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Part

**2**

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**Laws and Regulations**

Volume 152

**Summary**

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

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- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1345-2020, 9 December 2020**

#### **An Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6)**

##### **— Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services

WHEREAS the Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6) was assented to on 17 March 2020;

WHEREAS section 97 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS Order in Council 529-2020 dated 13 May 2020 set 13 May 2020 as the date of coming into force of sections 21, 22, 70 and 89 to 93 of the Act;

WHEREAS Order in Council 787-2020 dated 8 July 2020 set 8 July 2020 as the date of coming into force of sections 23 to 28 and 71 to 73 of the Act;

WHEREAS it is expedient to set 25 January 2021 as the date of coming into force of the other provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 25 January 2021 be set as the date of coming into force of the provisions of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6), except sections 21 to 28, 70 to 73 and 89 to 93.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

104781



## Regulations and other Acts

Gouvernement du Québec

### O.C. 1327-2020, 9 December 2020

Amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office des professions du Québec

WHEREAS, under the first paragraph of section 196.2 of the Professional Code (chapter C-26), the expenditures incurred by the Office des professions du Québec in a fiscal year are payable by the members of the professional orders;

WHEREAS, under the second paragraph of section 196.2 of the Code, the members of the orders are required to pay, for each fiscal year of the Office, a contribution determined by the Government;

WHEREAS, under the third paragraph of section 196.2 of the Code, each fiscal year, the surplus of the Office for the preceding fiscal year is added to, or its deficit for the preceding fiscal year is deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year;

WHEREAS, under the third paragraph of section 196.2 of the Code, any surplus or deficit expected by the Office for a fiscal year may also be taken into account in whole or in part;

WHEREAS, under the third paragraph of section 196.2 of the Code, the resulting amount is then divided by the number of members in all the orders on 31 March of the calendar year in progress and the quotient is the amount of the annual contribution of each member;

WHEREAS, under the first paragraph of section 196.8 of the Code, every person or group and every department or other government body are to pay the charge determined by regulation of the Government after consultation with the Office and the Québec Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions;

WHEREAS, under the second paragraph of section 196.8 of the Code, the charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2 of the Code;

WHEREAS, under subparagraph 4 of the first paragraph of section 19.1 of the Code, the Minister of Higher Education has submitted to the Québec Interprofessional Council, for advice, the amount of the contribution of each member of an order for the 2021-2022 fiscal year of the Office;

WHEREAS it is expedient to determine the amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT \$29.00 be determined as the amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office des professions du Québec.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

104778

Gouvernement du Québec

### O.C. 1328-2020, 9 December 2020

Professional Code  
(chapter C-26)

#### **Conseillers en ressources humaines et en relations industrielles agréés — Compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec**

Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec

WHEREAS, under the first paragraph of section 89 of the Professional Code (chapter C-26), the members of a professional order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation;

WHEREAS, under the first and second paragraphs of section 89.1 of the Code, the board of directors of a professional order that makes a regulation under section 89 of the Code authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec authorizes its members to hold funds in the Règlement sur la détention de sommes par les membres de l'Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec approved by the Office des professions du Québec on 23 October 2020;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec made the Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec on 30 March 2020;

WHEREAS, pursuant to section 95 of the Professional Code, 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 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 compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 17 June 2020 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 23 October 2020 then 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 Higher Education:

THAT the Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec**

Professional Code  
(chapter C-26, s. 89.1)

**1.** A claimant may be compensated in accordance with this procedure following the use by a member of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec of funds for purposes other than those for which they were entrusted to the member under a regulation of the Order made under section 89 of the Professional Code (chapter C-26).

**2.** To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by the member for purposes other than those for which they were entrusted to the member;

(2) be accompanied by proof of the steps taken with the member to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents;

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the board of directors if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

**3.** A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 2.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 2 are met.



**4.** The secretary of the Order enters every admissible claim on the agenda for the first meeting of the board of directors following the date on which the claim becomes admissible.

**5.** The secretary of the Order informs the member and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

**6.** The board of directors decides, as soon as possible, whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the indemnity.

The substantiated decision is final.

**7.** The maximum amount that may be paid for the period covering the fiscal year of the Order is

- (1) \$10,000 for a claimant in respect of a member;
- (2) \$50,000 for all the claimants in respect of a member;
- (3) \$100,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$100,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

**8.** Where the board of directors believes that two or more claims may be filed in respect of a member and that the total amount claimed may exceed \$50,000, it must suspend the payment of compensations until it has reviewed all claims in respect of the member. If circumstances permit, the board of directors must draw an inventory of the funds entrusted to the member and notify in writing the persons likely to file a claim.

**9.** If the claimant is vulnerable due to his or her age or physical, psychological or social condition, the board of directors may, exceptionally, pay an amount greater than those provided for in section 7.

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

104779

Gouvernement du Québec

## O.C. 1347-2020, 9 December 2020

Nurses Act  
(chapter I-8)

An Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6)

### Specialized nurse practitioners

Regulation respecting specialized nurse practitioners

WHEREAS, under subparagraph *f* of the first paragraph of section 14 of the Nurses Act (chapter I-8), as replaced by paragraph 1 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6), the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec may by regulation regulate the classes of specialization to which specialized nurse practitioners must belong to engage in the activities referred to in section 36.1 of the Nurses Act, as replaced by section 3 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, and determine the terms and conditions for engaging in those activities as well as the standards relating to the form and content of verbal or written prescriptions made by specialized nurse practitioners and, for that purpose, the board of directors may, in the regulation, establish an advisory committee;

WHEREAS, under the second paragraph of section 14 of the Nurses Act, as added by paragraph 2 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec must, before adopting such a regulation, consult the Office des professions du Québec and the interested professional orders;

WHEREAS, in accordance with the second paragraph of section 14 of the Nurses Act, as added by paragraph 2 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec consulted the Office des professions du Québec, the Collège des médecins du Québec, the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Ordre

professionnel des diététistes-nutritionnistes du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Ordre professionnel des orthophonistes et audiologistes du Québec, the Ordre professionnel des pharmaciens du Québec, the Ordre professionnel de la physiothérapie du Québec, the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, the Ordre professionnel des psychologues du Québec, the Ordre professionnel des sages-femmes du Québec, the Ordre professionnel des sexologues du Québec, the Ordre professionnel des technologistes médicaux du Québec, the Ordre professionnel des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec, and the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec before adopting the Regulation respecting specialized nurse practitioners on 9 June 2020;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26), 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 such a professional order is to 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 specialized nurse practitioners was published in Part 2 of the *Gazette officielle du Québec* of 2 July 2020 with a notice that it could be examined by the Office and submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 16 October 2020 and then 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 Higher Education:

THAT the Regulation respecting specialized nurse practitioners, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation respecting specialized nurse practitioners

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

An Act to amend the Nurses Act and other provisions in order to facilitate access to health services  
(2020, chapter 6, s. 2, par. 1)

### DIVISION I GENERAL PROVISIONS

**1.** The purpose of this Regulation is to regulate the classes of specialization to which specialized nurse practitioners must belong in order to perform the activities referred to in section 36.1 of the Nurses Act (chapter I-8), to determine the terms and conditions for performing such activities, to determine the form and content of the verbal or written prescriptions made by specialized nurse practitioners, and to establish an advisory committee.

The purpose of the Regulation is also to determine the terms and conditions for the issue of clinical placement authorizations to specialized nurse practitioner students and attestations of practice to specialized nurse practitioner candidates, as well as the terms and conditions under which they may perform the activities referred to in section 36.1 of the Act.

**2.** In this Regulation,

(1) “specialized nurse practitioner candidate” means a nurse who holds the diplomas giving access to a specialist’s certificate as a specialized nurse practitioner pursuant to the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders (chapter C-26, r. 2) or who has obtained equivalence for the issue of such a certificate 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 d’infirmière praticienne spécialisée (chapter I-8, r. 15.2) and who, in addition, is eligible to sit the specialty examination;

(2) “specialized nurse practitioner student” means either

(a) a nurse registered in a university-level training program leading to the diplomas giving access to a specialist’s certificate as a specialized nurse practitioner pursuant to the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders (chapter C-26, r. 2); or

(b) a nurse who, in order to obtain equivalence for the issue of a specialist's certificate as a specialized nurse practitioner, is required to complete a clinical placement at a site appearing on the list of training environments drawn up by the program review subcommittee pursuant to the Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec (chapter I-8, r. 11);

(3) "community-based care" means health care that

(a) is intended for persons having particular needs or usual and various health problems that do not require specialized or highly specialized care to be resolved; and

(b) includes a series of care and health services, provided locally, that are based on a simple infrastructure in terms of diagnostic and therapeutic means;

(4) "specialized care" means health care that

(a) is intended for persons with complex health problems that cannot be resolved by community-based care; and

(b) includes a series of care and health services that are mainly specialized and are based on an advanced infrastructure and technology in terms of diagnostic and therapeutic means;

(5) "highly specialized care" means health care that

(a) is intended for persons having health problems that are very complex or often have a lower prevalence and that cannot be resolved by specialized care; and

(b) includes a series of health care and services that are based on a very advanced infrastructure and technology in terms of diagnostic and therapeutic means.

## DIVISION II

### CLASSES OF SPECIALIZATION OF SPECIALIZED NURSE PRACTITIONERS AND ISSUE OF A SPECIALIST'S CERTIFICATE

**3.** The classes of specialization of specialized nurse practitioners are as follows:

- (1) nurse practitioner specialized in neonatology;
- (2) nurse practitioner specialized in mental health;
- (3) nurse practitioner specialized in adult care;
- (4) nurse practitioner specialized in pediatric care;
- (5) nurse practitioner specialized in primary care.

**4.** A specialist's certificate in one of the classes of specialization of a specialized nurse practitioner is issued by the board of directors to a specialized nurse practitioner candidate who passes the specialty examination.

## DIVISION III

### ISSUE OF A CLINICAL PLACEMENT AUTHORIZATION AND ATTESTATION OF PRACTICE

#### §1. Clinical placement authorization

**5.** A clinical placement authorization is issued by the Order to a specialized nurse practitioner student who pays the fee payable for the issue of the authorization.

**6.** The clinical placement authorization indicates the name of the specialized nurse practitioner student, the class of specialization concerned and, as applicable, the educational institution where the student is enrolled or the environment where the student is completing a clinical placement.

The clinical placement authorization is valid, as applicable, until the date when the specialized nurse practitioner student is no longer enrolled in the university-level training program leading to the diplomas giving access to a specialist's certificate as a specialized nurse practitioner or has completed the professional training period required to obtain equivalence for the issue of a specialist's certificate as a specialized nurse practitioner.

#### §2. Attestation of practice

**7.** An attestation of practice is issued by the Order to a specialized nurse practitioner candidate who

(1) provides the Order with an attestation showing that the candidate's services have been retained by a centre operated by an institution where a director of nursing care has been appointed; and

(2) pays the fee payable for the issue of an attestation of practice.

**8.** The attestation of practice indicates the name of the specialized nurse practitioner candidate, the class of specialization concerned and the name of the centre operated by an institution that has retained the candidate's services.

The attestation of practice is valid, as applicable, until the date when the candidate's services as a specialized nurse practitioner candidate are no longer retained by the centre operated by an institution or until the date when the candidate is no longer eligible for the specialty examination.

## DIVISION IV SPECIALTY EXAMINATION

### §1. Eligibility for the specialty examination

**9.** A specialized nurse practitioner candidate who registers for an examination session within the period determined by the Order and who pays the registration fee payable is eligible for the specialty examination.

**10.** A specialized nurse practitioner candidate who is eligible for the specialty examination must pass it within 3 years following the first examination session held after the date on which she obtains the diplomas giving access to a specialist's certificate as a specialized nurse practitioner or following the date on which she obtains equivalence for the issue of such a certificate.

However, a specialized nurse practitioner candidate may obtain a further year to pass the examination if she demonstrates to the board of directors that she was unable to pass the specialty examination within the prescribed time on serious grounds, including a death, a parental leave, a health problem or unavoidable circumstances.

### §2. Specialty examination

**11.** The board of directors forms an examination committee with the mandate of

(1) drawing up and approving the content of the examination for each class of specialization of a specialized nurse practitioner based on the guidelines set by the board of directors;

(2) determining whether a specialized nurse practitioner candidate has passed the specialty examination.

The examination committee is composed of 5 members and may retain the services of any person whose expertise is necessary to achieve its mandate.

**12.** The specialty examination covers the theoretical and clinical aspects of the class of specialization concerned. In particular, it assesses, in various clinical situations, the assimilation and application of knowledge and skills acquired by specialized nurse practitioner candidates in order to determine if they are able to practice independently as specialized nurse practitioners in the class of specialization concerned.

**13.** The Order holds a minimum of one examination session per year in each class of specialization, and determines the date and location of each session.

**14.** The specialty examination is available in French and in English. Specialized nurse practitioner candidates may sit the examination in either language.

**15.** The Order sends the results of the examination, within 90 days, to the specialized nurse practitioner candidates who sat the examination.

**16.** Registration under false pretences, fraud, plagiarism, participation in fraud or plagiarism or attempted fraud or plagiarism all entail a fail mark for the specialty examination, following a decision by the examination committee.

**17.** A specialized nurse practitioner candidate who fails the specialty examination may resit the examination twice.

Sections 9 to 16 apply to resits.

### §3. Review

**18.** A specialized nurse practitioner candidate who fails the specialty examination may request that the board of directors review the result if the failure was caused by a factor relating to the examination process. She may also request that the board of directors review a decision made by the examination committee pursuant to section 16.

The request, with the fee payable for its analysis, must be submitted in writing within 7 days from the date on which the examination results or the decision made by the examination committee pursuant to section 16 were received, and must contain the observations of the specialized nurse practitioner candidate concerned.

The board of directors forwards its decision to the specialized nurse practitioner candidate concerned within 90 days of the date on which the Order received the request for review.

## DIVISION V TERMS AND CONDITIONS FOR PERFORMING THE ACTIVITIES REFERRED TO IN SECTION 36.1 OF THE NURSES ACT BY SPECIALIZED NURSE PRACTITIONERS

### §1 General provisions

**19.** To perform the activities referred to in section 36.1 of the Nurses Act (chapter I-8), a specialized nurse practitioner must, within 30 days of obtaining a specialist's certificate and not later than 1 April of each subsequent year, file a statement with the secretary of the Order on the prescribed form, containing the following information:

(1) her class of specialization;

(2) the name, address and telephone number of the institution, clinic, dispensary or other place where she performs professional activities;

(3) the area of care in which she performs professional activities, where applicable.

**20.** A specialized nurse practitioner must report to the secretary of the Order, in writing, any change in the information referred to in paragraph 2 or 3 of section 19.

The change must be reported within 30 days of its occurrence, except if it concerns the area of care. In the latter case, a specialized nurse practitioner must report the new area of care at least 30 days before performing professional activities in the new area of care, and establish that she has updated her knowledge in order to perform those activities.

**21.** A specialized nurse practitioner must take reasonable measures to ensure that collaborative mechanisms to provide continuity of care and services required by a client's state of health are in place throughout the care trajectory, or help establish such collaborative mechanisms.

**22.** A specialized nurse practitioner, based on her class of specialization, may perform the activities referred to in paragraphs 1 and 4 of section 36.1 of the Nurses Act (chapter I-8) for diseases that involve recognized diagnostic criteria and clinical manifestations.

## *§2. Special provisions*

**23.** A nurse practitioner specialized in neonatology performs the activities referred to in section 36.1 of the Nurses Act (chapter I-8) for neonatal clients requiring specialized or highly specialized care.

**24.** A nurse practitioner specialized in mental health performs the activities referred to in section 36.1 of the Nurses Act (chapter I-8) in the field of mental health for clients of all ages requiring community-based, specialized or highly specialized care.

**25.** A nurse practitioner specialized in adult care performs the activities referred to in section 36.1 of the Nurses Act (chapter I-8) for adult clients requiring specialized or highly specialized care, including clients with mental health problems.

**26.** A nurse practitioner specialized in pediatric care performs the activities referred to in section 36.1 of the Nurses Act (chapter I-8) for pediatric clients requiring specialized or highly specialized care, including clients with mental health problems.

**27.** A nurse practitioner specialized in primary care performs the activities referred to in section 36.1 of the Nurses Act (chapter I-8) for clients of all ages requiring community-based care, including clients with mental health problems.

## **DIVISION VI** STANDARDS FOR PRESCRIPTIONS GIVEN BY SPECIALIZED NURSE PRACTITIONERS

**28.** The Règlement sur les normes relatives aux ordonnances faites par un médecin (chapter M-9, r. 25.1), with the necessary modifications, applies to prescriptions given by specialized nurse practitioners.

## **DIVISION VII** TERMS AND CONDITIONS FOR PERFORMING THE ACTIVITIES REFERRED TO IN SECTION 36.1 OF THE NURSES ACT BY SPECIALIZED NURSE PRACTITIONER STUDENTS AND SPECIALIZED NURSE PRACTITIONER CANDIDATES

**29.** A specialized nurse practitioner student holding a clinical placement authorization may perform the activities referred to in section 36.1 of the Nurses Act (chapter I-8) provided that

(1) she complies with the terms and conditions prescribed in Divisions V and VI, with the necessary modifications;

(2) she performs the activities in a site appearing on the list of training environments 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) she performs the activities under the responsibility of a specialized nurse practitioner or a physician designated as a supervisor for the clinical placement;

(4) the activities are supervised on-site by a specialized nurse practitioner, a physician or a person authorized to perform those activities who is designated by the supervisor for the clinical placement; and

(5) the performance of the activities is required to complete the program in which she is enrolled or, where applicable, to complete a clinical placement period for the recognition of equivalence.

**30.** A specialized nurse practitioner candidate holding an attestation of practice may perform the activities referred to in section 36.1 of the Nurses Act (chapter I-8) provided that

(1) she complies with the terms and conditions prescribed in Divisions V and VI, with the necessary modifications;

(2) she performs the activities in

(a) a centre operated by an institution where a director of nursing care has been appointed;

(b) a medical office, a medical clinic, a dispensary or any other place providing care, to the extent that she is employed by an institution where a director of nursing care ensures the supervision of the care they provide; and

(3) a specialized nurse practitioner or a physician practising in the area of care is designated as a supervisor and is available at all times to intervene quickly.

### **DIVISION VIII** ADVISORY COMMITTEE ON THE PRACTICE OF SPECIALIZED NURSE PRACTITIONERS

**31.** The advisory committee on the practice of specialized nurse practitioners is hereby established.

The committee's mandate is to examine

(1) the terms and conditions for performing the activities referred to in section 36.1 of the Nurses Act (chapter I-8) by specialized nurse practitioners and the standards for prescriptions made by specialized nurse practitioners;

(2) the issues connected with the clinical practice of specialized nurse practitioners;

(3) the new clinical practices of specialized nurse practitioners or improvements that take into account scientific developments or new conclusive data;

(4) any other matter related to the professional activities of specialized nurse practitioners.

The committee will report its findings to the board of directors and formulate, when it considers it appropriate, an opinion containing, where applicable, recommendations.

**32.** The advisory committee is composed of the following 13 members:

(1) a representative of the Order;

(2) a representative of the Collège des médecins du Québec;

(3) a physician specializing in family medicine appointed by the Collège;

(4) a physician specializing in a field other than family medicine appointed by the Collège;

(5) a nurse practitioner specialized in neonatology appointed by the Order;

(6) a nurse practitioner specialized in mental health appointed by the Order;

(7) a nurse practitioner specialized in adult care appointed by the Order;

(8) a nurse practitioner specialized in pediatric care appointed by the Order;

(9) a nurse practitioner specialized in primary care appointed by the Order;

(10) a specialized nurse practitioner with teaching duties in a university-level training program relevant to the activities referred to in section 36.1 of the Nurses Act (chapter I-8), appointed by the Bureau de coopération interuniversitaire;

(11) a representative of the Direction nationale des soins et services infirmiers at the Ministère de la Santé et des Services sociaux;

(12) a director of nursing care appointed by the Order;

(13) a patient partner appointed by the Order.

The committee may retain the services of any person deemed necessary to achieve its mandate.

**33.** The quorum of the advisory committee is 7 members, including 4 specialized nurse practitioners, 1 physician and the representatives of both professional orders.

**34.** The members of the advisory committee are appointed for a maximum 3-year term and remain in office until reappointed or replaced.

### **DIVISION IX** TRANSITIONAL AND FINAL PROVISIONS

**35.** A specialized nurse practitioner student who was enrolled, before 8 March 2018, in a university-level program leading to the diplomas giving access to a specialist's certificate as a specialized nurse practitioner in cardiology is eligible, in accordance with Division IV of this Regulation, for the specialty examination for nurse practitioners specialized in adult care.

**36.** A specialized nurse practitioner or specialized nurse practitioner candidate who obtained the diplomas giving access to a specialist's certificate in primary care before 1 September 2017 must complete the training recognized by the Order before performing the activities referred to in section 36.1 of the Nurses Act (chapter I-8). The same applies to a specialized nurse practitioner student who, before that date, was enrolled in a university-level training program leading to the diplomas giving access to a specialist's certificate in primary care.

The same also applies to a nurse practitioner specialized in primary care who obtained her specialist's certificate before 8 March 2018 based on recognition of 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 d'infirmière praticienne spécialisée (chapter I-8, r. 15.2).

The training, which lasts 35 hours, specifically focuses on the elderly and includes the following: advanced clinical evaluation, advanced physiopathology and advanced pharmacology. At least 10 hours focus on the elderly who present behavioural and psychological symptoms of dementia.

The persons referred to in the first and second paragraphs must complete the training within 2 years from the date of coming into force of this Regulation.

**37.** The advisory committee on the practice of specialized nurse practitioners is composed of 9 members until the Order is able to appoint a nurse practitioner specialized in pediatric care, a nurse practitioner specialized in mental health, a director of nursing care and a patient partner.

During this period, the quorum for the committee is 5 members, including 2 specialized nurse practitioners, 1 physician and the representatives of both professional orders.

**38.** This Regulation replaces the Regulation respecting the classes of specialization of specialized nurse practitioners (chapter I-8, r. 8).

**39.** This Regulation comes into force on 25 January 2021.

104782

Gouvernement du Québec

## O.C. 1402-2020, 16 December 2020

An Act respecting the Ministère de la Santé et des Services sociaux  
(chapter M-19.2)

### Régie de l'assurance maladie du Québec — Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec

CONCERNING the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec entrusted to the Régie de l'assurance maladie du Québec

WHEREAS, under paragraph *h* of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister of Health and Social Services shall promote the development and implementation of programs and services according to the needs of individuals, families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Régie de l'assurance maladie du Québec is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board shall assume the cost of the services and goods provided under the programs that it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the terms and conditions provided for under those programs;

WHEREAS under the first paragraph of section 2.1 of the Act respecting the Régie de l'assurance maladie du Québec, the Board shall recover, from the department or body concerned, the cost of the services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS it is expedient that the Board administer the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Régie de l'assurance maladie du Québec be entrusted with the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec, the text of which is attached hereto.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## **Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec**

### **DIVISION I**

#### **INTRODUCTORY PROVISIONS**

1. The Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec is intended to compensate a portion of the costs incurred by the persons targeted by this program for the radical removal of a midurethral sling where the surgery therefor was performed in a hospital located outside Québec.

2. The Régie de l'assurance maladie du Québec shall administer, implement and assume the cost of the Program respecting surgical services for the radical removal of a midurethral sling rendered outside Québec, according to the terms and conditions provided under this program.

### **DIVISION II**

#### **ELIGIBILITY CRITERIA TO FINANCIAL ASSISTANCE**

3. A person is eligible for this program if the person meets the following criteria:

(1) the person is an insured person within the meaning of the subparagraph (g.1) of the first paragraph of section 1 of the Health Insurance Act (chapter A-29);

(2) the person received between 1 October 2018 and 31 December 2020 surgical services for the radical removal of a midurethral sling in a hospital located outside Québec.

### **DIVISION III**

#### **NATURE, AMOUNT AND TERMS AND CONDITIONS OF FINANCIAL ASSISTANCE**

4. Notwithstanding the eligibility criteria and the terms and conditions specified in this division, the Board shall grant, upon presentation of an application, financial assistance in the amount of \$22 500 paid out in one lump sum.

The lump sum referred to in the previous paragraph will be reduced by any amount paid by the Board in the application of the legislative and regulatory provisions that it applies for medical and hospital services furnished on the occasion of surgical services for the radical removal of a midurethral sling targeted by this program.

5. Any person wishing to benefit from the financial assistance provided under this program must apply therefor within the prescribed time limit by using the form made available by the Board and provide the required information.

This application must be accompanied by the following documents:

(1) the pre-operative assessment or the pre-operative report or any other pre-operative document prepared by the surgeon that establishes the complications or undesirable effects related to the placement of the midurethral sling;

(2) the surgery operative report for the radical removal of the midurethral sling;

(3) the claim form or invoice describing the professional and hospital services furnished, their detailed costs and proof of payment.

The Board shall assess the application based on the information and documents specified in the preceding paragraph, render its decision, determine the amount of financial assistance, where applicable, and make the payment.

6. Where the Board so requests it, the eligible person must provide all documents or information that it requires for the application of this program or grant the authorizations necessary to obtain this information.

7. The financial assistance provided under this program will be granted only if the application for financial assistance is sent to the Board within 12 months following the date on which the eligible person received the surgical services for the radical removal of a midurethral sling, or within 12 months after this program has come into effect, whichever time limit expires last.

The Board may agree to consider an application submitted after that time limit if the eligible person demonstrates that it was impossible for him or her to file the application sooner. However, this application must be submitted before the date following 12 months after the end date of this program.



8. The financial assistance granted under this program is a personal right.

**DIVISION IV**  
FINANCIAL ASSISTANCE RECEIVED  
WITHOUT ENTITLEMENT

9. The Board shall recover any amount unduly paid in the form of financial assistance under this program where a person received an amount greater than that to which the person was entitled to obtain or where the person received financial assistance to which he or she was not entitled.

The recovery of amounts unduly paid is prescribed five years after the date of payment of financial assistance by the Board. In the case of false declarations, recovery is prescribed five years after the date on which the Board becomes aware of the person's ineligibility for financial assistance, but no later than 10 years after the date of payment of financial assistance.

**DIVISION V**  
PROGRAM MANAGEMENT

10. The Minister of Health and Social Services shall reimburse the Board, according to the terms and conditions to which they may agree upon, the amounts paid under the terms of this program as well as the actual development and administration costs of this program.

11. The Board shall provide the Minister with periodic reports on the costs incurred within the scope of this program, according to the terms and conditions to which they may agree upon. These reports will not contain any personal information.

**DIVISION VI**  
FINAL PROVISIONS

12. The Board shall publish this program on its website within 30 days after it has come into effect.

13. This program comes into effect on the date of its publication in the *Gazette officielle du Québec* and will end on 31 December 2021.



## Draft Regulations

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### Draft Regulation

An Act respecting labour standards  
(chapter N-1.1)

#### Labour standards — 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 labour standards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases, as of 1 May 2021, the general rate of the minimum wage to \$13.50 per hour and the rate of the minimum wage payable to an employee who receives gratuities or tips to \$10.80 per hour. It also increases, as of the same date, the minimum wage payable to raspberry and strawberry pickers.

The proposed increases in the minimum wage will help maintain the purchasing power of low-wage employees while enabling them to participate in the collective wealth. They constitute a work incentive and form part of the government measures to favour solidarity and social inclusion. They will also maintain the competitiveness of enterprises in the sectors of activity concerned by taking into account their capacity to pay.

The draft Regulation updates the modalities for sending a notice of collective dismissal by allowing, in particular, the use of technological means. It also adds information that the notice must contain to make the administrative processing upon receipt easier and accelerate the implementation of reclassification assistance measures for the employees affected by the dismissal.

Further information on the draft Regulation may be obtained by contacting Louis-Philippe Roussel, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 644-2206; fax: 418 643-9454; email: louis-philippe.roussel@mtess.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 Labour, Employment and Social Solidarity 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,  
*Minister of Labour, Employment  
and Social Solidarity*

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### Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards  
(chapter N-1.1, s. 40, 1st par., s. 84.0.7, s. 89,  
pars. 1 and 6.2, and s. 91, 1st par.)

**1.** The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing “\$13.10” by “\$13.50”.

**2.** Section 4 is amended by replacing by “\$10.45” by “\$10.80”.

**3.** Section 4.1 is amended

(1) by replacing “\$3.89” in subparagraph 1 of the first paragraph by “\$4.01”;

(2) by replacing “\$1.04” in subparagraph 2 of the first paragraph by “\$1.07”.

**4.** Section 35.0.1 is replaced by the following:

“**35.0.1.** The employer sends to the Minister the notice of collective dismissal provided for in section 84.0.4 of the Act respecting labour standards (chapter N-1.1), at the contact information published on the department’s website concerning collective dismissal, by any means providing evidence of the date of receipt, date on which the notice takes effect.”

**5.** Section 35.0.2 is amended

(1) by inserting “and, if applicable, the Québec business number” after “establishment concerned” in paragraph 1;

(2) by adding the following after paragraph 6:

“(7) the name of a representative of the employer, the representative’s position, and a telephone number and email address to contact the representative.”

**6.** This Regulation comes into force on 1 May 2021.

104786

## Notice

An Act respecting land use planning and development (chapter A-19.1)

### **Draft Order of the Minister of Municipal Affairs and Housing respecting the amendment to the land use planning and development controls provided for by Order in Council 817-2019 dated 12 July 2019**

Notice is hereby given that the Order appearing below may be made by the Minister of Municipal Affairs and Housing on the expiry of 15 days following this publication.

The draft Order amends the land use planning and development controls provided for by Order in Council 817-2019 concerning the declaration of a special planning zone to promote better management of flood zones.

More specifically, it exempts the territory of Municipalité de Saint-Joseph-du-Lac from the restrictions imposed by the controls.

The amendment must come into force rapidly to allow the municipality to undertake work to secure its territory and service roads of Municipalité de Pointe-Calumet in anticipation of the 2021 spring freshets thereby ensuring the safety of persons and property.

Further information on the draft Order may be obtained by contacting Martin Desrochers, Director, Strategic Mandates, Ministère des Affaires municipales et de l’Habitation; telephone: 418 691-2015; email: zis2019@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Order is requested to submit written comments within the 15-day period to the Minister of Municipal Affairs and Housing, 10, rue Pierre-Olivier-Chauveau, 4<sup>e</sup> étage, Québec (Québec), G1R 4J3; email: zis2019@mamh.gouv.qc.ca.

Quebec, 9 December 2020

ANDRÉE LAFOREST,  
*Minister of Municipal Affairs and Housing*

## **Draft Order of the Minister of Municipal Affairs and Housing**

An Act respecting land use planning and development (chapter A-19.1)

Amendment to the land use planning and development controls provided for by Order in Council 817-2019 dated 12 July 2019

WHEREAS the Government made Order in Council 817-2019 concerning the declaration of a special planning zone to promote better management of flood zones on 12 July 2019;

WHEREAS the purpose of that Order in Council is to solve a development and environmental problem that is both serious and urgent;

WHEREAS that Order in Council provides for the land use planning and development controls applicable within the perimeter of the special planning zone;

WHEREAS those controls are designed for flood zones;

WHEREAS analyses submitted to the Ministère des Affaires municipales et de l’Habitation and the Ministère de l’Environnement et de la Lutte contre les changements climatiques led to conclude that a project for the construction of new dikes and the implementation of a water management system for Municipalité de Saint-Joseph-du-Lac would allow to secure its territory and service roads of Municipalité de Pointe-Calumet in anticipation of the 2021 spring freshets thereby ensuring the safety of persons and property;

WHEREAS it is therefore expedient to allow the project in the territory of the municipality;

WHEREAS, in accordance with Order in Council 817-2019, the controls it provides may be amended by an order of the Minister of Municipal Affairs and Housing published in the *Gazette officielle du Québec*;

WHEREAS the controls have already been amended by Ministerial Orders dated 2 August 2019, 23 August 2019, 25 September 2019 and 23 December 2019 and by Order in Council 1260-2019 dated 18 December 2019, but it is expedient to further amend them;

WHEREAS the amendment to the controls must come into force rapidly to allow the municipality to undertake work to secure its territory and service roads of Municipalité de Pointe-Calumet in anticipation of the 2021 spring freshets thereby ensuring the safety of persons and property;

THEREFORE, the Minister of Municipal Affairs and Housing orders as follows:

THAT the land use planning and development controls applicable within the perimeter of the special planning zone provided for by Order in Council 817-2019 dated 12 July 2019, amended by Ministerial Orders dated 2 August 2019, 23 August 2019, 25 September 2019 and 23 December 2019 and by Order in Council 1260-2019 dated 18 December 2019, be further amended by inserting the following after paragraph 11.1 of the fourth paragraph of the operative part:

“(11.2) despite paragraphs 1 and 2 and any inconsistent provision of any instrument of a local municipality, regional county municipality or a metropolitan community, Municipalité de Saint-Joseph-du-Lac is authorized to make any intervention related to a dike and other structures or works required for the implementation of a water management system in connection with the protection of the territory against flooding, including a pumping station;”

ANDRÉE LAFOREST,  
*Minister of Municipal Affairs and Housing*

104783

## Draft Regulation

Professional Code  
(chapter C-26)

**Advocates, certified human resources professionals and certified industrial relations counsellors, notaries, psychoeducators**  
— **Diplomas which give access to permits of professional orders**  
— **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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends sections 1.03, 1.04, 1.18 and 1.23.1 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2), which concern the diplomas which give access to permits issued by the Barreau du Québec, the Ordre des conseillers en ressources humaines et en

relations industrielles agréés du Québec, the Chambre des notaires du Québec and the Ordre des psychoéducateurs et psychoéducatrices du Québec, respectively.

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

The draft Regulation will be submitted to the Office des professions du Québec and to the Barreau du Québec, the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, the Chambre des notaires du Québec and the Ordre des psychoéducateurs et psychoéducatrices du Québec for their opinion. The Office will seek the respective opinions of each of those orders and forward them with its own opinion to the Minister of Higher Education after consultation with the educational institutions, departments and bodies concerned.

Further information on the draft Regulation may be obtained by contacting Olivier Bois, Direction de la veille et des orientations, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912, extension 305, or 1 800 643-6912, extension 305; email: olivier.bois@opq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, acting secretary, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be sent by the Office to the Minister of Higher Education; they may also be sent to the orders as well as to interested departments and bodies.

DANIELLE MCCANN,  
*Minister of Higher Education*

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

Professional Code  
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in paragraph *e* of section 1.03 by replacing “Bachelor of Laws (B.C.L./LL.B.)” by “Juris Doctor (B.C.L./J.D.)”.

**2.** Section 1.04 is amended:

- (1) by striking out paragraph *c*;
- (2) by adding the following at the end:

“(f) Baccalauréat en administration des affaires, concentration en gestion des ressources humaines from the Université du Québec à Trois-Rivières;

(g) Baccalauréat en administration des affaires, cheminement spécialisé en gestion des ressources humaines from the Université de Sherbrooke.”

**3.** Section 1.18 is amended by replacing “Bachelor of Laws (B.C.L./LL. B.)” in subparagraph *d* of paragraph 2 by “Juris Doctor (B.C.L./J.D.)”.**4.** Section 1.23.1 is amended:

(1) by replacing “Maîtrise en psychoéducation (M.Sc.) with internships and thesis” in paragraph *a* by “professional integration report, Maîtrise en psychoéducation (M.Sc.) with internships and intervention program evaluation and Maîtrise en psychoéducation (M.Sc.) with thesis and internships”.

(2) by inserting “including a course path” before “and” in paragraph *b*.

**5.** Paragraph *e* of section 1.03, amended by section 1 of this Regulation, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the amended paragraph.

**6.** Paragraph *c* of section 1.04, struck out by section 2 of this Regulation, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the struck out paragraph.

**7.** Subparagraph *d* of paragraph 2 of section 1.18, amended by section 3 of this Regulation, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the amended paragraph.

**8.** Paragraphs *a* and *b* of section 1.23.1, amended by section 4 of this Regulation, remain applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold any of the diplomas referred to in the amended paragraphs or are registered in a program enabling them to obtain any of those diplomas.

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

104780

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

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