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Coming into force of Acts

Gouvernement du Québec

O.C. 394-2008, 23 April 2008

An Act to amend various legislative provisions concerning pension plans in the public sector (2007, c. 43)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend various legislative provisions concerning pension plans in the public sector

WHEREAS the Act to amend various legislative provisions concerning pension plans in the public sector (2007, c. 43) was assented to on 21 December 2007;

WHEREAS, under section 190 of the Act, the Act came into force on 21 December 2007, except

(1) sections 1 to 3, 14 to 16, 18 to 22, 30, 31, 32, 44 to 46, 48 to 52, paragraphs 2 and 3 of section 55 and sections 56, 57, 95, 97, 102, 103, 108, 109, 111 to 113, 118, 122 to 124, 127, 130, 132 to 134, 136 to 139, 141 to 143, 155, 156 and 166, which came into force on 1 January 2008;

(2) sections 84 and 85, which come into force on 1 January 2009;

(3) sections 4, 6 to 9, 11, 13, 23 to 25, paragraph 2 of section 26, sections 27 to 29, 33 to 37, paragraph 2 of section 39, sections 40, 41, 53, 54, 59 to 64, 68, 71, 75, 76, paragraph 2 of section 77, sections 80, 81, paragraphs 2 to 4 of section 82, sections 83, 89 to 91, 94, 98, 100, 101, 104 to 107, 110, 115, 117, 119 to 121, 125, 126, 128, 129, 140, 144 to 153, paragraph 2 of section 154 and sections 157 to 161 and 167 to 170, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of certain of those provisions;

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

THAT 7 May 2008 be set as the date of coming into force of sections 7, 9, 11, 33, 34, 36, paragraph 2 of section 39 to the extent that it concerns paragraph 7.3.2, sections 59 to 62, paragraph 2 of section 82, sections 104

to 107, 110, 117, 119 to 121, 128, 144 to 147 and paragraph 1 of section 159 of the Act to amend various legislative provisions concerning pension plans in the public sector (2007, c. 43).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8676

Regulations and other acts

Gouvernement du Québec

O.C. 398-2008, 23 April 2008

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

Audioprothésistes — Conciliation and arbitration procedure for accounts of members of the Ordre

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

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

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

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), 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 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 made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the conciliation and arbitration procedure for accounts of members of the Ordre des audioprothésistes du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

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

DIVISION I CONCILIATION

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION II ARBITRATION

§1. *Application for arbitration*

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

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

11. Within 5 days of receiving an application for arbitration, the secretary of the Order must so notify the hearing-aid acoustician concerned by registered mail or, if the secretary cannot notify that person personally within that time, the hearing-aid acoustician's firm.

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

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

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

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

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

§2. *Council of arbitration*

15. A council of arbitration must be composed of 3 arbitrators when the amount in dispute is \$1,500 or more and of a single arbitrator when the amount in dispute is less than \$1,500.

16. The Bureau must appoint the member or members of the council of arbitration from among the members of the Order and, if the council consists of 3 arbitrators, the Bureau must appoint the chair.

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

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

19. An application for the recusation of an arbitrator may be made only on one of the grounds provided for in article 234 of the Code of Civil Procedure, excluding paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration

and to the parties or their advocates within 10 days of receiving the notice provided for in section 18 or 10 days after the cause for recusation becomes known.

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

§3. Hearing

20. The council of arbitration must give the parties at least 10 days' written notice of the date, time and place of the hearing.

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

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

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

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

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

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

§4. Arbitration decision

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE I

(ss. 9 and 10)

Application for ACCOUNT arbitration

I, the undersigned, _____
(name of the client)

(domicile)

Declare that:

1. _____
(name of hearing-aid acoustician)
is claiming from me (or refuses to reimburse me) a sum
of money for professional services.

2. I have enclosed a copy of the conciliation report.

3. I am applying for arbitration of the account under the
Regulation respecting the conciliation and arbitration
procedure for accounts of members of the Ordre des
audioprothésistes du Québec.

4. I declare that I have received and have taken cogni-
zance of the above-mentioned Regulation.

5. I agree to abide by the procedure set out in the Regu-
lation and, where required, to pay to _____

(name of hearing-aid acoustician)
the amount of the arbitration decision.

Signature

SCHEDULE II

(s. 17)

OATH

I solemnly affirm that I will discharge all the duties and
exercise all the powers of arbitrator faithfully, impar-
tially and honestly, to the best of my ability and knowl-
edge.

I also solemnly affirm that I will not, without being so
authorized by law, disclose or make known anything
whatsoever of which I may have knowledge in the exer-
cise of my functions.

(signature)

Oath taken before _____
(name and position, profession or quality)

at _____ on _____
(municipality) (date)

(signature)

8677

Gouvernement du Québec

O.C. 399-2008, 23 April 2008

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

Denturologistes

— Standards for diploma or training equivalence for the issuing of a permit by the Ordre — Amendments

Regulation to amend the Regulation respecting the
standards for diploma or training equivalence for the
issuing of a permit by the Ordre professionnel des
denturologistes 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 equiva-
lence of diplomas issued by educational establishments
situated outside Québec, for the purposes of issuing a
permit or specialist's certificate, and standards of equiva-
lence 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, in the same manner,
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 deci-
sion must be reviewed by persons other than those who
made it and, for that purpose, provide the delegation of
the Bureau's power to decide an application or review a
decision to a committee established under paragraph 2
of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des denturologistes
du Québec made the Regulation to amend the Regula-
tion respecting the standards for diploma or training
equivalence for the issuing of a permit by the Ordre
professionnel des denturologistes 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 submitted, with the recom-
mendation 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 1 August 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 issuing of a permit by the Ordre professionnel des denturologistes 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 issuing of a permit by the Ordre professionnel des denturologistes 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 issuing of a permit by the Ordre professionnel des denturologistes du Québec is amended by striking out “by the Bureau of the Order” in paragraphs 1 and 2 of section 2.

2. Section 4 is replaced by the following:

“**4.** Despite section 3, if the diploma for which an equivalence application has been made was issued more than three years before the application and, considering the developments in the profession, the knowledge and skills certified by the diploma no longer correspond to the knowledge and skills being taught at the time of the application in a program of study leading to a diploma giving access to the permit issued by the Order, the candidate is granted a

training equivalence pursuant to section 5 if the candidate has attained the required level of knowledge and skills since being awarded the diploma.”.

3. Section 6 is revoked.

4. Section 7 is amended by replacing “candidate’s experience” in paragraph 1 by “candidate’s relevant work experience in the field of denturology”.

5. Sections 10 to 13 are replaced by the following:

“**10.** As regards diplomas obtained outside Québec, the secretary may require a candidate to obtain a comparative evaluation of studies outside Québec, issued by the Ministère de l’Immigration et des Communautés Culturelles.

11. The secretary must send the documents referred to in section 8 to the committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26) to examine applications for diploma or training equivalence and make an appropriate recommendation.

For the purposes of the recommendation, the committee may require a person making an equivalence application to successfully undergo an interview, pass an examination or complete a training period, or do all three.

12. At the first meeting following the date of receipt of a recommendation from the committee, the Bureau must decide, in accordance with this Regulation, whether it will grant the diploma or training equivalence and inform the candidate in writing within 30 days of its decision.

If the Bureau refuses to grant the equivalence or grants it 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 equivalence.

13. A candidate who is informed of the Bureau’s decision not to grant the equivalence or to grant it in part may apply to the secretary in writing, with reasons, for a review within 30 days of receiving the decision.

The decision must be reviewed within 90 days of receipt of the application by a 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 Bureau or the committee referred to in section 11. Before disposing of the review application, the committee must allow the candidate to make submissions.

* The Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec, approved by Order in Council 1025-2002 dated 4 September 2002 (2002, G.O. 2, 4769), has not been amended since.

A candidate who wishes to be present to make submissions must inform the secretary at least five days before the date set for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date set for the meeting.

The decision of the committee is final and must be sent to the candidate in writing within 30 days following the date of the meeting.”.

6. A diploma or training equivalence application for which a recommendation was made pursuant to section 10 of the Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec approved by Order in Council 1025-2002 dated 4 September 2002, as it reads on 21 May 2008, must be examined on the basis of the provisions replaced by this Regulation.

Section 13, as introduced by section 5 of this Regulation, applies to decisions made pursuant to section 11 of the Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec, as it reads on 21 May 2008, if the time allowed for review has not expired on 22 May 2008, and to review applications in respect of which the Bureau has not made a decision before that date. The person who made the recommendation to the Bureau in relation to a decision whose review is applied for cannot be a member of the committee formed to conduct the review.

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

8678

Gouvernement du Québec

O.C. 400-2008, 23 April 2008

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

**Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices
— Practice within a partnership or a joint-stock company**

Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec may make a regulation respecting the practice of the profession of guidance counsellor and psychoeducator within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Order must then, 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 their profession and fix the conditions and procedure and, as appropriate, any fees applicable to a declaration made to the Order;

WHEREAS the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock 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 being made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices 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 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 the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved, without amendment, Chapter II of the Regulation comprising sections 9 to 11 and, without amendment, the second paragraph of section 3 of the Regulation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock 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 members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company

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

CHAPTER 1 GENERAL

1. Members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec are authorized to carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by members of the Order or by other professionals governed by the Professional Code;

(b) by a legal person, trust or enterprise whose voting rights attached to the shares or units of the partnership or joint-stock company are held entirely by members of the Order or by other professionals governed by the Professional Code; or

(c) by a combination of persons, trusts or enterprises referred to in subparagraphs *a* and *b*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order or other professionals governed by the Professional Code; and

(3) to constitute a quorum of the board of directors of a partnership or joint-stock company, a majority of the members present are members of the Order or other professionals governed by the Professional Code.

Members of the Order must ensure that those conditions appear in the articles of incorporation of the joint-stock company or in the contract constituting the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. A member of the Order may carry on professional activities within a partnership or joint-stock company if the member

(1) provides the Order with a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Chapter II;

(2) provides the Order, where the member carries on professional activities within a joint-stock company, with a written document from the competent authority certifying the existence of the joint-stock company;

(3) provides the Order, where applicable, with a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) provides the Order with a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(5) provides the Order with a written document certifying that the partnership or joint-stock company has an establishment in Québec;

(6) provides the Order with an irrevocable written authorization from the partnership or joint-stock company within which the member carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to obtain from a person any document listed in section 13 or a copy of such a document; and

(7) provides the Order with a written document from the partnership or joint-stock company certifying that its shareholders having voting rights, its partners, directors and officers, as well as the members of its staff who are not members of the Order are aware of the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006 and comply with the Code.

3. In addition, the member of the Order must send to the Order a sworn declaration, made on the form provided by the Order, containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the member of the Order carries on professional activities and the registration number assigned to them by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) the professional activities carried on by the member of the Order within the partnership or joint-stock company;

(4) the member of the Order's name, home address and status within the partnership or joint-stock company;

(5) where the member carries on professional activities within a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the main establishment, names and home addresses of all the partners, their percentage of units and an indication of their management functions, as the case may be;

(6) where the member carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

(7) an indication that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation;

(8) the names of the holders of shares or units referred to in subparagraph 1 of the first paragraph of section 1 with the percentage of voting rights held by each shareholder; and

(9) an indication that the conditions set out in subparagraph *b* of subparagraph 1 of the first paragraph of section 1 are complied with in the case of holders of shares or units referred to in that subparagraph.

Members of the Order must submit with their declaration a fee of \$100.

4. Where more than one member of the Order carries on activities within the same partnership or joint-stock company, they must designate a representative to fill out the documents on behalf of all the members of the Order and send the documents and fees prescribed in sections 2 and 3 to the Order, reply to requests made by the syndic, an assistant syndic, an inspector, an investigator or any other representative of the Order and provide any other documents the members of the Order are required to submit.

The representative must be a member of the Order and a voting partner or shareholder.

The representative must ensure the accuracy of the information given in the declaration referred to in the first paragraph of section 3.

5. A member of the Order is exempt from the requirement to satisfy the conditions set out in sections 2 and 3 if a member of the Order or the representative of the partnership or joint-stock company within which the member practises has already satisfied the conditions.

6. The documents referred to in paragraphs 1, 4 and 5 of section 2 must be updated every year by the member of the Order or the representative by 31 March at the latest.

Any change to the other documents referred to in section 2 and to the declaration referred to in the first paragraph of section 3 must be sent to the Order within 30 days of the date of the change.

7. Where a member of the Order becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the member of the Order must, within 15 days, take the necessary measures to comply, failing which, the member of the Order is no longer authorized to carry on activities within the partnership or company.

8. A member of the Order or the representative of the partnership or the joint-stock company must immediately inform the Order of any change to the insurance coverage referred to in paragraph 1 of section 2, the striking off, dissolution, assignment of property, bank-

ruptcy, voluntary or forced liquidation of the partnership or joint-stock company or any other cause likely to prevent the partnership or joint-stock company from carrying on its activities and any change in the information given in the declaration referred to in the first paragraph of section 3 that is contrary to the conditions set out in section 1.

CHAPTER II PROFESSIONAL LIABILITY COVERAGE

9. A member of the Order must furnish and maintain security for the partnership or joint-stock company within which the member carries on professional activities by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of members of the Order in carrying on their professional activities within the partnership or joint-stock company.

10. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the member of the Order pursuant to the Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 19 December 2001, or the coverage taken out by the member of the Order if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the member of the Order in carrying on professional activities;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking that the security extends to all claims submitted in the five years after the date on which a member of the Order in the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of that member while carrying on professional activities within the partnership or joint-stock company;

(4) an amount of at least \$1,000,000 per claim and \$3,000,000 for all claims relating to the coverage period;

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance or suretyship contract, to amend a condition of this section or not to renew the contract; and

(6) an undertaking by the insurer or surety to provide the secretary of the Order with a notice that the insurance or suretyship contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract.

11. The suretyship under this Chapter must be with a bank, credit union, trust or insurance company that undertakes to provide the coverage required by section 10, waiving the benefit of division and discussion; the institution must be domiciled in Canada and maintain sufficient property in Québec to meet the required coverage.

CHAPTER III ADDITIONAL INFORMATION

12. On a general partnership being continued as a limited liability partnership or a joint-stock company being constituted, a member of the Order carrying on professional activities within the partnership or joint-stock company must, on the date of the occurrence, send a notice to his or her clients informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to the member's professional liability and that of the partnership or joint-stock company.

13. The documents for which an authorization from the partnership or joint-stock company is required to communicate or obtain copies pursuant to paragraph 6 of section 2 are the following:

(1) if the member of the Order carries on professional activities within a joint-stock company,

(a) the complete and up-to-date register of the articles and by-laws of the joint-stock company;

(b) the complete and up-to-date register of the shareholders of the joint-stock company;

(c) the complete and up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the names and home addresses of the company's principal officers;

(2) if the member of the Order carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership contract and amendments;

(c) the complete and up-to-date register of the partners;

(d) where applicable, the complete and up-to-date register of the directors; and

(e) the names and home addresses of the partnership's principal officers.

CHAPTER IV INCOME

14. Where a member of the Order carries on professional activities within a joint-stock company, the income derived from the professional services rendered within and on behalf of the company belongs to the company, unless it has been agreed otherwise.

The determination, billing and payment of fees is subject to the conditions set out in the Code of ethics of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and the member of the Order is personally responsible for seeing to their application.

CHAPTER V TRANSITIONAL AND FINAL

15. A member of the Order who carries on professional activities within a joint-stock company constituted for the purposes of the professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

Gouvernement du Québec

O.C. 401-2008, 23 April 2008

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

Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Equivalence standards for the issue of permits — Amendments

Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices 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 conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices 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 to 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 6 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 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 equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices 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 equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*

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

1. Section 1 of the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is amended by striking out “the Bureau of” wherever it appears in the second paragraph.

* The Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 540-2005 dated 8 June 2005 (2005, *G.O.* 2, 1967) has not been amended since it was approved.

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

3. Sections 9 to 12 are replaced by the following:

9. The secretary must send the documents referred to in section 7 to a committee formed by the Bureau, pursuant to paragraph 2 of section 86.0.1 of the Professional Code, to study applications for a diploma or training equivalence and decide to recognize the diploma or training equivalence. The committee is composed of persons who are not members of the administrative committee.

In order to make its decision, the committee may require the applicant to pass an examination or to successfully complete a training period, or both.

10. Within 90 days following the date on which the documents were sent by the secretary, the committee must decide, in accordance with this Regulation, whether or not to recognize the diploma or training equivalence.

11. The committee must give the candidate written notice of its decision within 15 days following the date of the decision.

If the committee refuses to recognize the equivalence applied for, it must at the same time inform the candidate in writing of the programs of study, training sessions or examinations that could be successfully completed within the allotted time, taking into account the candidate's current level of knowledge, for the equivalence to be granted.

12. A candidate who is informed of the committee's decision not to recognize the equivalence applied for may apply to the administrative committee for review, provided that the candidate applies to the secretary in writing within 30 days after receiving the decision.

The administrative committee must examine the application at the first regular meeting following the date on which the application is received. Before making a decision, the committee must inform the candidate of the date of the meeting and of the candidate's right to make submissions at 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 administrative committee is final and must be sent to the candidate in writing 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*.

8680

Gouvernement du Québec

O.C. 402-2008, 23 April 2008

Professional Code
(R.S.Q., c. C26)

Inhalothérapeutes **— Standards for diploma or training equivalence** **for the issuance of a permit** **— Amendments**

Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issuance of a permit by the Ordre professionnel des inhalothérapeutes du Québec

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

WHEREAS, under paragraph *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 des inhalothérapeutes du Québec made the Regulation to amend the Regulation respecting the standards for diploma or training equivalence for the issuance of a permit by the Ordre professionnel des inhalothérapeutes 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 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. R18.1), 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, 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 to amend the Regulation respecting the standards for diploma or training equivalence for the issuance of a permit by the Ordre professionnel des inhalothérapeutes du Québec, 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 issuance of a** **permit by the Ordre professionnel des** **inhalothérapeutes 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 issuance of a permit by the Ordre professionnel des inhalothérapeutes du Québec is amended by the deletion, in paragraph 1° and 2° of section 2, of the words “the Bureau of”.

* The Regulation respecting the standards for diploma or training equivalence for the issuance of a permit by the Ordre professionnel des inhalothérapeutes du Québec was approved by Order in Council no. 1332-2000 dated November 15, 2000 (2000, *G.O.* 2, 7025). The regulation has not been amended since.

2. Section 13 of the said regulation is replaced by the following:

“**13.** A candidate who is informed of the Bureau’s decision not to recognize the equivalence requested or to recognize it in part only may apply for review by a review committee. The review committee is formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code. No person contemplated in section 10 hereof and no member of the Bureau may form part of the review committee.

The candidate must apply for revision in writing to the secretary of the Order within 30 days of receipt of the decision. He may submit written representations to the review committee with his application for review.

The candidate may also, in his application, ask to be present to submit his observations when the review committee meets to consider his application for review. In that case, the secretary must inform the candidate of the date of the meeting by notice sent by registered mail not less than 15-days before the date of the meeting.

The review committee has 60 days from the date of receipt of the application for review to arrive at a decision. The decision of the review committee is final and must be sent to the candidate in writing by registered mail within 30 days after the date of the decision.”.

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

8681

Gouvernement du Québec

O.C. 427-2008, 30 April 2008

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

Podiatres

— Diploma and training equivalence standards for the issue of a permit

Regulation respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational

establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

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

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

WHEREAS the Bureau of the Ordre des podiatres du Québec made the Regulation respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres 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 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 9 January 2008 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 respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres du Québec

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

DIVISION I GENERAL

1. The secretary of the Ordre des podiatres du Québec must forward a copy of this Regulation to a candidate who, for the purpose of obtaining a permit from the Order, applies to have a diploma or training recognized as equivalent.

2. In this Regulation,

“credit” means the quantitative value attributed to a student’s work-load, one credit representing 15 hours of theoretical coursework and 30 hours of practical work, or 45 hours of clinical practicum;

“diploma equivalence” means recognition, pursuant to the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational institution outside Québec certifies that a candidate’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized as giving access to the permit issued by the Order;

“diploma giving access to the permit” means a diploma recognized, pursuant to a regulation of the Government made under the first paragraph of section 184 of the Professional Code, as giving access to the permit issued by the Order;

“training equivalence” means recognition, pursuant to the Professional Code, 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 giving access to the permit issued by the Order.

DIVISION II DIPLOMA EQUIVALENCE STANDARDS

3. A candidate who holds a diploma awarded by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of studies at a level equivalent to university comprising a minimum of 195 credits. At least 192 of the 195 credits must be apportioned as follows:

(1) basic sciences: a minimum of 37 credits in anatomy, physiology, biochemistry, microbiology and histology, and at least 6 credits in community health and research methodology;

(2) clinical sciences and podiatry: at least 80 credits apportioned as follows:

(a) pathologies	16 credits;
(b) biomechanics	4 credits;
(c) radiology	7 credits;
(d) podiatric orthopedics	8 credits;
(e) pharmacology	5 credits;
(f) emergency care / traumatology	3 credits;
(g) podiatric surgery	10 credits;
(h) ethics and deontology	3 credits;
(i) clinical podiatry	24 credits;

(3) clinical practicums in podiatry: a minimum of 69 credits apportioned as follows:

(a) podiatry	18 credits;
(b) podiatric orthopedics	22 credits;
(c) podiatric surgery	20 credits;
(d) podiatric radiology	9 credits.

4. Despite section 3, if the diploma for which an equivalence application is made was obtained more than three years before the date of the application and, considering the developments in the profession, the knowledge and skills certified by the diploma no longer correspond to what is currently being taught in a program of studies leading to the issue of a diploma giving access to the permit issued by the Order, a candidate who has attained the required level of knowledge and skills since being awarded the diploma is granted a training equivalence pursuant to section 5.

DIVISION III TRAINING EQUIVALENCE STANDARDS

5. A candidate who demonstrates having a level of knowledge and skills equivalent to the level attained by the holder of a diploma giving access to the permit issued by the Order is granted a training equivalence.

6. In assessing the training submitted in support of a training equivalence application, the Bureau is to take particular account of the following factors:

(1) the fact that the candidate holds one or more diplomas;

(2) the nature of the courses taken, their content and their duration in hours or the number of credits earned for them;

(3) the total number of years of schooling;

(4) supervised practicums completed by the candidate in podiatric practice, and any other training or upgrading activities;

(5) the nature and duration of the candidate's experience in podiatric practice; and

(6) any contribution to the advancement of the profession of podiatry.

DIVISION IV EQUIVALENCE RECOGNITION PROCEDURE

7. A candidate wishing to have an equivalence recognized must provide the secretary with the following documents and information:

(1) a written equivalence application accompanied by the application examination fees required pursuant to paragraph 8 of section 86.0.1 of the Professional Code;

(2) the candidate's complete academic record, including a description of the courses taken and their duration in hours or the number of credits earned for them, and the corresponding transcript;

(3) a certified true copy of all diplomas held;

(4) where applicable, proof that the candidate is or was a member of an order or recognized association of podiatrists or a true copy of any permit to practise held by the candidate;

(5) where applicable, an attestation and a description of the candidate's relevant work experience in the practice of podiatry;

(6) where applicable, an attestation of successful completion of a supervised practicum or of satisfactory participation in any other training or upgrading activity relating to the practice of podiatry, and a detailed description of the content of the activity; and

(7) where applicable, any information relating to other factors the Bureau may take into account pursuant to section 6.

8. Documents in a language other than French or English submitted in support of an equivalence application must be accompanied by a French or English translation certified under oath by the translator.

9. The committee formed by the Bureau to examine equivalence applications makes the appropriate recommendations to the Bureau.

For the purposes of an appropriate recommendation, the committee may require the candidate to sit for an interview, pass an examination or serve a practicum.

10. At the first regular meeting following the date of receipt of the committee's recommendation, the Bureau must decide to

(1) grant the diploma or training equivalence;

(2) grant the training equivalence in part; or

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

11. The secretary must inform the candidate of the Bureau's decision in writing by registered mail within 15 days after the date of the decision.

If the Bureau refuses to grant the equivalence or grants a training equivalence in part, it must at the same time inform the candidate in writing of any programs of study, bridging programs, practicums or examinations which if successfully completed within the allotted time would enable the candidate to be granted the training equivalence. The Bureau must also inform the candidate of the candidate's right to apply for a review of the decision in accordance with section 12.

12. A candidate who is informed of the Bureau's decision not to grant the equivalence or to grant the equivalence in part may apply for review of the decision. The review application must be made to the secretary in writing within 30 days of receiving the Bureau's decision.

The review must take place within 60 days after the date on which the application is received by a committee formed by the Bureau, pursuant to paragraph 2 of section 86.0.1 of the Professional Code, and composed of persons other than members of the Bureau or the committee referred to in section 9.

Before disposing of the review application, the committee must inform the candidate of the date of the meeting at which the review application will be examined and of the candidate's right to make submissions.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date set for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date set for the meeting.

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

13. The Provisional regulation respecting terms and conditions for issuing permits in podiatry (R.R.Q., 1981, c. P-12, r.4) is revoked.

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

Treasury Board

Gouvernement du Québec

T.B. 206316, 22 April 2008

An Act respecting the Government Public Employees Retirement Plan
(R.S.Q., c. R-10)

Regulation — Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 13.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 82 of chapter 43 of the Statutes of 2007, the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act in the case of the Government and Public Employees Retirement Plan, determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 109.2 and 109.8 of the Act, which may vary with the pension plans and benefits concerned;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation to determine those actuarial assumptions and methods;

WHEREAS the pension committee of that retirement plan has been consulted;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the consultation has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 13.2)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended in section 30.1

(1) by replacing the part preceding the heading “Actuarial assumptions” by the following:

“30.1. The actuarial values of the benefits referred to in sections 109.2 and 109.8 of the Act are determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the “projected benefit method” pro rated on service.

* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the regulation made by Order in Council 1035-2007 dated 28 November 2007 (2007, *G.O.* 2, 3677), by the regulation made by Conseil du trésor Decision 205756 dated 4 December 2007 (2007, *G.O.* 2, 3981) and by the regulation made by Conseil du trésor Decision 206221 dated 1 April 2008. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

In the case of section 109.2, the pensionable salary of the retirement plans involved in the transfer is the salary that is taken into account to determine the average pensionable salary used to calculate the pension. In the case of section 109.8, if the employee is less than 5 years from retirement under the Government and Public Employees Retirement Plan or less than 4 years from retirement under the Pension Plan of the members of the Sûreté du Québec, the pensionable salary of those retirement plans must also be taken into account to determine the average pensionable salary in addition to any pensionable salary determined in accordance with the actuarial assumptions in paragraph 9.”;

(2) by adding the following at the end of paragraph 9:

“For the Pension Plan of the members of the Sûreté du Québec

Years of service	Annual rate of increase
0 year	0%
1 year	6.35%
2 years	11.80%
3 years	12.90%
4 years	9.80%
5 years	8.70%
6 years	8.00%
7 years	4.50%
8-13 years	0.45%
14 years	2.45%
15-20 years	0.45%
21 years	2.45%
22 years or more	0.45%”;

(3) by replacing paragraph 11 by the following:

“(11) Retirement age

For the purposes of section 109.2 of the Act, the retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 or 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2).

For the purposes of section 109.8 of the Act, retirement is determined according to the following retirement rates:

For the Government and Public Employees Retirement Plan:

For an employee who would attain 35 years of service before attaining age 55 — 100% at age 55

For an employee who would attain 35 years of service at age 55 or older but before age 60

— 100% at 35 years of service

For an employee who would attain age 60 without having more than 35 years of service

— 60% at age 60

— 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

For an employee who has at least 35 years of service at the time of transfer

— 100% 6 months after the transfer

For an employee who is 60 years of age or older at the time of transfer

— 60% 6 months after the transfer

— 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

If the last 2 criteria apply, the assumption retained is that of the criteria of 35 years of service.

For the Pension Plan of the members of the Sûreté du Québec:

For an employee whose age and years of service would add up to 75 “criteria 75” at age 50 or older but before age 60

— 20% at criteria 75

— 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service

For an employee who would attain 25 years of service before age 50

— 20% at 25 years of service

— 100% (of the remaining 80%) at criteria 75

For an employee who would attain age 60 without having more than 15 years of service

— 100% at age 60

For an employee whose age and years of service add up to 75 or more while the employee is less than 60 years of age and has less than 25 years of service

— 20% 6 months after the transfer

— 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service

For an employee who has 25 years of service or more at the time of transfer, without criteria 75

— 20% 6 months after the transfer

— 100% (of the remaining 80%) at criteria 75

For an employee who is 60 years of age or older at the time of transfer or for an employee whose age or years of service add up to 75 or more with a minimum of 25 years of service

— 100% 6 months after the transfer”.

2. This Regulation comes into force on 22 April 2008.

8683

Gouvernement du Québec

T.B. 206317, 22 April 2008

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under subparagraph 12 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), amended by section 119 of chapter 49 of the Statutes of 2006, the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 196.2 of the Act, determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 138.1 and 138.7 of the Act, which may vary with the pension plans and benefits concerned;

WHEREAS, by Decision 202420 dated 24 May 2005, the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend the Regulation to determine those actuarial assumptions and methods;

WHEREAS the pension committee of that pension plan has been consulted;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the consultation has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel *

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpar. 12)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended in section 10.1

(1) by replacing the part preceding the heading “Actuarial assumptions” by the following:

“**10.1.** The actuarial values of the benefits referred to in sections 138.1 and 138.7 of the Act are determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the “projected benefit method” pro rated on service.

In the case of section 138.1, the pensionable salary of the pension plans involved in the transfer is the salary that is taken into account to determine the average pensionable salary used to calculate the pension. In the case of section 138.7, if the employee is less than 3 years from retirement under the Pension Plan of Management Personnel or less than 4 years from retirement under the Pension Plan of the members of the Sûreté du Québec, the pensionable salary of those pension plans must also be taken into account to determine the average pensionable salary in addition to any pensionable salary determined in accordance with the actuarial assumptions in paragraph 9.”;

(2) by adding the following at the end of paragraph 9:

“For the Pension Plan of the members of the Sûreté du Québec

Years of service	Annual rate of increase
0 year	0%
1 year	6.35%
2 years	11.80%
3 years	12.90%
4 years	9.80%
5 years	8.70%
6 years	8.00%
7 years	4.50%
8-13 years	0.45%
14 years	2.45%
15-20 years	0.45%
21 years	2.45%
22 years or more	0.45%”;

(3) by replacing paragraph 11 by the following:

“(11) Retirement age

For the purposes of section 138.1 of the Act, the retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2).

For the purposes of section 138.7 of the Act, retirement is determined according to the following retirement rates:

For the Pension Plan of Management Personnel:

For an employee who would attain 35 years of service before age 55 — 100% at age 55

For an employee whose age and years of service would add up to 88 “criteria 88” at age 54 or older but before age 60 — 60% at criteria 88

— 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Conseil du trésor Decision 202420 dated 24 May 2005 (2005, G.O. 2, 1733), was last amended by the regulation made by Conseil du trésor Decision 205757 dated 4 December 2007 (2007, G.O. 2, 3982) and by the regulation made by Conseil du trésor Decision 206219 dated 1 April 2008. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

For an employee who would attain age 60 without having more than 28 years of service	— 60% at age 60 — 100% (of the remaining 40%) at age 65	For an employee who would attain 25 years of service before age 50	— 20% at 25 years of service — 100% (of the remaining 80%) at criteria 75
For an employee whose age and years of service at the time of transfer add up to 88 or more at age 54 or older but before age 60	— 60% 6 months after the transfer — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service	For an employee who would attain age 60 without having more than 15 years of service	— 100% at age 60 — 20% 6 months after the transfer
For an employee who has at least 35 years of service at the time of transfer	— 100% 6 months after the transfer	For an employee whose age and years of service add up to 75 or more at the time of transfer while the employee is less than 60 years of age and has less than 25 years of service	— 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service
For an employee who is 60 years of age or older at the time of transfer	— 60% 6 months after the transfer — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service	For an employee who has 25 years of service or more at the time of transfer, without criteria 75	— 20% 6 months after the transfer — 100% (of the remaining 80%) at criteria 75
		For an employee who is 60 years of age or older at the time of transfer or for an employee whose age or years of service add up to 75 or more with a minimum of 25 years of service	— 100% 6 months after the transfer”.
<p>If the last 2 criteria apply, the assumption retained is that of the criteria of 35 years of service.</p>			
<p>For the Pension Plan of the members of the Sûreté du Québec:</p>			
For an employee whose age and years of service would add up to 75 “criteria 75” at age 50 or older but before age 60	— 20% at criteria 75 — 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service		

2. This Regulation comes into force on 22 April 2008.

8684

Gouvernement du Québec

T.B. 206318, 22 April 2008

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2)

Regulation

— **Amendments**

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under paragraph 3 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government may, by regulation, determine the actuarial assumptions and methods used to calculate the actuarial value of the benefits referred to in sections 23, 41.7 and 41.12 of the Act, which may vary according to the pension plans and benefits concerned;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation to determine those actuarial assumptions and methods;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the consultation has taken place;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2, s. 130, par. 3)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended in section 3.0.1

(1) by replacing the part preceding the heading “Actuarial assumptions” by the following:

“**3.0.1.** For the purposes of sections 23, 41.7 and 41.12 of the Act, the actuarial values of the benefits are established using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the “projected benefit method pro rated on service”.

In the case of sections 23 and 41.7, if the employee is less than 5 years from retirement under the Government and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services, or less than 3 years from retirement under the Pension Plan of Management Personnel or less than 4 years from retirement under the Pension Plan of members of the Sûreté du Québec, the pensionable salary of the pension plans involved in the transfer prior to the qualification year under the Pension Plan of Peace Officers in Correctional Services must also be taken into account in determining the average pensionable salary.”;

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the regulation made by Conseil du trésor Decision 204927 dated 8 May 2007 (2007, *G.O.* 2, 1435) and by the regulation made by Conseil du trésor Decision 206220 dated 1 April 2008. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

(2) by adding the following at the end of paragraph 9:

“For the Pension Plan of the members of the Sûreté du Québec

Years of service	Annual rate of increase
0 year	0%
1 year	6.35%
2 years	11.80%
3 years	12.90%
4 years	9.80%
5 years	8.70%
6 years	8.00%
7 years	4.50%
8-13 years	0.45%
14 years	2.45%
15-20 years	0.45%
21 years	2.45%
22 years or more	0.45%”;

(3) by replacing paragraph 11 by the following:

“(11) Retirement age

For the purposes of section 41.12 of the Act, the retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 or 8.8 of the Act.

For the purposes of sections 23 and 41.7 of the Act, retirement is determined according to the following retirement rates:

For the Pension Plan of Peace Officers in Correctional Services:

For an employee who would attain 32 years of service before age 50	— 100% at age 50
For an employee who would attain 30 years of service before age 60	— 60% at 30 years of service
	— 100% (of the remaining 40%) at 32 years of service

For an employee who would attain 60 years of age without having more than 30 years of service

— 60% at age 60

— 100% (of the remaining 40%) at 32 years of service or age 65 if the employee attains that age without attaining 32 years of service

For an employee who would attain 32 years of service at age 50 or older and who is less than 60 years of age and has 30 years of service or more but less than 32 years of service at the time of transfer

— 100% 6 months after the transfer

For an employee with at least 32 years of service at the time of transfer

— 100% 6 months after the transfer

For an employee who is 60 years of age or older at the time of transfer

— 60% 6 months after the transfer

— 100% (of the remaining 40%) at 32 years of service or age 65 if the employee attains that age without attaining 32 years of service

If the first 2 criteria apply, the assumption retained is that of the first criteria attained.

If the last 2 criteria apply, the assumption retained is that of the criteria of 32 years of service.

For the Government and Public Employees Retirement Plan:

For an employee who would attain 35 years of service before age 55

— 100% at age 55

For an employee who would attain 35 years of service at age 55 or older but before age 60

— 100% at 35 years of service

For an employee who would attain age 60 without having more than 35 years of service	— 60% at age 60 — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service	For an employee whose age and years of service add up to 88 or more at age 54 or older but before age 60 at the time of transfer	— 60% 6 months after the transfer — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service
For an employee with at least 35 years of service at the time of transfer	— 100% 6 months after the transfer	For an employee who has at least 35 years of service at the time of transfer	— 100% 6 months after the transfer
For an employee who is 60 years of age or older at the time of transfer	— 60% 6 months after the transfer — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service	For an employee who is 60 years of age or older at the time of transfer	— 60% 6 months after the transfer — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

If the last 2 criteria apply, the assumption retained is that of the criteria of 35 years of service.

For the Pension Plan of Management Personnel:

For an employee who would attain 35 years of service before age 55	— 100% at age 55
For an employee whose age and years of service would add up to 88 “criteria 88” at age 54 or older but before age 60	— 60% at criteria 88 — 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service
For an employee who would attain 60 years of age without having more than 28 years of service	— 60% at age 60 — 100% (of the remaining 40%) at age 65

If the last 2 criteria apply, the assumption retained is that of the criteria of 35 years of service.

For the Pension Plan of members of the Sûreté du Québec:

For an employee whose age and years of service would add up to 75 “criteria 75” at age 50 or older but before age 60	— 20% at criteria 75 — 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service
For an employee who would attain 25 years of service before age 50	— 20% at 25 years of service — 100% (of the remaining 80%) at criteria 75

For an employee who would attain age 60 without having more than 15 years of service	— 100% at age 60
For an employee whose age and years of service add up to 75 or more at the time of transfer while the employee is less than 60 years of age and has less than 25 years of service	— 20% 6 months after the transfer — 100% (of the remaining 80%) at 25 years of service or age 60 if the employee attains that age without attaining 25 years of service
For an employee who has 25 years of service or more without criteria 75 at the time of transfer	— 20% 6 months after the transfer — 100% (of the remaining 80%) at criteria 75
For an employee who is 60 years of age or older at the time of transfer or whose age and years of service add up to 75 or more with a minimum of 25 years of service	— 100% 6 months after the transfer”.

2. This Regulation comes into force on 22 April 2008.

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

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