifications et Index sommaire*, Quebec Official Publisher, 2006, as amended on September 1st, 2007.

2. Section 16 of this Code is amended by adding, at the end, the following paragraph:

“Similarly, he shall not falsely represent the competence of, or the effectiveness of the services generally ensured by, persons carrying on professional activities within the partnership or company.”.

3. Section 24 of this Code is amended by adding, at the end, the following sentences:

“He may not elude or attempt to elude, nor request that a client or another person renounce any recourse taken in a case of professional negligence on his part. Furthermore, he may not invoke the liability of the partnership or company within which he carries on his professional activities, or that of another person also practicing his activities in said partnership or company, as a ground for excluding or limiting his personal civil liability.”.

4. Section 30 of this Code is amended by inserting, after the word “personal,” the words “as well as that of the partnership or company in which he carries on his professional activities or in which he has interests.”.

5. This Code is amended by inserting, after section 30, the following:

“**30.1.** No optometrist may conclude any agreement that could jeopardize the independence, impartiality, objectivity or integrity required to practice his professional activities.”.

6. This Code is amended by inserting, after section 32, the following:

“**32.1.** An optometrist shall take prompt measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, manager, officer or employee of a partnership or company within which the optometrist practices his professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, manager, officer or employee has a conflict of interest.

The following factors must be considered in assessing the efficacy of such measures:

- (1) size of the partnership or company;
- (2) precautions taken to prevent access to the optometrist’s file by the person having a conflict of interest;

- (3) instructions given to protect confidential information or documents related to the conflict of interest;

- (4) isolation, from the optometrist, of the person having a conflict of interest.”.

7. Section 33 of this Code is replaced by the following:

“**33.** An optometrist is in a conflict of interest if, in particular, he:

- (1) shares his professional income, in any form whatsoever, with a person, trust or undertaking, except for:

- (a) a person who is a member of the Ordre des optométristes du Québec;

- (b) a person, trust or undertaking contemplated in paragraph 1 of section 2 or paragraph 1 of section 3 of the Regulation respecting the practice of the profession of optometry within a partnership or a company approved by Order in Council no. 362-2008 dated 16 April 2008;

- (c) of a company in which he carries on his professional activities;

- (2) grants any commission, rebate, advantage or other consideration of a similar nature relating to the practice of optometry;

- (3) receives, in addition to the remuneration to which he is entitled, any commission, rebate, discount, advantage or other consideration of a similar nature from anyone, including a seller or manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, except for customary tokens of appreciation and gifts of small value;

- (4) receives a line of credit from a seller or manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, unless he has a written agreement including a declaration that the resulting conditions comply with the provisions of this Code and a clause that authorizes such agreement to be submitted to the Order upon request;

- (5) leases or uses the premises, equipment or other resources of anyone, including a seller or a manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, unless he has a written agreement with a declaration that the resulting conditions comply with the provisions of this Code and a clause that authorizes such agreement to be submitted to the Order upon request;

(6) practices optometry jointly with, in partnership with or on behalf of a person or corporation, unless that person or corporation is:

(a) an optometrist;

(b) a government, governmental or municipal organization, a university or an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native Persons (R.S.Q., c. S-5);

(c) an undertaking retaining his services for the sole purpose of providing optometrical advice or services to its employees;

(d) a retailer that operates an optical department contemplated by subparagraph a in the fourth paragraph of section 25 of the Optometry Act when he is responsible for administration;

(e) a partnership or company contemplated by the Regulation respecting the practice of the profession of optometrist in a partnership or company.”

8. This Code is amended by inserting, after section 33, the following:

“**33.1.** Notwithstanding section 33, an optometrist is not in a conflict of interest if he accepts a discount from a seller for one of the following reasons:

(1) for prompt regular payment, when the discount is indicated on the invoice and complies with marketplace rules for discounts;

(2) due to the volume of products purchased other than medication, where the discount is indicated on the invoice or the account statement and complies with the market rules in similar situations”.

9. Section 37 of this Code is amended by replacing the words “where that revelation could cause a prejudice to that person,” by the words “except for the purposes of internal administration of the partnership or company in which he carries on his professional activities.”.

10. This Code is amended by inserting, after section 38, the following:

“**38.0.1** An optometrist must ensure that anyone with whom he engages in his professional activities does not disclose to a third party the confidential information of which he may have taken cognizance.”.

11. The title of division VII of this Code is replaced by the following:

“Accessibility and rectification of records and accessibility of prescriptions.”

12. Section 39 of this Code is replaced by the following:

“**39.** An optometrist must respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to consult or obtain a copy of documents that concern the patient in any record made in his respect.”.

13. This Code is amended by inserting, after section 39, the following:

“**39.1.** An optometrist may charge the patient reasonable fees that do not exceed the cost of reproduction or transcription of the documents and the cost of transmitting a copy of them.

An optometrist who intends to charge such fees must inform the patient of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

39.2. An optometrist must provide a patient or anyone designated by the patient, upon request, with all information that would allow him to obtain a benefit to which he may be entitled.

39.3. An optometrist must, at the written request of the patient and at the latest within 20 days of the date of such request, provide anyone designated by the patient with the relevant information in the optometric record that he holds or maintains in the patient’s respect.

39.4. An optometrist must respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the patient. He must also respect the patient’s right to make written comments in the record.

An optometrist must give the patient, free of charge, a duly dated copy of the document or part of the document filed in the record so that the patient may verify that the information has been corrected or deleted or, where applicable, give the patient an attestation stating that the patient’s written comments have been entered in the record.

39.5. On written request from the patient, an optometrist must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, where applicable, that the written comments have been filed in the record, to every person from whom the optometrist received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

39.6. An optometrist who denies a patient access to information contained in a record established in the patient's respect or who refuses to grant a request to correct or delete information must provide the patient with written justification explaining his refusal, enter the written justification in the record and inform the patient of his recourses.

39.7. An optometrist must respond promptly to any written request from a patient to have a document returned to the patient.”.

14. Section 51.01 of this Code is amended by the addition, at the end, of the following clause:

“No optometrist shall allow a partnership or company within which he carries on his professional activities to engage in, by any means whatsoever, advertising that is false, deceitful, incomplete or liable to be misleading.”.

15. Section 52 of this Code is amended by adding, at the end, the following paragraphs:

“9. failing to promptly notify the secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), an optometrist or the partnership or company within which he carries on his professional activities has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court;

10. carrying on his professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the optometrist profession or with a person who, to the optometrist's knowledge, acts in a manner that compromises the dignity of the optometrist profession;

11. carrying on his professional activities within, or having an interest in a partnership or company, where a partner, shareholder, director, manager, officer or employee of the partnership or company, has been suspended for more than 3 months or whose professional permit has been revoked, unless the partner, shareholder, director, manager, officer or employee:

(a) ceases to occupy the position of director, officer or manager within the company within 15 days of the date on which his suspension or the revocation of his permit takes effect;

(b) ceases to attend shareholder meetings and to exercise his voting right within 15 days of the date on which his suspension or the revocation of his permit takes effect;

(c) disposes of his voting shares or transfers them to a trustee within 15 days of the date on which his suspension or the revocation of his permit takes effect.”.

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

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Gouvernement du Québec

O.C. 364-2008, 16 April 2008

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

Veterinary surgeons — Code of ethics — Amendments

Regulation to amend the Code of ethics of veterinary surgeons

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

WHEREAS, under that provision, the Ordre des médecins vétérinaires du Québec made a Code of ethics of veterinary surgeons, approved by Order in Council 1149-93 dated 18 August 1993;

WHEREAS, under that provision, the Bureau of the Ordre des médecins vétérinaires du Québec made the Regulation to amend the Code of ethics of veterinary surgeons;

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 of the Ordre des médecins vétérinaires du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of veterinary surgeons*

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

1. The Code of ethics of veterinary surgeons is amended by inserting the following after section 1:

“**1.1.** A veterinary surgeon shall take reasonable means to ensure that the Veterinary Surgeons Act (R.S.Q., c. M-8), the Professional Code (R.S.Q., c. C-26) and their regulations are complied with by the partnership or joint-stock company within which the veterinary surgeon carries on professional activities and by the employees, shareholders, directors, partners and every person assisting the veterinary surgeon in carrying on his professional activities.

* The Code of ethics of veterinary surgeons, approved by Order in Council 1149-93 dated 18 August 1993 (1993, *G.O.* 2, 5029), has not been amended since its approval.

1.2. A veterinary surgeon’s duties and obligations under the Veterinary Surgeons Act, the Professional Code and their regulations are in no manner modified or reduced by the fact that the veterinary surgeon practises within a partnership or joint-stock company.”.

2. Section 3 is replaced by the following:

“**3.** In the practice of his profession, a veterinary surgeon shall act towards all persons with courtesy, dignity, moderation and objectivity.”.

3. Section 4 is amended by replacing paragraph 3 by the following:

“(3) keep his knowledge up to date and maintain and develop his skills;”.

4. Section 5 is replaced by the following:

“**5.** Before agreeing to provide professional services, a veterinary surgeon shall take into account his main field of practice, the limits of his skills and knowledge and the means at his disposal.

A veterinary surgeon shall not interfere in any way with a client’s right to consult another veterinary surgeon.”.

5. Section 6 is amended by striking out the second sentence.

6. Section 8 is amended by replacing “entre lui-même et” in the French text by “avec”.

7. The following is inserted after section 8:

“**8.1.** A veterinary surgeon shall obtain the free and enlightened consent of the client before undertaking a diagnostic procedure or treatment, except in case of emergency and the client’s timely consent cannot be obtained.”.

8. Section 9 is replaced by the following:

“**9.** A veterinary surgeon shall carry on his professional activities with integrity and in particular for that purpose,

(1) avoid any misrepresentation as to his level of competence or the effectiveness of his services, those generally provided by the members of the profession and any person assisting the veterinary surgeon in carrying on his professional activities and, if applicable, those provided by the persons carrying on professional activities within the same partnership or joint-stock company.

If the good of the animal so requires, the veterinary surgeon shall consult another veterinary surgeon or, with the client's authorization, refer the case to that person;

(2) endeavour to obtain full knowledge of all the facts before expressing an opinion, providing a service or giving advice and explain in a complete and objective manner to the client the nature and scope of the problem on the basis of the facts brought to his attention;

(3) make a diagnosis, implement a prophylactic program or prescribe medications only after personally conducting an appropriate examination of the animal or a population of animals;

(4) inform the client of the nature of the medications prescribed, the methods of administering and preserving them, their expiry date, the withdrawal period, any danger associated with them, and their safe disposal;

(5) take the necessary measures to prevent veterinary acts from being performed in his workplace by unauthorized persons;

(6) control at all times the purchase, sale, storage and inventory of medications and manage secure recovery of expired or unused medications for the purpose of destroying them;

(7) refrain from selling medications included on the list of medications made under section 9 of the Veterinary Surgeons Act without an appropriate prescription. On the request of the syndic, an assistant syndic, a corresponding syndic, an investigator or an inspector of the professional inspection committee, the veterinary surgeon must be able at all times to reconcile the sale of medications sold in the preceding 5 years with the corresponding prescriptions; and

(8) refrain from prescribing, selling, giving or enabling anyone to obtain medications without sufficient medical grounds or for the purposes of human consumption.”.

9. Section 10 is replaced by the following:

“**10.** In the practice of his profession, a veterinary surgeon shall fully commit his civil liability. The veterinary surgeon shall not evade or attempt to evade his civil liability, or request a client or any other person to waive any remedy in the event of professional negligence on his part. A veterinary surgeon shall not include in a contract for professional services any clause that directly or indirectly excludes all or part of such liability. Similarly, a veterinary surgeon shall not invoke the liability of the partnership or joint-stock company within which he carries on professional activities or that of another person also carry-

ing on activities within the partnership or joint-stock company as a ground for excluding or limiting his professional liability.

A veterinary surgeon shall also inform his client as soon as possible of any incident, accident or complication likely to have or that has had a significant impact on the state of health of an animal or a population of animals.”.

10. Section 11 is amended in the French text by striking out “à un animal” at the end.

11. Section 12 is amended

(1) by replacing “cesse” in the French text of the first sentence by “cesser”;

(2) by adding the following after paragraph 3:

“(4) being misled by the client or the client's failure to cooperate;

(5) the client refusing to pay the veterinary surgeon's fees; and

(6) being unable to communicate with the client or to obtain from him the elements considered necessary to continue providing professional services.”.

12. Section 13 is replaced by the following:

“**13.** Before ceasing to act on behalf of a client, a veterinary surgeon shall give advance notice to that effect within a reasonable time and take the necessary measures to minimize the prejudice caused to the client by the withdrawal of services.”.

13. Section 14 is replaced by the following:

“**14.** A veterinary surgeon shall subordinate his personal interests and, where applicable, those of the partnership or joint-stock company within which he carries on professional activities or has an interest, and those of any other person carrying on activities within the partnership or joint-stock company, to the interests of his client.”.

14. Section 17 is amended by striking out “, particularly as regards the sale or prescription of medications” at the end.

15. Section 19 is replaced by the following:

“**19.** A veterinary surgeon is in a situation of conflict of interest if he

(1) shares his professional income in any way whatsoever with a person who is not a member of the Order or with a partnership or joint-stock company within which he is not authorized to carry on professional activities;

(2) receives, in addition to the remuneration to which he is entitled, a commission, rebate, benefit or other similar consideration relating to the practice of his profession, other than customary tokens of appreciation or gifts of small value, a discount paid by a provider for prompt regular payment if it appears on the invoice and is in keeping with marketplace rules in similar matters, or a purchase volume discount if it appears on the invoice or statement of account and is in keeping with marketplace rules in similar matters;

(3) gives or offers to give a commission, rebate, benefit or other similar consideration relating to the practice of his profession;

(4) enters into any type of agreement with any person to attract clients; or

(5) accepts discount coupons or other similar documents under which a third person undertakes to pay the fees in whole or in part instead of the client.”

16. Section 20 is replaced by the following:

“**20.** A veterinary surgeon shall not provide or offer to provide veterinary services under a capitation plan that provides for set lump sum payments that are not determined on the basis of the quantity and quality of services rendered.

A veterinary surgeon may not propose an insurance plan to his clients that guarantees the performance of veterinary services in exchange for a pre-established lump sum if the plan is not administered independently by a third person and no veterinary surgeon participating in the plan controls or supervises it, whether directly, indirectly or through an intermediary.”

17. Section 21 is amended by replacing “of members” by “or joint-stock company”.

18. Section 22 is amended in the French text by inserting “de” after “permettre de promouvoir ou”.

19. Section 24 is revoked.

20. Section 25 is amended by replacing “his employees” in the second sentence by “the personnel working with him and any person assisting him in carrying on his professional activities”.

21. The following subdivision is inserted after subdivision 5 of Division II:

“**§5.1.** *Lifting of professional secrecy to protect individuals*

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

(1) communicate the information immediately to the person exposed to the danger, that person’s representative, and to the persons who can come to that person’s aid;

(2) use a means of communication that in the circumstances ensures the confidentiality of the information;

(3) enter the following information in the client’s record:

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

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

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

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

(e) the date and time of the communication;

(f) the means of communication; and

(g) the content of the communication; and

(4) within 5 days of the communication, send the syndic a notice regarding the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

25.2. If it is necessary in the best interests of the person in imminent danger of death or serious bodily injury, a veterinary surgeon about to disclose information protected by professional secrecy shall consult another veterinary surgeon, a member of another professional order or any other qualified person, provided the consultation will not prejudicially delay communication of the information.”

22. Subdivision 6 of Division II is replaced by the following:

“§6. Conditions and procedures applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and the requirement for veterinary surgeons to release documents to a client

26. A veterinary surgeon shall respect a client’s right to examine his record and to obtain as soon as possible a copy of the documents that are part of the record.

26.1. In addition to compliance with the special rules prescribed by law, a veterinary surgeon shall reply promptly, or not later than the 20th day after receipt, to any request made by a client to examine documents that are part of any record established in the client’s respect or to obtain a copy of such documents.

26.2. A veterinary surgeon may charge a client exercising the right under section 26 or 26.1 fees that may not exceed the reasonable cost of reproducing or transcribing documents or the reasonable cost of transmitting a copy of the documents.

A veterinary surgeon who charges such fees shall inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the requested documents or copies.

Despite the foregoing, simple access to the documents shall be free of charge.

26.3. A veterinary surgeon who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a client to have access to the information contained in a record established in the client’s respect shall inform the client in writing of the reason for the refusal and of the remedies available to him.

26.4. In addition to compliance with the special rules prescribed by law, a veterinary surgeon shall reply promptly, or not later than the 20th day after receipt, to any request made by a client to

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

(2) cause to be deleted any information that is outdated or not warranted by the object of the record established in the client’s respect, contained in a document concerning the client in any record established in the client’s respect; or

(3) have the client’s written comments filed in the record established in the client’s respect.

26.5. A veterinary surgeon who grants a request under section 26.4 shall issue to the client, free of charge, a copy of the document or the part of the document that was corrected or in which the information was deleted or, as the case may be, an attestation that the client’s written comments have been filed in the record.

26.6. A veterinary surgeon who holds information that is the subject of a request for access or correction shall, if the veterinary surgeon denies the request, keep the information for the time needed by the person concerned to exhaust all remedies in law.

26.7. A veterinary surgeon is deemed to have refused to reply to a request under sections 26.1 and 26.4 if no reply is given within the time prescribed.

26.8. A veterinary surgeon shall promptly reply to any written request made by a client to take back a document that had been entrusted to him.”.

23. Section 27 is amended by replacing “of the mandate entrusted to the veterinary surgeon by the client” by “of those services”.

24. Section 28 is amended by replacing the second sentence by the following:

“A veterinary surgeon shall take particular account of the following factors when determining fees:

(1) the time required to provide the professional services;

(2) the difficulty and importance of the professional services to be provided;

(3) the need to perform unusual services or services requiring exceptional competence or speed;

(4) the veterinary surgeon’s experience and expertise; and

(5) the importance of the responsibility assumed.”.

25. Section 31 is amended

(1) by replacing “a colleague” in paragraph 1 by “another veterinary surgeon or to a partnership or joint-stock company within which the veterinary surgeon is authorized to carry on professional activities pursuant to a regulation made under the Professional Code”;

(2) by replacing paragraphs 2 and 3 by the following:

“(2) ensure, where the veterinary surgeon practises within a partnership or joint-stock company, that the fees or prices relating to professional services provided by veterinary surgeons are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client;

(3) ensure that the person appointed to collect the fees acts with tact and moderation; and”.

26. Section 32 is revoked.

27. Section 33 is amended by replacing “false or misleading, that plays upon the public’s emotions or that is likely to mislead the public” by “false, misleading, incomplete or liable to mislead, or that plays on emotions”.

28. Section 35 is amended by replacing “his colleagues” by “other veterinary surgeons”.

29. Section 38 is replaced by the following:

“**38.** In advertising, a veterinary surgeon shall avoid methods and attitudes likely to impart a profit-seeking or mercantile character to the profession, including promoting the consumption of medications, and to that effect shall refrain from offering to the public any rebate, discount or gratuity on the sale or prescription of medications.”.

30. Section 39 is amended

(1) by replacing “advertising fees” in the part before subparagraph 1 of the first paragraph by “who advertises fees or prices”;

(2) by replacing subparagraph 1 of the first paragraph by the following:

“(1) establish fees or fixed prices for the advertised services;”;

(3) by adding “or prices” in subparagraphs 2 to 4 of the first paragraph after “fees”;

(4) by replacing the second paragraph by the following:

“The particulars and indications must be understandable for persons who have no particular knowledge in the veterinary field. All fees or prices must remain in effect for at least 90 days after they were last broadcast or published.”.

31. Section 41 is amended

(1) by replacing “In his advertising” in the first sentence by “In any advertisement”;

(2) by replacing “veterinary hospital are jointly and severally” in the second sentence by “veterinary facility and all the partners, shareholders, directors and officers of a partnership or joint-stock company within which a veterinary surgeon is authorized to carry on professional activities are solidarily”.

32. Section 42 is amended by striking out the second sentence:

33. Section 44 is replaced by the following:

“**44.** A veterinary surgeon who uses the graphic symbol of the Order in printed advertising or televised media advertising shall include the following disclaimer in the advertisement:

This is not an advertisement of the Ordre professionnel des médecins vétérinaires du Québec, and it engages the liability of its author only.”.

34. Section 45 is replaced by the following:

“**45.** In addition to the derogatory acts referred to in sections 57, 58, 58.1, 59.1 and those that may be determined pursuant to the second paragraph of section 152 of the Professional Code, the following are derogatory to the dignity of the profession of veterinary surgeon:

(1) using physical, verbal or psychological abuse against a client;

(2) harassing, intimidating or threatening a person with whom the veterinary surgeon interacts in the practice of his profession;

(3) harassing, intimidating or threatening a person who has requested an inquiry or any other person involved in the events related to the inquiry or the complaint once the veterinary surgeon has been informed that an inquiry is being held or has been served with a notice of complaint regarding conduct or professional competence;

(4) communicating with the complainant without the prior written permission of the syndic or an assistant syndic once the veterinary surgeon has been informed of an inquiry into his conduct or professional competence or once a disciplinary complaint has been served on him;

(5) claiming a sum of money from a client for all or part of a professional service the cost of which is assumed by a third person;

(6) claiming fees for professional acts that have not been performed or are falsely described, providing or allowing the personnel working with him to provide receipts, veterinary prescriptions, certificates or other documents falsely indicating that a medication has been sold on prescription or a professional service has been provided;

(7) selling, giving, administering or distributing expired or unused medication returned by a client to the veterinary surgeon;

(8) prescribing, selling, providing or administering medications not approved by the Canadian Food Inspection Agency as veterinary biologics, or by the Department of Health of Canada for other medications. A veterinary surgeon may, however, prescribe, sell, provide or administer medications prepared extemporaneously or recognized for a different use, provided that the medications are approved by the Canadian Food Inspection Agency as veterinary biologics, or by the Department of Health of Canada for other medications;

(9) buying or selling samples of medications;

(10) repeatedly or insistently urging a person to retain the veterinary surgeon's professional services;

(11) failing to inform the Order that the veterinary surgeon has reason to believe that a veterinary surgeon is incompetent or that a veterinary surgeon or a partnership or joint-stock company within which veterinary surgeons practise is in breach of the Professional Code, the Veterinary Surgeons Act or a regulation under the Code or the Act;

(12) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within which a veterinary surgeon is authorized to carry on professional activities when one of the requirements in the Professional Code or its regulations is not met;

(13) entering into an agreement or permitting an agreement to be entered into within a partnership or joint-stock company in which a veterinary surgeon is authorized to carry on professional activities, including a unanimous shareholders' agreement, if the agreement operates to threaten the independence, objectivity and integrity required for the practice of the profession or compliance by the veterinary surgeons with the Professional Code, the Veterinary Surgeons Act and their regulations; and

(14) when carrying on professional activities within a partnership or joint-stock company, failing to take reasonable measures to put an end to, or prevent the repeated performance of, an act derogatory to the dignity of the profession performed by another veterinary surgeon carrying on professional activities within the partnership or joint-stock company, and that was brought to the veterinary surgeon's attention more than 30 days earlier.”.

35. The heading of subdivision 2 of Division IV is amended by replacing

“colleagues” by “other veterinary surgeons”.

36. Sections 46 and 47 are replaced by the following:

“**46.** A veterinary surgeon shall as promptly as possible reply to any correspondence from the secretary of the Order, the syndic, an assistant syndic, a corresponding syndic or an investigator, an inspector, the secretary or a member of the professional inspection committee in the exercise of the duties assigned to them by the Act or regulations.

47. A veterinary surgeon shall not abuse the good faith of another veterinary surgeon, a member of the Bureau, the syndic, an assistant syndic, a corresponding syndic or an investigator, an inspector, the secretary or a member of the professional inspection committee, nor in their respect commit any breach of trust or engage in disloyal practices.”.

37. Section 48 is amended by replacing “a colleague” wherever it appears by “another veterinary surgeon”.

38. Section 49 is amended by replacing “a colleague” by “another veterinary surgeon”.

39. Section 50 is amended by replacing “a colleague” by “another veterinary surgeon” and by replacing “of the colleague” by “of the veterinary surgeon who consulted him”.

40. Section 51 is replaced by the following:

“**51.** No veterinary surgeon may help or urge an unauthorized person to perform acts exclusive to the profession or another profession or allow that person to do so, and shall report to the competent authorities any situation of illegal practice or misuse of title.”.

41. The heading of subdivision 3 of Division IV is amended by replacing “the advancement” by “the development”.

42. Section 52 is amended by striking out “advancement and” and by replacing “colleagues” by “other veterinary surgeons, students and trainees”.

43. The heading of Chapter V is amended by replacing “CHAPTER” by “DIVISION”.

44. Section 53 is replaced by the following:

“**53.** A veterinary surgeon shall provide the necessary care to the animal or population of animals in his care and custody and shall at all times demonstrate the highest concern for their safety.”.

45. Section 54 is amended by inserting “or a population of animals” after “the animal”.

46. Section 55 is replaced by the following:

“**55.** A veterinary surgeon may not lend or use an animal in his care and custody for purposes other than those for which the animal was entrusted to him. Except in exceptional circumstances, the veterinary surgeon shall obtain a client’s consent before relinquishing an animal entrusted to him by the client.”.

47. Section 56 is amended by inserting “or a population of animals” after “an animal”.

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

8670

Gouvernement du Québec

O.C. 365-2008, 16 April 2008

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

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

Physicians

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

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

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

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

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

WHEREAS, in accordance with that provision, the Government approved the Regulation respecting the activities contemplated by section 31 of the Medical Act which may be engaged in by classes of persons other than physicians by Order in Council 996-2005 dated 26 October 2005;

WHEREAS section 36.1 of the Nurses Act (R.S.Q., c. I-8) provides that nurses may, if they are so authorized by regulations under paragraph *f* of section 14 of the Nurses Act and under subparagraph *b* of the first paragraph of section 19 of the Medical Act, engage in one or more of the following activities referred to in the second paragraph of section 31 of the Medical Act:

- (1) prescribing diagnostic examinations;
- (2) using diagnostic techniques that are invasive or entail risks of injury;
- (3) prescribing medications and other substances;
- (4) prescribing medical treatment; and
- (5) using techniques or applying medical treatments that are invasive or entail risks of injury;

WHEREAS it is expedient to amend the Regulation respecting the activities contemplated by section 31 of the Medical Act which may be engaged in by classes of persons other than physicians to allow nurses to engage

in activities referred to in the second paragraph of section 31 of the Medical Act;

WHEREAS, in accordance with the second paragraph of section 19 of the Medical Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec have been consulted by the Bureau of the Collège des médecins du Québec before the passing of the Regulation amending the Regulation respecting the activities contemplated by section 31 of the Medical Act which may be engaged in by classes of persons other than physicians;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 25 April 2007 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 has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

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

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

1. The Regulation respecting the activities contemplated by section 31 of the Medical Act which may be engaged in by classes of persons other than physicians is amended by inserting, after section 8.5, the following sections:

“8.6 Besides the activities provided in section 8.4, the specialized nurse practitioner in primary care who practises in an isolated region facility may engage in the following activities:

(1) medical activities in advanced cardiac life support, advanced pediatric life support, advanced neonatal life support and advanced trauma life support including the prescription of drugs and substances;

(2) perform an emergency delivery and treat postpartum hemorrhages;

(3) use the following medical treatments:

(a) gastric lavage;

(b) posterior nasal packing;

(c) immobilization of a fracture;

(d) reduction of a dislocation or subluxation of a closed fracture or a compound fracture or, when there is neurovascular involvement, of an open fracture.

(4) prescribe the drugs and substances listed in Schedule III.

* The only amendments to the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians, approved by Order-in-Council No. 996-2005 of October 26, 2005 (2005, *G.O.* 2, 6367), were made by the regulation approved by Order-in-Council No. 668-2007 of August 14, 2007 (2007, *G.O.* 2, 3579).

A drug prescribed under the first paragraph is prescribed in accordance with the provisions of division II of the Règlement sur les normes relatives aux ordonnances faites par un médecin, adapted as required.

For the purpose of this subdivision, “an isolated region facility” means a primary care facility or a dispensary listed in Schedule IV.

8.7 Subparagraph (1) of the first paragraph of section 8.1 and section 8.5 do not apply to the specialized nurse practitioner in primary care who engages in the activities provided in subparagraphs (1) to (4) of the first paragraph of section 8.6 in an isolated region facility.

However, to engage in an activity provided in subparagraph (1) of the first paragraph of section 8.6, the nurse must acquire and maintain his or her skills, as appropriate:

(1) in Advanced Cardiac Life Support (ACLS) and Pediatric Life Support (APLS) by obtaining a biennial attestation issued by a master instructor recognized by the Heart and Stroke Foundation of Quebec in accordance with standards of the Heart and Stroke Foundation of Canada detailed in the current edition of Handbook;

(2) in Neonatal Resuscitation Program (NRP) by obtaining a biennial attestation issued by an instructor or a master instructor recognized by the Canadian Paediatric Society in accordance with standards of the American Academy of Pediatrics and the American Heart Association detailed in the current edition of Handbook;

(3) in Advanced Trauma Life Support (ATLS) by obtaining a quadrennial attestation issued by a master instructor recognized by the American College of Surgeons.

Besides all of the training provided in the second paragraph, the nurse, in order to engage in the activities provided in subparagraphs (1) to (4) of the first paragraph of section 8.6, must hold an attestation issued by the Ordre des infirmières et infirmiers du Québec that he or she has successfully spent a nine-week clinical training structured as follows:

(1) five weeks of emergency care at a hospital with a high-volume emergency ward;

(2) two weeks of pediatric emergency care at a hospital with a high-volume emergency ward;

(3) two weeks in the delivery room at a hospital which offers obstetric services of level II or III.

During the training period provided in the third paragraph, the nurse may, in the presence of a physician, engage in the professional activities contemplated by first paragraph of section 8.6 to the extent they are required for the purposes of completing this training period.”.

2. The Schedule I of this Regulation is modified by deleting, in subparagraph *b* of the subparagraph (1) of the section 4, the word “fungus”.

3. The Schedule II of this Regulation is modified:

(1) by inserting in “48 : 00 Respiratory Tract Agents”, and before “48 : 24”, the following:

“

48 : 10.24	Leukotriene modifier	R and A
48 : 10.32	Mast-cell Stabilizer	R and A

”.

(2) by replacing, in the French version and after « 56 : 28 : 32 », “Cytoprotecteurs gastro-duodénaux” by “Cytoprotecteurs gastro-duodénaux”;

(3) by adding, at the end of “Exception Drugs”, the following:

“

33.	Silver Dressing	P
34.	Wound contact Layer	P

”.

4. This Regulation is amended by adding, at the end, the following Schedules:

“SCHEDULE III

(s. 8.6, 1st par., sub. (4))

LIST OF CLASSES OF MEDICATIONS THE SPECIALIZED NURSE PRACTITIONER IN PRIMARY CARE ENGAGED IN ADDITIONAL MEDICAL ACTIVITIES MAY PRESCRIBE

Class of medications	Name of medication
Opiate agonists	Fentanyl Morphine
Opiate antagonists	Naloxon
Benzodiazepine antagonists	Flumozenil (Anexate)
Antacids-absorbents	Activated charcoal

Class of medications	Name of medication
Local anesthetics	Mepivacine (Carbocaine)
Topical coagulant	Thrombin
Ocytoxins	Oxytmocine (Syntocinon)
Prostaglandins	Carboprost (Hemabate)
Anticonvulsants	Magnesium sulfate, inj.
Sedative – minor tranquilizers	Lorazepam i/v, i/m, i/r

SCHEDULE IV

(s. 8.6, 3rd par.)

1) A primary care facility located in the Basse-Côte-Nord territory and managed by the Centre de santé de la Basse-Côte-Nord.

2) A primary care facility located in the territory of Nunavik and managed by the Centre de santé Innulitsivik or the Centre de santé Tulattavick.

3) A primary care facility located in the James Bay territory and managed by the Cree Board of Health and Social Services.

4) A dispensary serving First Nations communities and located in the following regions:

1° Basse-Côte-Nord;

2° Moyenne-Côte-Nord;

3° Schefferville;

4° Haute-Mauricie;

5) A dispensary managed by the First Nations and Inuit Health Branch of Health Canada and located in the following regions:

1° Haute-Gatineau (Algonquin community of Lac Rapide);

2° Témiscamingue (Algonquin community of Winneway).”.

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

8671

Gouvernement du Québec

O.C. 379-2008, 16 April 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Fishing activities — Amendments

Regulation to amend the Regulation respecting fishing activities

WHEREAS, under paragraph 9 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the conditions that must be fulfilled by the applicant or holder of a licence or certificate, and the obligations with which the holder of a licence or certificate must comply;

WHEREAS, under paragraph 16 of that section, the Government may make regulations prescribing norms and obligations respecting in particular the registration of fish;

WHEREAS the Government made the Regulation respecting fishing activities by Order in Council 952-2001 dated 23 August 2001;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, pursuant to section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1), under which all drafts of regulations the Government intends to make relating to the Hunting, Fishing and Trapping Regime are to be submitted to the Hunting, Fishing and Trapping Coordinating Committee for its advice, the Committee has been consulted;

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 fishing activities was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments have been made on the draft Regulation;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting fishing activities with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting fishing activities, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fishing activities*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 9 and 16)

1. The Regulation respecting fishing activities is amended in section 2.1 by replacing “in Schedules I and II” by “in Schedules CXCVI and CXCVII of the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999”.

2. The following is inserted after section 3:

“**3.1.** To fish in the parts of the Area 23 rivers referred to in sections 1, 2, 3 and 4 of Part IV of Schedule XXIII to the Quebec Fishery Regulations, 1990 (SOR/90-214) that are situated on Category III lands, the holder of a resident fishing licence shall first register with an outfitter operating an outfitting operation in those river parts or with the Qiniqtiq Landholding Corporation situated at Kangiqsualujjuaq, the Nayumivik Landholding Corporation situated at Kuujjuaq, the Arqivik Landholding Corporation situated at Tasiujaq or the Naskapi Landholding Corporation situated at Kawawachikamach, and indicate the planned fishing dates and places.

The holder to which the first paragraph refers shall, at the end of the fishing trip, register the salmon caught and kept at one of the registration posts mentioned in the first paragraph or at one of the Lac Margane, Lac Pau, Squaw Lake, Lac Louise (Manic 5) or Stewart Lake (Kuujjuaq) seaplane bases. The holder shall also declare the actual fishing dates and places.”.

* The Regulation respecting fishing activities made by Order in Council 952-2001 dated 23 August 2001 (2001, *G.O.* 2, 4857) was last amended by the regulation made by Order in Council 21-2005 dated 19 January 2005 (2005, *G.O.* 2, 474). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

3. Schedules I and II are revoked.

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

8672

Gouvernement du Québec

O.C. 380-2008, 16 April 2008

Education Act
(R.S.Q., c. I-13.3)

Basic school regulation for preschool, elementary and secondary education — Amendments

Regulation to amend the Basic school regulation for preschool, elementary and secondary education

WHEREAS, under section 447 of the Education Act (R.S.Q., c. I-13.3), the Government may make regulations to be known as the “basic school regulation”;

WHEREAS the Government made the Basic school regulation for preschool, elementary and secondary education by Order in Council 651-2000 dated 1 June 2000;

WHEREAS it is expedient to amend the Basic school regulation for preschool, elementary and secondary education;

WHEREAS, under section 458 of the Education Act, a draft copy of the regulation under that section must be submitted to the Conseil supérieur de l’éducation for preliminary examination;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Conseil supérieur de l’éducation which gave its advice;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the Basic school regulation for preschool, elementary and secondary education, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Basic school regulation for preschool, elementary and secondary education*

Education Act
(R.S.Q., c. I-13.3, s. 447)

1. Section 22 of the Basic school regulation for preschool, elementary and secondary education is amended by replacing the table by the following:

“

ELEMENTARY SCHOOL			
CYCLE ONE Grades 1 and 2		CYCLES TWO and THREE Grades 3, 4, 5 and 6	
Compulsory Subjects	Time	Compulsory Subjects	Time
Language of instruction	9 h	Language of instruction	7 h
Mathematics	7 h	Mathematics	5 h
Physical education and health	2 h	Physical education and health	2 h
Total apportioned time	18 h	Total apportioned time	14 h
Second language (French or English)		Second language (French or English)	
Arts education: Two of the four following subjects: Drama; Visual arts; Dance; Music.		Arts education: Two of the four subjects prescribed for Cycle One, one of which is taught in that Cycle	

* The Basic school regulation for preschool, elementary and secondary education, made by Order in Council 651-2000 dated 1 June 2000 (2000, *G.O.* 2, 2593), was last amended by the regulation made by Order in Council 699-2007 dated 22 August 2007 (2007, *G.O.* 2, 2398A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

CYCLE ONE Grades 1 and 2		CYCLES TWO and THREE Grades 3, 4, 5 and 6	
Compulsory Subjects	Time	Compulsory Subjects	Time
Ethics and religious culture		Ethics and religious culture	
		Geography, history, citizenship education	
		Science and technology	
Unapportioned time	7 h	Unapportioned time	11 h
Total time	25 h	Total time	25 h

2. Section 23 is amended by replacing the table by the following

“

SECONDARY EDUCATION – CYCLE ONE Compulsory subjects in Secondary I and Secondary II		
French, language of instruction 400 hours – 16 credits	or	English, language of instruction 300 hours – 12 credits
English, second language 200 hours – 8 credits		French, second language 300 hours – 12 credits
Mathematics 300 hours – 12 credits		
Science and technology 200 hours – 8 credits		
Geography 150 hours – 6 credits		
History and citizenship education 150 hours – 6 credits		
Arts education 200 hours – 8 credits		
One of the four following subjects: Drama; Visual arts; Dance; Music.		
Physical education and health 100 hours – 4 credits		
Ethics and religious culture 100 hours – 4 credits		

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

Gouvernement du Québec

Addendum

Election Act
(R.S.Q., c. E-3.3)

ADDENDUM TO THE AGREEMENT
CONCERNING THE TESTING OF NEW
VOTING PROCEDURES

BETWEEN

MR JEAN CHAREST, LEADER OF THE QUÉBEC
LIBERAL PARTY, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR MARIO DUMONT, LEADER OF THE ACTION
DÉMOCRATIQUE DU QUÉBEC / TEAM
MARIO DUMONT, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MRS PAULINE MAROIS, LEADER OF THE PARTI
QUÉBÉCOIS, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR MARCEL BLANCHET, IN HIS CAPACITY AS
CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS the parties signed an agreement in March 2008 in order to have only one person to perform the duties of officer assigned to the list of electors within the context of the by-elections in the electoral divisions of Bourget and Pointe-aux-Trembles;

WHEREAS the parties desire that this agreement applies also within the context of the by-election that will be held in the electoral division of Hull;

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

2. APPLICATION OF THE AGREEMENT

The parties agree that the dispositions of the agreement made in March 2008 will apply within the context of the by-election that will be held in the electoral division of Hull.

IN WITNESS WHEREOF, THE PARTIES HAVE
SIGNED, IN FOUR COPIES,

In Québec, on April 10, 2008

JEAN CHAREST
Leader of the Québec Liberal Party

In Québec, on April 15, 2008

MARIO DUMONT
*Leader of the Action démocratique du Québec / team
Mario Dumont*

In Québec, on April 17, 2008

PAULINE MAROIS
Leader of the Parti québécois

In Québec, on April 17, 2008

MARCEL BLANCHET
Chief Electoral Officer of Québec

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Draft Regulations

Draft Regulation

Automobile Insurance Act
(R.S.Q., c. A-25)

Determination of income and employment and payment of the indemnity in section 83.30 of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act” made by the Société de l’assurance automobile du Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days from this publication.

The Draft Regulation is pursuant to the Budget Speech of 2007, which provides that, as of 1 January 2008, the employee’s premium established under the federal Employment Insurance Act (Statutes of Canada, 1996, c. 23), the employee premium established under the Act respecting parental insurance (R.S.Q., c. A-29.011) and the contribution established under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), are henceforth included in the basic personal exemption and therefore no longer have to be deducted from gross income separately.

The Draft Regulation is interpretive in nature and is intended to clarify the manner in which the Société de l’assurance automobile du Québec calculates the net income of an accident victim. The Société will apply the new fiscal measure beginning on 1 January 2008 and considers it necessary to clarify the Regulation with respect to the manner of calculating net income at the provincial level. For the calculation of federal income tax, the premiums and the contribution must continue to be deducted separately.

The Société anticipates no impact on businesses, particularly small and medium-sized businesses.

Additional information may be obtained by contacting Ms. Édith Lapointe, Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, S-4-11, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-4386.

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

JULIE BOULET,
Minister of Transport

Regulation to amend the Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act*

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, par. 11)

1. The Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act, approved by Order in Council 1923-89 dated 13 December 1989, is amended by adding the following paragraph after the first paragraph of section 10:

“The premium and the contributions established in paragraphs 1 and 2 are not used in computing where they are included in the basic personal exemption provided for in paragraph 4.”

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

8660

* The latest amendments to the Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act, were made by Order in Council 1247-2005 on 14 December 2005 (2005, *G.O.* 2, 7394). For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2007, updated to 1 September 2007.

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Fees payable by certified forest producers

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 fees payable by certified forest producers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Further information on the draft Regulation may be obtained by contacting Diane Pageau at the Service de la mise en valeur des forêts privées, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8650; fax: 418 646-9245.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Gilles Desaulniers, Associate Deputy Minister for Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4, within the 45-day period.

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation respecting the fees payable by certified forest producers

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 18.3 and 18.3.1; 2001, c. 6, s. 119, par. 6)

1. The file processing fees for the issue, modification or renewal of a certificate of a forest producer certified under section 120 of the Forest Act (R.S.Q., c. F-4.1) are \$40.

The fees are not refundable if the examination of a file shows that a forest producer's certificate may not be issued, modified or renewed.

The maximum annual amount of the fees paid by a forest producer under the first paragraph is set at \$2,000 if at least one certificate remains in force without interruption during the year.

2. The fees payable for the issue of a duplicate of a forest producer's certificate are \$20.

3. The fees collected under this Regulation by the person or organization designated by the Minister for the purposes of registering forest areas and certifying forest producers pursuant to section 120 of the Act are kept by that person or organization.

4. This Regulation replaces the Regulation respecting the fees payable by certified forest producers made by Order in Council 148-2000 dated 16 February 2000.

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

8659

Draft Regulation

Courts of Justice Act
(R.S.Q., c. T-16)

Pension plans of the judges of the Court of Québec and of certain municipal courts — Partition and assignment of benefits accrued

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 partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec and of certain municipal courts, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to replace the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec, made by Order in Council 460-92 dated 1 April 1992. Various technical adaptations are now necessary following the amendments made to the Courts of Justice Act (R.S.Q., c. T-16) in the last years with respect to the pension plans of the judges of the Court of Québec and of certain municipal courts as regards

— the establishment of the pension plan provided for in Part V.1 of the Courts of Justice Act;

— the institution of civil unions;

— the addition of an indexing method corresponding to the greater of the rate of increase in the Pension Index less 3% and 50% of the increase in the Pension Index for the plan of Part VI of the Courts of Justice Act;

— the right to transfer years under another pension plan to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act.

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

Further information on the draft Regulation may be obtained by contacting Lili Lemieux, Direction du Secrétariat et des affaires juridiques, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 5^e étage, Québec (Québec) G1R 5X3; telephone: 418 644-2900 or Jean Dessureault, Direction de l'actuariat et du développement, Commission administrative des régimes de retraite et d'assurances, at the same address; telephone: 418 644-3711.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jacques P. Dupuis, Minister of Justice, Ministère de la Justice, édifice Louis-Philippe-Pigeon, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; fax: 418 646-0027.

JACQUES P. DUPUIS,
Minister of Justice

Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec and of certain municipal courts

Courts of Justice Act
(R.S.Q., c. T-16, s. 246.22)

DIVISION I

STATEMENT OF THE JUDGE'S OR FORMER JUDGE'S BENEFITS

1. Every application for a statement referred to in section 246.16 of the Courts of Justice Act (R.S.Q., c. T-16) must contain the following information and be accompanied by the following documents:

(1) the name, address, social insurance number and date of birth of the judge or former judge and his or her spouse;

(2) a marriage certificate and, where applicable, the date on which the spouses resumed living together or a certificate of civil union;

(3) a written confirmation from a certified mediator to the effect that the mediator has obtained a family mediation mandate or a written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;

(4) the information that must be provided by the Minister of Justice and by the municipalities that joined the pension plan provided for in Part V.1 or VI of the Act, in accordance with section 246.27 of the Act, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by the Minister of Justice or the municipality concerned.

Any application filed under this section is also valid for the other pension plans administered by the Commission administrative des régimes de retraite et d'assurances or for which the Commission is responsible for paying benefits.

2. Within 90 days following the date of receipt of a duly completed application, the Commission shall provide the judge or former judge and his or her spouse with a statement containing the following information:

(1) the date on which the judge or former judge took office while covered by the pension plan established by Part V.1, VI or VI.1 of the Act and, where applicable, the date on which the judge ceased to hold office and to be covered by the pension plan;

(2) the benefits accrued to the judge or former judge, without taking into account any reduction resulting from a prior partition or assignment of benefits, from the time the judge or former judge took office while covered by the pension plan established by Part V.1, VI or VI.1 of the Act until the date of assessment provided for in the second paragraph of section 246.17 of the Act, as well as the value of those benefits;

(3) the benefits accrued during the period of the marriage or civil union as well as the value of those benefits;

(4) where applicable, the value of the reduction of the benefits accrued as a result of any prior partition or assignment of benefits that would be applicable at the date of that assessment;

(5) the terms and conditions for payment of the sums awarded to the spouse under Division III.

The statement of benefits and values established at the date of assessment on the basis of information known to the Commission not later than on the date of that statement is presumed accurate.

DIVISION II ESTABLISHMENT AND ASSESSMENT OF ACCRUED BENEFITS

§1. *Establishment of benefits*

3. The benefits accrued under the pension plans provided for in Part V.1, VI or VI.1 of the Act are established in accordance with the Act.

However, where the Act prescribes that a judge would be entitled to a pension if the judge ceased to hold office before reaching 65 years of age or 70 years of age, as the case may be, the judge's benefits are deemed to correspond to a deferred pension payable

(1) at 65 years of age, where Part V.1 or VI of the Act applies; or

(2) at 70 years of age, where Part VI of the Act prescribed that the deferred pension was payable at 70 years of age or where Part VI.1 of the Act applies.

The benefits accrued during the period of the marriage or civil union are established in accordance with the first and second paragraphs on the basis of the years or parts of a year of service counted during that period, on the assumption that the judge or former judge acquired for that period benefits of the same nature as those accrued to the judge or former judge between the date of taking office, while covered by the pension plan provided for in Part V.1, VI or VI.1 of the Act, and the date of assessment.

For the purpose of establishing and assessing the accrued benefits, the benefits correspond to the benefits acquired under the judge's plan at the date of assessment on the basis of the years or parts of a year of service counted at that date. For those purposes, the judge is deemed to have ceased to hold office at the date of assessment.

4. The years or parts of a year of service redeemed are counted proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years and parts of a year are deemed to be counted for the period of the marriage or civil union to the extent that they were paid during that period.

5. Where the number of years or parts of a year of service counted for the purposes of the pension plan established by Part V.1, VI or VI.1 of the Act in accordance with section 246.24 of the Act is less than the number of years or parts of a year of service recognized under the initial pension plan, and where a fraction of that number of years is comprised in the period of the marriage or civil union, the number of years or parts of a year of service counted in accordance with that section and comprised in the period of the marriage or civil union is equal to "A" in the following formula:

$$B \times \frac{C}{D} = A, \text{ where}$$

"B" is the number of years or parts of a year of service counted for the purposes of the pension plan established by Part V.1, VI or VI.1 in accordance with section 246.24 of the Act;

"C" is the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union;

"D" is the number of years or parts of a year of service recognized under the initial pension plan.

Where the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union is unknown to the Commission, the number of years or parts of a year of service counted in accordance with section 246.24 of the Act and comprised in the period of the marriage or civil union is equal to "A" in the following formula:

$$B \times \frac{E}{F} = A, \text{ where}$$

"B" is the number of years or parts of a year of service counted for the purposes of the pension plan established by Part V.1, VI or VI.1 of the Act in accordance with section 246.24 of the Act;

"E" is the number of calendar days having elapsed under the initial pension plan for the period of the marriage or civil union;

"F" is the number of calendar days having elapsed during membership in the initial pension plan.

6. If section 232 of the Act, as it read on 31 December 1991, applies and if the period of the marriage or civil union is shorter than the period comprising the date on which the judge or former judge took office and was covered by the pension plan provided for in Part V.1, VI or VI.1 of the Act, as the case may be, until the date of

assessment, the amount of pension for the period of the marriage or civil union is equal to “L” in the following formula:

$$G \times \frac{H}{J} = L, \text{ where}$$

“G” is the amount of pension for the period of the marriage or civil union without taking into account section 232 of the Act, as it read on 31 December 1991;

“H” is the amount of pension established under section 232 of the Act, as it read on 31 December 1991;

“J” is the amount of pension computed at the date of assessment without taking into account section 232 of the Act, as it read on 31 December 1991.

§2. Assessment of benefits

7. Where the accrued benefits consist in a refund of contributions under section 224.4 of the Act, in a refund of contributions under section 244.4 of the Act or in a refund of amounts under section 246.14.2 of the Act, the value of those benefits corresponds to the amounts paid with interest computed in accordance with the Act and accrued to the date of assessment as though the refund had been issued at that date. The same applies in respect of the value of the benefits accrued for the period of the marriage or civil union.

8. The actuarial value of the benefits is established according to the following actuarial method and assumptions:

- (1) actuarial method

the “distribution of benefits” method;

- (2) actuarial assumptions for the benefits based on the salary for the best-paid years:

(a) mortality rate: GAM-83 male and GAM-83 female (The 1983 Group Annuity Mortality Table, Transactions of the Society of Actuaries, Vol. XXXV, pp. 880 and 881), weighted equally;

(b) interest rate: 9% for the first 15 years following the date of assessment and 6.5% for subsequent years:

(c) rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5% for the first 15 years following the date of assessment and 3% for subsequent years.

9. Where the accrued benefits correspond to a pension or to a deferred pension, the value of those benefits is equal to “D” in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ where}$$

“d₁” is the actuarial value of the part of any pension indexed from the date on which it is paid according to the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

“d₂” is the actuarial value of the part of any pension indexed from the date on which it is paid by the amount by which that rate exceeds 1%;

“d₃” is the actuarial value of the part of any pension indexed from the date on which it is paid by the amount by which that rate exceeds 3%;

“d₄” is the actuarial value of the part of any pension indexed from the date on which it is paid by the greater of

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; and

(2) the amount by which the rate of increase in the Pension Index determined under that Act exceeds 3%.

A separate value must be computed in the manner prescribed in the first paragraph for the part of the pension corresponding to the value of the benefits accrued under another pension plan that has been transferred under section 246.23.1 of the Courts of Justice Act to the pension plan established by Part V.1 or VI, for each case.

The value of the benefits accrued for the period of the marriage or civil union is established in accordance with the first and second paragraphs.

10. Where the accrued benefits consist in a pension being paid at the date of assessment or that would be paid if the former judge had filed an application to that effect, the value of those benefits is obtained by computing the actuarial value of such a pension.

The value of the benefits accrued for the period of the marriage or civil union are established in accordance with the first paragraph.

DIVISION III**PAYMENT OF THE SUMS AWARDED TO THE SPOUSE AS A RESULT OF THE PARTITION OR ASSIGNMENT OF BENEFITS**

11. In this Division, the expression “life income fund” has the meaning assigned to it by section 18 of the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990, and the expressions “locked-in retirement account” and “annuity contract” have the meaning assigned to them by sections 29 and 30 of that Regulation.

12. An application for payment of the sums awarded to the spouse must be preceded by an application for assessment made in accordance with Division I and must contain the name and address of the judge or former judge and his or her spouse, their social insurance numbers and their dates of birth.

That application is also valid for all the pension plans for which the Commission has provided a statement.

13. An application for payment of the sums awarded to the spouse must be accompanied by the following documents:

(1) the judgment ruling on separation from bed and board, divorce, dissolution of the civil union, nullity of marriage or civil union or payment of a compensatory allowance;

(2) where applicable, any other judgment relating to the partition or assignment of the benefits of the judge or former judge or the joint declaration dissolving the civil union and the notarized transaction contract;

(3) where applicable, the agreement entered into between the spouses regarding the terms for payment out of benefits accrued under the pension plan established by Part V.1, VI or VI.1 of the Act;

(4) the divorce certificate.

14. Upon receipt of a duly completed application for payment, the Commission shall send the judge or former judge a statement showing the sums awarded to the spouse as well as the amount of the reduction computed pursuant to Division IV. The Commission shall also send the spouse a statement showing the sums awarded to the spouse.

The spouse must, within 60 days of the date on which the statement is mailed to him or her, provide the Commission with the name and address of the financial institution and with an identification of the annuity con-

tract, locked-in retirement account, life income fund or, where applicable, registered retirement savings plan or registered retirement income fund into which the sums awarded to the spouse must be transferred.

Except where the spouse has been paid otherwise, the Commission shall, within 120 days of the expiry of the period provided for in the second paragraph, transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account, life income fund or, where applicable, registered retirement savings plan or registered retirement income fund with a financial institution chosen by the spouse, provided that the steps necessary for the transfer of those sums have been taken.

Should the spouse fail to indicate a choice or to take the necessary steps within the prescribed period, the Commission shall transfer those sums into a locked-in retirement account or, where applicable, a registered retirement savings plan in the spouse’s name with the financial institution with which the Commission entered into an agreement to that effect.

Where the spouse proceeds by way of compulsory execution, the judgment authorizing a seizure by garnishment stands in lieu of an application for payment and this section applies.

15. The Commission shall transfer the sums awarded to the spouse into an annuity contract, a locked-in retirement account or a life income fund where those sums come from an entitlement to a pension or to a deferred pension.

However, the Commission shall transfer those sums into a registered retirement savings plan or a registered retirement income fund if those sums come from an entitlement to a refund of contributions under section 224.4 of the Act, to a refund of contributions under section 244.4 of the Act, or to a refund of amounts under section 246.14.2 of the Act, or, upon application by the spouse, into an annuity contract, a locked-in retirement account or a life income fund.

Despite the first and second paragraphs, those sums are paid to the spouse’s successors in the event of the spouse’s death.

16. The sums awarded to the spouse are apportioned among each of the values computed pursuant to the first and second paragraphs of section 9, in the proportion that the value of those sums is of the total value of the benefits accrued under the plan at the date of assessment.

17. Interest compounded annually and accrued from the date of assessment up to the date of payment must be added to the sums awarded to the spouse at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

DIVISION IV **REDUCTION OF ACCRUED BENEFITS**

18. If the amount paid to the spouse comes from an entitlement to a refund of contributions under section 224.4 of the Courts of Justice Act, to a refund of contributions under section 244.4 of the Act or to a refund of amounts under section 246.14.2 of the Act, or to a deferred pension, the benefits of the judge or former judge are established in accordance with the Act and recomputed as follows:

(1) where the judge or former judge is entitled to a refund of contributions under section 224.4 of the Act, to a refund of contributions under section 244.4 of the Act or to a refund of amounts under section 246.14.2 of the Act, the amount of the refund is reduced by the sums awarded to the spouse at the date of assessment with the interest provided for in section 244.12 of the Act, and accrued from the date of assessment to the date on which the refund is made;

(2) where the judge or former judge is entitled to transfer an amount under a transfer agreement concluded in accordance with section 246.24 of the Act, the amount is reduced by the sums awarded to the spouse at the date of assessment with interest provided for in section 244.12 of the Act and accrued from the date of assessment to the date on which the transfer is made;

(3) where the judge or former judge is entitled to a deferred pension or a pension, the pension is reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

19. If the amount paid to the spouse comes from an entitlement to a pension, the pension is reduced, from the date of payment or from the date on which it becomes payable in the case of a judge 65 years of age, or 70 years of age or over, as the case may be, at the date of assessment, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

20. Each part of any pension corresponding to each of the indexing methods applicable thereto must be reduced by the amount of any pension corresponding to

each of the indexing methods applicable thereto that would be obtained on the basis of the sums awarded to the spouse at the date of assessment. The same applies where the amount paid to the spouse comes in part from the value of the benefits accrued under another pension plan that has been transferred under section 246.23.1 of the Act to the pension plan established by Part V.1 or VI, for each case.

21. For the purposes of sections 18 and 20, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment is established at that date according to the actuarial method and assumptions in section 8. That amount is presumed applicable on the date of the judge's or former judge's 65th birthday where Part V.1 or VI of the Act applies or on the date of the 70th birthday where Part VI.1 of the Act applies or where the benefit accrued under the pension plan provided for in Part VI of the Act was deemed to correspond to a deferred pension at 70 years of age.

If the pensioner is under 65 years of age, or 70 years of age, as the case may be, on the date on which the annual pension becomes payable, or on the date of payment if the pension is being paid at that date, the amount of pension obtained pursuant to the first paragraph is reduced by 0.50% per month, computed for each month between the date on which that amount of pension begins to apply and the date of the pensioner's 65th or 70th birthday, as the case may be, without exceeding 65%.

If the pensioner retired before the date of payment and if that date occurs after the date of the pensioner's 65th birthday or 70th birthday, as the case may be, the amount of pension obtained pursuant to the first paragraph is increased by 0.50% per month, computed for each month between the date of the pensioner's 65th or 70th birthday and the date on which that amount of pension begins to apply, if the pensioner retired before the date of the pensioner's 65th or 70th birthday, as the case may be, or for each month between the date on which the pensioner retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of the pensioner's 65th or 70th birthday, as the case may be, or thereafter.

22. For the purposes of sections 19 and 20, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment is established at that date in accordance with the actuarial method and assumptions in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph is increased by 0.50% per month, computed for each month between the date of assessment and the

date on which that amount of pension begins to apply, if the pension was being paid on the date of assessment or would have been if the former judge had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

23. Where the judge ceases to pay the amounts required to be entitled to the advantage provided for in section 244.9 of the Act or in section 25 of chapter 44 of the Statutes of 1990, and the cost of which was being paid at the time of the assessment, the judge may obtain a refund “R” computed, at the date on which the judge ceases to pay those amounts, as follows:

$$MV_d - \frac{(M_a \times MV_e)}{V_a} = R, \text{ where}$$

“ MV_d ” is the total amount paid by the judge to be entitled to the advantage provided for in section 244.9 of the Courts of Justice Act or in section 25 of chapter 44 of the Statutes of 1990, to the date on which the judge ceased the payments, with the interest provided for in section 244.12 of the Act, and accrued to the date on which the judge ceased the payments;

“ M_a ” is the amount awarded to the spouse at the date of assessment;

“ V_a ” is the value of the total benefits accrued to the judge at the date of assessment;

“ MV_e ” is the amount paid by the judge to be entitled to the advantage provided for in section 244.9 of the Courts of Justice Act or in section 25 of chapter 44 of the Statutes of 1990, until the date of assessment, with the interest provided for in section 244.12 of the Act, and accrued from the date of assessment to the date on which the judge ceased the payments.

24. Any refund of contributions or of other amounts to be made following a death must be reduced by the sums awarded to the spouse with the interest provided for in the Act, and accrued from the date of assessment to the first day of the month during which the refund is made, except for the period during which a pension is paid.

25. This Regulation replaces the Regulation respecting the partition and assignment of benefits accrued under the pension plans of the judges of the Court of Québec, made by Order in Council 460-92 dated 1 April 1992.

26. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 30 May 2001.

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Decisions

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Polling hours in case of delay or interruption

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning polling hours in case of delay or interruption

WHEREAS order-in-council number 346-2008, issued on April 9, 2008, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Bourget, Hull and Pointe-aux-Trembles on May 12, 2008;

WHEREAS section 333 of the Election Act (R.S.Q., c. E-3.3) was modified by the Act to amend the Election Act to encourage and facilitate voting (2006, c. 17) in order to set polling times from 9:30 a.m. to 8 p.m., namely during a period of ten and a half hours;

WHEREAS section 353 of the Election Act stipulates that in case of interruption or delay, polling will continue until it has lasted for a period of eleven hours;

WHEREAS following an error, section 353 was not modified to implement the new polling hours;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an error, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 353 of this Act in order to take into account the new polling hours.

For the purposes of this decision, section 353 of the Election Act shall read as follows:

“353. If it is not possible for the polling to begin at the prescribed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted ten and a half hours.”

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold by-elections in the electoral divisions of Bourget, Hull and Pointe-aux-Trembles.

Québec, 15 April 2008

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

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Notices

Notice

Automobile Insurance Act
(R.S.Q., c. A-25)

Groupement des assureurs automobiles — Direct compensation Agreement for the settlement of automobile claims

WHEREAS under section 173 of the Automobile Insurance Act (R.S.Q., c. A-25) the Groupement des assureurs automobiles is required to establish a Direct Compensation Agreement for the settlement of automobile claims;

WHEREAS said Agreement came into force on May 1, 1978 and was subsequently amended on September 1, 1980, June 1, 1984, July 1, 1986, October 1, 1987, January 1, 1990, May, 7 1990, December 1, 1991, June 25, 1994, June 2, 2001 and June 2, 2007;

WHEREAS amendments having been necessary, they were approved as required on March 27, 2008, by authorized insurers in accordance with section 174 of the Automobile Act Insurance;

NOW THEREFORE, notice is hereby given that the Direct Compensation Agreement is amended as shown in the text of amendments published in this issue of the *Gazette Officielle du Québec* and will come into force on June 2, 2008 in accordance with the relevant provisions of the Automobile Insurance Act, namely thirty (30) days following publication of this notice.

FRANCINE PELLETIER,
Secretary

Direct Compensation Agreement for the Settlement of Automobile Claims*

Automobile Insurance Act
(R.S.Q., c. A-25, s. 116 and 173)
(12th edition)

INTRODUCTION

As provided in section 173 of the Automobile Insurance Act, the Groupement des assureurs automobiles must establish a Direct Compensation Agreement. Section 116 also provides that:

“The recourse of the owner of an automobile by reason of property damage sustained in an automobile accident shall not be exercised except against the insurer with whom he subscribed his automobile liability insurance, to the extent that the Direct Compensation Agreement contemplated in section 173 applies.

However, the owner may, if he is not satisfied with the settlement made in accordance with the Agreement, exercise such recourse against the insurer in accordance with the ordinary rules of law to the extent that sections 108 to 114 do not derogate therefrom.”

SECTION V ARBITRATION

12. Any dispute between the parties bound by this Agreement and resulting from its application shall be determined by the Arbitration Board of the Groupement des assureurs automobiles.

* Direct Compensation Agreement updated as of June 2, 2008 as published and modified in the following regulations: (1978) 110 *G.O.* 2; (1980) 112 *G.O.* 2; (1981) 113 *G.O.* 2 (Erratum); (1984) 116 *G.O.* 2; (1986) 118 *G.O.* 2; (1986) 118 *G.O.* 2 (Erratum); (1987) 119 *G.O.* 2; (1990) 122 *G.O.* 2; (1990) 122 *G.O.* 2; (1991) 123 *G.O.* 2; (1994) 126 *G.O.* 2; (1994) 126 *G.O.* 2 (Erratum); (2001) 133 *G.O.* 2; (2001) 133 *G.O.* 2 (Erratum); (2007) 139 *G.O.* 2; (2008) 140 *G.O.* 2 in accordance with the Automobile Insurance Act (R.S.Q., c. A-25, s.116 and 173).

The Arbitration Board shall comprise at least seven members appointed every year by the Board of Directors of the Groupement des assureurs automobiles. The Board of Directors shall designate the chairman and the two vice-chairmen of the Arbitration Board. The Arbitration Board shall meet within sixty days after receipt of the allegations of the parties by the Groupement des assureurs automobiles.

A majority of the serving members of the Arbitration Board shall constitute a quorum, including the chairman or one vice-chairman, said chairman or vice-chairman having a casting vote in case of a tie.

Decisions rendered by the Arbitration Board are final.

SECTION VI **EFFECTIVE DATE**

13. This Agreement shall come into force on June 2, 2008 and shall apply to all accidents occurring on or after that date.

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

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Optometry — Practice of the profession within a partnership or a company (Professional Code, R.S.Q., c. C-26)	1235	N
Optometry Act — Optometrists — Code of ethics (R.S.Q., c. O-7)	1240	M
Pension plans of the judges of the Court of Québec and of certain municipal courts — Partition and assignment of benefits accrued under the pension plans (Courts of Justice Act, R.S.Q., c. T-16)	1260	Draft
Physical therapists or physical rehabilitation therapists — Professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists (Professional Code, R.S.Q., c. C-26)	1229	N
Physicians — Activities contemplated by section 31 of the Act which may be engaged in by classes of persons other than physicians (Medical Act, R.S.Q., c. M-9)	1250	M
Physicians — Activities contemplated by section 31 of the Act which may be engaged in by classes of persons other than physicians (Professional Code, R.S.Q., c. C-26)	1250	M
Physiotherapists and physical rehabilitation therapists — Standards for equivalence of diplomas and training for the issue of a permit (Professional Code, R.S.Q., c. C-26)	1226	N
Professional Code — Comptables en management accrédités — Standards for equivalence of diplomas for the issue of a permit of the Ordre (R.S.Q., c. C-26)	1231	M
Professional Code — Comptables en management accrédités — Standards for equivalence of training for the issue of a permit of the Ordre (R.S.Q., c. C-26)	1232	M
Professional Code — Land surveyors — Code of ethics (R.S.Q., c. C-26)	1223	M

Professional Code — Optometrists — Code of ethics (R.S.Q., c. C-26)	1240	M
Professional Code — Optometry — Practice of the profession within a partnership or a company (R.S.Q., c. C-26)	1235	N
Professional Code — Physical therapists or physical rehabilitation therapists — Professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists (R.S.Q., c. C-26)	1229	N
Professional Code — Physicians — Activities contemplated by section 31 of the Act which may be engaged in by classes of persons other than physicians (R.S.Q., c. C-26)	1250	M
Professional Code — Physiotherapists and physical rehabilitation therapists — Standards for equivalence of diplomas and training for the issue of a permit . (R.S.Q., c. C-26)	1226	N
Professional Code — Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre (R.S.Q., c. C-26)	1234	M
Professional Code — Veterinary surgeons — Code of ethics (R.S.Q., c. C-26)	1243	M
Technologues en radiologie — Standards for diploma or training equivalence for the issue of a permit by the Ordre (Professional Code, R.S.Q., c. C-26)	1234	M
Veterinary surgeons — Code of ethics (Professional Code, R.S.Q., c. C-26)	1243	M

