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Part

2

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Laws and Regulations

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Summary

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Contents

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- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Regulations and other Acts

Gouvernement du Québec

O.C. 376-2011, 6 April 2011

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

Special provisions in respect of classes of employees designated under section 23 of the Act — Amendments to the Order in Council

Amendments to the Order in Council respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may establish special provisions with respect to classes of employees it designates, notwithstanding any inconsistent provision of the Act, except the provisions of Chapter VIII;

WHEREAS the Government made the Order in Council respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 2);

WHEREAS it is expedient to amend the Order in Council;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph of that section may have effect 12 months or less before it is made;

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

THAT the Amendments to the Order in Council respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT this Order in Council have effect as of 1 January 2011.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Order in Council respecting Amendments to the Order in Council respecting the special provisions in respect of classes of employees designated under section 23 of 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. 23)

1. The Order in Council respecting the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 2) is amended by inserting the following before section 5:

“**4.1.** For the purpose of computing the contributions relating to the years of service credited after 31 December 2010 over and beyond 35 years of service used in computing the total pension, the pensionable salary of those years in excess that is necessary to reach the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, c. 1, 5th Supplement) is established as if the rate of acquisition of the pension relating to those years was 1.7% per year of service credited, without taking into account the first paragraph of section 30 of the Act.”

2. Section 5 is amended

(1) by replacing “35” by “38”;

(2) by adding the following sentence at the end: “The years of service credited over and beyond 35 years of service used in computing the total pension must occur after 31 December 2010.”

3. Section 8 is amended

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

“(3) the amount obtained by multiplying the average pensionable salary by 2% per year of service credited after 31 December 2010, while this Order in Council applies to the employee, over and beyond 35 years of service used in computing the total pension.”;

(2) by replacing “subparagraph 1” in the second paragraph by “subparagraphs 1 and 3”;

(3) by inserting “of subparagraphs 1 and 2” in the fourth paragraph after “For the purposes”;

(4) by adding the following at the end:

“For the purposes of subparagraph 3 of the first paragraph, the number of years in excess of an employee’s credited service referred to in that subparagraph are taken into account up to the number of years necessary so that the years of service used in computing the total pension do not exceed 38.”.

4. Section 9 is amended

(1) by replacing “and 2” in the first paragraph by “to 3”;

(2) by replacing “in subparagraph 1” in the first sentence of the last paragraph by “in subparagraphs 1 and 3”;

(3) by replacing “that subparagraph” in the second sentence of the last paragraph by “those subparagraphs”.

5. Schedule II is amended by replacing “his or her assistant” in paragraph 7 by “Deputy Public Protectors”.

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Gouvernement du Québec

O.C. 377-2011, 6 April 2011

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

Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act — Amendments to the Order in Council

Amendments to the Order in Council respecting the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, with respect to classes of employees designated under

the first paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement;

WHEREAS the Government made the Order in Council respecting the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 3);

WHEREAS it is expedient to amend the Order in Council;

WHEREAS, under the fourth paragraph of section 208 of the Act, an order under the first or second paragraph of that section may have effect 12 months or less before it is made;

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

THAT the Amendments to the Order in Council respecting the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT this Order in Council have effect as of 1 January 2011.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Order in Council respecting Amendments to the Order in Council respecting the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of 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. 208, 1st par.)

1. The Order in Council respecting the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 3) is amended in section 1 by inserting the following definition after “plan”:

““total pension” means the amount of the pension as defined in section 1 of the basic Order in Council.”.
(*montant total de la pension*)

2. Section 3 is amended

(1) by inserting the following after subparagraph 5:

“(5.1) the amount obtained by multiplying the part of the employee’s average pensionable salary that exceeds the part withheld upon computation of the amount of the pension provided for in section 8 of the basic Order in Council by 2% per year of service credited over and above 35 years of service that is used in computing the total pension while the basic Order in Council applies to the employee, except for the years of service credited during which the employee holds employment in the education sector or in the health and social services sector;”;

(2) by replacing the last paragraph by the following:

“For the purposes of subparagraphs 1, 2, 4, 5 and 6 of the first paragraph, the limit provided for in the fourth paragraph of section 8 of the basic Order in Council applies. For the purposes of subparagraph 3, 3.1 and 5.1 of the first paragraph, the number of years of an employee’s credited service are taken into account up to the number of years necessary so that the years of service used in computing the total pension do not exceed 38. The years of service credited over and beyond 35 years of service used in computing the total pension must occur after 31 December 2010.”.

1401

Gouvernement du Québec

O.C. 381-2011, 6 April 2011

An Act respecting international financial centres
(R.S.Q., c. C-8.3)

Tariff of fees and the annual contribution payable under the Act — Amendment

Regulation to amend the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres

WHEREAS the first paragraph of section 35 of the Act respecting international financial centres (R.S.Q., c. C-8.3) provides that the Government may, by regulation, establish a tariff of the fees payable for the examination of an

application for a qualification certificate or certificate under the Act or for the issue or amendment of such qualification certificate or certificate, and determine the terms and conditions of payment of the fees;

WHEREAS the second paragraph of section 35 of the Act provides that the fees must be paid to the Minister of Finance by the applicant or the holder on the date or dates fixed by the regulation;

WHEREAS section 36 of the Act provides that the Minister of Finance may require that every holder of a qualification certificate or certificate issued under the Act pay an annual contribution to be applied to the financing of activities designed to promote Montréal as a centre for international financial activities and foster the development of Montréal as an international financial centre, and that the Government may, by regulation, determine the rate and terms and conditions of payment of the contribution;

WHEREAS the second paragraph of section 111 of the Act provides that a regulation made under sections 35 and 36 comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date set in the regulation and, if it so provides, it may take effect on a date prior to its publication but not prior to 1 January 2000;

WHEREAS the Government made the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres by Order in Council 98-2000 dated 2 February 2000;

WHEREAS it is expedient to amend the Regulation;

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 Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres was published in Part 2 of the *Gazette officielle du Québec* of 15 December 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any person could make comments before the expiry of that period;

WHEREAS no comment on the draft Regulation was received before the expiry of that period;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres

An Act respecting international financial centres (R.S.Q., c. C-8.3, ss. 35, 36 and 111)

1. The Regulation respecting the tariff of fees and the annual contribution payable under the Act respecting international financial centres (R.R.Q., c. C-8.3, r. 1) is amended in the first paragraph of section 1

(1) by replacing “Act or for the amendment of such qualification certificate or certificate are established as follows” in the introductory part by “Act, for the amendment of such qualification certificate or certificate and for the issue of a certified true copy of the documents are established as follows”;

(2) by adding the following after subparagraph 6:

“(7) the fees for the issue of a certified true copy of a certificate or an annual certificate issued under the Act are \$25.”.

2. Section 2 is amended

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

“(1) for the first year,

(a) the contribution is \$10,000;

(b) despite subparagraph a, if the corporation or partnership carries on a business which is the continuation of a business or part of a business in respect of which a corporation or partnership was holding a valid certificate qualifying the business as an international financial centre during the preceding calendar year, the contribution is \$3,000;”;

(2) by adding the following after the second paragraph:

“For the purposes of subparagraph b of subparagraph 1 of the first paragraph, the continuation of a business or part of a business that another corporation or partnership was carrying on before the beginning of the carrying on, by the corporation or the partnership, of the particular business must result from

(1) the acquisition or rental, by the corporation or partnership, of property from another corporation or partnership which, during the calendar year that precedes the acquisition or rental, was carrying on a business in which the corporation or partnership was using the property; or

(2) the carrying on, by the corporation or partnership, of a new business that may reasonably be considered in fact as the extension of a business or part of a business carried on by another corporation or partnership.”.

3. This Regulation comes into force on date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, section 2 has effect from 29 March 2001.

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Gouvernement du Québec

O.C. 391-2011, 6 April 2011

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

Safety Code for the construction industry — Amendment

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 14, 19 and 42 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 on the matters set forth therein;

WHEREAS, under the third paragraph of that section, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS the Commission made the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6);

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 Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 19 August 2009 with a notice that, on the expiry of 45 days following that publication, 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;

WHEREAS the 45-day period has expired;

WHEREAS the Commission made the Regulation to amend the Safety Code for the construction industry, with amendments, at its meeting of 20 May 2010;

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 Safety Code for the construction industry, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 14, 19, 42 and 3rd par.)

1. The Safety Code for the construction industry is amended by revoking sections 2.12.3 to 2.12.5.

2. The following subdivision is inserted after section 3.23.16.1:

“**3.24.** *Steel structure erection or dismantling work*

3.24.1. Scope: This subdivision applies to work for the erection or dismantling of steel structure including any sheet-metal apron, but excluding work to erect or dismantle an electrical transformer station, a telecommunications tower or a power line tower used for electric power transportation or distribution.

3.24.2. Signalmen and telecommunications system: A telecommunications system used by a signalman who guides a maneuver under paragraph 2 of section 3.10.5. must be bidirectional, hands-free and transmit on a radio frequency dedicated exclusively to the work in progress.

The work in progress must be interrupted in case of telecommunications system failure.

3.24.3. Means of access: The means of access provided for in subdivisions 3.5. and 3.6 must be installed so that horizontal movements of workers on trusses, beams and joists do not exceed 30 metres.

3.24.4. Rescue following a fall: Within 12 months after 5 May 2011, the employer must, before the beginning of the work,

(1) develop and test a rescue procedure that allows the rescue, within 15 minutes, of a worker who, following a fall, is suspended in a safety harness;

(2) provide the equipment necessary for the implementation of the rescue procedure;

(3) ensure that, if rescue is effected on ropes, the equipment used

(a) complies with one of the following standards:

i. Standard on Fire Service Life Safety Rope and System Components, NFPA 1983, as it applies when the ropes are manufactured;

ii. Safety Requirements for Assisted-Rescue and Self-Rescue Systems, Subsystems and Components, ANSI/ASSE Z359.4, as it applies when the ropes are manufactured; or

iii. the standards in section 2.10.12; and

(b) is used exclusively for that purpose, except the safety harness; and

(4) ensure that a rescuer, who was trained to rescue a worker suspended in a safety harness, is present at all times on the work premises. The nature of the rescuer's work must not compromise a quick and efficient intervention. A rescuer may also act as first-aider if so provided in the rescue procedure.

In addition, a rescue drill for a worker suspended in a safety harness after a fall must be carried out every 6 months

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6), was last amended by the regulation approved by Order in Council 425-2010 dated 12 May 2010 (2010, *G.O.* 2, 2069). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3.24.5. Presence of a first-aid-er: Despite section 7 of the First-aid Minimum Standards Regulation, approved by Order in Council 1922-84 dated 22 August 1984, during the work, the principal contractor must ensure that one first-aid-er within the meaning of that Regulation is present at all times on the work premises.

3.24.6. Protruding parts: Where studs or other protruding parts constitute a danger for workers on the steel structure, a temporary sidewalk must be installed to ensure the safe movement of workers.

3.24.7. Plans and procedures: The plans and procedures provided for in this subdivision must be kept on the work premises and be accessible.

— *Erection of a steel structure*

3.24.8. Preparation of the work area: Before the beginning of the steel structure erection work, the principal contractor must verify

(1) that the concrete foundations are backfilled and the work area, including the unloading area, is levelled, drained and of a sufficient dimension to store materials; and

(2) that the resistance of the soil under the work area allows to support hoisting apparatus, trucks and loads during the work.

3.24.9. Erection plans: Work must be carried out according to the steel structure manufacturer's plan. The plan must include

(1) the location of the various components of the structure and their erection marks;

(2) the main dimensions and their respective levels;

(3) the type of bolts used and their diameter;

(4) the welds to be done on site;

(5) the temporary structural components; and

(6) the number of rows of bridging and their position, if applicable.

3.24.10. Erection procedure: In addition to being carried out in accordance with the erection plan provided for in section 3.24.9, the work must be carried out according to a procedure established by the employer. The procedure must contain

(1) the installation method and the erection stages of the structure;

(2) the measures to be taken to ensure that the structure components are stable; and

(3) the measures to protect workers from falling.

In addition to the requirements provided for in the first paragraph, the erection procedure must include the hoisting procedure provided for in section 3.24.15.

3.24.11. Anchor rods: Column anchor rods must be installed according to an anchoring plan provided by the steel structure manufacturer. The plan must

(1) contain the following information:

(a) the dimensions of the anchor rods and their position;

(b) the details necessary for securing the anchor rods;

(2) provide an erection procedure where the columns are anchored with fewer than 4 anchor rods or where the position of the anchor rods does not ensure stability of the columns in all their axes.

In addition, column anchor rods must resist the application of a vertical construction load of at least 1.33 kilonewtons located 45 centimetres from the column face in each of its axes and at its maximum height.

3.24.12. Prior certification: Before the beginning of the work, the principal contractor must obtain from an engineer a certification according to which the anchor rods were installed in accordance with the anchoring plan provided for in section 3.24.11 and the concrete foundations reached the strength required to support the erection of the steel structure.

3.24.13. Anchor rod modification or repair: During the work, the principal contractor must obtain from an engineer a new certification following any modification to or repair of column anchor rods that is subsequent to their installation.

3.24.14. Stacks of shims: Each column that stands on concrete foundations must rest on at least 2 stacks of shims of at least 9 square inches and located near the anchor rods, unless another levelling device offering equivalent safety is provided for in the erection plan.

3.24.15. Hoisting procedure: A hoisting procedure must be developed when a load is handled

- (1) by more than one hoisting apparatus;
- (2) by a hoisting apparatus other than a crane;
- (3) on a pallet by a hoisting apparatus other than a fork lift truck.

Where a hoisting apparatus is anchored to an existing structure, the anchor point and its working load limit must be specified in the hoisting procedure.

3.24.16. Component weight: Information about the weight of each component of a steel structure to be erected must be accessible on the work premises.

In addition, the weight must be indicated on each component exceeding 500 kilograms.

3.24.17. Hoist hooks: Every hook used to hoist a load must present one of the following characteristics:

- (1) be equipped with a safety latch;
- (2) close under the application of the load and be equipped with a self-locking latch requiring a positive action to unlock the hoist hook.

Where a load is hoisted using a hook referred to in subparagraph 1 of the first paragraph, the load must be hung using a shackle or a wrought alloy steel ring.

Where a load remote unhooking device is used, it must have the following features:

- (1) the minimum and maximum loading capacities are conspicuously indicated on the device;
- (2) where the device is engaged, it locks under the application of the load; and
- (3) it opens only when it no longer withstands the weight of the load and a command to open it is issued.

3.24.18. Beam-column connection of a multi-span steel structure: During beam-column connection work, a beam must not be supported by a spanner. The type of connection must be designed so as to take that prohibition into account.

The type of beam-column connection may be designed in one of the following manners:

(1) the beam is attached to the column while being supported by a bracket previously attached to the column;

(2) the upper right corner of the plate or angle seat is notched to clear the first supporting bolt of the beam placed previously in the manner specified in Schedule 6.

3.24.19. Erection of an open web steel joist: Erection work of an open web steel joint must be carried out in accordance with the following standards:

(1) before a hoisting apparatus lands the joist and in order to ensure the lateral stability of the joist during its placement, erection bridging must be installed, if applicable, in accordance with the joist manufacturer's plan. Bridging must be of the bolted diagonal type and the number of rows indicated in the plan must at least comply with the following specifications:

Joist length	Minimum number of rows
(a) less than 12 metres	None
(b) 12 metres to 18 metres	1 row
(c) 18 metres to 30 metres	2 rows
(d) 30 metres or more	4 rows

(2) as soon as a joist is placed, each joist end must be bolted using at least one bolt; and

(3) no load may be placed on the joist as long as all the rows of bridging have not been secured and each end of row has not been anchored, except if the joist manufacturer specifies on the joist connection plan the measures to be taken to do so and those measures have been complied with.

Joists may be hoisted and landed in bundles on the steel structure if they do not require erection bridging and are put in place one after the other to prevent them from falling off their supports.

3.24.20. Space between girts: If the provisions set out in section 3.10.7 may not be applied to the installation of girts because of the work environment or the height of the steel structure, the vertical space between girts must not exceed 1.6 metres and a means of access to allow a worker to go from one girt to another must be provided in the plan or in the hoisting procedure.

— *Dismantling of a steel structure*

3.24.21. Obligations of the principal contractor:

Before the beginning of the dismantling work of a steel structure, the principal contractor must

(1) locate, if applicable, the electric network of the work area, turn off the power and apply a locking procedure;

(2) locate any gas, steam or liquid line and apply, if applicable, a method for purging the line and a locking procedure.

3.24.22. Dismantling plan: Work must be carried out according to a plan drawn up by an engineer. The plan must contain

(1) the dismantling method and sequence, including the bolt, rivet and weld removal sequence;

(2) measures to ensure the stability of the hoisting apparatus and structure components. The measures must particularly take into account the following elements:

(a) the load must not exceed 70% of the hoisting apparatus capacity, including hoisting accessories, specified in the applicable load rating chart;

(b) anchor rods must be considered as having no resistance, unless pull-out tests are performed to establish their resistance;

(3) the weight and the centre of gravity of the structure components;

(4) measures to protect workers against falls; and

(5) any other relevant measure to ensure the safe dismantling of the structure.”.

3. Schedule 6 is amended

(1) by replacing “(s. 2.12.5)” by “(s. 3.24.18)”;

(2) by replacing “left” in the **NOTE** by “right”;

(3) by replacing “poutre-colonne” in the French text of the **NOTE** by “poutre-poteau” .

4. This Regulation comes into force on the fifteenth day following the

Gouvernement du Québec

O.C. 392-2011, 6 April 2011

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

**Occupational health and safety
—Amendment**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 9 and 42 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 prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge, and generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety, a draft of the Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 10 March 2010 with a notice that, on the expiry of 45 days following that publication, it could be made by the Commission and submitted to the Government for approval;

WHEREAS the Commission made the Regulation with amendments at its sitting of October 2010;

WHEREAS it is expedient for the Government to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting 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 occupational health and safety*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 9 and 42, and 3rd par.)

1. The Regulation respecting occupational health and safety is amended by replacing section 52 by the following:

“**52. Static electricity:** In areas or rooms containing flammable vapours or gases, the following rules must be complied with:

(1) any metallic equipment and machine must be bonded together and commonly grounded or be grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity; and

(2) any non-metallic equipment and machine must be built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold.”

2. Section 53 is amended

(1) by replacing paragraph 3 by the following:

“(3) have all metallic components bonded together and commonly grounded or grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity;”;

(2) by inserting the following after paragraph 3:

“(3.1) have all non-metallic components built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold;”.

* The Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888), was last amended by the regulation approved by Order in Council 425-2010 dated 12 May 2010 (2010, *G.O.* 2, 2069). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 55 is replaced by the following:

“**55. Static electricity:** The rules provided for in section 52 apply in areas or rooms containing combustible dusts that present a fire or explosion hazard.”.

4. Section 343 is amended

(1) by replacing “in compliance with the CAN/CSA Z94.3-92 Industrial Eye and Face Protectors standard” by “acquired as of 5 May 2011 and complying with the CAN/CSA Z94.3-07 Eye and Face Protectors standard”;

(2) by adding the following paragraph:

“However, protectors in good condition and complying with the CAN/CSA Z94.3-92, CAN/CSA Z94.3-99 or CAN/CSA Z94.3-02 standard are considered to offer adequate protection.”.

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

1404

Gouvernement du Québec

O.C. 393-2011, 6 April 2011

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

Safety Code for the construction industry — Amendment

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 19, 41 and 42 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 on the matters set forth therein;

WHEREAS, under the third paragraph of that section, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS the Commission made the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6);

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 Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 8 July 2009 with a notice that it could be made by the Commission and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety, 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 Safety Code for the construction industry, without amendment, at its sitting of 20 May 2010;

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 Safety Code for the construction industry, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety (R.S.Q., c. S2.1, s. 223, 1st par., subpars. 7, 19, 41 and 42, and 3rd par.)

1. The Safety Code for the construction industry is amended by replacing the definition of “non-combustible material” in paragraph 25 of section 1.1 by the following:

“(25) “non-combustible material”: material that complies with CAN4-S114, Standard Method of Test for Determination of Non-Combustibility in Building Materials, applicable at the time of manufacture of the equipment;”.

2. Section 2.1.1 is amended by replacing “except for lodging, eating or recreational facilities put at the disposal of the workers” by “except for facilities provided to workers by the employer for administrative, lodging, eating or recreational purposes”.

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6) was last amended by the regulation approved by Order in Council 425-210 dated 12 May 2010 (2010, *G.O.* 2, 2069). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 2.10.5 is amended by replacing the part preceding paragraph *a* by the following:

“Every worker must wear protective equipment that complies with the latest version of CAN/CSA Standard Z94.3, Eye and Face Protectors, within 24 months following its last update, when the worker’s eyes or face are exposed to”.

4. Section 2.10.6 is replaced by the following:

“**2.10.6. Foot protection:** Subject to section 2.1.1, every person on a construction site must wear class 1 protective footwear that complies with CAN/CSA Standard Z-195, Protective Footwear.”.

5. Section 2.10.7.6 is amended by replacing the second paragraph by the following:

“Such a hearing protector must comply with CAN/CSA Standard Z94.2, Hearing Protection Devices, Performance, Selection, Care and Use, applicable at the time of its manufacture.

The hearing protector must be disinfected before being used by another worker.”.

6. Section 2.10.7.8 is replaced by the following:

“**2.10.7.8. Measuring devices:** For the purposes of this Division, the noise level must be measured with a Type 2 sound level meter for general use or a Type 1 sound level meter for precision purposes, in compliance with one of the following standards, applicable at the time of manufacture of the sound meter:

(1) Sound Level Meters, CSA Standard Z107.1;

(2) Specification for Sound Level Meters, ANSI Standard S1.4A.”.

7. Section 2.10.7.9 is replaced by the following:

“**2.10.7.9. Measurement methods:** For the purposes of this Division, noise must be measured in compliance with CSA/CAN Standard Z107.56-94, Procedures for the Measurement of Occupational Noise Exposure.”.

8. Section 3.2.8 is amended

(1) by replacing “**Sinks or showers**” by “**Sinks**”;

(2) by inserting “that comply with section 3.2.15 and” after “showers” and by replacing “enabling” by “that enable”.

9. The following is inserted after section 3.2.9:

“3.2.10. Changing room: The employer must provide a changing room to workers working in an underground work site or to those who must wear specific clothing, used exclusively for

(1) abrasive blasting;

(2) work liable to produce asbestos dust emissions where moderate-risk work is carried out in accordance with paragraph 2 of section 3.23.2;

(3) work carried out in heat stress that exceeds the continuous work curve in the “Permissible heat exposure limit values” graph of Schedule V to the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001; and

(4) work carried out in compressed air.

3.2.11. Changing room features: The changing room referred to in section 3.2.10 must be in an area separate from the work area, have a minimum level of illumination of 250 lux and be maintained at a minimum temperature of 20°C, be provided with drinking water, installations to dry work clothes and individual lockers to store clothes. In addition, the storage space of each locker must be at least 0.14 cubic metres and there must be a clearance of at least 600 mm in front of each row of lockers.

3.2.12. Double changing room: The employer must provide workers with a changing room for street clothes and another one for work clothes, between which a shower room is set up so that workers may shower before wearing their street clothes,

(1) for work liable to produce asbestos dust emissions where high-risk work is carried out according to paragraph 3 of section 3.23.2; or

(2) where workers are exposed to lead, mercury or beryllium or their compounds, in the form of vapour or dust.

3.2.13. Layout of the facilities: The facilities referred to in section 3.2.12 must be contiguous to the work area, each changing room and the shower room must be in separate, communicating rooms used exclusively for the purposes referred to in section 3.2.12. The changing rooms must comply with section 3.2.11 and the showers with section 3.2.15.

3.2.14. Showers: The employer must provide showers to workers working in an underground work site or to those who must wear specific clothing, used exclusively for

(1) abrasive blasting;

(2) work liable to produce asbestos dust emissions where high-risk work is carried out in accordance with paragraph 3 of section 3.23.2;

(3) work where workers are exposed to lead, mercury or beryllium or their compounds, in the form of vapour or dust;

(4) work carried out in heat stress that exceeds the continuous work curve in the “Permissible heat exposure limit values” graph of Schedule V to the Regulation respecting occupational health and safety; and

(5) work carried out in compressed air.

3.2.15. Shower features: The showers referred to in section 3.2.14 must be installed separately for each sex, not less than one shower per 10 workers or less of each sex, in rooms that are maintained at a minimum temperature of 20°C and that have a minimum level of illumination of 250 lux. They must be supplied with temperature controlled potable water, be provided with soap, individual towels and hand towels, and be cleaned and disinfected at least once per shift, when they have been used.”.

10. Section 3.9.13 is amended by replacing subparagraph *a* of subsection 4 by the following:

“(a) comply with the rules, as they read when applied, of the Hoisting and Rigging Safety Manual of the Construction Safety Association of Ontario, translated by the Commission de la santé et de la sécurité du travail and published by Les Publications du Québec;”.

11. Section 3.10.2.1 is amended by replacing subparagraph *ii* of subparagraph *e* of the first paragraph by the following:

“ii. safety glasses or a face shield that comply with the latest version of CAN/CSA Standard Z94.3, Eye and Face Protectors, within 24 months following its last update, or a visor designed to be attached to a protective helmet;”.

12. Section 3.10.3 is amended by replacing subsections 1, 2 and 3 by the following:

“3.10.3. Heavy equipment:

(1) The heavy equipment referred to in subparagraph *a* or *b* must have a rollover protective structure that complies with the standards referred to in those subparagraphs:

(a) Bulldozer, loader and skidder on wheels or caterpillars, grader, scraper and roller: ISO 3471, Earth-Moving Machinery — Roll-Over Protective Structures — Laboratory Tests and Performance Requirements, applicable at the time of manufacture of the equipment;

(b) Agricultural and industrial tractor with engine power greater than 15 kilowatts: SAE J1194, Rollover Protective Structures (ROPS) for Wheeled Agricultural Tractors, applicable at the time of manufacture of the equipment.

(2) The heavy equipment referred to in subparagraph *a* of paragraph 1 must be protected from falling objects by a protective structure that complies with ISO 3449, Earth-Moving Machinery — Falling Object Protective Structures — Laboratory Tests and Performance Requirements, applicable at the time of manufacture of the equipment.”.

13. Section 3.10.3.4 is amended by replacing paragraphs *a* and *b* by the following:

“(1) the lift cylinders of the boom, arm or bucket of the machine are provided with load lowering control devices that comply with one of the following standards:

(a) for machinery manufactured before 5 May 2011: ISO 8643: 1988, Earth-Moving Machinery — Hydraulic Excavator and Backhoe Loader Boom-Lowering Control Device — Requirements and Tests, adapted as required;

(b) for machinery manufactured as of 5 May 2011: ISO 8643, Earth-Moving Machinery — Hydraulic Excavator and Backhoe Loader Boom-Lowering Control Device — Requirements and Tests, as the standard reads when applied, adapted as required;

(2) the outriggers are provided with control devices installed in accordance with one of the standards referred to in subparagraph *a* or *b* of paragraph 1.”.

14. Section 3.11.5 is replaced by the following:

“**3.11.5.** An electric air-heater must be certified in accordance with CAN/CSA Standard C22.2 No. 46, Electric Air-Heaters, applicable at the time of its manufacture.”.

15. Section 3.20.6 is replaced by the following:

“**3.20.6. Abrasive blasting - Changing room and shower:** For abrasive blasting, the employer must provide workers with a changing room that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

16. Section 3.23.15 is amended by inserting the following after paragraph 3:

“(3.1) the employer must provide workers with a changing room that complies with section 3.2.11.”.

17. Section 3.23.16 is amended by replacing paragraph 6 by the following:

“(6) the employer must provide workers working in the work area with a double changing room that complies with section 3.2.13;”.

18. Section 3.23.16.1 is amended by replacing “subsections 3, 4 and 6 to 12 of section 3.23.15, those provided for in subsections 1 and 2, in paragraph *e* of subsection 7 and in subsections 10 and 11 of section 3.23.16” by “paragraphs 3, 3.1, 4 and 6 to 12 of section 3.23.15, those provided for in paragraphs 1 and 2, in subparagraph *e* of paragraph 7 and paragraphs 10 and 11 of section 3.23.16”.

19. Section 6.4.2 is revoked.

20. Section 8.1.2 is amended by replacing the part preceding paragraph *a* by the following:

“**8.1.2.** In addition to complying with the provisions of NFPA 30, Flammable and Combustible Liquids Code, as it reads when applied, the storage of flammable liquids in an underground work site must”.

21. Section 8.7.2 is amended by replacing “, by a weighted steel chain grid in conformity with the standard, Standard Specification for Zinc — Coated Steel Chain — Link Fence Fabric, ASTM A 392 — 68” by “, by a wire mesh made of No. 9 AWG galvanized steel wire and forming links of not more than 40 millimetres on a side so that the persons travelling in the compartment will not be struck by the conveyance or the counterweight or be hit by objects that may fall in the shaft.”.

22. Section 8.9.1 is replaced by the following:

“**8.9.1. Underground work site – Changing room and shower:** In every underground work site, the employer must provide workers with a changing room located on the surface that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

23. Sections 8.9.2 and 8.9.3 are revoked.

24. Section 9.7.1 is replaced by the following:

“9.7.1. Compressed air – Changing room and shower: For work in compressed air, the employer must provide workers with a changing room that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

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

1405

M.O., 2011

Order number 2011-002 of the Minister of Health and Social Services dated 17 February 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions,

CONSIDERING the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”, approved by T.B. 193820 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions.

YVES BOLDDUC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

1. The Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions is amended by inserting, after section 159.1.1, the following section:

“159.1.2. A senior administrator to whom section 159.1.1 applies and who, as of the date on which this section comes into force, is receiving the 6% monetary compensation, may, notwithstanding the second paragraph of section 48.1, again be covered by management employees group insurance plans of the public and parapublic sectors in which the senior administrator was participating on July 28, 2009, if he or she satisfies the following conditions:

a) as of the date on which this section comes into force, the senior administrator still holds the position that he or she held on July 28, 2009 or, if the senior administrator no longer holds that position, holds another

* The Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions, made by Order in Council No. 1217-96 dated September, 25, 1996 (1996, G.O. 2, 5721), was last amended by the regulation enacted by Ministerial Order No. 2009-008 dated July 16, 2009 (2009, G.O. 2, 3480). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2010, updated to October 1, 2010.

management position with the same employer without interruption in the employment relationship between July 28, 2009 and the date on which this section comes into force;

b) the senior administrator makes an application to the Minister of Health and Social Services no later than 45 days following the date on which this section comes into force.

The senior administrator must enclose with the application a copy of the letter of appointment to the management position, together with a letter from the employer stating that the senior administrator satisfies the first condition above and that, as of July 28, 2009, he or she was covered by management employees group insurance plans of the public and parapublic sectors.

If applicable, the senior administrator shall again be covered by management employees group insurance plans of the public and parapublic sectors no later than 90 days following the date on which this section comes into force and shall no longer be entitled, as of the date on which he or she is covered again, to the monetary compensation provided for in the second paragraph of section 48.1.”

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

1407

M.O., 2011

Order number 2011-003 of the Minister of Health and Social Services dated 17 February 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions

CONSIDERING the Regulation respecting accessibility to positions remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions made by Order in Council 1218-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made

by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to officers of regional boards and health and social services institutions”, approved by T.B. 193821 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions.

YVES BOLDOC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

1. The Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions is amended by inserting, after section 134.1.1, the following section:

* The Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, made by Order in Council No. 1218-96 dated September 25, 1996 (1996, G.O. 2, 5749), was last amended by the regulation enacted by Ministerial Order No. 2009-007 dated July 16, 2009 (2009, G.O. 2, 3479). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2010, updated to October 1, 2010.

“**134.1.2.** An officer to whom section 134.1.1 applies and who, as of the date on which this section comes into force, is receiving the 6% monetary compensation, may, notwithstanding the second paragraph of section 37.1, again be covered by management employees group insurance plans of the public and parapublic sectors in which the officer was participating on July 28, 2009, if he or she satisfies the following conditions:

a) as of the date on which this section comes into force, the officer still holds the position that he or she held on July 28, 2009 or, if the officer no longer holds that position, holds another management position with the same employer without interruption in the employment relationship between July 28, 2009 and the date on which this section comes into force;

b) the officer makes an application to the Minister of Health and Social Services no later than 45 days following the date on which this section comes into force.

The officer must enclose with the application a copy of the letter of appointment to the management position, together with a letter from the employer stating that the officer satisfies the first condition above and that, as of July 28, 2009, he or she was covered by management employees group insurance plans of the public and parapublic sectors.

If applicable, the officer shall again be covered by management employees group insurance plans of the public and parapublic sectors no later than 90 days following the date on which this section comes into force and shall no longer be entitled, as of the date on which he or she is covered again, to the monetary compensation provided for in the second paragraph of section 37.1.”

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

1406

M.O., 2011

Order number 2011-007 of the Minister of Health and Social Services dated 30 March 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

IN RESPECT OF the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

CONSIDERING the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”, approved by C.T. 193820 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions.

YVES BOLDOC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

1. Section 2 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions is amended by:

1° inserting, in the first paragraph, commas and the words “, with the exception of section 40.2,” after the words “this Regulation”;

2° inserting, after the third paragraph, the following paragraph:

3° “Section 163 of this Regulation applies to a senior administrator of a private institution covered by section 475 of the Act respecting health services and social services.”

2. Section 4.3 of this Regulation is amended by inserting, at the end of the section, the following sentence: “This notice may be issued by the association.”

3. Section 8 of this Regulation is amended by inserting, at the end of the second paragraph, the following sentence “When the Minister authorizes the opening of the selection competition, a copy of this authorization is sent to the association.”

4. Section 40 of this Regulation is replaced by the following:

“**40.** A senior administrator, other than a senior managerial advisor, may receive an availability allowance. This allowance is granted in cases where the senior administrator is required to ensure continuity in the delivery of health services or social services in order to avoid any break in the continuity of such services.

In order for the above allowance to be paid, the following conditions must be met:

a) the establishment in which the senior administrator works offers services 24 hours a day and 7 days a week;

b) because of the obligations inherent in the position, the senior administrator must be available to work on a regular basis outside of regular work hours.

This allowance is paid to the senior administrator in the form of a lump sum in proportion to the time worked and according to the procedures of the employer’s pay system. The allowance is 7.0% of an executive director’s and 3.5% of an assistant executive director’s salary.”

5. This Regulation is amended by inserting, after section 40, the following sections:

“**40.1** A senior administrator, other than a senior managerial advisor, may receive a management allowance from a university establishment. This allowance is paid in the form of a lump sum and according to the procedures of the employer’s pay system.

The terms and conditions of the management allowance from a university establishment are established by the Minister. This allowance shall take effect on April 1, 2011.

40.2 A senior administrator, other than a senior administrator benefiting from the employment stability measures provided for in Chapter 5, who has reached 55 years of age and has accumulated 15 years of continuous service on or after April 1, 2011, may receive an attraction and retention allowance.

This attraction and retention allowance corresponds to 10% of the salary that is paid to the senior administrator. It is paid in the form of a lump sum in proportion to the time worked and according to the procedures of the employer’s pay system. It shall take effect on the day when the senior administrator meets the two conditions for eligibility set forth in the first paragraph. This amount is revised on April 1 of each year, taking into account changes in the salary paid to the senior administrator.

Whatever the changes in the senior administrator’s salary, the cumulative percentage of annual payments fixed at 10% per year may not, under any circumstances, exceed 100% during the senior administrator’s career in the health and social services sector and the allowance may not be paid for a period of more than ten years.

* The Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions made by Order in Council No. 1217-96 dated September 25, 1996 (1996, G.O. 2, 5721) was last amended by the Regulation enacted by Ministerial Order No. 2009-008 dated July 16, 2009 (2009, G.O. 2, 3480). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2010, updated to October 1, 2010.

To be entitled to the attraction and retention allowance, a senior administrator shall commit, in writing, starting with the first payment, not to hold a regular or temporary position, whether full-time or part-time, of senior administrator, officer, union member, unionizable non-member or fee-earning consultant in the public and parapublic sectors for a period of two years following his or her departure. If this commitment is not met, the senior administrator must reimburse all amounts received as an attraction and retention allowance.

The board of directors may, in certain special circumstances and with the approval of the Minister, release the senior administrator from the commitment prescribed in the fourth paragraph.

In the case of a senior administrator who meets the criteria of having reached 55 years of age and having accumulated 15 years of continuous service on or before March 31, 2011, the applicable provisions shall be those of section 161, instead of those set forth in the preceding paragraphs.

From April 1, 2011, the Minister shall conduct a triennial evaluation of the appropriateness of this allowance. The Minister takes the appropriate follow-up actions after consulting with the association.”

6. Section 60 of this Regulation is amended by deleting, in subsection 3, the words “or the date on which begins the 12-month period preceding the coming into effect of his pre-retirement leave as prescribed in section 123”.

7. Section 87.86 of this Regulation is amended by deleting the last paragraph.

8. Section 93 of this Regulation is amended by replacing, in the fifth paragraph, the words “parental leave” by “leave under the parental rights plan”.

9. Section 94 of this Regulation is amended by inserting at the end of the third paragraph of the following sentence “This choice is final and may not be changed later.” and by replacing, in the sixth paragraph, the words “parental leave” by “leave under the parental rights plan”.

10. The second paragraph of section 95 of this Regulation is deleted.

11. The second sentence of section 96 is replaced by the new paragraph as follows:

“The employer shall reimburse to the senior administrator the travelling and living expenses incurred by:

1° his or her participation in career transition activities with the external resource retained by the employer to provide them;

2° his or her authorized activities in search for employment.”

12. Section 98 of this Regulation is amended:

1° by replacing, in the first paragraph, the words “no more than” by “for a maximum duration of” and by deleting the words “or for a period of reinstatement which is staggered in accordance with section 102”;

2° by deleting the third paragraph;

3° by replacing, in the eighth paragraph, the words “excluded from” by “included in”;

4° by replacing, in the ninth paragraph, the words “the third paragraph of section 118.” by “the second paragraph of section 118.”

13. Section 99 of this Regulation is replaced by the following:

“**99.** The employer shall facilitate the reinstatement of the senior administrator who has elected reinstatement, namely in determining the services required in accordance with the second paragraph of section 98.

For this purpose, the employer shall reimburse to the senior administrator the travelling and living expenses incurred by:

1° his or her participation in career transition activities with the external resource retained by the employer to provide them;

2° his or her authorized activities in search for employment.”.

14. Section 102 of this Regulation is deleted.

15. Section 103 of this Regulation is amended by replacing the words “excluded from” by “included in”.

16. Section 104 of this Regulation is deleted.

17. Section 106.1 of this Regulation is amended by:

1° deleting, in the first paragraph, the second and the third sentences;

2° inserting, after the first paragraph, the following paragraph:

“When this senior administrator’s period of reinstatement is interrupted because of a disability or a leave under the parental rights plan provided for in Chapter 4.1, it is extended for a period equal to the duration of such leaves.”.

18. Section 111 of this Regulation is amended by deleting the third sentence.

19. Section 114 of this Regulation is amended by deleting the following sentence:

“The time spent with the new employer shall be excluded from the senior administrator’s remaining reinstatement period.”.

20. Section 118 of this Regulation is amended:

1° by replacing, in the first paragraph, the sentence “However, the minimum amount of that indemnity shall be 6 months salary and the maximum shall be 24 months salary.” by “However, the maximum amount of that indemnity shall be 12 months salary.”;

2° by deleting, in the third sentence of the first paragraph, the phrase “or the date on which he changed his choice”;

3° by deleting the second paragraph.

21. Section 120 of this Regulation is amended by deleting the words “or, if such is the case, on the date on which the senior administrator changes his choice”.

22. Section 121 of this Regulation is replaced by the following:

“**121.** To be entitled to an end-of-employment indemnity, a senior administrator shall commit, in writing, not to hold a regular or temporary position, whether full-time or part-time, of senior administrator, officer, union member, unionizable non-member or fee-earning consultant in the public and parapublic sectors for a period twice as long as the duration to which corresponds the end-of-engagement received, starting from the date on which his or her position was eliminated.

The board of directors may, in certain special circumstances and with the approval of the Minister, release the senior administrator from the commitment prescribed in the first paragraph.

A senior administrator may not receive remuneration from the Régie de l’assurance maladie du Québec for a period twice as long to which corresponds the end-of-engagement, starting from the date on which his or her position was eliminated.”.

23. Section 123 of this Regulation is deleted.

24. Section 124 of this Regulation is replaced by the following:

“**124.** A senior administrator who has chosen pre-retirement leave, with in some cases an end-of-engagement indemnity at the moment of the retirement, shall commit, in writing, not to hold a regular or temporary position, whether full-time or part-time, of senior administrator, officer, union member, unionizable non-member or fee-earning consultant in the public and parapublic sectors during the 24 months following the date on which the retirement comes into force. If he does so, his or her pre-retirement leave shall come to an end.

The board of directors may, in certain special circumstances and with the approval of the Minister, release the senior administrator from the commitment prescribed in the first paragraph.

A senior administrator may not receive remuneration from the Régie de l’assurance maladie du Québec during the 24 months following the date on which the retirement comes into force.”.

25. Section 125 of this Regulation is replaced by the following:

“**125.** The pre-retirement leave shall begin on the date on which the senior administrator’s position is eliminated and shall end on the date on which his or her retirement comes into force in accordance with his retirement plan. The senior administrator shall choose the date of his or her retirement and, consequently, the duration of his pre-retirement leave.”.

26. Section 126 of this Regulation is amended by:

1° replacing the number “24” by “12”;

2° deleting the last sentence.

27. Section 130.1 of this Regulation is amended by deleting the last sentence.

28. Section 135 of this Regulation is deleted.

29. Section 138 of this Regulation is amended by replacing:

1° in the first paragraph, the words “one of the severance pays provided for in section 134 or 135” by “severance pay provided for in section 134”;

2° in the second and third paragraphs, the words “one of the severance pays provided for in sections 134 and 135” by “the severance pay provided for in section 134”.

30. Section 139 of this Regulation is amended by deleting the words “or the severance pay provided for in section 135”.

31. Section 141 of this Regulation is amended by:

1° replacing, in the first sentence of the first paragraph, the words “under sections 134 or 135” by “under section 134”;

2° by deleting, in the last sentence of the first paragraph, the words “or 135”.

32. This Regulation is amended by inserting, after section 160, the following sections:

“**161.** A senior administrator, other than a senior administrator benefiting from the employment stability measures provided for in Chapter 5, who has reached 55 years of age and has accumulated 15 years of continuous service on or before March 31, 2011 may receive an attraction and retention allowance.

This attraction and retention allowance corresponds to 20% of the salary that is paid to the senior administrator. It is paid in the form of a lump sum in proportion to the time worked and according to the procedures of the employer’s pay system. It shall take effect on the date on which this Regulation comes into force. This amount is revised on April 1 of each year, taking into account changes in the salary paid to the senior administrator.

Whatever the changes in the senior administrator’s salary, the cumulative percentage of annual payments fixed at 20% per year may not, under any circumstances, exceed 100% during and at the end of the senior administrator’s career in the health and social services sector, and the allowance may not be paid for a period of more than five years.

In the event that the employment relationship is terminated before the senior administrator has reached the percentage of 100%, that is, before the end of the five-year period that starts on the day on which the senior administrator becomes eligible for the attraction and retention allowance, the senior administrator shall receive, at the time of the termination of the employment relationship, the difference between the cumulative percentages of 20% already received and 100%. The percentage that

corresponds to this difference shall be applied to the senior administrator’s annual salary when employment is terminated.

To be entitled to the attraction and retention allowance, a senior administrator shall commit, in writing, starting with the first payment, not to hold a regular or temporary position, whether full-time or part-time, of senior administrator, officer, union member, unionizable non-member or fee-earning consultant in the public and parapublic sectors for a period of two years following his or her departure. If this commitment is not met, the senior administrator must reimburse all amounts received as an attraction and retention allowance.

The board of directors may, in certain special circumstances and with the approval of the Minister, release the senior administrator from the commitment prescribed in the fifth paragraph.

A senior administrator who does not meet the criteria of having reached 55 years of age and having accumulated 15 years of continuous service on or before March 31, 2011 may not benefit from the provisions of this section. However, he or she remains subject to the provisions of section 40.2.

162. Upon the coming into force of this Regulation, these amendments shall be considered to be an integral part of the senior administrator’s employment contract, and they replace the provisions of this contract that relate to severance pay.

However, the provisions governing employment stability measures and severance pay that applied before this Regulation came into force shall continue to apply to a senior administrator who was already covered by employment stability measures or to a senior administrator who was receiving severance pay or who was covered by a severance agreement that included payment of severance pay.

163. The rules for integrating senior administrators into a new classification plan are established by the Minister after consulting with the association.

However, a senior administrator who, on the date the classification plan comes into force, believes that his or her salary was not determined according to the rules established by the Minister may address a notice of misunderstanding to his or her employer in accordance with Chapter 7 of the Regulation”.

33. The table in Schedule 1 of this Regulation is replaced by the following:

Salary Classes				
2010-2011		2011-2012		
	Minimum	Maximum	Minimum	Maximum
HC1	\$62,580	\$86,117	\$63,050	\$86,763
HC2	\$70,125	\$96,499	\$70,651	\$97,223
HC3	\$78,577	\$108,133	\$79,167	\$108,944
HC4	\$86,158	\$118,566	\$86,805	\$119,456
HC5	\$96,543	\$132,860	\$97,267	\$133,857
HC6	\$108,185	\$148,877	\$108,996	\$149,993
HC7	\$119,740	\$164,774	\$120,638	\$166,010
HC8	\$129,944	\$178,784	\$130,918	\$180,125
HC9	\$137,769	\$189,567	\$138,802	\$190,989
HC10	\$146,090	\$201,021	\$147,186	\$202,529

34. This Regulation comes into force at the time the Minister enacts.

1408

Draft Regulations

Draft Regulation

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

Devices that compensate for a physical deficiency — 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 devices which compensate for a physical deficiency and are insured under the Health Insurance Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (A-29, r. 0.03) in order to allow an institution or laboratory to send to the Régie de l'assurance maladie du Québec a claim for payment through an online transmission service. The draft Regulation also allows to remove the obligation requiring an institution or laboratory to sign an agreement with the Régie de l'assurance maladie du Québec prior to rendering an insured service.

The proposed amendments contained in the draft Regulation will have a positive impact on institutions and laboratories, since the introduction of an online billing mechanism will accelerate the processing of claims for payment.

Further information may be obtained by contacting Nancy Vallée, Ministère de la Santé et des Services sociaux; telephone: 418 266-8827; fax: 418 266-6854; e-mail: nancy.vallee@msss.gouv.qc.ca

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

YVES BOLDUC,
*Minister of Health and
Social Services*

DOMINIQUE VIEN,
Minister for Social Services

Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 5th and 9th pars., and s. 69, 1st par., subpar. h)

1. The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act is amended in section 13 by replacing the first paragraph by the following:

“**13.** Any device appearing on the list in Division II of Part II of the Tariff that is no longer used by an insured person owing to the person's death or that has been replaced owing to a change in the person's physical condition must be returned to an institution that operates a rehabilitation centre offering technical aid services for persons with motricity impairment and that holds a permit issued by the Minister under section 437 of the Act respecting health services and social services (R.S.Q., c. S-4.2) or section 136 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).”

2. Section 26 is amended by replacing subparagraph 2 of the second paragraph by the following:

“(2) a general practitioner or a physician specializing in pediatrics who holds specific privileges for that purpose in a hospital or in a rehabilitation centre that offers technical aid services for persons with motricity impairment and is operated by an institution holding a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, or whose designation by the agency has been approved by the Minister of Health and Social Services in accordance with section 29.”

* The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by Order in Council 612-94 dated 27 April 1994 (1994, G.O. 2, 1589), was last amended by decision 001-2009 dated 12 March 2009 (2009 G.O. 2, 578). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 27 is amended

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

“(1) in the case of a device that appears on one of the lists in Part I of the Tariff where it is furnished to an insured person in Québec by an institution in a hospital or in a rehabilitation centre offering technical aid services for persons with motricity impairment or by a laboratory, provided that the institution that operates the hospital or rehabilitation centre or the laboratory, as the case may be, holds a permit issued by the Minister under section 437 of the Act respecting health services and social services, section 136 of the Act respecting health services and social services for Cree Native persons or section 31 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), or where it is furnished to an insured person outside Québec by an institution or laboratory recognized under section 13 of the Health Insurance Act;”;

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

“(2) in the case of a device that appears on one of the lists in Part II of the Tariff where it is furnished to an insured person in Québec by an institution in a hospital or in a rehabilitation centre offering technical aid services for persons with motricity impairment, provided that the institution that operates the hospital or the rehabilitation centre holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, or where it is furnished to an insured person outside Québec by an institution recognized under section 13 of the Health Insurance Act.”.

4. Section 29 is replaced by the following:

“**29.** In regions where there is no hospital or rehabilitation centre offering technical aid services for persons with motricity impairment, an institution that operates a rehabilitation centre for persons with motricity impairment or a hospital in which there is a practising general practitioner who is empowered to attest to the needs of persons with motricity impairment and who holds specific privileges for that purpose, or in which there is a physician specializing in pediatrics who meets the same requirements, may receive a designation by the agency that is approved by the Minister of Health and Social Services pursuant to sections 347 and 377 and subparagraphs 1

to 3 and 7 of the second paragraph of section 431 of the Act respecting health services and social services, for the purposes of subparagraph 2 of the second paragraph of section 26.”.

5. The following is inserted after section 34.1:

“**34.2.** The Board assumes the cost of a service as well as the cost of the purchase, replacement, fitting or repair of a device or other equipment referred to in this Title only if the institution or laboratory sends to the Board, using the form provided by the Board, the following information, which may vary depending on the medium used or depending on whether the reference “S.C.” appears in place of the purchase or replacement price or the case involves a claim for payment:

(1) the health insurance number, the expiration date indicated on the health insurance card and the information required by the Board to identify the insured person who benefited from the property or service;

(2) the name, permit number and dispenser number of the institution or laboratory, and the prescriber number and the reference number of the claim concerning a device, component or supplement for which the reference “S.C.” appears in place of its purchase or replacement price or of the claim for payment;

(3) a description of the insured person’s physical deficiency and disability, and the information provided for, as the case may be, in sections 4, 23 and 27;

(4) the code of the good or service, side of the body, type, the number of units, the amount claimed, the serial number, the date on which the property was allocated or the service rendered and, in the case of a repair, fitting, replacement or adjustment, the reason therefor, the date of taking possession, the reference code for the property and the manufacturer’s authorization number;

(5) a statement of the labour costs, including the duration of the work and a list of the materials;

(6) a statement by the insured person confirming that the person received the property or service described and authorizing the Board to make the payment;

(7) the necessary information for identifying the recipient of the payment; and

(8) a statement by the person in charge of the institution or laboratory confirming that the information provided is accurate and complete.”.

6. Section 57 is amended by replacing the second paragraph by the following:

“Furthermore, a device that is no longer used by an insured person owing to the person’s death or a change in the person’s physical condition must be returned to an institution that operates a rehabilitation centre offering technical aid services for persons with motricity impairment and that holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons.”.

7. Section 68 is amended by replacing subparagraph 2 of the second paragraph by the following:

“(2) a general practitioner or a physician specializing in pediatrics who holds specific privileges for that purpose in a hospital or in a rehabilitation centre that offers technical aid services for persons with motricity impairment and is operated by an institution holding a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, or whose designation by the agency has been approved by the Minister of Health and Social Services in accordance with section 71;”.

8. Section 69 is replaced by the following:

“**69.** In addition to the condition set forth in section 68, the Board assumes the cost of purchase, adjustment, replacement or repair of a device that is determined to be insured or of one or a combination of its components or supplements, where the device, component or supplement, or the service, is furnished to an insured person in Québec by an institution in a hospital or a rehabilitation centre offering technical aid services for persons with motricity impairment, provided that the institution that operates the hospital or the rehabilitation centre holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, or where it is furnished to an insured person outside Québec by an institution that is recognized under section 13 of the Health Insurance Act.”.

9. Section 71 is replaced by the following:

“**71.** In regions where there is no hospital or rehabilitation centre offering technical aid services for persons with motricity impairment, an institution that operates a rehabilitation centre for persons with motricity impairment or a hospital in which there is a practising general practitioner or a practising physician specializing in pediatrics who is empowered to attest to the needs of persons

with motricity impairment and who holds specific privileges in that rehabilitation centre or hospital for that purpose may receive a designation by the agency that is approved by the Minister of Health and Social Services pursuant to sections 347 and 377 and subparagraphs 1 to 3 and 7 of the second paragraph of section 431 of the Act respecting health services and social services, for the purposes of subparagraph 2 of the second paragraph of section 68.”.

10. The following is inserted after section 75:

“**75.1.** The Board assumes the cost of a service as well as the cost of the purchase, replacement, adjustment, repair or adaptation of a device, component or supplement referred to in this Title only if the institution sends to the Board, using the form provided by the Board, the following information, which may vary depending on the medium used or depending on whether the reference “S.C.” appears in place of the purchase or replacement price or the case involves a request for prior authorization or a claim for payment:

(1) the health insurance number, the expiration date entered on the health insurance card and the information required by the Board in order to identify the insured person who received the property or service;

(2) the name, the permit number and the dispenser number of the institution, and the prescriber number and the reference number of the claim for payment for a device, component or supplement for which the reference “S.C.” appears in place of its purchase or replacement price, of the request for prior authorization or of the claim for payment;

(3) a description of the insured person’s physical deficiency and disability, and the information provided for in section 62;

(4) the code for the good or service, side of the body, type, the number of units, the amount claimed, the serial number, the date on which the property was allocated or the service rendered and, in the case of a repair, fitting, replacement or adjustment, the reason therefor, the date of taking possession, the reference code for the property and the manufacturer’s authorization number;

(5) a statement of the labour costs, including the duration of the work and a list of the materials;

(6) a statement by the insured person confirming that the person received the property or service described and authorizing the Board to make payment;

(7) the necessary information for identifying the recipient of the payment; and

(8) a statement by the person in charge of the institution confirming that the information provided is accurate and complete.”.

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

1396

Draft Regulation

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

Forms and statements of fees — 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 forms and statements of fees under the Health Insurance Act, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting forms and statements of fees under the Health Insurance Act (A-29, r. 2) in order to allow an institution, laboratory, distributor or hearing aid acoustician to send to the Régie de l'assurance maladie du Québec a claim for payment or reimbursement through an online transmission service.

The proposed amendments contained in the draft Regulation will have a positive impact on institutions, laboratories, distributors and hearing aid acousticians, since the introduction of an online billing mechanism will accelerate the processing of claims for payment or reimbursement.

Further information may be obtained by contacting Nancy Vallée, Ministère de la Santé et des Services sociaux; telephone: 418 266-8827; fax: 418 266-6854; e-mail: nancy.vallee@msss.gouv.qc.ca

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

YVES BOLDUC,
*Minister of Health
and Social Services*

DOMINIQUE VIEN,
Minister for Social Services

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 72, 1st par., subpar. a)

1. The Regulation respecting forms and statements of fees under the Health Insurance Act is amended in section 11 by striking out paragraphs 3 and 5.

2. Section 14 of the Regulation is repealed.

3. Forms 19, 20, 21 and 30 appearing as a Schedule to the Regulation are struck out.

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

1397

Draft Regulation

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

Hearing devices and insured services — 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 hearing devices and insured services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting hearing devices and insured services (A-29, r. 0.02) in order to allow a distributor, hearing aid acoustician or institution to send to the Régie de l'assurance maladie du Québec a claim for payment through an online transmission service. The draft Regulation also allows to remove the obligation requiring a distributor, hearing aid acoustician or institution to sign an agreement with the Régie de l'assurance maladie du Québec prior to rendering an insured service.

* The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) was last amended by the regulation approved by Order in Council 553-2001 dated 9 May 2001 (2001, G.O. 2, 2219). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

The proposed amendments contained in the draft Regulation will have a positive impact on distributors, hearing aid acousticians and institutions, since the introduction of an online billing mechanism will accelerate the processing of claims for payment.

Further information may be obtained by contacting Nancy Vallée, Ministère de la Santé et des Services sociaux; telephone: 418 266-8827; fax: 418 266-6854; e-mail: nancy.vallee@msss.gouv.qc.ca

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

YVES BOLDUC,
*Minister of Health
and Social Services*

DOMINIQUE VIEN,
Minister for Social Services

Regulation to amend the Regulation respecting hearing devices and insured services*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 7th and 9th pars., and s. 69,
1st par., subpar. h.2)

1. The Regulation respecting hearing devices and insured services is amended in section 1 by replacing the definition of “distributor” by the following:

““distributor”: a rehabilitation centre for persons with a hearing deficiency offering technical aid services and holding a permit issued by the Minister under section 437 of the Act respecting health services and social services (R.S.Q., c. S-4.2) or section 136 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) that distributes assistive listening devices, or a physical or legal person that has entered into an agreement with the Board authorized by the Government under section 23 of the Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., c. R-5) and that distributes assistive listening devices;”

2. Section 6 is amended by replacing the second paragraph by the following:

* The Regulation respecting hearing devices and insured services, made by Order in Council 869-93 dated 16 June 1993 (1993, G.O. 2, 3497), was last amended by Order in Council 382-2006 dated 10 May 2006 (2006, G.O. 2, 1483). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

“Moreover, the hearing aid must be furnished and the services rendered in Québec by a hearing aid acoustician who is a member of the Ordre des audioprothésistes du Québec, unless the hearing aid is furnished by an institution that operates a rehabilitation centre offering technical aid services for persons with a hearing deficiency and that holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, to a person with a hearing deficiency, that person is registered at the institution and the services are rendered by a hearing aid acoustician who is a member of the Ordre des audioprothésistes du Québec and who is employed by such an institution. In the latter case, the Board reimburses the institution in accordance with the Tariff for hearing devices and insured services the Board makes and the rules of application appearing in this Regulation.”

3. The following is inserted after section 16:

“**16.1.** An insured person, a distributor, a hearing aid acoustician or an institution claiming reimbursement from the Board of the cost of purchase, adjustment, replacement or repair of a hearing device provided or distributed under this Regulation must send, using the form provided by the Board, the following information, which may vary depending on the medium used or depending on whether the case involves a request for special consideration or a claim for payment:

(1) the health insurance number, the expiration date indicated on the health insurance card and the information required by the Board to identify the insured person who received the property or service;

(2) the name, dispenser number and, where applicable, permit number of the distributor or institution, and the name, member number in the Ordre des audioprothésistes du Québec and dispenser number of the hearing aid acoustician who provided the property or the service described, as well as the reference number of the request for special consideration or the claim for payment;

(3) the hearing loss in each ear assessed according to the conditions provided for in this Regulation, and the information contained in the medical certificate referred to in subparagraph *a* of subparagraph 1 of the first paragraph of section 6 and in subparagraph 1 of the first paragraph of section 7, and, in the case of a request for special consideration;

(4) the date the impression was made and the date of service;

(5) the code for the good or service, side of the body, type, the code for the apparatus allocated, the reference code for the apparatus, the serial number, the number of units, the amount claimed, the date on which the property was allocated or the service rendered and, where applicable, the reason for replacement;

(6) the indicator for the program referred to in the claim for payment;

(7) a statement by the insured person confirming that the person received the property or service described and authorizing the Board to make the payment;

(8) the necessary information for identifying the recipient of the payment; and

(9) a statement by the hearing aid acoustician or the distributor confirming that the information provided is accurate and complete.”.

4. Section 19 is amended by replacing the first paragraph by the following:

“**19.** Upon the purchase or replacement of a hearing aid, the Board pays the hearing aid acoustician or an institution that operates a rehabilitation centre offering technical aid services for persons with a hearing deficiency and that holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons, where the services are rendered by a hearing aid acoustician in its employ, the tariff fixed by the Board under section 72.1 of the Health Insurance Act to cover all of the following services:”.

5. Section 21 is amended by replacing subparagraph 2 of the first paragraph by the following:

“(2) in the case of repairs done exclusively by the hearing aid acoustician or exclusively by the institution that operates a rehabilitation centre offering technical aid services for persons with a hearing deficiency and that holds a permit issued by the Minister under section 437 of the Act respecting health services and social services or section 136 of the Act respecting health services and social services for Cree Native persons:”.

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

Draft Regulation

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

Insured visual aids — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting visual aids insured under the Health Insurance Act (A-29, r. 0.02.1) to allow an institution to send to the Régie de l'assurance maladie du Québec an application for reimbursement through an online transmission service. The draft Regulation also allows to remove the obligation requiring an institution to sign an agreement with the Régie de l'assurance maladie du Québec prior to rendering an insured service.

The proposed amendments in the draft Regulation will have a positive impact on institutions since the introduction of an online billing mechanism will accelerate the processing of applications for reimbursement.

Further information may be obtained by contacting Nancy Vallée, Ministère de la Santé et des Services sociaux; telephone: 418 266-8827; fax: 418 266-6854; e-mail: nancy.vallee@msss.gouv.qc.ca

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

YVES BOLDUC,
*Minister of Health and
Social Services*

DOMINIQUE VIEN,
Minister for Social Services

Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 6th and 9th pars., and s. 69,
1st par., subpar. h.1)

1. The Regulation respecting visual aids insured under the Health Insurance Act is amended by replacing section 3 by the following:

“**3.** An institution recognized within the meaning of this Regulation is an institution recognized by the Minister for the purposes of the sixth paragraph of section 3 of the Health Insurance Act for the services provided and the visual aids lent in accordance with this Regulation.”.

2. The following is inserted after section 44:

“**44.1.** The Board is to reimburse to a recognized institution the purchase, replacement or repair cost of a visual aid, its components or supplements, only if the institution sends to the Board a statement of account, using a form provided by the Board, including the following information, which may vary according to the medium used, whether the visual aid is marked “SC” or a claim for payment is made:

(1) the health insurance number, the expiration date indicated on the health insurance card and the information required by the Board to identify the insured person who benefited from the property or service;

(2) the institution’s name, permit number, dispenser number, the reference number of an application for a visual aid marked “SC” or a claim for payment and, in the case of a transfer, the number of the transferred device and the name and permit number of the institution where the device was transferred;

(3) an indication relating to the visual acuity and the field of vision in each eye, the qualification of visual incapacity, a description of the pursuit of activities justifying the allocation of a visual aid and, where the purchase or replacement cost of a visual aid is marked “SC”, the information referred to in this Regulation;

(4) the code of the property or service, its nature, justification, the number of the device, the amount claimed and the date on which the property was allocated or the service rendered;

(5) a statement by the insured person confirming that the person received the property or service described and authorizing the Board to make the payment; and

(6) a statement by the person in charge of the institution that the information given is accurate and complete.”.

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

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* The Regulation respecting visual aids insured under the Health Insurance Act, made by Order in Council 1403-96 dated 13 November 1996 (1996, *G.O.* 2, 4725), was last amended by the regulation made by resolution No. C.A. 410-04-11 dated 18 May 2004 of the Régie de l’assurance maladie du Québec (2004, *G.O.* 2, 1645). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Collines-de-Bolton-Est Nature Reserve (Conservation de la nature – Canada) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Bolton-Est, Regional County Municipality of Memphrémagog, known and designated as being a part of the lot number 882, a part of the lot number 891, a part of the lot number 965, a part of the lot number 966, a part of the lot number 968 and a part of the lot number 969 of the Bolton cadastre, Brome registry division. This property, covering an area of 134,45 hectares, is more fully described by the property descriptions and the accompanying plans prepared and signed by the following lands surveyors: Mr. Robert Fournier, dated March 13th 2008 (field notes 1 161); Mr. Robert Fournier, dated December 2nd 2009 (field notes 1 551) and Mr. Yves Guillemette, dated June 15th 2010 (field notes 12 492).

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Collines-de-Bolton-Est Nature Reserve (Conservation de la nature – Québec) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a

private property, situated on the territory of the Municipality of Bolton-Est, Regional County Municipality of Memphrémagog, known and designated as being a part of the lot number 965, a part of the lot number 968, two parts of the lot number 969 and a part of the lot number 971 of the Bolton cadastre, Brome registry division. This property, covering an area of 36,54 hectares, is more fully described by the property description and the accompanying plan prepared and signed by Mr. Robert Fournier, land surveyor, on March 13th 2008, in his field notes 1 161.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

An Act respecting the legal publicity of enterprises
(R.S.Q., c. P-44.1)

Delegation of certain powers of the enterprise registrar (ALPE, section 6)

WHEREAS, under section 300 of the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1), hereinafter referred to as the “ALPE”, the Minister of Revenue is responsible for the administration of that Act;

WHEREAS, in accordance with section 1 of the ALPE, the Minister of Revenue has appointed the enterprise registrar, who is an employee of the Agence du revenu du Québec;

WHEREAS, in accordance with section 4 of the ALPE, the Minister of Revenue has designated employees of the Agence du revenu du Québec to assist the enterprise registrar in the functions of office;

WHEREAS section 6 of the ALPE provides that the enterprise registrar may, by order and with the concurrence of the Minister of Revenue, delegate certain powers to the employees assisting the enterprise registrar;

WHEREAS, under that same section, the order must be published in the *Gazette officielle du Québec*;

WHEREAS the enterprise registrar exercises powers under, in particular, the ALPE, the Business Corporations Act (R.S.Q., c. S-31.1), and those provisions of the Companies Act (R.S.Q., c. C-38) that remain in force;

WHEREAS, in accordance with a notice dated March 2, 2011 (2011, *G.O.* 2, 633), the enterprise registrar delegated certain powers to the employees identified therein;

WHEREAS it is expedient to replace the delegation of powers in that notice in order to provide for the replacement of one of the employees identified.

In my capacity as enterprise registrar, in accordance with section 6 of the ALPE, I delegate to the employees identified hereinafter the powers referred to in the following:

Sections 132 to 138 of the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1), sections 25 to 28 of the Business Corporations Act (R.S.Q., c. S-31.1) and sections 18.1 to 20, 123.27.1 to 123.27.5, 221.1 and 221.2 of the Companies Act (R.S.Q., c. C-38).

DIRECTION DU REGISTRAIRE DES ENTREPRISES

Service d'expertise, de la qualité du registre et des recours

- Ms. Céline Gingras
- Mr. Jean-François Guay
- Ms. Éliane Neveu
- Mr. Denis Racine
- Mr. Mathieu Tremblay

Section 110 and subsection (2) of section 113 of the Companies Act

DIRECTION DU REGISTRAIRE DES ENTREPRISES

Service d'expertise, de la qualité du registre et des recours

- Mr. Jean-François Guay
- Mr. Denis Racine
- Mr. Mathieu Tremblay

And I have signed at Québec, this 7th day of April, 2011.

YVES BANNON,
Enterprise Registrar

CONCURRENCE OF THE MINISTER OF REVENUE

Pursuant to section 6 of the ALPE, the Minister of Revenue, represented here by the president and chief executive officer of the Agence du revenu du Québec, who is duly authorized to act under section 8 of the Act respecting the Agence du revenu du Québec, concurs with this delegation of certain powers of the enterprise registrar.

And I have signed at Québec, this 7th day of April, 2011.

JEAN ST-GELAIS,
*President and Chief Executive Officer
of the Agence du revenu du Québec*

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Montagnes-Vertes Nature Reserve (Conservation de la nature – Québec) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61-01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve, in the parcel Champigny, a new private property, in the Sutton Mountains, on the territory of the municipality of Ville de Sutton, Regional County Municipality Brome-Missisquoi, known and designated as being a part of lot 101, two parts of lot 91, 98, 408 and 409 and the lots 93, 94, 95, 96 and 99 upon Official plan and book of reference of Canton de Sutton, Brome Registration Division. This property, of an area of 307,48 hectares, is more fully described in property description and plan prepared and signed by Mr. Robert Fournier, land surveyor, on June 11th 2010, in his field notes 1 663.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks,

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Montagnes-Vertes Nature Reserve (Secteur Conservation de la nature – Canada) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61-01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve, the parcel Kars Investment (Canada) inc, a new private property which extends of 102,02 hectares. This property, in the Sutton Mountains, on the territory of the Municipality of Ville de Sutton, Regional County Municipality Brome-Missisquoi, known and designated as being the lot 445, a part of lot 446, a part of lot 447, a part of lot 459 and a part of lot 460 upon Official plan and book of reference of Canton de Sutton, Brome Registration Division.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Pont-à-Chevilles Nature Reserve — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Irlande, Regional County Municipality of Les Appalaches, known and designated as being a part of the lot number 179 and two parts of the lot number 180, of the Ireland cadastre, Thetford registry division. This property, of an area of 63 hectares, is more fully described in property description and plan prepared and signed by Mr. Stéphane Roy, land surveyor, on July 15th 2010, in his field notes 2 550.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Tortue-des-Bois-de-la-Shawinigan Nature Reserve (Secteur Société-d'histoire-naturelle-de- la-Vallée-du-Saint-Laurent) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Saint-Mathieu-du-Parc, Regional County Municipality of Maskinongé, known and designated as being two parts of the lot number 15 of the Range 15 of the paroisse de Saint-Mathieu cadastre, Shawinigan registry division. This property extends over 2,38 hectares.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Tourbière-de-Venise-Ouest Nature Reserve (Secteur Conservation de la nature – Canada) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Venise-en-Québec, Regional County Municipality of Haut-Richelieu, known and designated as being a part

of the lot number 125-44, a part of the lot number 125-45, a part of the lot number 132-69, a part of the lot number 142-60, a part of the lot number 192-13, a part of the lot number 193-67, the lots numbers 132-69-2, 134, 136-87, 140 and 141 of the Paroisse de Saint-Georges-de-Clarenceville cadastre, Missisquoi registry division. This property, covering an area of 101,66 hectares, is more fully described by the property descriptions and the accompanying plans prepared and signed by the following lands surveyors: Mr. Yves Guillemette, dated November 6th 2002 (field notes 8 747); Mr. Éric Denicourt, dated June 2nd 2003 (field notes 8 077); Mr. Yves Guillemette, dated January 30th (field notes 8 835) and Mr. Éric Denicourt, dated April 11th 2005 (field notes 11 713-1).

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Tourbière-de-Venise-Ouest Nature Reserve (Secteur Conservation de la nature – Québec) — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipalities of Venise-en-Québec and Saint-Georges-de-Clarenceville, Regional County Municipality of Haut-Richelieu, known and designated as being a part of the lot number 128-10, a part of the lot number 129-94, a part of the lot number 130-34, a part of the lot number 131-60, a part of the lot number 132-69-3, a part of the lot number 195, a part of the lot number 196, a part of the lot number 197 and the lot number 132-69-1 of the Paroisse de Saint-Georges-de-Clarenceville cadastre, Missisquoi registry division. This property extends over 121,54 hectares. The part of the lots numbers 195, 196 and 197 is more fully described by the property description and the accompanying plan prepared and signed by Mr. Yves Guillemette, land surveyor, on September 18th 2002, in his field notes 8 663.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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

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