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Part

**2**

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**Summary**

Table of Contents  
Regulations and other acts  
Draft Regulations  
Erratum  
Index

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### Contents

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## Table of Contents

Page

---

### Regulations and other acts

429-2009	Securities (Amend.) . . . . .	1495
433-2009	Professional Code — Radiology technologist — Practice of the profession within a partnership or a joint-stock company . . . . .	1497
434-2009	Professional Code — Radiology technologists — Code of ethics (Amend.) . . . . .	1501
435-2009	Professional Code — Medical technologists — Certain professional activities that may be engaged . . . . .	1504
436-2009	Professional Code — Administrateurs agréés — Standards for equivalence of diplomas and of training for the issue of a permit by the Ordre (Amend.) . . . . .	1505
437-2009	Professional Code — Physical therapists and physical rehabilitation therapists — Committee on training . . . . .	1507
442-2009	Forest protection (Amend.) . . . . .	1509
448-2009	Joint sector-based associations on occupational health and safety (Amend.) . . . . .	1510
	Securities Act — Regulation Q-26 respecting restrictions on trading during a distribution by prospectus — Repeal . . . . .	1512

### Draft Regulations

---

Professional Code — Nursing assistants — Diplomas giving access to permits or specialist's certificates . . . . .		1513
---	--	------

### Erratum

---

Security guards . . . . .		1515
---------------------------	--	------



## Regulations and other acts

Gouvernement du Québec

### O.C. 429-2009, 8 April 2009

Securities Act  
(R.S.Q., c. V-1.1)

#### Securities — Amendments

Regulation to amend the Securities Regulation

WHEREAS subparagraph 8 of the first paragraph of section 331 of the Securities Act (R.S.Q., c. V-1.1) provides that the Autorité des marchés financiers may, by regulation, establish the special rules of ethics to which the members of the personnel of the Authority are subject, and the applicable penalties;

WHEREAS subparagraph 9 of the first paragraph of section 331 of the Act provides that the Autorité des marchés financiers may, by regulation, prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Authority, and the terms and conditions of payment;

WHEREAS the second paragraph of section 331 of the Act provides that a regulation made under that section is to be submitted to the Government for approval, with or without amendment;

WHEREAS the Government made the Securities Regulation by Order in Council 660-83 dated 30 March 1983;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Autorité des marchés financiers made the Regulation to amend the Securities Regulation on 18 July 2008;

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 Securities Regulation was published in the *Gazette officielle du Québec* of 24 September 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Securities Regulation, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Securities Regulation\*

Securities Act  
(R.S.Q. c. V-1.1, s. 331, subpars. (8) and (9))

**1.** Section 253 of the Securities Regulation is amended by replacing the words “units of an incorporated mutual fund or an unincorporated mutual fund” in subparagraph (9) with the words “securities of a mutual fund”.

**2.** Section 267 of the Regulation is amended by replacing the word “issue” in subparagraphs (a) and (b) of subparagraph (8) in the English text with the words “additional securities”.

**3.** Section 271 of the Regulation is replaced by the following:

“**271.** In the case of a mutual fund which invests all its assets in one or more other mutual funds of the same group, the fees are payable only on the gross value of the securities distributed by the first mutual fund.

In the case of a mining exploration limited partnership where the prospectus provides for the transfer of the shares acquired from the participating companies to a

\* The Securities Regulation, enacted pursuant to Order-in-Council No. 660-83 dated March 30, 1983 (1983, *G.O.* 2, 1269), was last amended by the regulation approved under Order-in-Council No. 1183-2005 dated December 7, 2005 (2005, *G.O.* 2, 5159), by the regulation approved by Ministerial Order No. 2008-06 dated March 4, 2008 (2008, *G.O.* 2, 726) and by section 172 of the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, c. 7). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to September 1, 2008.

mutual fund, the fees are payable only on the gross value of the securities distributed by the limited partnership in accordance with the provisions of subparagraph 3 of section 267.”.

**4.** Section 271.2 of the Regulation is amended by replacing the words “an incorporated and an unincorporated mutual fund” in paragraph (4) with the words “a mutual fund”.

**5.** Section 271.4 of the Regulation is amended:

(1) in the first paragraph:

(a) in the introductory phrase:

i. by replacing the words “an exemption from take-over bid and issuer bid rules” with the words “a normal course issuer bid exemption prescribed by regulation”;

ii. by replacing the words “in the case of” in the English text with “as the case may be,”;

(b) by replacing subparagraph 1 with the following:

“(1) at the time of filing the bid and the take-over or issuer bid circular prescribed by regulation, \$1,000, and a payment equal to the surplus over \$1,000 of the following amounts:

(a) where the bid is made only in Québec, 0.02% of the consideration offered for the securities that are the subject of the bid;

(b) in the other cases, 0.02% of 25% of the consideration offered in Canada for the securities that are the subject of the bid;”;

(c) by adding the following after paragraph 1:

“(1.1) at the time of filing the press release required of the person who makes a normal course issuer bid, \$1,000, and a payment equal to the surplus over \$1,000 of the following amounts, established on the basis of the closing price on the day preceding the filing of the press release and of the maximum number of securities indicated in the press release:

(a) where the bid is made only in Québec, 0.02% of the consideration offered for the securities that are the subject of the bid;

(b) in the other cases, 0.02% of 25% of the consideration offered in Canada for the securities that are the subject of the bid;”;

(d) by replacing “notice prescribed by section 130 or 132 of the Act respecting a change in the initial terms of the bid or a significant change in the facts on which the circular is based” in subparagraph (2) with the words “notice of change or notice of variation”;

(2) by replacing the words “The offeree company” in the second paragraph with the words “The offeree issuer”.

**6.** Section 271.4.1 of the Regulation is amended by replacing “prescribed in subparagraph 3 of the first paragraph of section 121 of the Act” with the words “or the advertisement provided for under a foreign take-over or issuer bid exemption or a *de minimis* exemption prescribed by regulation”.

**7.** Section 271.5 of the Regulation is amended, in paragraph (6):

(1) by adding, in subparagraph (a) in the French text, the words “ou de l’administrateur” after the word “dirigeant” and the words “et des administrateurs” after the words “des dirigeants”;

(2) by adding, in subparagraphs (b) and (c) in the French text, the words “ou de l’administrateur” after the word “dirigeant”.

**8.** Section 271.6 of the Regulation is amended by replacing the words “from the requirement prescribed by section 145 of the Act, giving rise to a hearing” in paragraph (1) with the words “related to a take-over or issuer bid”.

**9.** Section 271.11 of the Regulation is amended:

(1) by replacing the words “An unincorporated mutual fund” in the first paragraph with the words “A mutual fund”;

(2) by replacing the words “du fonds” in the second paragraph of the French text with the words “de l’organisme de placement collectif”.

**10.** Section 271.14 of the Regulation is amended by replacing the words “Any insider or senior executive” with “Any insider, officer or director”.

**11.** This Regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 433-2009, 8 April 2009

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

### **Radiology technologist — Practice of the profession within a partnership or a joint-stock company**

Regulation respecting the practice of the profession of radiology technologist 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, amended by chapter 11 of the Statutes of 2008), the board of directors of a professional order may make a regulation respecting the practice of the profession within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, amended by section 61 of chapter 11 of the Statutes of 2008, 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 in the practice of their profession and fix the conditions and procedure applicable to a declaration made to the Order;

WHEREAS the board of directors of the Ordre des technologues en radiologie du Québec made the Regulation respecting the practice of the profession of radiology technologist 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 board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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, amended by section 65 of chapter 11 of the Statutes of 2008, a regulation made by the board of directors under section 65, 88, 89, 90 or 91, paragraph *a*, *b*, *d*, *e*, *f*, *g* or *h* of section 93 or paragraph *a*, *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 board of directors 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 respecting the practice of the profession of radiology technologist within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 13 August 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 the Office approved Division II of the Regulation comprising sections 11, 12 and 13 concerning the liability of the partnership or company and section 4 of the Regulation concerning the declaration;

WHEREAS it is expedient to approve the Regulation with 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 the profession of radiology technologist within a partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the practice of the profession of radiology technologist 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*; 2008, c. 11. ss. 1 and 61)

#### **DIVISION I TERMS AND CONDITIONS**

**1.** A member of the Ordre des technologues en radiologie du Québec is authorized to practise within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26), if

(1) the shares or units of the partnership or joint-stock company are held

(a) by members of the Order;

(b) by legal persons, trusts or any other enterprise whose voting rights attached to the shares, units, equity securities or other rights are held entirely by members of the Order; or

(c) by the spouse, parents or relatives of a member of the Order;

(2) 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;

(b) by legal persons, trusts or any other enterprise whose voting rights attached to the shares, units, equity securities or other rights are held entirely by members of the Order; or

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

(3) a majority of the directors of the board of directors of the joint-stock company, the partners or, if applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order; they must constitute the majority of the quorum of such boards;

(4) the chair of the board of directors of the joint-stock company or, as the case may be, the person who performs similar functions in a limited liability partnership is a shareholder with voting rights or a partner and a member of the Order; and

(5) only a member of the Order practising within the partnership or joint-stock company is granted, by agreement or proxy, the voting right attached to a share or unit held by another member of the Order.

A member of the Order must ensure that the conditions listed in the first paragraph appear in the articles of the joint-stock company or in the written contract of 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.** If a member of the Order is struck off the roll for a period in excess of 3 months or has had his or her permit revoked, the member may not, during the period

of the striking off or revocation, directly or indirectly hold any voting share or unit in the partnership or the joint-stock company.

During that period, the member may not hold the position of director, officer or representative of the partnership or joint-stock company.

**3.** A member of the Order may practise 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 Division II;

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

(3) provides the Order, where applicable, with a certified true copy of the declaration from the competent authority stating that the general partnership has been continued 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; and

(6) provides the Order with an irrevocable written authorization from the partnership or joint-stock company within which the member practises allowing a person, committee, council or tribunal referred to in section 192 of the Code to require disclosure of and obtain any document listed in section 15 from a person or to obtain a copy of such a document.

**4.** In addition, the member sends to the Order a declaration duly filled out on the form provided by the Order that contains

(1) the name of the partnership or joint-stock company within which the member practises and any other names used by the partnership or joint-stock company in Québec, and the business number that was issued to it by the competent authority;

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



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

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

(5) where a member practises 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 the directors of the joint-stock company and the names and home addresses of the shareholders referred to in subparagraph 1 of the first paragraph of section 1 and the percentage of voting rights held by each shareholder;

(6) where a member practises within a limited liability partnership, the addresses of the establishments in Québec of the partnership specifying the address of the principal establishment, the names and home addresses of all partners domiciled in Québec and, where applicable, the names and home addresses of the directors appointed to manage the affairs of the partnership, whether or not they are domiciled in Québec; and

(7) a written document provided by the member certifying that the shares or units held and the rules respecting the management of the partnership or joint-stock company satisfy the conditions set out in this Regulation.

The member must enclose the fees payable prescribed by the board of directors of the Order with the declaration.

**5.** A member who fails to satisfy the conditions set out in sections 3 and 4, before practising within a partnership or joint-stock company, is not authorized to practise within a partnership or joint-stock company.

**6.** If more than one member of the Order carries on professional activities within a partnership or joint-stock company referred to in section 1, one representative must be designated to act on behalf of all the members of the Order who carry on their professional activities in the partnership or joint-stock company.

The representative must be a member of the Order who is either a partner, or a director and shareholder with voting rights in the partnership or joint-stock company.

**7.** Except for subparagraphs 3 and 4 of the first paragraph of section 4, the member or, if applicable, the representative must ensure that the information provided in the declaration is accurate.

**8.** The documents referred to in paragraphs 1, 2, 4 and 5 of section 3 and the declaration referred to in section 4 must be updated every year by the member or, if applicable, the representative by 31 March at the latest.

**9.** A member of the Order or the member's representative must immediately inform the Order of any amendment or cancellation of the insurance coverage required by Division II, the striking off, dissolution, assignment of property, bankruptcy, 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 in its activities and any change in the information given in the declaration that is contrary to the conditions set out in section 1.

**10.** A member immediately ceases to be authorized to practise within a partnership or joint-stock company if at anytime the member no longer satisfies the conditions set out in this Regulation or Chapter VI.3 of the Code.

## DIVISION II PROFESSIONAL LIABILITY COVERAGE

**11.** To be authorized to practise in accordance with this Regulation, a member of the Order practising within a partnership or joint-stock company must furnish and maintain security on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Code, against liabilities of the partnership or joint-stock company arising from fault on the part of members of the Order in the practice of the profession within the partnership or joint-stock company.

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

(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 pursuant to the *Règlement sur l'assurance de la responsabilité professionnelle des technologues en radiologie du Québec*, approved by the Office des professions du Québec on 30 October 1997, or the coverage actually taken out by the member 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 an injured third person on a claim filed during the coverage period and arising from fault on the part of the member in the practice of the profession;

(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) the security must be at least \$1,000,000 per claim and for all claims filed against the partnership or joint-stock company within a 12-month coverage period;

(4) where a member is a sole practitioner and sole shareholder of a joint-stock company in which no other member of the Order is an employee, the security must be at least \$500,000 per claim and for all claims filed against the company within a 12-month coverage period;

(5) an undertaking by the insurer or surety to give the secretary of the Order a 30-day prior notice of intent to terminate the insurance or suretyship contract, to modify it with respect to any of the conditions set out in this section; and

(6) an undertaking by the insurer or surety to give the secretary of the Order 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.

**13.** The suretyship must be with a bank, savings and credit union, trust or insurance company domiciled in Canada and having and maintaining sufficient property in Québec to meet the coverage required under this Division.

The institution referred to in the first paragraph must undertake to provide the coverage in accordance with the conditions of this Division and must waive the benefit of division and discussion.

### **DIVISION III** ADDITIONAL INFORMATION

**14.** When a member of the Order who carries on professional activities otherwise than within a partnership or joint-stock company establishes such a partnership or joint-stock company or joins such a partnership or joint-stock company, or when the general partnership within which the member carries on professional activities is continued as a limited liability partnership, the member of the Order must send to the clients, on the date of the occurrence, a notice informing them of the nature and effects of the establishment, the integration of the member or the change of status of the partnership or joint-stock company, in particular with respect to the member's professional liability and the partnership's or joint-stock company's professional liability.

**15.** The documents for which a member of the Order must obtain an authorization from the partnership or joint-stock company to communicate or obtain copy pursuant to paragraph 6 of section 3 are the following:

(1) if the member of the Order practises within a joint-stock company,

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

(b) an up-to-date register of the shares of the joint-stock company;

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

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

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

(f) a list of the joint-stock company's principal officers and their home addresses;

(2) if the member of the Order practises within a limited liability partnership,

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

(b) the partnership contract and amendments;

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

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

(e) a list of the partnership's principal officers and their home addresses.

### **DIVISION IV** DESIGNATIONS

**16.** In addition to the mention required under section 187.13 of the Code, a member of the Order who practises within a limited liability partnership is authorized to include in or after the limited liability partnership name the words "firm of professionals governed by the Professional Code" or use the abbreviation "FPGPC", except if the limited liability partnership is composed in part of the persons referred to in subparagraph *c* of paragraph 1 of section 1.

A member of the Order who practises within a joint-stock company is also authorized to include those words or use that abbreviation in or after the joint-stock company name.

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

9204

Gouvernement du Québec

## O.C. 434-2009, 8 April 2009

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

### Radiology technologists — Code of ethics — Amendments

Regulation to amend the Code of ethics of radiology technologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 56 of chapter 11 of the Statutes of 2008, the board of directors 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 board of directors of the Ordre des technologues en radiologie du Québec made the Regulation to amend the Code of ethics of radiology technologists;

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 board of directors;

WHEREAS, pursuant to section 95 of the Code, and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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), the draft of the Regulation to amend the Code of ethics of radiology technologists was published in Part 2 of the *Gazette officielle du Québec* of 13 August 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 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 Code of ethics of radiology technologists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Code of ethics of radiology technologists\*

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

**1.** The Code of ethics of radiology technologists is amended by inserting the following before Chapter I:

### “CHAPTER 0.I GENERAL

**0.1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by a radiology technologist, regardless of the context or manner in which a radiology technologist carries on his professional activities or the nature of his contractual relationship with clients.

**0.2.** A radiology technologist shall comply with the Radiology Technologists Act (R.S.Q., c. T-5), the Professional Code and their regulations.

\* The Code of ethics of radiology technologists approved by Order in Council 789-98 dated 10 June 1998 (1998, *G.O.* 2, 2289) was amended once by the regulation approved by Order in Council 778-2004 dated 10 August 2004 (2004, *G.O.* 2, 2549).

A radiology technologist shall take reasonable measures to ensure compliance with the Radiology Technologists Act, the Professional Code and their regulations by any person other than a radiology technologist who collaborates with him in the carrying on of his professional activities and any partnership or joint-stock company within which the radiology technologist carries on his professional activities.

**0.3.** A radiology technologist's duties and obligations under the Radiology Technologists Act, the Professional Code and their regulations are not changed or reduced by the fact that a radiology technologist practises within a partnership or joint-stock company."

**2.** Section 11 is amended by inserting "or persons who carry on their professional activities within the same partnership or joint-stock company as him" after "members of the Order".

**3.** Section 17 is amended by adding the following sentence at the end:

"A radiology technologist may not invoke the liability of the partnership or joint-stock company within which he carries on his professional activities or the liability of another person also carrying on activities as a ground for excluding or limiting his personal liability."

**4.** Section 18 is replaced by the following:

"**18.** A radiology technologist shall, in the practice of his profession, subordinate his personal interests, those of the partnership or joint-stock company within which he carries on his professional activities or in which he has an interest and those of any other person carrying on activities within such a partnership or joint-stock company, to those of the client."

**5.** The following is inserted after section 20:

"**20.1.** A radiology technologist may not be a party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

A radiology technologist may not be a party to an agreement with another professional in which the nature and extent of the professional expenses of the latter can influence the quality of his practice.

Any agreement entered into by the radiology technologist or a partnership or joint-stock company of which he is a partner or shareholder regarding the enjoyment of a building or a space to practise shall be entirely evidenced in writing and include a declaration

that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Ordre des technologues en radiologie du Québec on request."

**6.** Section 21 is replaced by the following:

"**21.** A radiology technologist may share his fees only with another radiology technologist or a person, a trust or an enterprise referred to in subparagraph 1 or 2 of the first paragraph of section 1 of the Regulation respecting the practice of the profession of radiology technologist within a partnership or a joint-stock company, approved by Order in Council 433-2009 dated 8 April 2009, or with a partnership or a joint-stock company within which the radiology technologist is authorized to carry on his professional activities."

**7.** Section 22 is replaced by the following:

"**22.** A radiology technologist shall refrain from receiving any gratuity, rebate or commission relating to the practice of his profession other than customary tokens of appreciation or gifts of small value. No radiology technologist may pay, offer to pay or undertake to pay such gratuity, rebate or commission."

**8.** Section 25 is amended by striking out " , unless the nature of the case so requires".

**9.** The following is inserted after section 26:

"**26.1.** A radiology technologist shall take reasonable measures to ensure that the secrecy of all confidential information obtained in the practice of his profession is preserved by any employee or person who collaborates with him or carries on his activities within the partnership or joint-stock company where he carries on his professional activities."

**10.** The following is inserted after section 35:

"**35.1.** A radiology technologist who practises within a partnership or joint-stock company shall ensure that the fees relating to the professional services provided by radiology technologists are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client."

**11.** The following is inserted after section 36:

"**36.1.** Where a radiology technologist carries on professional activities within a joint-stock company, the fees relating to the professional services rendered by him within and on behalf of the joint-stock company belong to the joint-stock company, unless agreed otherwise."

**12.** Section 40 is amended by adding the following paragraph at the end:

“(7) claiming fees for professional services not provided or falsely described.”.

**13.** The following is inserted after section 40:

“**40.1.** It is also derogatory to the dignity of the profession for a radiology technologist who carries on his professional activities within a partnership or joint-stock company

(1) to practise his profession in a partnership or joint-stock company with other persons when he becomes aware that one of the conditions, terms or restrictions pursuant to which he is authorized to carry on his professional activities has not been respected;

(2) to continue to carry on his professional activities within the partnership or joint-stock company when the representative of the partnership or joint-stock company before the Order, a director, an officer or an employee is still performing his duties within the partnership or joint-stock company more than 10 days after he has been struck off the roll for more than 3 months or had his permit revoked;

(3) to continue to carry on his professional activities within the partnership or joint-stock company when a shareholder or a partner is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than 10 days after the effective date on which he was struck off the roll for more than 3 months or had his permit revoked and has not divested himself of his partnership shares or units within 180 days following the aforementioned effective date; or

(4) to enter into an agreement or permit an agreement to be entered into, including a unanimous agreement between shareholders, that operates to impair the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Radiology Technologists Act, the Professional Code and their regulations.”.

**14.** Section 56 is amended by replacing “logo” by “graphic symbol”.

**15.** The following is inserted after section 56:

“**56.1.** A radiology technologist shall ensure that a partnership or joint-stock company within which he carries on his professional activities does not use the graphic symbol of the Order in connection with its

advertising or name unless all the services provided by the partnership or joint-stock company are professional services rendered by radiology technologists.

In the case of a partnership or joint-stock company which provides professional services of radiology technologists and services of persons other than radiology technologists with whom the radiology technologist carries on his professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may always be used in connection with the name of a radiology technologist.

## CHAPTER V NAME

**56.2.** A radiology technologist shall not practise within a partnership or joint-stock company under a name or designation which is misleading, deceptive or contrary to the honour or dignity of the profession or which is a number name.

**56.3.** A radiology technologist who carries on his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that every document filed within the practice of his profession and issued by the partnership or joint-stock company is identified with the name of a radiology technologist.”.

**16.** The Code is amended by replacing

(1) “the user’s” in sections 6, 9, subparagraph 3 of the first paragraph of section 27.1 by “the client’s” and “the user” in sections 11 and 19 and the first paragraph of section 29 by “the client”;

(2) “users” in the heading of Chapter II by “clients” and “the user” in sections 7, 13 and 24, the second paragraphs of sections 29 and 30 and sections 35 to 37 by “the client”;

(3) “a user” in sections 12, 16, 24, 26 and 27 by “a client”, “member” in the second paragraph of section 53 by “radiology technologist” and by adding “with a client” after “agree” in that paragraph;

(4) “the user” in sections 14 and 16 by “the client”, “the applicant” in the first paragraph of section 30 and section 31 by “the client” and “the user” in section 34 by “the client”;

(5) “users” in section 15 by “clients”.

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

9205

Gouvernement du Québec

**O.C. 435-2009, 8 April 2009**

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

**Medical technologists**

**— Certain professional activities that may be engaged**

Regulation respecting certain professional activities that may be engaged in by medical technologists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), amended by section 62 of chapter 11 of the Statutes of 2008, the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities; the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before making a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;

WHEREAS the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec made the Regulation respecting certain professional activities that may be engaged in by medical technologists;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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 respecting certain professional activities that may be engaged in by medical technologists was published in Part 2 of the *Gazette officielle du Québec* of 12 March 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 certain professional activities that may be engaged in by medical technologists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation respecting certain professional activities that may be engaged in by medical technologists**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*; 2008, c. 11, s. 62)

**1.** The purpose of this regulation is to determine which of the professional activities that may be performed by nurses may, following the issue of a prescription and in accordance with the other terms and conditions set out herein, be performed by medical technologists.

**2.** Medical technologists may insert a catheter into an artificial opening in the human body:

1° via an ileal conduit stoma that includes ureters;

2° via a tracheostomy, except when the patient is receiving ventilator assistance.

**3.** Medical technologists must meet the following conditions in order to perform the professional activities set out in section 2:

1° they must hold an attestation issued by the Ordre professionnel des technologistes médicaux du Québec certifying that:

(a) they have completed at least four hours of theoretical and practical training organized by the Order, in application of subparagraph 3° of the second paragraph of section 62 of the Professional Code (R.S.Q., c. C-26), and which covers the following aspects:

- i. the anatomy of the urinary and respiratory systems;
- ii. the technique for taking samples via ileal conduit or tracheostomy;
- iii. complications and limitations associated with taking samples via ileal conduit or tracheostomy;

(b) they have, at least once, successfully performed the activity set out in paragraph 1° of section 2 under the immediate supervision of a physician or nurse, and such supervision has been recorded on a form bearing the date and time as well as the name and signature of the professional who has supervised them;

(c) they have, at least once, successfully performed the activity set out in paragraph 2° of section 2 under the immediate supervision of a physician, nurse or respiratory therapist, and such supervision has been recorded on a form bearing the date and time as well as the name and signature of the professional who has supervised them;

2° the professional activities have been performed in the following locations:

(a) one of the following centers, operated by 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 (L.R.Q., c. S-5):

- i. a hospital centre, while providing ambulatory care, or in rehabilitation, residential and long-term care units;
- ii. a residential and long-term care centre;
- iii. a rehabilitation centre for persons with physical disabilities;
- iv. a local community services centre, as part of current services;

(b) a laboratory within the meaning of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation and the disposal of human bodies (R.S.Q., c. L-0.2);

(c) a private health facility within the meaning of the Act respecting health services and social services;

(d) a specialized medical centre within the meaning of the Act respecting health services and social services;

(e) the patient's home, within the context of home care services provided by a local community service centre;

3° the patient's state of health is not in a critical or acute phase;

4° with respect to the performance of the activity set out in paragraph 1° of section 2, the patient is able to care for the stoma on his own, or is accompanied by a parent, a child care provider or an informal caregiver who provides such care;

5° a physician or a nurse is available to intervene quickly, as required. With respect to the performance of the activity set out in paragraph 2° of section 2, a respiratory therapist is also available to intervene quickly, as required.

**4.** Medical technologists may perform the professional activities set out in section 2 for the purpose of meeting requirements set out in subparagraphs *b* and *c* of paragraph 1° of section 3 when the conditions set out in paragraphs 2° to 5° of this section have been met.

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

9206

Gouvernement du Québec

**O.C. 436-2009, 8 April 2009**

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

**Administrateurs agréés**  
**— Standards for equivalence of diplomas and of training for the issue of a permit by the Ordre**  
**— Amendments**

Regulation to amend the Regulation respecting the standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre professionnel des administrateurs agréés du Québec made the Regulation to amend the Regulation respecting the standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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 to amend the Regulation respecting the standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 3 December 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 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 of Justice:

THAT the Regulation to amend the Regulation respecting the standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés 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 equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 93, par. c and c. 1; 2008, c. 11)

**1.** The Regulation respecting standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec is amended by deleting in the second and third paragraphs of section 1, the words “the board of directors of”.

**2.** The section 2 of this regulation is amended by replacing, at the beginning of the first paragraph before the subparagraph 1°, the words “with subparagraph o of the first paragraph of section 86” by the words “with subparagraph 8° of section 86.0.1”.

**3.** The section 7 of this regulation is amended by replacing, at the beginning of the first paragraph before the subparagraph 1°, the words “the board of directors” by the words “the Order”.

**4.** The sections 8 to 10 of this regulation are replaced by the following sections:

“**8.** The secretary transmits the documents specified in section 2 to the executive committee in order for it to study the requests for equivalency of diploma or of training and to make a recommendation to the board of directors.

For the purposes of formulating a recommendation, the executive committee may convene the candidate who requests the recognition of equivalence, to an interview or it may ask him to pass an examination or to do both.

\* The Regulation respecting standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec, approved by Order in Council number 769-93 of June 2, 1993 (1993, *G.O.* 2, 3135), has not been modified since.



9. At the first meeting of the board of directors following the date of receipt of a recommendation of the executive committee, the board of directors decides whether it agrees or refuses to recognize the equivalence applied for and inform the candidate of its decision in writing within 30 days of its decision.

The board of directors must, if it refuses to recognize the equivalence requested, notify the candidate of the existence of curricula, courses, internships or examinations the success of which would enable him to benefit of this equivalence. It must also inform the candidate of his right to seek a review of its decision in accordance with section 10.

10. A candidate who is informed of the board of directors' decision not to recognize the equivalence applied for, may apply for a review of the decision on condition that such application is made in writing to the secretary within 30 days following receipt of the decision.

The committee formed by the board of directors pursuant to subparagraph (2) of section 86.0.1 of the Professional Code (R.S.Q., c. C-26) and consisting of persons other than members of the board of directors or of the executive committee, reviews the application and renders its decision within 60 days following the date of receipt of the application.

Before taking a decision on this application, the committee must allow to the candidate to submit his observations.

For that purpose, the secretary of the Order shall inform the candidate of the date, place and time of the meeting at which the application will be examined, by means of a written notice sent by registered mail at least 15 days before the meeting is held.

The candidate wishing to be present for the purpose of submitting his observations must inform the secretary accordingly at least ten days before the date scheduled for the meeting. He may also convey written observations to the secretary at any time before the date scheduled for the meeting.

The committee's decision is final and must be transmitted to the candidate by registered mail within 30 days following the date of the meeting at which such decision was taken.”.

5. The decisions taken under section 8 of the Regulation respecting standards for equivalence of diplomas and of training for the issue of a permit by the Ordre professionnel des administrateurs agréés du Québec,

approved by Order in Council number 769-93 of June 2, 1993 (1993, *G.O.* 2, 3135), for which the delay to be heard is not expired at the date of enforcing of this regulation, may be reviewed following the procedure provided by this regulation.

6. The applications for equivalence in respect of which the board of directors has not taken any decision at the date of enforcing of this regulation are submitted to the executive committee for a recommendation and are evaluated following the procedure provided by this regulation.

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

9207

Gouvernement du Québec

**O.C. 437-2009, 8 April 2009**

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

**Physical therapists and physical rehabilitation therapists**

**— Committee on training**

Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists

WHEREAS, in accordance with the second paragraph of section 184 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the Government may, by regulation and after consultation, fix the terms and conditions of cooperation between the order concerned and the authorities of the educational institutions which issue diplomas giving access to a permit or specialist's certificate;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists was published in Part 2 of the *Gazette officielle du Québec* of 9 July 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the second paragraph of section 184 of the Professional Code, the Office des professions du Québec, the educational institutions concerned, the Ordre professionnel de la physiothérapie

du Québec, the Minister of Education, Recreation and Sports, the Conférence des recteurs et des principaux des universités du Québec and the Fédération des cégeps have been consulted;

WHEREAS, it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists

Professional Code  
(R.S.Q., c. C-26, s. 184, 2nd par.;  
2008, c. 11, s. 1, par. 1)

**1.** A committee on training is hereby established within the Ordre professionnel de la physiothérapie du Québec.

The committee is composed of two divisions.

One division is responsible for the training of physical therapists and the other for the training of physical rehabilitation therapists.

**2.** The committee is an advisory committee whose mandate is to examine matters relating to the quality of the training of physical therapists and physical rehabilitation therapists, in keeping with the respective and complementary jurisdictions of the Order, the universities and colleges and the Minister of Education, Recreation and Sports.

Quality of training means the appropriateness of training in relation to the professional skills to be acquired to practise the profession of physical therapist or physical rehabilitation therapist.

As regards training, the committee is to consider

(1) the objectives of the training programs offered by educational institutions at the college and university levels leading to a diploma that gives access to a permit or a specialist's certificate;

(2) the objectives of the other terms and conditions for the issuance of permits or specialist's certificates that may be imposed by a regulation of the board of directors, such as professional training periods, courses or professional examinations; and

(3) the standards for a diploma or training equivalence, prescribed by regulation of the board of directors, that gives access to a permit or a specialist's certificate.

**3.** The committee is composed of ten members chosen for their knowledge and responsibilities in relation to the matters referred to in section 2.

The Conférence des recteurs et des principaux des universités du Québec appoints two members for the division responsible for the training of physical therapists and the Fédération des cégeps appoints two members for the division responsible for the training of physical rehabilitation therapists.

The Minister of Education, Recreation and Sports or the Minister's representative appoints one member and, if necessary, one alternate for each division.

The board of directors appoints two members of the Order for each division, and the committee selects one of those two members as its chair.

The committee may also authorize persons or representatives of organizations concerned to attend its meetings.

**4.** The members of the committee are appointed for a term of three years.

They remain in office until they are reappointed or replaced.

**5.** The functions of the committee are

(1) to review each year the situation as regards the quality of training in the light of developments in knowledge and practice, particularly as regards protection of the public and, where appropriate, to report its observations to the board of directors; and

(2) to give its opinion to the board of directors, as regards the quality of training,

(a) on projects involving the review or preparation of the objectives or standards referred to in the third paragraph of section 2; and

(b) on ways to enhance the quality of training, in particular by proposing solutions to the problems observed.

The committee must indicate in its report and in any opinion the viewpoint of each of its members.

**6.** The members of the committee are to endeavour to gather information relevant to the exercise of the committee's functions from the organizations that appointed them and from any other organization or person concerned.

**7.** The chair sets the date, time and place of the committee's meetings.

Despite the foregoing, the chair must call a meeting of the committee whenever at least three of its members so request.

**8.** The committee must hold at least two meetings per year.

**9.** The quorum of the committee is three members per division, including one member appointed each by the board of directors, the Conference or Federation, as the case may be, and the Minister.

**10.** Clerical support for the committee is the responsibility of the Order.

The secretary designated by the Order sees to preparing and keeping the minutes, reports and opinions of the committee.

**11.** The board of directors is to transmit a copy of the committee's reports and opinions to the Conference or Federation, as the case may be, the Minister of Education, Recreation and Sports, and the Office des professions du Québec.

**12.** The annual report of the Order must contain the findings of the committee's reports and opinions.

**13.** This Regulation replaces the Regulation respecting the committee on training of physiotherapists, made by Order in Council 400-2000 dated 29 March 2000.

Despite sections 3 and 4, the members appointed under the provisions replaced by this Regulation remain members of the committee on training until their term expires. They are then replaced in the manner prescribed by this Regulation.

**14.** 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. 442-2009, 8 April 2009

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

### Forest protection — Amendments

Regulation to amend the Forest Protection Regulation

WHEREAS, under the second paragraph of section 128 of the Forest Act (R.S.Q., c. F-4.1), the expenses incurred by the forest protection organization to extinguish fires are to be refunded to it by the Minister, in whole or in part, at the rate determined by regulation of the Government and upon the production of vouchers;

WHEREAS, under the second paragraph of section 147.4 of the Act, the expenses incurred by the forest protection organization to implement the plans for the protection of the forest against destructive insects and cryptogamic diseases are to be reimbursed in whole or in part by the Minister, upon the production of vouchers, at the rate determined by regulation of the Government;

WHEREAS, under subparagraph 11 of the first paragraph of section 172 of the Act, the Government may, by regulation, prescribe the rate of reimbursement of the expenses related to fire extinction contemplated in section 128 and to the plans contemplated in section 147.4;

WHEREAS the Government made the Forest Protection Regulation by Order in Council 1417-87 dated 16 September 1987;

WHEREAS the Regulation to amend the Forest Protection Regulation was made by Order in Council 225-2007 dated 12 March 2007 to set new rates to apply as of 1 April 2007 to implement the measures announced on 20 October 2006 by the Government to improve the silvicultural investment strategy so as to support the forest industry;

WHEREAS it is expedient to amend the Regulation again to extend by one year, until 31 March 2010, the period during which the refund rate is set at 100% for expenses related to fire extinction contemplated in section 128 and to the plans contemplated in section 147.4;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Forest Protection Regulation:

— the amendments in the Regulation attached to this Order in Council extend by one year that assistance measure; without that extension, the forest industry will have to pay part of the expenses for the extinction of forest fires and the suppression of insect infestations during that period;

— since the forest industry is already greatly affected by the current financial crisis, any delay in the coming into force of the Regulation would expose the industry to additional expenses, which could lead to layoffs and plant closures in the regions;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Forest Protection Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Forest Protection Regulation\*

Forest Act  
(R.S.Q., c. F-4.1, ss. 128, 2nd par., 147.4, 2nd par., and 172, 1st par., subpar. 11)

**1.** The Forest Protection Regulation is amended in section 1 by replacing “1 April 2007 to 31 March 2009” in the second paragraph by “1 April 2007 to 31 March 2010”.

\* The Forest Protection Regulation, made by Order in Council 1417-87 dated 16 September 1987 (1987, *G.O.* 2, 3462), was last amended by the regulation made by Order in Council 225-2007 dated 12 March 2007 (2007, *G.O.* 2, 1243B).

**2.** Section 2 is amended by replacing “1 April 2007 to 31 March 2009” in the second paragraph by “1 April 2007 to 31 March 2010”.

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

9209

Gouvernement du Québec

## O.C. 448-2009, 8 April 2009

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1)

### Joint sector-based associations on occupational health and safety — Amendment

Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety

WHEREAS, under subparagraph 25 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations delimiting sectors of activities within the meaning of section 98 of the Act, and indicating which establishments, employers, workers, unions, or categories of any of these, form part of a particular sector of activities;

WHEREAS the Commission made the Regulation respecting joint sector-based associations on occupational health and safety (R.R.Q., 1981, c. S-2.1, r.1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 is to be submitted to the Government for approval;

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 joint sector-based associations on occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 29 October 2008 with a notice that it could be made by the Commission and, in accordance with section 224 of the Act respecting occupational health and safety, be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the Commission made the Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety, without amendment, at its meeting of 19 February 2009;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety\***

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subparagraph. 25)

**1.** The Regulation respecting joint sector-based associations on occupational health and safety is amended in Schedule A

(1) by replacing the text preceding subparagraph *a* of paragraph 5 by the following:

“(5) the metal fabricating industries sector, the electrical products industries sector and the clothing industries sector, including the following categories of establishments:”;

(2) by adding the following after subparagraph *q* of paragraph 5:

“(r) men’s and boys’ clothing industries: establishments primarily engaged in manufacturing clothing for men and boys, in particular, the manufacturing of coats, topcoats, overcoats, raincoats, suits, jackets, pants, shirts, T-shirts, sleepwear, underwear, sportswear, such as windbreakers and bermuda shorts, winter sportswear,

jeans and jean jackets, including the manufacturing of clothing for men and boys on a contract basis. This category excludes the manufacturing of knitted, leather, fur or vulcanized rubber clothing;

(s) women’s and girls’ clothing industries: establishments primarily engaged in manufacturing clothing for women and girls, in particular, the manufacturing of coats, jackets, blouson-style jackets, ski-wear, jeans, jean skirts and jean jackets, T-shirts, sportswear, dresses, natural or synthetic fabric blouses and shirts, underwear, sleepwear, wedding clothes and maternity clothes, including the manufacturing of clothing for women and girls on a contract basis. This category excludes the manufacturing of knitted, leather, fur or vulcanized rubber clothing;

(t) children’s and babies’ clothing industries: establishments primarily engaged in manufacturing clothing for children and babies, in particular, the manufacturing of underwear and sleepwear, including the manufacturing of clothing for children and babies on a contract basis. This category excludes the manufacturing of knitted, leather, fur or vulcanized rubber clothing. This category also excludes establishments primarily engaged in manufacturing clothing for small boys that is classified in either of the categories of men’s and boys’ clothing industries and establishments primarily engaged in manufacturing clothing for small girls that is classified in either of the categories of women’s and girls’ clothing industries;

(u) other clothing industries: establishments primarily engaged in manufacturing sweaters for men, women and children, except knitted sweaters. This category also includes establishments primarily engaged in manufacturing work clothes, occupational clothing, uniforms and parts of uniforms, of any fabric except vulcanized rubber or leather, including, in particular, establishments primarily engaged in manufacturing coveralls, overalls, work suits and military uniforms. This category also includes establishments primarily engaged in manufacturing uniforms for sports teams, except knitted uniforms or uniforms made from leather or vulcanized rubber. It also includes establishments primarily engaged in manufacturing gloves, mitts and mittens for men, women and children, except knitted gloves, mitts and mittens, establishments primarily engaged in manufacturing fur trimmings (cuffs, collars, etc.) for men, women and children, establishments primarily engaged in manufacturing foundation garments, except knitted foundation garments, establishments primarily engaged in manufacturing hats made from leather, wool, cloth or other materials, except fur

\* The Regulation respecting joint sector-based associations on occupational health and safety (R.R.Q., 1981, c. S-2.1, r.1) was last amended by the regulation approved by Order in Council 1712-92 dated 25 November 1992 (1992, G.O. 2, 5120). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

or knitted hats, and establishments primarily engaged in manufacturing articles of clothing not classified above, such as belts, ties or beach wear, except knitted articles.”.

(3) by striking out paragraph 14.

**2.** This Regulation comes into force on 1 January 2010.

9210

## M.O., 2009-02

### Order number V-1.1-2009-02 of the Minister of Finance dated 7 April 2009

Securities Act  
(R.S.Q., c. V-1.1)

CONCERNING Regulation to repeal Regulation Q-26 respecting restrictions on trading during a distribution by prospectus

WHEREAS subparagraphs 11 and 15 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Regulation Q-26 respecting restrictions on trading during a distribution by prospectus has been made on March 3, 2003 pursuant to decision no. 2003-C-0077;

WHEREAS there is cause to repeal this regulation;

WHEREAS the draft Regulation to repeal Regulation Q-26 respecting restrictions on trading during a distribution by prospectus was published in the Bulletin de l’Autorité des marchés financiers, volume 6, no. 1 of January 9, 2009;

WHEREAS the Authority made, on February 25, 2009, by the decision no. 2009-PDG-0023, Regulation to repeal Regulation Q-26 respecting restrictions on trading during a distribution by prospectus;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to repeal Regulation Q-26 respecting restrictions on trading during a distribution by prospectus appended hereto.

April 7, 2009

MONIQUE JÉRÔME-FORGET,  
*Minister of Finance*

### Regulation to repeal Regulation Q-26 respecting restrictions on trading during a distribution by prospectus\*

Securities Act  
(R.S.Q. c. V-1.1, s. 331.1, pars. (11) and (15))

**1.** Regulation Q-26 respecting Restrictions on Trading During a Distribution by Prospectus is repealed.

**2.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

9201

\* Policy Statement Q-26, Restrictions on Trading During a Distribution by Prospectus, adopted on March 3, 2003 pursuant to decision No. 2003-C-0077 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19, dated May 16, 2003, was amended solely by the Regulation to amend Policy Statement Q-26, Restrictions on Trading During a Distribution by Prospectus, approved by Ministerial Order No. 2005-19 dated August 10, 2005 (2005, *G.O.* 2, 3516).

## Draft Regulations

### Draft Regulation

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

#### Nursing assistants

##### — Diplomas giving access to permits or specialist's certificates

##### — 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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to amend section 3.01 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to add a school board, the Central Québec School Board, which has been authorized to offer the training program "Health, Assistance and Nursing".

The Order is of the opinion that the amendment will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des infirmières et infirmiers auxiliaires du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister responsible for the administration of legislation respecting the professions after consultations with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Régis Paradis, Chair and General Manager of the Ordre des infirmières et infirmiers auxiliaires du Québec, 531, rue Sherbrooke Est, Montréal (Québec) H2L 1K2; telephone 514 282-9511 or 1 800 283-9511; fax: 514 282-0631.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order as well as to interested persons, departments and bodies.

KATHLEEN WEIL,  
*Minister of Justice*

### Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders\*

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended in section 3.01 by inserting "Central Québec," after "Bois-Francis,".

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

9202

\* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 496-2008 dated 21 May 2008 (2008, *G.O.* 2, 2045) and 1087-2008 dated 5 November 2008 (2008, *G.O.* 2, 5131). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.





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## Erratum

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### **Draft Decree to amend the Decree respecting security guards**

*Gazette officielle du Québec*, Part 2, 1 April 2009, Vol. 141, No. 13.

The Draft Decree, “Security guards”, under the Regulation and other acts heading on page 955, should have been published, under the Draft Regulations heading, on page 959.

### **Table of Contents and Index**

In the Table of Contents, on page 951, the second regulation under the Regulation and other acts heading, “Security guards”, should have been under the Draft Regulations heading.

In the Index, on page 979, the Comment for the first and eighth regulations should read “Draft” instead of “M”.

9198



## Index

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

	Page	Comments
Administrateurs agréés — Standards for equivalence of diplomas and of training for the issue of a permit by the Ordre . . . . . (Professional Code, R.S.Q., c. C-26)	1505	M
Collective agreement decrees, An Act respecting... — Security guards . . . . . (R.S.Q., c. D-2)	1515	Erratum
Forest Act — Forest protection . . . . . (R.S.Q., c. F-4.1)	1509	M
Forest protection . . . . . (Forest Act, R.S.Q., c. F-4.1)	1509	M
Joint sector-based associations on occupational health and safety . . . . . (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	1510	M
Medical technologists — Certain professional activities that may be engaged . . . . (Professional Code, R.S.Q., c. C-26)	1504	N
Nursing assistants — Diplomas giving access to permits or specialist's certificates . . . . . (Professional Code, R.S.Q., c. C-26)	1513	Draft
Occupational health and safety, An Act respecting... — Joint sector-based associations on occupational health and safety . . . . . (R.S.Q., c. S-2.1)	1510	M
Physical therapists and physical rehabilitation therapists — Committee on training . . . . . (Professional Code, R.S.Q., c. C-26)	1507	N
Professional Code — Administrateurs agréés — Standards for equivalence of diplomas and of training for the issue of a permit by the Ordre . . . . . (R.S.Q., c. C-26)	1505	M
Professional Code — Medical technologists — Certain professional activities that may be engaged . . . . . (R.S.Q., c. C-26)	1504	N
Professional Code — Nursing assistants — Diplomas giving access to permits or specialist's certificates . . . . . (R.S.Q., c. C-26)	1513	Draft
Professional Code — Physical therapists and physical rehabilitation therapists — Committee on training . . . . . (R.S.Q., c. C-26)	1507	N
Professional Code — Radiology technologist — Practice of the profession within a partnership or a joint-stock company . . . . . (R.S.Q., c. C-26)	1497	N
Professional Code — Radiology technologists — Code of ethics . . . . . (R.S.Q., c. C-26)	1501	M
Radiology technologist — Practice of the profession within a partnership or a joint-stock company . . . . . (Professional Code, R.S.Q., c. C-26)	1497	N

Radiology technologists — Code of ethics . . . . . (Professional Code, R.S.Q., c. C-26)	1501	M
Restrictions on trading during a distribution by prospectus — Regulation Q-26 . . . . . (Securities Act, R.S.Q., c. V-1.1)	1512	A
Securities Act — Restrictions on trading during a distribution by prospectus — Regulation Q-26 . . . . . (R.S.Q., c. V-1.1)	1512	A
Securities Act — Securities . . . . . (R.S.Q., c. V-1.1)	1495	M
Securities . . . . . (Securities Act, R.S.Q., c. V-1.1)	1495	M
Security guards . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	1515	Erratum