

**Gazette**  
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**DU Québec**

Part

**2**

No. 8

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**Laws and Regulations**

Volume 146

**Summary**

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### Contents

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**PROVINCE OF QUÉBEC**

1ST SESSION

40TH LEGISLATURE

QUÉBEC, 20 NOVEMBER 2013

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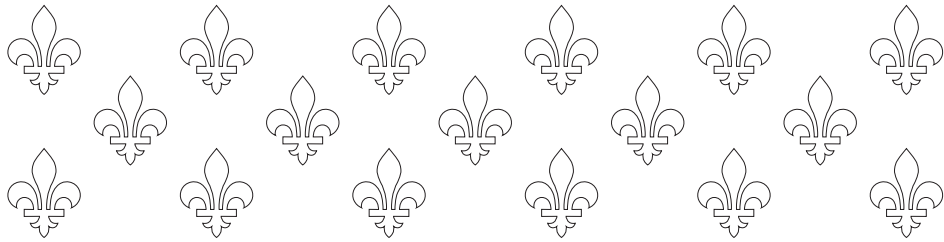
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 20 November 2013*

This day, at thirty-eight minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

41 An Act to amend the Public Service Act mainly with respect to staffing

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 41  
(2013, chapter 25)

## **An Act to amend the Public Service Act mainly with respect to staffing**

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**Introduced 14 May 2013**  
**Passed in principle 26 September 2013**  
**Passed 19 November 2013**  
**Assented to 20 November 2013**

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**Québec Official Publisher  
2013**

## EXPLANATORY NOTES

*This Act makes various amendments to the Public Service Act.*

*Changes are made to the staffing process to make it possible for a candidate who participates in a qualification process, following an invitation for applications of a limited or unspecified duration, to be appointed to a position as soon as the person is declared qualified.*

*This Act replaces the notions of competitions and lists of candidates declared qualified with the concepts of qualification processes and banks of qualified persons.*

*The Conseil du trésor is empowered to make various rules applicable to the new staffing process, design a specific qualification process for persons who have held a student or intern position, and determine the conditions under which retired employees may be re-appointed for a set term on the basis of their classification before retirement. As well, deputy ministers and chief executive officers are specifically authorized to conduct an additional evaluation before making an appointment.*

*The power to fix the norms for the classification of public servants is transferred to the Conseil du trésor.*

*The Chair of the Conseil du trésor is conferred the responsibility of appointing Conseil du trésor representatives to the joint parity committees of peace officers, and of calling meetings of those committees.*

*The Chair of the Conseil du trésor is also assigned new functions with respect to governance of human resources management.*

*New provisions are introduced regarding the management of the Commission de la fonction publique and its responsibilities.*

*Finally, this Act introduces amendments to the penal provisions and contains a number of transitional provisions and consequential amendments.*



**LEGISLATION AMENDED BY THIS ACT:**

- Public Service Act (chapter F-3.1.1);
- Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014 (2010, chapter 20).



## Bill 41

### AN ACT TO AMEND THE PUBLIC SERVICE ACT MAINLY WITH RESPECT TO STAFFING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PUBLIC SERVICE ACT

**1.** Section 35 of the Public Service Act (chapter F-3.1.1) is amended by replacing the first paragraph by the following paragraph:

**“35.** A candidate may appeal to the Commission de la fonction publique if he considers that the procedure used, within a promotion-only qualification process, to determine whether he is eligible or to evaluate him was irregular or illegal. An appeal application must be submitted in writing and received by the Commission within 15 working days of the sending of the notice advising the candidate that he does not meet the eligibility criteria for the qualification process, or informing him of the results of his evaluation as part of that process.”

**2.** Section 36 of the Act is replaced by the following section:

**“36.** The Commission de la fonction publique may refuse to hear an appeal brought under section 35 relating to a promotion qualification process where it considers that the application is frivolous or in bad faith, or that its intervention would clearly be of no use.”

**3.** Section 42 of the Act is amended

(1) by replacing “by way of competition” in the first paragraph by “by means of a qualification process”;

(2) by replacing “without a competition” in the second paragraph by “otherwise than through a qualification process”.

**4.** Section 43 of the Act is amended

(1) by replacing “competition held to fill” in the first paragraph by “qualification process for the purpose of establishing a bank of qualified persons to fill”;

(2) by replacing “competition” wherever it appears in the third paragraph by “qualification process”.

**5.** Section 44 of the Act is replaced by the following section:

“**44.** The Chair of the Conseil du trésor launches invitations for applications in order to initiate qualification processes.”

**6.** Section 46 of the Act is repealed.

**7.** Section 47 of the Act is amended

(1) by replacing “for a competition or candidate inventory” in the first paragraph by “for a qualification process”;

(2) by inserting the following paragraph after the first paragraph:

“A person is presumed to be eligible for a qualification process on the basis of the information provided with their application. A person’s eligibility must be confirmed before their appointment.”;

(3) by striking out the second and third paragraphs.

**8.** The Act is amended by inserting the following section after section 47:

“**47.1.** If the Chair of the Conseil du trésor considers that it would be unreasonable to evaluate all the candidates in view of their number, the Chair may reduce the number of candidates in accordance with the norms determined by regulation by the Conseil du trésor.

When inviting applications, the Chair shall state what means are intended to be used to reduce the number of applications.”

**9.** Section 48 of the Act is amended by adding “or positions to be filled” after “the position”.

**10.** Section 49.1 of the Act is repealed.

**11.** The Act is amended by inserting the following section after section 49.1:

“**49.2.** A person presumed to be eligible is declared qualified after successfully passing the evaluation.

Upon being declared qualified, a person is registered in a bank of qualified persons.”

**12.** Section 50 of the Act is replaced by the following section:

“**50.** The Chair of the Conseil du trésor may, on request or on the Chair’s own initiative, correct an error having occurred during a qualification process and, if appropriate, register the persons concerned in or remove them from a bank of qualified persons.”

**13.** The Act is amended by inserting the following section after section 50:

**“50.0.1.** A person who has been employed as a student or intern may be registered in a bank of qualified persons following qualification processes specific to such persons. The Conseil du trésor determines the rules applicable to and the procedures governing access to those processes.”

**14.** Section 50.1 of the Act is amended

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

“(1) the procedure for a qualification process to establish a bank of qualified persons;”;

(2) by replacing “competition or for a candidate inventory” in subparagraph 2 of the first paragraph by “qualification process”;

(3) by replacing “competition or a candidate inventory” in subparagraph 3 of the first paragraph by “qualification process”;

(4) by replacing “competition” in subparagraph 4 of the first paragraph by “qualification process”;

(5) by replacing “lists of certifications of qualification may be drawn up” in subparagraph 5 of the first paragraph by “a bank of qualified persons may be established, used and terminated”;

(6) by replacing “promotion without a competition” in subparagraph 6 of the first paragraph by “promotion otherwise than through a qualification process”;

(7) by striking out subparagraph 7 of the first paragraph;

(8) by adding the following subparagraphs after subparagraph 7 of the first paragraph:

“(8) cases and circumstances in which and conditions subject to which a person may be removed from a bank of qualified persons;

“(9) all particulars relating to the information to be provided by a candidate during a qualification process or after registration in a bank of qualified persons;

“(10) cases and circumstances in which and conditions subject to which the qualification of a person who was once appointed may be maintained so that the person can be re-appointed even if they were removed from a bank of qualified persons or the bank has been terminated;

“(11) norms for the classification of public servants.”

**15.** Section 53 of the Act is replaced by the following section:

**“53.** A deputy minister or a chief executive officer may appoint a person as soon as the person has been declared qualified and is registered in a bank of qualified persons.

Before making a choice, the deputy minister or the chief executive officer may conduct an additional evaluation based on the nature and particularities of the position to be filled.

Despite the first paragraph, the Conseil du trésor may, by regulation, determine cases and circumstances in which the deputy minister or the chief executive officer cannot make an appointment before all candidates have completed the qualification process.

If there is among the qualified persons one to whom an affirmative action program or a program designed to ensure the hiring of handicapped persons applies, the deputy minister or the chief executive officer must take the objectives of the program into consideration when making the appointment. The hiring objectives determined by the Conseil du trésor as regards the various components of Québec society must also be taken into consideration.

The application of this section cannot be the subject of an appeal under section 35.”

**16.** Section 53.0.1 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

**“53.0.1.** Within the same invitation for applications, a public servant may be appointed before the expiry of the time for appeal provided in section 35 and even if an appeal brought under that section is pending before the Commission de la fonction publique.

However, the appointment is conditional for as long as the last time for appeal that applies to candidates within the same invitation for applications has not expired and, as the case may be, for as long as any appeal brought by one of the candidates has not been settled. If warranted, the appointment must be re-evaluated by the deputy minister or the chief executive officer on the basis of the decision made by the Commission; where applicable, the appointment shall cease to have effect and the public servant shall be reinstated in the position held before the appointment.”

**17.** The Act is amended by inserting the following section after section 53.1:

**“53.2.** Despite any provision to the contrary, a retired public service employee may, without having to undergo the qualification process, be re-appointed under this Act to a position in the same class as the class he belonged to before retiring or to any other position with less stringent conditions of eligibility for which a deputy minister or a chief executive officer has recognized

him as having the necessary skills. Such a re-appointment is only possible to meet a temporary need and where the person's particular expertise and experience are required. The Conseil du trésor prescribes the terms and conditions of such a re-appointment, which may only be for a fixed term."

**18.** Section 54 of the Act is amended by replacing "under section 126" in the first paragraph by "under subparagraph 11 of the first paragraph of section 50.1".

**19.** Section 70 of the Act is amended by replacing "the holding of recruitment or promotion competitions or to the certification of the qualification of candidates" in the second sentence of the first paragraph by "recruitment or promotion qualification processes, qualification, banks of qualified persons or certification of qualification".

**20.** Section 71 of the Act is amended by inserting "Chair of the" after "shall be appointed by the" in the second paragraph.

**21.** Section 73 of the Act is amended by inserting "Chair of the" after "whenever requested by the".

**22.** Section 99 of the Act is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) establishing and implementing recruitment and promotion qualification processes;

"(2) establishing conditions of eligibility for a qualification process;"

(2) by striking out paragraph 3;

(3) by replacing "competition" in paragraph 4 by "qualification process";

(4) by inserting the following paragraph after paragraph 4:

"(4.1) declaring candidates qualified and establishing banks of qualified persons;"

(5) by replacing paragraph 5 by the following paragraph:

"(5) making sure that candidates are qualified for promotion and declaring them so qualified pursuant to the second paragraph of section 42;"

(6) by striking out paragraph 7;

(7) by inserting the following paragraphs after paragraph 7:

“(7.1) developing a five-year human resources management strategy for the public service, proposing it for approval by the Conseil du trésor, coordinating its implementation and reporting to the latter every two and a half years on the achievement of results;

“(7.2) proposing directions and policies in various areas of human resources management to the Conseil du trésor, including measures to ensure equal employment opportunity;

“(7.3) proposing to the Conseil du trésor changes to the human resources management framework, taking into account organizational and societal changes;”;

(8) by replacing “surveys” in paragraph 9 by “watch activities”;

(9) by replacing paragraph 10 by the following paragraph:

“(10) advising and supporting government departments and bodies in implementing human resources management programs and activities;”;

(10) by replacing “a career planning and development system” in paragraph 11 by “career planning and development support measures”.

**23.** The Act is amended by inserting the following section after section 108:

**“108.1.** In addition to the powers and duties otherwise conferred on the chair of the Commission, the chair is responsible for the management and administration of the Commission.

The functions of the chair include

(1) fostering the participation of the members in the formulation of general directions for the Commission so as to maintain a high level of quality and coherence in its decisions;

(2) coordinating the activities of and assigning work to the members of the Commission, who, in that respect, must comply with the chair’s orders and directives;

(3) seeing that standards of ethical conduct are observed;

(4) promoting professional development of the members as regards the exercise of their functions; and

(5) determining the cases where an appeal must be heard by more than one member.”



**24.** Section 115 of the Act is amended by replacing “competition or the establishment of a candidate inventory” in the third paragraph by “qualification process”.

**25.** The Act is amended by inserting the following sections after section 115:

“**115.1.** The Commission shall also keep a records office whose function is to manage, in accordance with the collective agreements binding the Government and the associations certified under Chapter IV, the grievances filed by unionized public servants that are set down for arbitration.

“**115.2.** Except in respect of the management of the resources assigned to the records office, Divisions II, III and V of Chapter II of the Public Administration Act (chapter A-6.01) and section 124 of this Act do not apply to the activities of the records office.”

**26.** Section 116 of the Act is amended by striking out subparagraph 1 of the first paragraph.

**27.** The Act is amended by inserting the following sections after section 116:

“**116.1.** The Commission may, if circumstances permit, offer mediation to the parties.

Mediation sessions are presided over by a member, by a public servant of the Commission, or by any other person designated by the chair of the Commission.

“**116.2.** Except with the consent of the parties, nothing that is said or written in the course of a mediation session may be admitted as evidence.

“**116.3.** A member who has conducted a mediation session may not have a decision-making role in the dispute in question.

“**116.4.** A mediator cannot be compelled to disclose anything revealed to or learned by the mediator in the exercise of mediation functions or to produce a document prepared or obtained in the course of such functions before a court, a body or a person or body of the administrative branch exercising adjudicative functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to a document contained in mediation records.

“**116.5.** The Commission may also, prior to a hearing before an arbitrator to settle a grievance filed by a unionized public servant, preside over mediation sessions between the parties concerned, subject to terms and conditions mutually agreed by the parties.

Mediation sessions are conducted by a member or a public servant of the Commission, or by any other person designated by the chair of the Commission.

Sections 116.2 to 116.4 apply to mediation sessions under this section.”

**28.** Section 121 of the Act is amended by replacing the first paragraph by the following paragraphs:

“**121.** The Commission may, to expedite business, appoint substitute members for a term of not over one year. With the chair’s permission, a member whose term has expired may continue the examination of a matter and make a decision.

Substitute members do not take part in the Commission’s activities under section 115.”

**29.** Section 122 of the Act is amended by replacing “commissioner” by “member”.

**30.** Section 123 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The Commission, on application, may review or revoke any decision it has made

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where a party, owing to reasons considered sufficient, could not be heard;  
or

(3) where a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the second paragraph, the decision may not be reviewed or revoked by the member having made the decision.”

**31.** Section 126 of the Act is amended by striking out paragraph 4.

**32.** Section 129 of the Act is amended

(1) by replacing “at a recruitment or promotion competition, a grade advancement examination or the establishment of a candidate inventory” in the first paragraph by “in connection with a recruitment or promotion qualification process”;

(2) by replacing the second paragraph by the following paragraphs:

“A person found guilty of such an offence is removed from all banks of qualified persons established before the date of the judgment and from any qualification process under way on that date. In addition, the person ceases to be eligible for any qualification process for a period of five years and, if a public servant, the person is also liable to disciplinary action.

Proceedings for the offence described in the first paragraph are prescribed one year from the date on which the prosecutor becomes aware of the commission of the offence.”

**33.** Sections 153 to 170 and 172 of the Act are repealed.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**34.** In any Act other than the Public Service Act (chapter F-3.1.1), “promotion competition” and “competition for promotion” wherever they appear are replaced by “promotion-only qualification process”, and “competition for promotion to” wherever it appears is replaced by “promotion-only qualification process for”, unless the context indicates otherwise.

**35.** Competitions under way on the date of coming into force of section 3 are continued and the related lists of candidates declared qualified may be established and used in accordance with the Public Service Act and the regulations, directives and norms under that Act, as they read on the day prior to that date. The same applies to any establishment of candidate inventories under way on that date and the use of such inventories.

**36.** Lists of candidates declared qualified already established on the date of coming into force of section 3 may be used in accordance with the Public Service Act and the regulations, directives and norms under that Act, as they read on the day prior to that date.

**37.** The Conseil du trésor may, by regulation, determine the terms and conditions under which the qualification of a person for appointment to certain positions may be maintained despite the termination of the list of candidates declared qualified from which the person was appointed to a position.

**38.** Despite the termination of the list of candidates declared qualified from which a person was appointed to a position, that person may be appointed to the class of positions in which they were placed following a change to the classification of positions. However, such an appointment may only be made if the person was placed in the changed class of positions between 16 April 2012 and the date of coming into force of the provisions prescribed by regulation under section 37.

The appointment may also be made even if the person no longer holds a position in the public service, provided their employment ended during the period defined in the first paragraph.

This section ceases to have effect on the date of coming into force of the provisions prescribed by regulation under section 37.

**39.** Any person found guilty under section 129 of the Public Service Act after the coming into force of section 3 is removed from the lists of candidates declared qualified referred to in either of sections 35 and 36.

**40.** Until section 12 comes into force, the second paragraph of section 50 of the Public Service Act is to read as follows:

“The Chair of the Conseil du trésor may, on request or on the Chair’s own initiative, correct an error having occurred during a competition and, if appropriate, register the persons concerned in or remove them from a list of candidates declared qualified.”

**41.** Until section 32 comes into force, section 129 of the Public Service Act is to read as follows:

“**129.** Every person who commits a fraudulent act, or incites a person to commit a fraudulent act, in connection with a recruitment or promotion competition, a grade advancement examination or the establishment of a candidate inventory is guilty of an offence and liable to a fine of \$700 to \$2,800.

A person who is found guilty of such an offence ceases to be eligible for any competition or examination for a period of five years. In addition, the person is removed from all lists of candidates declared qualified existing on the date of the judgment or from the lists relating to competitions under way on that date and, if a public servant, the person is liable to disciplinary action.

Proceedings for the offence described in the first paragraph are prescribed one year from the date on which the prosecutor becomes aware of the commission of the offence.”

ACT TO IMPLEMENT CERTAIN PROVISIONS OF THE BUDGET  
SPEECH OF 30 MARCH 2010, REDUCE THE DEBT AND RETURN TO  
A BALANCED BUDGET IN 2013-2014

**42.** Section 8 of the Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014 (2010, chapter 20), amended by section 129 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 (2013, chapter 16), is again amended by replacing “and 2012” in the introductory clause of the first paragraph by “, 2012 and 2013”.

**43.** This Act comes into force on 20 November 2013, except for sections 1, 3 to 8 and 10 to 13, section 14 save where it enacts subparagraph 11 of the first paragraph of section 50.1, sections 15 to 17 and 19, paragraphs 1 to 5 of section 22, sections 24 and 25, section 27 where it enacts section 116.5, and

sections 32, 34 to 36 and 39, which come into force on the date or dates to be set by the Government.



## Regulations and other Acts

Gouvernement du Québec

### O.C. 73-2014, 6 February 2014

An Act respecting the conservation and development of wildlife  
(chapter C-61.1)

#### Hunting activities — Amendment

Regulation to amend the Regulation respecting hunting activities

WHEREAS, under the second paragraph of section 55 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government may determine by regulation the conditions on which a person may use a licence issued to another person;

WHEREAS, under paragraph 16 of section 162 of the Act, the Government may make regulations prescribing norms respecting the registration of animals and fixing the fees exigible for the registration;

WHEREAS, under paragraph 18 of section 162 of the Act, the Government may make regulations determining the safety conditions required for the practice of hunting activities;

WHEREAS the Government made the Regulation respecting hunting activities (chapter C-61.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting hunting activities was published in Part 2 of the *Gazette officielle du Québec* of 11 September 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment, Wildlife and Parks:

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

#### Regulation to amend the Regulation respecting hunting activities

An Act respecting the conservation and development of wildlife  
(chapter C-61.1, ss. 55 and 162, pars. 16 and 18)

**1.** The Regulation respecting hunting activities (chapter C-61.1, r. 1) is amended in section 7.2.0.1 by replacing “section 10” in the first paragraph by “section 13.1 of the Regulation respecting hunting”.

**2.** The following is inserted after section 7.2.0.1:

“**7.2.0.2.** Subject to sections 7.2.1 to 7.3, a person aged between 12 and 24 years of age, referred to in section 7.1 or 7.2, may not use the hunting licence of a holder 18 years of age or older if that person holds a hunting licence for the same species.”.

**3.** Section 7.2.1 is amended by inserting “, in controlled zones listed in Schedule I” after “in outfitting operations with exclusive rights” in the part preceding paragraph 1.

**4.** Section 7.2.4 is amended by replacing “referred to in paragraph *a* of section 2 of Schedule I to that Regulation who has killed a white-tailed deer” in the part preceding paragraph 1 by “referred to in paragraph *a*, *b* or *d* of section 2 of Schedule I to that Regulation, who has reached the bag limit attached to that licence”.

**5.** Section 15 is amended by replacing “in the municipalities of the regional county municipalities of Avignon and Bonaventure” at the end of the fourth paragraph by “in the parts of territory of the municipalities of the regional county municipality of Avignon that are included in Area 1 and in the municipalities of the regional county municipality of Bonaventure”.

**6.** Section 19 is amended by replacing “section 10” in the second paragraph by “section 13.1 of the Regulation respecting hunting”.

**7.** Section 21 is amended by replacing “, declaring” in the first paragraph by “and declare”.

**8.** The Regulation is amended by adding Schedule I attached hereto.

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

## SCHEDULE I

(s. 7.2.1)

Bras-Coupé-Désert controlled zone;

Maganasipi controlled zone;

Pontiac controlled zone;

Rapides-des-Joachims controlled zone;

Restigo controlled zone;

Saint-Patrice controlled zone;

Jaro controlled zone, including the territory referred to in Schedule CCI to the Regulation respecting hunting.

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Gouvernement du Québec

**O.C. 76-2014**, 6 February 2014

Professional Code  
(chapter C-26)

### Disciplinary council chairs

#### — Recruitment and selection procedure for disciplinary council chairs of professional orders

Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

WHEREAS, under section 116 of the Professional Code (chapter C-26), a disciplinary council is constituted within each of the professional orders to which the Code applies;

WHEREAS, under the first paragraph of section 115.2 of the Code, disciplinary council chairs are appointed by the Government in accordance with the selection procedure the Government determines by regulation;

WHEREAS, under section 115.5 of the Code, the selection procedure for chairs sets out the procedure for running for office, provides for the establishment of a selection committee to assess the qualifications of candidates and provide an advisory opinion on them, and identifies the selection criteria that the committee is to take into account;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 11 September 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

Professional Code  
(chapter C-26, s. 115.2)

### DIVISION I SCOPE

**1.** This Regulation determines the terms and conditions governing the procedure for the recruitment and selection of disciplinary council chairs of professional orders.

### DIVISION II NOTICE OF RECRUITMENT

**2.** The Minister of Justice, taking into account the needs of the Bureau des présidents des conseils de discipline, requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to launch a competition and to publish in various daily newspapers



circulated in Québec and in the Journal du Barreau, on the website of the Ministère de la Justice and on the website of the Office des professions du Québec a notice of recruitment inviting any person to submit his or her candidacy for the position of disciplinary council chair of professional orders.

### **3.** The notice of recruitment

- (1) gives a summary description of the position of disciplinary council chair;
- (2) indicates the main place where the person will hold the position;
- (3) specifies the eligibility requirements and selection criteria as well as the particular professional, training or experience requirements sought given the needs of the Bureau;
- (4) provides for the obligation for interested persons to submit their candidacy to the selection committee using the registration form provided in Schedule A, and to provide the documents needed in support of a candidacy; and
- (5) indicates the closing date for submitting candidacies and the address to which they are to be sent.

### **DIVISION III CANDIDACY**

**4.** A person wishing to submit his or her candidacy for the position of disciplinary council chair must, not later than the date indicated in the notice of recruitment, send to the address indicated therein the registration form provided in Schedule A duly completed, as well as proof that the person is entered on the roll of the Order of Advocates.

In addition, the candidate must

- (1) consent to verifications to be made concerning the candidate
  - (a) with any disciplinary body, any professional order, police authorities and credit agencies;
  - (b) with the candidate's employers or partners of the last 10 years;
- (2) undertake to preserve the confidentiality of the filing of the candidate's candidacy and that of any decision made in respect of the candidacy; and
- (3) undertake not to exert directly or indirectly any influence on his or her appointment to the position.

Paper documents sent by mail are presumed received by the selection committee on the date of mailing. Technology-based documents are presumed received by the selection committee when they become accessible at the address of the committee, as provided for in section 31 of the Act to establish a legal framework for information technology (chapter C-1.1).

**5.** Where a candidate's file is complete, the chair of the selection committee so informs the candidate.

The chair of the selection committee returns to the candidate the file received after the closing date indicated in the notice of recruitment. Such a candidate is deemed not to have applied.

**6.** Members of a selection committee may not submit their candidacy for the position of disciplinary council chair during their term and for 1 year following the filing of the report of that committee.

### **DIVISION IV SELECTION COMMITTEE**

**7.** Following publication of the notice of recruitment, the Minister requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to set up a selection committee. A committee is composed of

- (1) a person who has already exercised adjudicative functions, designated by the Minister of Justice;
- (2) a member of the Barreau du Québec designated by the Barreau du Québec;
- (3) a person designated by the Office des professions du Québec, who is neither disciplinary council chair nor a member of the Barreau du Québec or the Chambre des notaires du Québec.

The person designated by the Minister of Justice in accordance with subparagraph 1 of the first paragraph acts as chair of the selection committee.

**8.** A selection committee's mandate is to

- (1) examine the files of the candidates who have responded to the notice of recruitment in order to identify those who meet the eligibility requirements in the notice and to convoke them; and
- (2) declare persons qualified to hold the position of disciplinary council chair.

A selection committee must, inasmuch as possible, consider, in the performance of the mandate, the Government's desire to reach gender parity and ensure the representation of cultural communities among the disciplinary council chairs.

**9.** Members of a selection committee must take an oath of discretion solemnly declaring that they will neither disclose nor make known to anyone, without due authorization, any information that comes to their knowledge in the carrying out of their mandate. The writing evidencing the oath is sent to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

In addition, they must take the measures required to ensure the confidentiality of the information referred to in section 20.

**10.** A selection committee member whose impartiality could be questioned must withdraw with respect to a candidate, in particular if

- (1) the member is or was the candidate's spouse;
- (2) the member is related to the candidate by blood or marriage to the degree of first cousin inclusively; or
- (3) the member is a partner, employer, immediate superior or employee of the candidate or was such a partner, employer, immediate superior or employee in the last 5 years.

A member must immediately bring to the attention of the chair of the committee any fact to justify reasonable apprehension of bias.

A candidate may bring a ground for disqualification of one of its members to the attention of the committee that assesses his or her candidacy.

**11.** Where a member of a selection committee withdraws, is absent or unable to act, the decision is made by the other members.

**12.** Travel and lodging expenses of a selection committee member are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, made by Order in Council 2500-83 dated 30 November 1983.

In addition to the reimbursement of their expenses, the chair and the other members of a committee who are not employees of a government department or body are entitled respectively to fees of \$250 or \$200 per half-day

of sitting of the committee. However, a selection committee member who is retired from the public sector as defined in the Schedule to the Regulation respecting the ethics and professional conduct of public office holders (chapter M-30, r. 1), receives the fees less an amount corresponding to half the retirement pension received by the committee member from the public sector.

#### **DIVISION V** OPERATION OF THE SELECTION COMMITTEE

**13.** The chair of a selection committee decides every question relating to the operation, work and report of the committee, including those relating to the application of section 10.

A committee may submit the candidates who meet the eligibility requirements to the evaluative measures it determines.

The chair of a committee informs the candidates who meet the evaluative measures of the date and place of their meeting with the committee and informs the other candidates that they were turned down and will not be called to a meeting.

The chair of a committee may exceptionally authorize, instead of a meeting, the holding of an interview by video-conference or by any other means that allow participants to see and hear each other outside each other's presence.

#### **DIVISION VI** CONSULTATIONS AND SELECTION CRITERIA

**14.** A selection committee may, on any matter in a candidate's file or any aspect of a candidacy or of the candidacies as a whole, consult with

- (1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;
- (2) any legal person, partnership or professional association of which the candidate is or was a member.

**15.** A selection committee assesses a candidacy for the position of disciplinary council chair by considering the following criteria:

- (1) the candidate's competencies, including
  - (a) personal and intellectual qualities, integrity, knowledge and general experience;
  - (b) knowledge of the law and experience in the areas of law in which the candidate will hold the position; and

(c) judgment, insight, level-headedness, ability to set priorities and to render a decision within a reasonable time, and quality of expression;

(2) the candidate's conception of the position and motivation for the position;

(3) the candidate's professional experience.

#### **DIVISION VII** REPORT OF THE SELECTION COMMITTEE

**16.** In order for the Minister to make a recommendation to the Government, a selection committee prepares a report in which the names of the persons declared qualified to hold the position of disciplinary council chair are indicated. Inasmuch as possible, the number of persons declared qualified must be greater than the number of positions to be filled.

In its report, the committee writes any comment the committee considers appropriate, especially with respect to the qualities or particular competencies of the persons declared qualified.

No political affiliation may be considered by a committee when assessing the candidacies and making a report of persons declared qualified to the Minister or by the Minister when choosing a candidate to be recommended to the Government.

**17.** The chair of a selection committee gives to the Minister and to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif the report and the candidacy file of the persons declared qualified to hold the position of disciplinary council chair. The chair also gives the Associate Secretary General all the other documents held by the committee.

**18.** The Associate Secretary General for Senior Positions informs in writing the persons who have been declared qualified to hold the position of disciplinary council chair as well as the persons who have not.

Every person informed that he or she has been declared qualified must inform the Associate Secretary General of any change in the information submitted in his or her candidacy.

#### **DIVISION VIII** MISCELLANEOUS

**19.** As soon as the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif is notified of a vacant position, the Associate Secretary General forwards a copy of the updated list of persons declared qualified to the Minister.

If the Minister is of the opinion that he cannot, considering the list of persons qualified to be appointed as disciplinary council chairs and in the interests of, and to best carry out the duties of the Bureau, recommend an appointment, the Minister then asks the Associate Secretary General to have a notice of recruitment published, in accordance with Division II.

The committee in charge of evaluating the aptitude of the persons whose candidacy is submitted following another notice of recruitment may be composed of persons previously designated to sit on a preceding committee.

**20.** The names of the candidates for the position of disciplinary council chair, the report of the selection committee, the list of persons declared qualified and any information and document relating to a candidacy are confidential.

**21.** The Associate Secretary General keeps the register of declarations of aptitude up-to-date and enters therein the list of the persons declared qualified to hold the position of disciplinary council chair.

The declaration of aptitude is valid for a period of 3 years from the date it is entered in the register.

The Associate Secretary General strikes out an entry on the expiry of that period or when the person is appointed disciplinary council chair, dies or asks to be withdrawn from the register.

**22.** The Minister files on the website of the Ministère de la Justice, for each year during which the Government appoints disciplinary council chairs, a report containing an analysis of the appointments made considering the representation of men and women, and cultural communities.

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

## SCHEDULE A

(ss. 3 and 4)

### REGISTRATION FORM UNDER THE REGULATION RESPECTING THE RECRUITMENT AND SELECTION PROCEDURE FOR DISCIPLINARY COUNCIL CHAIRS OF PROFESSIONAL ORDERS

#### RECRUITMENT OF PERSONS QUALIFIED TO BE APPOINTED DISCIPLINARY COUNCIL CHAIRS OF PROFESSIONAL ORDERS

#### CANDIDACY FILE

NOTICE: The documents and information relating to your candidacy are treated in a confidential manner.

<b>1</b>	<b>Identity</b>																				
	Surname <span style="float: right;">Given name</span>																				
<b>2</b>	Contact information and various information <i>(please complete Schedule I)</i>																				
<b>3</b>	Nature of activities engaged in that enabled you to acquire the required relevant experience <i>(please complete Schedule II)</i>																				
<b>4</b>	<b>Consultations provided for in section 4 of the Regulation</b> Please designate any person who, during the last ten (10) years, was your employer, partner, immediate superior or hierarchical superior																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Name</th> <th style="width: 15%;">Title or position held</th> <th style="width: 25%;">Organization</th> <th style="width: 20%;">Address</th> <th style="width: 20%;">Telephone</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Title or position held	Organization	Address	Telephone															
Name	Title or position held	Organization	Address	Telephone																	
	Please identify any legal person, partnership or professional association of which you are or were a member during the last ten (10) years																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Name</th> <th style="width: 40%;">Address</th> <th style="width: 30%;">Telephone</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Address	Telephone																	
Name	Address	Telephone																			
<b>5</b>	Declaration under section 4 of the Regulation <i>(please complete Schedule III)</i>																				
<b>6</b>	Summary of the reasons for your interest in holding the position of disciplinary council chair of professional orders <i>(please complete Schedule IV)</i>																				

**7 Certification and consent**

I certify that the information provided is complete and in keeping with the truth. I understand that a false statement may entail rejection of my candidacy.

I authorize the selection committee or the persons mandated for that purpose to carry out the verifications deemed necessary.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Send the form, duly signed, to the address indicated in the notice of recruitment.**

## SCHEDULE I

## Contact information and various information

SURNAME	GIVEN NAME	Reserved for secretariat

A Contact information	
<p>☎ Home telephone: ( ) _____</p> <p>☎ Fax at home: ( ) _____</p> <p>✉ Email *: _____</p> <p>🏠 Home address: _____</p>	<p>☎ Work telephone: ( ) _____</p> <p>☎ Fax at work: ( ) _____</p> <p>✉ Email: _____</p> <p>🏠 Address at work: _____</p>
<p>Do you have permanent status as an employee of the civil service of Québec? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If yes, what is your classification? _____</p>	

B Personal information <small>(kept confidentially in the file and used, if need be, for statistical purposes in connection with equal access employment programs)</small>	
<p>Date of birth: _____</p> <p>Country of birth: _____</p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Do you consider yourself a member of a visible minority? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Do you consider yourself a Native person (Amerindian or Inuit)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Do you have permanent limitations that affect the performance of daily life activities? Yes (specify) <input type="checkbox"/> No <input type="checkbox"/></p> <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>	<p>Mother tongue: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) _____</p> <p>Spoken language(s) : <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) _____</p> <p>Written language(s): <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) _____</p> <p>In what language are you able to hear and preside over a hearing: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other(s) (specify below) _____</p>

<b>C</b>	<b>Years of practice as an advocate (eligibility requirement set out in section 115.3 of the Professional Code (chapter C-26))</b>	
Number of years of practice as advocate: _____		Year and month of admission to the Barreau du Québec:
Proof of membership with the Barreau du Québec: ( <i>attach proof to this document</i> )		
Membership card of the Barreau <input type="checkbox"/>		
Attestation from the Barreau <input type="checkbox"/>		
Not entered on the roll of the Order of Advocates <input type="checkbox"/> ( <i>If so, give reasons</i> )		
Membership with other professional orders ( <i>if yes, attach proof of membership</i> )		Yes <input type="checkbox"/> _____ ( <i>If applicable, indicate orders</i> )
		No <input type="checkbox"/>
<b>D</b>	<b>Academic training</b> (please begin with the last diploma obtained; <i>attach attestations of studies</i> )	
Year	Institution	Diploma obtained/field

## SCHEDULE II

### Description of activities through which you acquired the required relevant experience

SURNAME	GIVEN NAME
<b>A</b> Work experience	
Please state all your work experience starting with the latest and giving the period of time covered by each experience, the title of the position held and a short description of the activities, as well as the law field(s) practised during the employment.	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	
Date of beginning: _____ Date of end: _____ Title of position: _____	
Employer: _____	
Law field related to that employment: _____	
Description of activities: _____	



Date of beginning: _____ Date of end: _____ Title of position: _____
Employer: _____
Law field related to that employment: _____
Description of activities: _____



Professional experience, publications, honorary or academic awards you wish to mention to the committee (please provide a brief description)

### SCHEDULE III

#### Background statement under section 4 of the *Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders*

<b>A</b>	<b>Indictable offence or criminal offence<sup>1</sup></b>
Have you been found guilty of an indictable offence or a criminal offence?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If you have been found guilty of an indictable offence or criminal offence, please specify the offence in question and the sentence imposed, including any offence for which you have been granted a record suspension <sup>2</sup> within the meaning of the <i>Criminal Records Act</i> (Revised Statutes of Canada 1985, chapter C-47).	
<b>B</b>	<b>Penal offence<sup>3</sup></b>
Have you been found guilty of a penal offence likely to question the integrity or impartiality of the Bureau des présidents des conseils de discipline, of yourself or of disciplinary councils, to interfere with your ability to perform your duties or to ruin the trust of the public in you?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If you have been found guilty of a penal offence and it is reasonable to believe that it could have the above-mentioned effects, please specify the offence in question and the sentence imposed.	
<b>C</b>	<b>Disciplinary decision</b>
Have you been the subject of a complaint before a competent body of a professional order?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, describe the object of any complaint/attach any relevant document.	

<sup>1</sup> Indictable offence or criminal offence means any offence under the *Criminal Code* or qualified as an indictable offence or criminal offence in any other federal law.

<sup>2</sup> Criminal record suspension within the meaning of the *Criminal Records Act* (Revised Statutes of Canada 1985, chapter C-47), formerly called pardon, is a clemency measure that may be granted to a person who has been convicted under a federal law. Therefore, criminal record suspension is only possible in respect of an offence under the *Criminal Code* or another federal penal law.

<sup>3</sup> Penal offence means any offence, other than a criminal offence, created and penalized under a provincial or federal law or regulation (for example the *Highway Safety Act*).

<b>Have you been the subject of a disciplinary decision rendered by a competent body of a professional order or by the Professions Tribunal?</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, describe the object of any complaint/attach any relevant document.

### SCHEDULE III (cont'd)

#### Background statement under section 4 of the *Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders*

<b>C</b>	<b>Disciplinary decision (cont'd)</b>
<p>Have you been the subject of a complaint outside Québec that, if it had been made in Québec, would have been made before a competent body of a professional order?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the object of any complaint/attach any relevant document.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p>Have you been the subject of a disciplinary decision rendered outside Québec that, if it had been rendered in Québec, would have had the effect of a decision rendered by a competent body of a professional order or by the Professions Tribunal?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the object of any complaint/attach any relevant document.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<b>D</b>	<b>Other situations</b>
<p>Are you or have you been in the last five years in a precarious financial situation?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, explain briefly.</p>	
<p> </p>	
<p> </p>	
<p> </p>	
<p>Is there a current or past fact or situation that may have negative consequences for yourself, for the Bureau des présidents des conseils de discipline or for disciplinary councils and that should be disclosed?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>If yes, describe the fact or situation.</p>	
<p> </p>	
<p> </p>	
<p> </p>	

I undertake to preserve the confidentiality of the filing of my candidacy and that of any decision made in respect of my candidacy.

I undertake not to exert directly or indirectly any pressure or influence on my appointment to the position of disciplinary council chair of professional orders.

I certify that all the information provided is accurate to my knowledge.

I consent to verifications to be made concerning me with any disciplinary body, any professional order, including the Barreau du Québec, to which I belong or have belonged, and with police authorities and credit agencies. For that purpose, my date of birth and my social insurance number are:

\_\_\_\_\_

Date of birth

\_\_\_\_\_

Social insurance number

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

**SCHEDULE IV**

**Summary of the reasons for your interest in holding the position  
of disciplinary council chair of professional orders**

SURNAME	GIVEN NAME
Please indicate the reasons for your interest in holding the position of disciplinary council chair of professional orders.	



Gouvernement du Québec

**O.C. 77-2014**, 6 February 2014

Professional Code  
(chapter C-26)

**Geologists**

**— Professional activities that may be engaged in by persons other than geologists**

Regulation respecting the professional activities that may be engaged in by persons other than geologists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Ordre des géologues du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than geologists on 6 August 2013;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting professional activities that may be engaged in by persons other than geologists was published in Part 2 of the *Gazette officielle du Québec* of 4 September 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it with its recommendation to the Government;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by persons other than geologists, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation respecting the professional activities that may be engaged in by persons other than geologists**

Professional Code  
(chapter C-26, s. 94, par. *h*)

**1.** A person serving a period of professional training referred to in paragraph 3 of section 1 of the Règlement sur les conditions et modalités de délivrance des permis de l'Ordre des géologues du Québec (chapter G-1.01, r. 3.001.01) may engage in all the professional activities that geologists may engage in, provided that the activities are engaged in under the supervision and responsibility of a tutor, and in keeping with the regulatory standards that apply to geologists relating to ethics and the keeping of records and consulting rooms.

**2.** This Regulation comes into force on 1 September 2014.

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Gouvernement du Québec

**O.C. 78-2014**, 6 February 2014

Nurses Act  
(chapter I-8)

Professional Code  
(chapter C-26)

**Nurses**

**— Training and clinical experience required of nurses to assess mental disorders**

Regulation respecting the training and clinical experience required of nurses to assess mental disorders

WHEREAS, under paragraph *g* of section 14 of the Nurses Act (chapter I-8), the board of directors of the Ordre des infirmières et infirmiers du Québec may by regulation determine the training and clinical experience in psychiatric nursing care required to assess, in accordance with subparagraph 16 of the second paragraph of section 36 of the Act, mental disorders, except mental retardation;

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the training and clinical experience required of nurses to assess mental disorders at its meeting of 20 and 21 June 2013;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the training and clinical experience required of nurses to assess mental disorders was published in Part 2 of the *Gazette officielle du Québec* of 25 September 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the training and clinical experience required of nurses to assess mental disorders, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation respecting the training and clinical experience required of nurses to assess mental disorders

Nurses Act  
(chapter I-8, s. 14, par. g)

Professional Code  
(chapter C-26, s. 94, par. *h*)

**1.** This Regulation determines the content of the university-level training and clinical experience in psychiatric nursing care required of nurses for assessing mental disorders, except mental retardation, referred to in subparagraph 16 of the second paragraph of section 36 of the Nurses Act (chapter I-8).

**2.** Before assessing mental disorders, except mental retardation, a nurse must

(1) have successfully completed graduate-level university training in nursing science in the field of mental health and psychiatric care, the content of which is described in Schedule I;

(2) have clinical experience in psychiatric nursing care, the content of which is described in Schedule II;

(3) provide the Ordre des infirmières et infirmiers du Québec with an attestation describing the acquisition of the training and clinical experience referred to in paragraphs 1 and 2.

**3.** A nurse who meets the conditions set out in Schedule III satisfies the training and clinical experience requirements referred to in paragraphs 1 and 2 of section 2.

**4.** During the training referred to in paragraph 1 of section 2, a nurse may assess mental disorders, except mental retardation, provided that the nurse is supervised by a professional authorized to assess mental disorders, insofar as the nurse is required to engage in the activity in order to acquire the training.

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

**SCHEDULE I**

(s. 2, par. 1)

**CONTENT OF THE GRADUATE UNIVERSITY TRAINING IN NURSING SCIENCE IN THE FIELD OF MENTAL HEALTH AND PSYCHIATRIC CARE**

The graduate university training program in nursing science in the field of mental health and psychiatric care is constituted of at least 1,035 hours, distributed as follows:

(1) a theory component of at least 450 hours, including at least

(a) 90 hours on research methods, the integration of evidence-based data into clinical practice and the use of psychometric tools, including at least 45 hours on the use of psychometric tools;

(b) 135 hours on the psychopathy of mental disorders and concomitant disorders, including personality and development theories and the study of a classification system for mental disorders and elements for assessing its scope and limitations;

(c) 45 hours on psychopharmacology and biological treatments;

(d) 45 hours on the nurse's specific professional role related to assessing mental disorders;

(e) 135 hours on communication skills and scientifically recognized models of intervention.

One hour of theory training is equivalent to one hour of planned learning activities in a classroom in the presence of the trainer;

(2) a practical component of at least 540 hours of clinical training, including

(a) 270 hours of clinical training on assessing mental disorders;

(b) 270 hours of clinical training on the integration of interview principles, principles relating to the assessment of a person's state of health and mental disorders and principles of intervention according to different scientifically recognized models adapted to clientele with mental health problems or mental disorders.

The clinical training is supervised by a professional authorized to assess mental disorders.

**SCHEDULE II**

(s. 2, par. 2)

**CONTENT OF THE CLINICAL EXPERIENCE IN PSYCHIATRIC NURSING CARE**

The clinical experience in psychiatric nursing care is constituted of at least 840 hours working with persons requiring nursing care in mental health and psychiatry.

**SCHEDULE III**

(s. 3)

**CONDITIONS TO MEET THE TRAINING AND CLINICAL EXPERIENCE REQUIREMENTS IN PARAGRAPHS 1 AND 2 OF SECTION 2**

To meet the training and clinical experience requirements in paragraphs 1 and 2 of section 2, a nurse must, in the year following the date of coming into force of this Regulation,

(1) hold a graduate degree from a Canadian university in health science, education or humanities in a field related to health or human relations or a bachelor's degree in nursing science from a Canadian university or a bachelor's degree by accumulated certificates from a Canadian university in a field related to health or human relations, including at least 30 credits in nursing science;

(2) for a nurse holding a graduate university degree, have practised at least 3,360 hours in nursing with persons with mental disorders as part of a practice in which the nurse has participated in the process of assessing mental disorders in the 5 years preceding the date of coming into force of this Regulation and, for a nurse holding a bachelor's degree, have practised at least 10,080 hours in the 10 years preceding that date;

(3) have successfully completed at least 225 hours of training enabling the nurse to acquire the knowledge and skills required for all the areas provided for in subparagraphs *a* to *c* of paragraph 1 of Schedule I. That training may have been acquired at a university institution or a private establishment from a trainer who is a professional authorized to assess mental disorders.

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Gouvernement du Québec

**O.C. 79-2014**, 6 February 2014

Nurses Act  
(chapter I-8)

Professional Code  
(chapter C-26)

**Infirmières et infirmiers**  
— **Classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in**  
— **Amendment**

Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in

WHEREAS, under paragraph *f* of section 14 of the Nurses Act (chapter I-8), the board of directors may by regulation regulate, in accordance with paragraphs *e*, *h* and *i* of section 94 of the Professional Code (chapter C-26), the classes of specialization to which members of the Order must belong to engage in activities referred to in section 36.1 and for that purpose, the board of directors may, in the regulation, establish an advisory committee;

WHEREAS, under section 94.1 of the Professional Code, the board of directors of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and provide that reference to such a standard includes any subsequent amendment made to it;

WHEREAS the board of directors of the Ordre des infirmières et infirmiers du Québec made the Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in at its meeting of 20 and 21 June 2013;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in was published in Part 2 of the *Gazette officielle du Québec* of 25 September 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation amending the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in**

Nurses Act  
(chapter I-8, s. 14, par. (f))

Professional Code  
(chapter C-26, s. 94.1)

**1.** Section 1 of the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in (chapter I-8, r. 8) is amended:

(1) by striking out “and determines the standards regarding diploma and training equivalence for the purpose of issuing such certificates, and the procedure for equivalence recognition” in the first paragraph;

(2) by replacing the second paragraph with:

“Its purpose is also to regulate the issue of training cards to specialized nurse practitioner students or attestations of practice to specialized nurse practitioner candidates, and to determine the professional activities they may engage in under certain terms and conditions.”

**2.** Section 2 of this regulation is amended:

(1) by replacing paragraph (1) of the first paragraph with:

“(1) “specialized nurse practitioner student” means a nurse:

(a) who is registered in a graduate-level training program leading to a degree granting access to a specialist’s certificate issued by the Order;

(b) who is required to take training for the purpose of obtaining equivalence in accordance with the “Règlement sur les normes d’équivalence de diplôme ou de la formation aux fins de la délivrance d’un certificat de spécialiste de l’Ordre des infirmières et infirmiers du Québec pour l’exercice des activités visées à l’article 36.1 de la Loi sur les infirmières et les infirmiers” approved by the Office des professions du Québec on 15 November 2013;

“(1.1) “specialized nurse practitioner candidate” means a nurse who is eligible to sit the specialty examination corresponding to the specialty concerned, as set out in Division III.”;

(2) by striking out paragraph (2) of the first paragraph.

**3.** Section 4 of this regulation is amended:

(1) by replacing “of Division IV” in paragraph (1) by “Règlement sur les normes d’équivalence de diplôme ou de la formation aux fins de la délivrance d’un certificat de spécialiste de l’Ordre des infirmières et infirmiers du Québec pour l’exercice des activités visées à l’article 36.1 de la Loi sur les infirmières et les infirmiers”;

(2) by replacing paragraph (2) by:

“(2) if specializing in neonatology, a training certificate in neonatal resuscitation issued by the Canadian Paediatric Society.”;

(3) by striking out paragraphs (4) and (5).

**4.** The title of Division II of this regulation, “TRAINING CARDS”, is replaced by “TRAINING CARDS AND ATTESTATIONS OF PRACTICE”.

**5.** Section 5 of this regulation is amended by replacing “Specialized nurse practitioner candidates who hold a training card issued by the secretary of the Order” by “Specialized nurse practitioner students who hold a training card and specialized nurse practitioner candidates who hold an attestation of practice”.

**6.** This regulation is amended by inserting, after section 5, the subdivision “§ 1. — Training cards”.

**7.** Section 6 of this regulation is amended:

(1) by replacing “candidate” by “student”;

(2) by replacing, in paragraph (1), “or has been granted equivalence as set out in Division IV” by “or has been assigned a training site required for the purpose of obtaining equivalence pursuant to the “Règlement sur les normes d’équivalence de diplôme ou de la formation aux fins de la délivrance d’un certificat de spécialiste de l’Ordre des infirmières et infirmiers du Québec pour l’exercice des activités visées à l’article 36.1 de la Loi sur les infirmières et les infirmiers”, among those in the list drawn up by the program review subcommittee in accordance with the Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec (chapter I-8, r. 11)”;

(3) by striking out, in paragraph (3), “in cardiology or”.

**8.** Section 7 of this regulation is replaced by the following section:

“7. The training card shall indicate the name of the specialized nurse practitioner student and, as applicable, the educational institution where she is enrolled or the site where she is serving her clinical training period.

The card is valid for a period of 12 months and is renewable. It expires on the date when the specialized nurse practitioner student is no longer enrolled in the graduate-level training program leading to a degree granting access to a specialist’s certificate issued by the Order, or has completed the clinical training period for the purpose of obtaining equivalence pursuant to the “Règlement sur les normes d’équivalence de diplôme ou de la formation aux fins de la délivrance d’un certificat de spécialiste de l’Ordre des infirmières et infirmiers du Québec pour l’exercice des activités visées à l’article 36.1 de la Loi sur les infirmières et les infirmiers”.

**9.** This regulation is amended by inserting, after section 7:



“§2. *Attestation of practice*

“7.1. An attestation of practice shall be issued by the secretary of the Order to a specialized nurse practitioner candidate who:

(1) holds a diploma recognized by government regulation, pursuant to the first paragraph of section 184 of the Professional Code (chapter C-26), granting access to a specialist's certificate issued by the Order, or has been recognized as possessing equivalence, pursuant to the “Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste de l'Ordre des infirmières et infirmiers du Québec pour l'exercice des activités visées à l'article 36.1 de la Loi sur les infirmières et les infirmiers”;

(2) if specializing in neonatology, holds the training certificate as set out in paragraph (2) of section 4;

(3) must provide the Order with an attestation, issued by an institution referred to in section 5, that it has retained her services;

(4) pays the required fee for the purpose of obtaining an attestation of practice.

“7.2. The attestation of practice shall indicate the name of the specialized nurse practitioner candidate, the class of specialty in question and the name of the institution that has retained her services.

The attestation is valid for a period of 12 months and is renewable. It expires on the date when the specialized nurse practitioner candidate is no longer eligible to sit the specialty examination, in accordance with Division III.”

**10.** Section 9 of this regulation is replaced by the following sections:

“9. Nurses eligible to sit the specialty examination must sit the first session of the professional examination following the date on which they obtain their diploma or the date on which they are granted diploma or training equivalence, pursuant to the “Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste de l'Ordre des infirmières et infirmiers du Québec pour l'exercice des activités visées à l'article 36.1 de la Loi sur les infirmières et les infirmiers”.

If the nurse fails an examination, she shall sit the examination at the session following the session in which she failed.

“9.1. The obligation provided in the first paragraph of section 9 does not apply to a nurse who has been recognized as possessing equivalence pursuant to the “Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste de l'Ordre des infirmières et infirmiers du Québec pour l'exercice des activités visées à l'article 36.1 de la Loi sur les infirmières et les infirmiers” fewer than 90 days preceding the date on which the specialty examination is held.

This nurse must sit the examination session following the one for which she would have had to register pursuant to the first paragraph of section 9.

“9.2. The obligation provided in the first or second paragraph of section 9 or the one provided in the second paragraph of section 9.1 does not apply to a nurse who demonstrates to the Order that she did not sit the examination within the time period allowed because of a health problem, childbirth, the death of her father, mother, child or spouse, or unavoidable circumstances.

This nurse must sit the session of the examination following the date on which her incapacity ends.

“9.3. Nurses eligible to sit the specialty examination must pass it within 3 years from the first examination session following the date on which they obtain their diploma or the date on which they are granted diploma or training equivalence pursuant to the “Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste de l'Ordre des infirmières et infirmiers du Québec pour l'exercice des activités visées à l'article 36.1 de la Loi sur les infirmières et les infirmiers”.

However, a person who demonstrates to the Order that she did not pass the examination within the time period allowed because of a health problem, childbirth, the death of her father, mother, child or spouse, or unavoidable circumstances shall have an additional time period determined by the Order's board of directors. This period may not exceed 4 years from the first examination session following the date on which she obtained her diploma or the date of the decision by the Order granting her diploma equivalence or training equivalence pursuant to the “Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste de l'Ordre des infirmières et infirmiers du Québec pour l'exercice des activités visées à l'article 36.1 de la Loi sur les infirmières et les infirmiers”.

“9.4. For the application of section 9.2 and the second paragraph of section 9.3, a nurse who cannot sit the examination because of a health problem, childbirth or a death must provide the Order with a medical certificate, a birth certificate or a death certificate.”

**11.** Section 11 of this regulation is replaced by the following section:

“**11.** For each specialty, an examination committee shall be formed by the Order’s board of directors pursuant to paragraph (2) of section 86.0.1 of the Professional Code. At least one member of the committee must be a physician.”.

**12.** Section 18 of this regulation is amended by striking out the second paragraph.

**13.** Section 20 of this regulation is amended:

(1) by replacing “2” by “3”;

(2) by striking out “and one member appointed by the board of directors of the Collège des médecins”.

**14.** Division IV of this regulation is struck out.

**15.** Schedule I of this regulation is struck out.

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

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Gouvernement du Québec

**O.C. 80-2014**, 6 February 2014

Medical Act  
(chapter M-9)

### Physicians

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

— **Amendment**

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

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

WHEREAS the board of directors of the Collège des médecins du Québec made the Regulation to amend the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians, after having consulted, in accordance with the second paragraph of section 19 of that Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians was published in Part 2 of the *Gazette officielle du Québec* of 25 September 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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

Medical Act  
(chapter M-9, s. 19, 1st par., subpar. b)

**1.** The Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians (chapter M-9, r. 13) is amended by replacing paragraph 3 of section 6 by the following:

“(3) the nurse must maintain his or her skills in neonatal resuscitation by obtaining an attestation in resuscitation issued by the Canadian Paediatric Society.”.

**2.** Section 8.7 is amended by replacing subparagraphs 1 to 3 of the second paragraph by the following:

“(1) in Advanced Cardiac Life Support (ACLS) and Pediatric Advanced Life Support (PALS) by obtaining an attestation issued by the Heart and Stroke Foundation of Québec in accordance with the standards of the Heart and Stroke Foundation of Canada;

(2) in neonatal resuscitation by obtaining an attestation issued by the Canadian Paediatric Society;

(3) in trauma nursing care (Trauma Nursing Core Course (TNCC)) by obtaining an attestation issued by the National Emergency Nurses’ Affiliation (NENA, Canada) and the Emergency Nurses Association (ENA, United States).”.

**3.** Section 9 is amended

(1) by replacing “A specialized nurse practitioner candidate or a person who, for the purposes of the recognition of a diploma or training equivalence, must complete a training period or training” in the first paragraph by “A specialized nurse practitioner student”;

(2) by replacing “specialized nurse practitioner candidate or a person who undergoes a training period or training for the purposes of the recognition of an equivalence” in the second paragraph by “specialized nurse practitioner student”;

(3) by replacing “a training site indicated on a training card issued” in subparagraph 1 of the second paragraph by “a determined site”;

(4) by striking out “or of a family physician as appropriate,” in subparagraph 1 of the second paragraph;

(5) by striking out “and, when the latter is completed, during the period in which he or she is eligible for the examination prescribed for that speciality as contemplated in Division III of this Regulation” in subparagraph 2 of the second paragraph.

**4.** Section 10 is replaced by the following:

“**10.** A specialized nurse practitioner candidate who holds an attestation of exercise issued pursuant to the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act (chapter I-8, r. 8) to be engaged in may perform an activity referred to in section 5.

In addition to the terms and conditions provided for in subdivisions 2 and 2.1, a specialized nurse practitioner candidate performs the activity under the following terms and conditions:

(1) in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or by an institution within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) where a director of nursing care is appointed;

(2) in a medical office, medical clinic, dispensary or other facility offering primary care, to the extent that the nurse is employed by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons where a director of nursing care is appointed and where supervision of nursing care provided by the specialized nurse practitioner candidate is under the responsibility of the director of nursing care of the institution;

(3) the medical activities are performed under the supervision of a physician of the specialty referred to, with the collaboration of a specialized nurse practitioner or, failing that, a nurse who has at least 3 years of relevant clinical experience;

(4) the medical activities are performed during the period in which the nurse is eligible for the examination prescribed for the speciality.”.



**5.** Schedule II is amended

(1) by inserting “(orally only)” after “8:08 Mebendazole P”;

(2) by inserting “8:12.07 Cefoxitin P (IM single dose only)” after “8:12.06 Ceftriaxone sodium P (IM single dose only)”;

(3) by inserting “Penicillin G (Benzathine) P (orally or IM)” after “8:12.16 Penicillins P (orally only)”;

(4) by inserting “(orally only)” after “8:12.28 Erythromycin/Acetylsulfisoxazole P”;

(5) by replacing “(aerosol)” after “12:08.08 Tiotropium (bromide monohydrate) R” by “(inhalator)”;

(6) by replacing “12:12.08 Formoterol R and A (inhalator)” by “12:12.08 Formoterol (fumarate) R and A (inhalation powder)”;

(7) by inserting “Indacaterol (maleate) R and A” after “12:12.08 Formoterol R and A (inhalator)”;

(8) by replacing “R” after “12:12.12 Epinephrine” by “P”;

(9) by striking out “(for 1 month)” after “20:04.04 Iron Preparations P (orally only)”;

(10) by replacing “(12 tablets only)” after “28:08.08 Codeine P” by “(28 tablets only)”;

(11) by replacing “P” in the French text after “28:28 Lithium” by “R”;

(12) by inserting “28: 36.08 Anticholinergics R”, “28:36.12 Catechol-o-methyltransferase Inhibitors R”, “28:36.16 Dopamine Precursors R” and “28:36.20 Dopamine Agonists R” after “28: 32.28 5-HT1 Receptor Agonists R”;

(13) by inserting “48:10.24 Leukotriene Receptor Antagonists R” and “48:10.32 Mast Cell Stabilizers R and A” after “48:00 Antitussives, Expectorants and Mucolytic Agents”;

(14) by inserting “56:36 Gastrointestinal Anti-inflammatories R” after “56:32 Domperidone P (for breastfeeding only)”;

(15) by replacing “92:24 Bone Resorption Inhibitors Risedronate sodium R” by:

“92:24 Bone Resorption Inhibitors Risedronate sodium R

**Other medications and substances**

**Combined Medications:** Medications consisting of more than one substance or medication listed in Schedule II of this Regulation P, R and A (the most restrictive specification)

**Over-the-Counter Medications:** Medications or substances listed in Schedules II and III of the Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) P

Vaccines P”;

(16) by inserting the following after “Ciprofloxacin, hydrochloride hydrocortisone P (otic solution, 7 days)”:

“Exenatide R and A

Liraglutide R and A

Roflumilast R”;

(17) by inserting the following after “42. Tretinoin P”:

“43. Aliskiren R

44. Aliskiren Hydrochlorothiazide R

45. Amlodipine/Atorvastatin R

46. Sodium Carboxymethyl Cellulose P Sodium Carboxymethyl Cellulose/Prurite P

47. Clopidogrel Bisulfate R

48. Dabigatran etexilate R

49. Estradiol-17B/Norethindrone R and A (skin patch)

50. Estradiol-17B/Levonorgestrel R and A (skin patch)

51. Ezetimibe R

52. Nutritional formulas-lipid emulsion (infants and children) R

53. Nutritional formulas-glucose polymer R

54. Nutritional formulas–fractionated coconut oil R

55. Nutritional formulas-coconut oil R

56. Nutritional formulas-caseine hydrolysates (infants and children) R

57. Nutritional formulas-monomeric R
58. Nutritional formulas-monomeric with iron (infants or children) R
59. Nutritional formulas-polymeric with residue R
60. Nutritional formulas-polymeric with low residue R
61. Nutritional formulas-follow-up preparations for premature infants (infants) R
62. Nutritional formulas-proteins R
63. Nutritional formulas-semi-elementary R
64. Insulin aspart/Insulin aspart protamine R and A
65. Insulin lispro/lispro protamin R and A
66. Linagliptin R and A
67. Lisdexamfetamine (dimesylate) R
68. Oxybutynin R
69. Oxybutynin (chloride) R
70. Rivaroxaban R
71. Salbutamol (sulfate) R”.
- 6.** Schedule III is amended
- (1) by replacing “Flumozenil” by “Flumazenil”;
- (2) by inserting “et Pitocin” in the French text after “Oxytocine (Syntocinon)”;
- (3) by replacing “Oxytmocine (Syntocinon)” in the English text by “Oxytocin (Syntocinon and Pitocin)”.
- 7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 92-2014**, 6 February 2014Building Act  
(chapter B-1.1)**Construction Code  
— Amendment**

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec must by regulation adopt a building code containing building standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations or their vicinity;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS the Board adopted the Regulation to amend the Construction Code on 18 June 2013;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 4 September 2013 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Construction Code

### Building Act

(chapter B-1.1, s. 173, 1st par., subpars. 1, 2, 3, 7, 8 and 10, and s. 178)

**1.** The Construction Code (chapter B-1.1, r. 2) is amended in section 8.06 by replacing the references in Table 1

“

CCBFC	NRCC 476667F	National Fire Code – Canada 2005	8.21, 1st paragraph
CSA	CSA-B139-04	Installation Code for Oil Burning Equipment	8.21, 2nd paragraph 8.84, paragraph 1, subpar. c

”

by the following:

“

CCBFC	NRCC 53303	National Fire Code – Canada 2010	8.21, 1st paragraph
CSA	CSA-B139-2009	Installation Code for Oil Burning Equipment	8.21, 2nd paragraph 8.84, paragraph 1, subpar. c

”

**2.** Section 8.07 is replaced by the following:

“**8.07.** Unless otherwise indicated in this Chapter, the referenced documents indicated in Table 1 of section 8.06 include all later amendments to an edition, published by an agency mentioned in that Table.

Despite the foregoing, amendments published after 6 March 2014 apply to construction work only as of the date corresponding to the last day of the sixth month following the month in which those amendments are published.

Unless otherwise provided for, a reference in this Chapter to a standard or code is a reference to that standard or code as adopted by the chapter of the Construction Code or Safety Code (chapter B-1.1, r. 3) that refers to it.”

**3.** The second paragraph of section 8.21 is replaced by the following:

“Any petroleum equipment that is covered by the standard “Installation Code for Oil Burning Equipment” (CSA-B-139), published by the Canadian Standards Association, must be installed in accordance with the requirements of that standard if the equipment is intended to store diesel fuel or fuel oil and to supply an engine or equipment that is installed permanently.”

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

3250

## M.O., 2014

### Order number D-9.2-2014-02 of the Minister of Finance and Economy, February 4, 2014

An Act respecting the distribution of financial products and services  
(chapter D-9.2)

CONCERNING Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development

WHEREAS, under paragraph 2 of section 202.1 of the Act respecting the distribution of financial products and services (chapter D-9.2), the Autorité des marchés financiers shall determine, by regulation, the rules governing compulsory professional development for representatives other than financial planners;

WHEREAS the Chambre de l'assurance de dommages is a legal person established under the Act;

WHEREAS, under the fourth paragraph of section 312 of the Act, the Chambre de l'assurance de dommages shall exercise, in respect of its members, the regulatory power provided for in section 202.1;

WHEREAS, under the first and the second paragraphs of section 194 of the Act, the Autorité des marchés financiers shall publish in the information bulletin the draft regulation made by a Chamber under the fourth paragraph of section 312 and every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

WHEREAS, under the first and the third paragraphs of section 217 of the Act, a regulation made by a Chamber under the fourth paragraph of section 312 must be submitted to the Minister for approval with or without amendment, a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft and the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development has been approved by Order in Council no. 1452-2001 dated December 5, 2001;

WHEREAS there is cause to replace this regulation;

WHEREAS the draft Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development was published in the *Bulletin de l'Autorité des marchés financiers*, volume 10, no. 46 of November 21, 2013;

WHEREAS the Chambre de l'assurance de dommages made the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development on February 28, 2013;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and Economy approves without amendment the Regulation of the Chambre de l'assurance de dommages respecting compulsory professional development appended hereto.

February 4, 2014

NICOLAS MARCEAU,  
*The Minister of Finance and Economy*

## **Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages**

An Act respecting the distribution of financial products and services  
(chapter D-9.2, s. 202.1, par. 2; s. 312)

### **DIVISION I SCOPE AND INTERPRETATION**

**1.** This Regulation applies to all representatives who hold a certificate issued by the Autorité des marchés financiers authorizing them to practice in any sector or class of sector of damage insurance or claims adjustment.

**2.** In this Regulation:

“PDU” means a professional development unit consisting of one hour of training activity recognized by the Chamber;

“Reference period” means any 24-month period beginning on January 1<sup>st</sup> of an even-numbered year;

“Trainer” means a natural person who acts as an instructor or facilitator and who provides a training activity.

### **DIVISION II TRAINING**

#### *§1. Period, frequency and content of training*

**3.** A representative must accumulate at least 20 PDUs per reference period, in the categories listed in Section 4, as follows:

1° 12 PDUs in the classes listed in paragraphs 1 to 4 of section 4;

2° 5 PDUs in the classes listed in paragraphs 1 to 5 of section 4; and

3° 3 PDUs in the class listed in paragraph 4 of section 4.

**4.** The training activities recognized by the Chamber shall fall within the following categories:

1° administration:

- (a) economics;
- (b) accounting and finance;
- (c) business management;
- (d) training techniques.

2° insurance techniques:

- (a) personal lines insurance;
- (b) commercial lines insurance;
- (c) risk management;
- (d) claims adjustment.

3° law:

- (a) laws and regulations respecting damage insurance;
- (b) civil law.

4° compliance:

(a) ethics and the professional practice of damage insurance;

(b) laws and regulations respecting the distribution of financial products and services;

(c) laws and regulations respecting the protection of personal information.

5° professional development:

(a) operational efficiency;

(b) development of the advisory role.

*§2. Variations in the training requirements and exemptions*

**5.** A representative who is issued a certificate shall, for the reference period in effect, and in accordance with the requirements set forth in section 3, accumulate PDUs pro rata to the number of full months elapsed during the time he holds the certificate.

**6.** A representative whose certificate is issued for the first time by the Autorité des marchés financiers is exempted from the requirement to accumulate PDUs for a period of 12 months after the issuance of the certificate.

After this period, he must accumulate a number of PDUs equivalent to the total number of PDUs required for the reference period, pro-rated to the number of remaining months for the reference period. For the purposes of this calculation, the number of PDUs is rounded to the closest superior whole number.

**7.** A representative is exempt from the professional development requirements if he is absent or on leave during a period of at least four consecutive weeks owing to sickness or accident, or for family or parental reasons. For purposes of this section, the causes and terms of an absence or leave are those set out in Divisions V.0.1 and V.1 of Chapter IV of An Act respecting labour standards (chapter N-1.1).

A representative may obtain an exemption in accordance with the 1<sup>st</sup> paragraph if he submits a written request to the Chamber setting out the reasons justifying the exemption and provides the supporting document or medical certificate attesting the existence of the situation invoked.

The Chamber grants the exemption for the duration and under the conditions provided for in the supporting document or medical certificate.

When it refuses the exemption in whole or in part, the Chamber advises the representative in writing and informs the latter of his right to present written observations within the time limits given by it.

**8.** The representative must immediately notify the Chamber in writing as soon as the situation giving rise to the exemption ceases to exist. He must then comply with the requirements prescribed by this Regulation and accumulate a number of PDUs equal to the proportion that the number of full months, whether or not elapsed, during which he was not exempted from the requirements during a reference period is to that reference period. In computing such proportion, the number of PDUs is rounded up to the nearest unit.

**9.** A representative is not exempt from the requirements under this Regulation for the period during which he ceases to be authorized to practise or during which conditions or restrictions on his right to practice are imposed on him. However, if the period for which the representative ceases to be authorized to practice exceeds one year, he is exempted from the requirements for the duration of that period exceeding one year.

**10.** A training activity imposed on a representative by the board of directors of the Chamber following a recommendation of the discipline committee, constitutes a training activity for the purposes of the present Regulation.

However, the PDUs for that activity cannot be counted for the purposes of the 20 PDUs required per reference period.

*§3. Accumulation and assignment of PDUs*

**11.** A representative who acts as a trainer for a training activity recognized by the Chamber is entitled, only once for the activity, to double the number of PDUs usually awarded for the activity.

A representative whose right to practise has been restricted, or who has had conditions imposed on such right, cannot act as a trainer during that period.

**12.** A representative can follow and accumulate PDUs attributable to a given training activity a maximum of two times, so long as as that activity is followed in different reference periods.

**13.** A representative who accumulates more PDUs than required during a reference period will have a maximum of 5 PDUs carried forward to the subsequent period.

**14.** A representative who, as at March 31<sup>st</sup> following the end of a reference period, has failed to comply with the professional development requirements prescribed by this Regulation may not assign to the period in respect of which he is in default PDUs accumulated after March 31<sup>st</sup> of the subsequent reference period, unless the Autorité des marchés financiers has rendered a suspension decision under the second paragraph of section 218 of An Act respecting the distribution of financial products and services (chapter D-9.2) and such decision has been fully executed.

*§4. Notice from the Chamber*

**15.** Within 30 days following the end of a reference period, the Chamber must send a notice of default to each representative who has not accumulated the number of PDUs required under section 3 and informs him of the consequences under section 14, under the second paragraph of section 218 of An Act respecting the distribution of financial products and services and under sections 57 and 63 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7).

**16.** At the latest by March 31<sup>st</sup> following the end of the reference period, a representative who is in default must accumulate the number of PDUs he has failed to accumulate in one or more of the categories referred to in section 4.

**17.** At the end of the period referred to in section 16, the Chamber sends the Autorité des marchés financiers a list of the representatives who have not accumulated the required number of PDUs.

*§5. Keeping and sending of documents*

**18.** The certified trainer, training body or educational institution providing the training activity shall send to the Chamber a list of representatives who took part in the training activity within 10 business days following the date on which such activity is held.

**19.** A representative must keep, for a 24-month period following the end of a reference period, the supporting documents regarding each training activity recognized by the Chamber in which he took part and any attendance vouchers, certificates of exam or test results or transcripts provided by the person, organization or educational institution having provided the training activity in question.

**20.** Within 30 days following a request from the Chamber, a representative must forward to the Chamber a copy of the attestations he is required to keep in accordance with section 19.

**DIVISION III**  
**CERTIFICATION OF TRAINERS AND TRAINING**  
**ACTIVITIES**

**21.** The Chamber certifies trainers if he or she has three years of experience in the given subject matter and meets one of the following conditions:

1° He or she has followed at least 24 hours of training in knowledge transmission;

2° He or she has 240 hours of experience as trainer;

3° He or she has followed at least 12 hours of training in knowledge transmission and has 100 hours of experience as trainer.

**22.** The Chamber recognizes training activities and establishes the eligible duration of those activities to calculate the PDUs relating thereto if the activities enable development of the following professional knowledge, competencies and skills:

1° acquisition and betterment of an integrated approach to the pursuit of the activities for which the representatives hold an authorization to practise;

2° acquisition and application of knowledge and analysis methods specific to the activities of representatives;

3° acquisition, comprehension and application of theoretical and technical knowledge in subjects pertaining to compliance with standards, business conduct and professional ethics.

A training activity based on the sale or promotion of a product cannot be recognized under this Regulation.

**23.** An application for certification of a training activity must be submitted at least 30 days before the activity is held.

**24.** The application for certification of a training activity must include the following:

1° a description of the training activity in question, its pedagogical framework and the subjects referred to in section 5 that are dealt with in the training activity;



2° the procedure for the activity and its duration;

3° a document setting out the objectives of the activity and explaining how the activity develops the professional knowledge, skills and competencies referred to in section 21;

4° the method for assessing successful completion of the activity, if applicable;

5° the curriculum vitae of the trainer describing his work experience and pedagogical experience.

The application must be accompanied by payment of the fees determined by the Chamber for an application for certification.

**25.** When the Chamber refuses an application regarding certification of a training activity or decreases the number of eligible PDUs, it must inform the applicant in question of his right to submit written observations within the time limit indicated by it. The Chamber must then send its final decision to the applicant.

**26.** Certification of an activity is valid for 24 months from the date of the certification decision or from any other date mentioned therein. At the end of that period, if the applicant wishes to maintain the certification, he must submit an application for renewal to the Chamber.

**27.** Any person, organization or educational institution that wishes to amend a training activity certified by the Chamber must submit a new application for certification.

**28.** No later than the last day of the reference period in effect, a representative may submit an application to the Chamber for the awarding of PDUs for a training activity in which he took part and which has not been certified by the Chamber. The decision to award PDUs is valid only for the representative in question. In addition to the elements mentioned in section 23, the representative must provide a voucher attesting that he attended the activity or a certificate of exam or test results, as the case may be.

**29.** The Chamber may cancel recognition of a trainer or certification of an activity, or decrease the number of PDUs awarded therefor if it becomes aware that the activity being provided is different from the activity that was recognized or if the conditions set out in this Regulation are not being met.

#### **DIVISION IV** **FINAL PROVISIONS**

**30.** This Regulation replaces the Regulation respecting the compulsory professional development of the Chambre de l'assurance de dommages (chapter D-9.2, r. 12).

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

3238





## Draft Regulations

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### Draft Regulation

Automobile Insurance Act  
(chapter A-25)

#### Reimbursement of certain expenses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the reimbursement of certain expenses, adopted by the Société de l'assurance automobile du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation introduces new rules concerning the reimbursement of medication expenses incurred by a person by reason of an accident. It provides that medications qualifying for reimbursement are those covered by the Public Prescription Drug Insurance Plan.

The amendments proposed by the draft Regulation have no specific impact on the public with respect to insurance coverage. The injured person will benefit from the automated reimbursement of the medications taken in charge by the system of the Régie de l'assurance maladie du Québec, since the person will have nothing to pay at the pharmacy.

No specific impact is foreseen on enterprises and small and medium-sized businesses.

Further information may be obtained by contacting Kora Guimond, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, S411, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-3333, extension 85773.

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

SYLVAIN GAUDREAU,  
*Minister of Transport*

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### Regulation to amend the Regulation respecting the reimbursement of certain expenses

Automobile Insurance Act  
(chapter A-25, s. 195, par. 15)

**1.** The Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended by inserting the following after section 44:

“**44.1.** Expenses incurred for the purchase of dressings qualify for reimbursement when incurred for a medical reason resulting from the accident.”

**2.** Section 48 is replaced by the following:

“**48.** Expenses incurred for the purchase of medications qualify for reimbursement when incurred for a medical reason resulting from the accident.

The medications qualifying for reimbursement are the following:

(1) medications listed in the List of medications in Schedule 1 to the Regulation respecting the List of medications covered by the basic prescription drug insurance plan (chapter A-29.01, r. 3);

(2) medications referred to in sections 6.2 and 6.3 of the List.

Expenses incurred for the purchase of medications outside Québec qualify for reimbursement according to the terms and conditions set out in the second paragraph by applying equivalences, where necessary.”

**3.** This Regulation comes into force on 5 November 2014.

3242

## Draft Regulation

Code of penal procedure  
(chapter C-25.1)

### Tariff of court costs in penal matters — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Tariff of court costs in penal matters, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the amounts of 2 classes of fines, which results in the amendment of the related court fees under subparagraphs *g* and *h* of subparagraph 7 of the first paragraph of section 1 of the Tariff of court costs in penal matters (chapter C-25.1, r. 6).

Further information may be obtained by contacting Marc Lahaie, 1200, route de l'Église, 7<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20174; fax: 418 644-9968; email: marc.lahaie@justice.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 Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

BERTRAND ST-ARNAUD,  
*Minister of Justice*

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## Regulation to amend the Tariff of court costs in penal matters

Code of penal procedure  
(chapter C-25.1, art. 367)

**1.** The Tariff of court costs in penal matters (chapter C-25.1, r. 6) is amended by replacing “\$1,000” in subparagraphs *g* and *h* of subparagraph 7 of the first paragraph of section 1 by “\$1,500”.

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

3243

## Draft Regulation

Court Bailiffs Act  
(chapter H-4.1)

### Bailiffs

#### — Tariff of fees and transportation expenses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Tariff of fees and transportation expenses of bailiffs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases the fees to which a bailiff is entitled for the service of a judicial document from another State.

The draft Regulation also sets an amount for the transportation expenses to which a bailiff is entitled and provides the terms and conditions for modifying those expenses.

Study of the matter shows no impact on the public and on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Marc Lahaie, Direction générale des services de justice et des registres, 1200, route de l'Église, 7<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20174; fax: 418 644-9968; email: marc.lahaie@justice.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 Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

BERTRAND ST-ARNAUD,  
*Minister of Justice*

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## Regulation to amend the Tariff of fees and transportation expenses of bailiffs

Court Bailiffs Act  
(chapter H-4.1, s. 13)

**1.** The Tariff of fees and transportation expenses of bailiffs (chapter H-4.1, r. 14) is amended in section 7.1 by replacing “50” by “100”.

**2.** Paragraph *b* of section 20 of Schedule 1 is replaced by the following:

“(b) Transportation expenses are set at \$0.86 per kilometer.

Those expenses are modified each time that the compensation provided for in subparagraph *b* of paragraph 1 of section 11 of the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics (C.T. 213379 dated 26 March 2013) is modified. The transportation expenses are then increased or reduced, as the case may be, by an amount equal to twice the difference between the new amount of compensation and the previous amount.

The Minister of Justice is to publish the amount of the modified expenses in Part 1 of the *Gazette officielle du Québec* and may ensure wider publicity by any other means.”.

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

3241

## Draft regulation

Health Insurance Act  
(chapter A-29)

### Régie de l'assurance maladie du Québec — Eligibility and registration of persons in respect of the Régie — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, the text of which appears hereafter, may be made by the government on the expiry of the 45-day deadline following this publication.

This draft regulation aims to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec to allow for extending to eight years the renewal cycle of health insurance cards. Furthermore, this draft regulation contains a provision such that, when they renew their health insurance card, persons—whether they reside, take up residence for the first time or take up residence once again in Québec—must demonstrate that they have retained their status of resident of Québec since their registration.

For further information, please contact:  
Stéphan Mercier  
Direction générale de l'admissibilité et des renseignements aux personnes assurées  
Régie de l'assurance maladie du Québec  
1125, Grande Allée Ouest, 3<sup>e</sup> étage  
Québec (Québec) G1S 1E7  
Telephone: 418 682-5137  
Fax: 418 644-4476  
Email: stephan.mercier@ramq.gouv.qc.ca

Anyone wishing to comment on this draft regulation may write to the undersigned, the Minister of Health and Social Services and Minister responsible for Seniors, before expiration of the deadline at 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

RÉJEAN HÉBERT,  
*Minister of Health and Social Services and  
Minister responsible for Seniors*

## Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec

Health Insurance Act  
(chapter A-29, s. 69, 1st par., subpars. *a* and *m*)

**1.** The Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1) is amended in section 21 by inserting, after subparagraph 2.1 of the first paragraph, the following subparagraph:

“(2.3) in the case of a person referred to in clause *a* of subparagraph 1 of the first paragraph of section 23, any document among those listed in section 7.3 which demonstrates to the Board that the person has retained the status of resident of Québec for the 12-month period following the date from which he/she becomes a resident of Québec;”.

**2.** Section 23 of that Regulation is amended:

(1) by inserting, after subparagraph 5 of the first paragraph, the following subparagraph:

“(5.1) for the period determined in accordance with the rule set out in section 23.0.1:

(*a*) following the renewal of registration of a person who was issued a health insurance card under clause *a* of subparagraph 1 of the first paragraph;

(b) following the renewal of registration of a person who has obtained the status of permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) and who was issued a health insurance card following the registration or renewal of registration referred to in clause *a* of subparagraph 3 of the first paragraph;”;

(2) by deleting, in clause *c* of subparagraph 6 of the first paragraph, “to which clause *a* of subparagraph 3 of this paragraph does not apply”.

**3.** That Regulation is amended by inserting, after section 23, the following section:

“(23.0.1.) Health insurance cards issued to insured persons referred to in subparagraph 5.1 of the first paragraph of section 23 shall be valid for not less than 27 months and not more than 75 months. The period of validity shall be computed from the expiry month and year indicated on the insured person’s current health insurance card to the month and year in which the insured person’s age becomes a multiple of 4.”.

**4.** Section 23.1 of that Regulation is replaced by the following section:

“(23.1) “Health insurance cards issued to insured persons referred to in subparagraph 6 of the first paragraph of section 23 shall be valid for not less than 27 months and not more than 99 months. This period of validity shall be computed, as the case may be, from the expiry month and year indicated on the insured person’s current health insurance card or from the date of registration of a new-born child, of a child placed for adoption or of an adopted child who has the status of resident of Québec to the month and year in which the insured person’s age becomes a multiple of 8.

However, when the age of an insured person may not become a multiple of 8 within the period of validity of a card referred to in the first paragraph, this period of validity shall be computed to the month and year in which the insured person’s age becomes a multiple of 4.”.

**5.** This Regulation comes into force on 1 October 2014.

3239

## Draft Regulation

Highway Safety Code  
(chapter C-24.2)

### Driver’s licence —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation brings from 4 to 8 years the period of validity of a driver’s licence issued in plastic form for clients 24 years of age or over.

The Société de l’assurance automobile du Québec foresees no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Robert Rousse, Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, C431, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 5283243.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

SYLVAIN GAUDREAULT,  
*Minister of Transport*

## Regulation to amend the Regulation respecting licences

Highway Safety Code  
(chapter C-24.2, s. 619, par. 1)

**1.** The Regulation respecting licences (chapter C-24.2, r. 34) is amended by replacing section 50.4 by the following:

“**50.4.** A driver’s licence is valid from the date on which it is issued until the end of the holder’s birthday occurring during the year where the age of the holder becomes a multiple of 8. If the period thus obtained is less than 3 months, 96 months must be added thereto.

Despite the first paragraph, when the holder of a driver's licence has not reached 24 years of age on the issue of the licence, the driver's licence is valid until the end of the holder's birthday occurring during the year where the holder reaches 24 years of age. If the period thus obtained is less than 3 months, 96 months must be added thereto."

**2.** This Regulation comes into force on 1 October 2014.

3240

## Draft Regulation

Public Health Act  
(chapter S-2.2)

### Vaccination registry and unusual clinical manifestations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the vaccination registry and unusual clinical manifestations temporarily associated with vaccination, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the Regulation is to determine the conditions for releasing to the operations manager of the vaccination registry, for registration in the registry, the information concerning vaccinations provided for in section 64 of the Public Health Act (chapter S-2.2), to determine the information, in addition to the information provided for in that section, that must be released to the operations manager of the vaccination registry for registration in the registry and to determine the information, in addition to the information provided for in section 69 of the Act, that must be released by health professionals to the public health director of their territory concerning the unusual clinical manifestations they observe.

Further information on the draft Regulation may be obtained by contacting Sylvie Poirier, Direction de la protection de la santé publique, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 11<sup>e</sup> étage, Québec (Québec) G1S 2M1; telephone: 418 266-2374; fax: 418 266-6708; email: sylvie.poirier@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 Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

RÉJEAN HÉBERT,  
*Minister of Health and Social Services*

## Regulation respecting the vaccination registry and unusual clinical manifestations temporarily associated with vaccination

Public Health Act  
(chapter S-2.2, ss. 64, 69, 136, par. 8)

### DIVISION I VACCINATION REGISTRY

#### CHAPTER I CONDITIONS FOR RELEASING INFORMATION TO THE OPERATIONS MANAGER OF THE VACCINATION REGISTRY

**1.** An institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) must, within 48 hours of the administration of a vaccine, release the following information to the operations manager of the vaccination registry for registration:

(1) the information referred to in section 64 of the Public Health Act (chapter S-2.2), except the information provided for in subparagraphs *d*, *f* and *g* of paragraph 1, subparagraphs *f* and *i* of paragraph 2, subparagraphs *i*, *k* and *l* of paragraph 3, the vaccinator's unique provider number and the unique identification number of the location providing health services and social services to which the vaccinator is attached;

(2) the information referred to in section 5.

The information is released by means of an information asset that allows for the safe transmission of the information to the operations manager of the vaccination registry. The Minister informs each institution in writing of the information asset allowing for safe transmission and of the fact that the information asset is available to the institution.

An institution that is not informed, in accordance with the second paragraph of the information asset available to it must release the information provided for in the first paragraph, within the same 48-hour period and in a manner that ensures the information's protection, to the operations manager of the vaccination registry for registration.

**2.** A vaccinator not acting within the scope of the mission of a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons must, within 48 hours of



the administration of a vaccine, release the information referred to in section 1 to the operations manager of the vaccination registry for registration. Information must be released in a manner that ensures its protection.

**3.** An institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons that operates a centre where a health professional has, in accordance with the second paragraph of section 61 of the Act, validated a vaccination received by a person outside Québec must, within 48 hours of the validation, release the information referred to in section 1, insofar as it is available, to the operations manager of the vaccination registry for registration in the vaccination registry.

The information is released by means of an information asset that allows for the safe transmission of the information to the operations manager of the vaccination registry. The Minister informs each institution in writing of the information asset allowing for safe transmission and of the fact that the information asset is available to the institution.

An institution that is not informed, in accordance with the second paragraph of the information asset available to it must release the information provided for in the first paragraph, within the same 48-hour period and in a manner that ensures the information's protection, to the operations manager of the vaccination registry for registration.

**4.** A health professional who does not act within the scope of the mission of a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons and who, in accordance with the second paragraph of section 61 of the Act, has validated a vaccination received by a person outside Québec must, within 48 hours of the validation, release the information referred to in section 1, insofar as it is available, to the operations manager of the vaccination registry for registration in the vaccination registry. Information must be released in a manner that ensures its protection.

## DIVISION II

### OTHER INFORMATION TO BE RELEASED TO THE OPERATIONS MANAGER OF THE VACCINATION REGISTRY

**5.** The following information, insofar as it is available, must be released to the operations manager of the vaccination registry for registration in the vaccination registry:

(1) in respect of the vaccinated person:

(a) the criteria and the type of proof of immunity, if applicable;

(b) if the person is not registered with the Régie de l'assurance maladie du Québec, the number and title of the official document emanating from a State authority establishing the person's identity;

(2) the means of communication preferred by the vaccinated person in case of vaccine reminder, recall or promotion;

(3) an indication that the vaccination was performed under a public vaccination program, if applicable.

**6.** The following information must be released to the operations manager of the vaccination registry for registration in the vaccination registry, upon request by the manager or the Minister, by any person or organization in possession of the information:

(1) in respect of the vaccinated person:

(a) the person's language of correspondence;

(b) the name of each of the person's parents;

(c) an indication that the person works in an educational institution, if applicable;

(d) the date of death, if applicable;

(2) in respect of the vaccinated person attending an educational institution, the year of the school year corresponding to the school data contained in the register in the person's respect;

(3) in respect of the vaccinated person who works in an educational institution:

(a) the name of the educational institution where the person works, the person's educational level and the class number, if applicable, and the name of the school board and of the building where the person works, if applicable;

(b) the year of the school year corresponding to the school data contained in the register in the person's respect;

(4) from among the information provided for in section 64 of the Act:

(a) the information provided for in subparagraphs *d, f* and *g* of paragraph 1, subparagraphs *f* and *i* of paragraph 2, subparagraphs *i, k* and *l* of paragraph 3;

(b) the vaccinator's unique provider number and the unique identification number of the location providing health services and social services to which the vaccinator is attached.

## CHAPTER II REPORTING OF UNUSUAL CLINICAL MANIFESTATIONS TEMPORARILY ASSOCIATED WITH VACCINATION

**7.** The health professional referred to in section 69 of the Act must provide to the public health director of the professional's territory, in addition to the information provided for in that section, the following information, insofar as it is available:

(1) the date of birth, sex and estimated age at vaccination time of the person concerned;

(2) the vaccination date, the brand name of the vaccine administered or the name of the immunizing agent and the lot number of the vaccine administered;

(3) the dose number, the lot number of the adjuvant, the injection site and administration route of the vaccine administered, the quantity administered and the unit of measurement of the vaccine administered;

(4) the socio-sanitary region where the person concerned resides or, if vaccination did not take place in Québec, the Canadian province or country where vaccination took place;

(5) the time elapsed between vaccination and the beginning of the unusual clinical manifestation;

(6) identification of the unusual clinical manifestation;

(7) a description of the unusual clinical manifestation;

(8) the duration of the unusual clinical manifestation;

(9) immunization errors observed in connection with the unusual clinical manifestation, if applicable;

(10) the evolution of the incident at the time of reporting and at the time of the follow-up, if applicable;

(11) an indication that the person concerned is pregnant and the expected date of delivery, if applicable;

(12) the type of any medical consultation relating to the unusual clinical manifestation, if applicable;

(13) the date of any admission to a hospital centre in connection with the unusual clinical manifestation and the duration of hospitalization, if applicable;

(14) an indication that a current hospitalization is extended following the unusual clinical manifestation and the duration of that extension, if applicable;

(15) the severity of the case;

(16) a description of the treatment received, if applicable;

(17) the medication history of the person concerned at the time of vaccine administration, in connection with the unusual clinical manifestation;

(18) a description of the health problems, illnesses, allergies and acute lesions of the person concerned that are known at the time of vaccine administration, in connection with the unusual clinical manifestation;

(19) a description of the unusual clinical manifestations associated with vaccination that appeared previously in the person concerned, if applicable;

(20) the date of death of the person concerned, if applicable;

(21) the position of the person reporting the unusual clinical manifestation and the socio-sanitary region of the report;

(22) the date of the report.

## CHAPTER III TRANSITIONAL

**8.** Despite the third paragraph of section 1, every institution operating a hospital centre belonging to the class "general and specialized hospital centre" or any local authority that, on (*insert the date of coming into force of this Regulation*), is not informed, in accordance with the second paragraph of section 1, that an information asset is available to it must keep the information provided for in section 1 until the date it is so informed or until

31 December 2016 at the latest. Until the first of those dates, the information must be kept by such an institution so that it can be released to the operations manager of the vaccination registry, upon request by the manager or the Minister, for registration in the vaccination registry and so that it can be used or released in accordance with the Act. On the same date, the provisions of section 1 apply to that institution.

#### **CHAPTER IV** COMING INTO FORCE

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

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