

Gazette
officielle

^{DU}
Québec

Part

2

No. 14

7 April 2021

Laws and Regulations

Volume 153

Summary

Table of Contents

Regulations and other Acts

Draft Regulations

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2021

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

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

Part 2 shall contain:

- (1) Acts assented to;
- (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
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	\$532
Partie 2 «Lois et règlements»:	\$729
Part 2 «Laws and Regulations»:	\$729

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$11.38 per copy.

3. Publication of a document in Partie 1:
\$1.83 per agate line.

4. Publication of a document in Part 2:
\$1.22 per agate line.

A minimum rate of \$266 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec

Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1

Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

Les Publications du Québec

Customer service – Subscriptions
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1
Telephone: 418 643-5150
Toll free: 1 800 463-2100

Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Regulations and other Acts

483-2021 Safety Code for the construction industry (Amend.)	1207
---	------

Draft Regulations

Professional Code — Performance of the activities described in sections 39.7 and 39.8 of the Professional Code	1213
---	------

Regulations and other Acts

Gouvernement du Québec

O.C. 483-2021, 24 March 2021

Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry —Amendment

WHEREAS, under subparagraphs 9, 11, 19, 21 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

—determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

—fixing the minimum age at which a worker may carry out particular work it specifies;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—determining the cases and circumstances where a label or a notice must indicate the dangers inherent in a contaminant or dangerous substance and indicate the safety measures to be taken in handling or using the contaminant or substance;

—generally prescribing any other measure to facilitate the application of the Act;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 5 August 2020 with a notice that it could be made

by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendment at its sitting of 17 December 2020;

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

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

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

YVES OUELLET

Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 9, 11, 19, 21 and 42, and 3rd par.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1 by inserting the following definitions in numerical order:

“(17.2) “non-destructive examination” means a radiographic, ultrasonic, magnetic particle or liquid penetrant examination carried out and interpreted by an equipment operator for non-destructive testing certified level 2 by the Natural Resources Canada National Non-Destructive Testing Certification Body under CAN/CGSB-48.9712 Standard, Non-Destructive Testing - Qualification and Certification of Personnel;

(26.1) “certified organization” means an organization certified by the Canadian Welding Bureau in accordance with the specifications of CSA Standard W178.1, Certification of Welding Inspection Organizations;

(28.1) “load-bearing part” means a part which bears or supports the loads inherent to the use of equipment;”.

2. Section 2.10.10 is amended by striking out paragraph 3.

3. Subdivision 2.11 is replaced by the following:

“§2.11. Electricity

2.11.1. An electrical appliance, electric tool or conductor shall be used only for the purposes for which it was designed.

2.11.2. An electrical appliance or electric tool shall be bonded or have double insulation.

2.11.3. Electrical extension cords shall

- (1) have a bonding conductor;
- (2) be designed for outdoor use;
- (3) be of the Hard Usage type for a circuit 300 volts or less, or of the Extra-Hard Usage type for a circuit 600 volts or less; and
- (4) have a capacity at least equal to the value of the circuit overcurrent device.

2.11.4. Where an extension cord is suspended, the suspension height shall allow free passage.

In addition, supports for suspending the extension cord shall not be conducting or sharp.

2.11.5. Where an extension cord passes on a floor, it shall be protected to avoid any damage or reduce risks of tripping.

2.11.6. An extension cord not in use shall be disconnected and stored.

In addition, an extension cord that has a broken, defective or repaired element shall not be used and shall be removed from the construction site.

2.11.7. Except where an energy control method provided for in subdivision 2.20 is applied, the components of an electrical circuit of more than 30 volts shall be protected to avoid any contact with a live element.

2.11.8. Subject to the provisions relating to alarm systems and fire pumps or any other provision to the contrary provided for in the Construction Code (chapter B-1.1, r. 2), the switch of a service box, a feeder or a branch circuit shall not be locked when it is in the energized position.

2.11.9. A 15A or 20A circuit at 125 volts supplying an appliance or a cord tool shall be protected by a Class A ground fault circuit interrupter.

2.11.10. A temporary electrical installation shall not be interconnected to the circuit of a permanent electrical installation, unless an appropriate warning is posted at all interconnection points or other locations that constitute a danger.

2.11.11. The distribution panel of a connection of a temporary outdoor electrical installation shall be weatherproof.

The ground in front and on each side of the panel shall be leveled, drained and free of obstructions to a distance of at least 1 metre.”.

4. Section 3.9.18 is replaced by the following:

“3.9.18. The use of a ladder jack scaffolding shall be prohibited.”.

5. Section 3.9.25 is amended

(1) by inserting “or CSA Standard B354.9, Design, calculations, safety requirements, and test methods for mast climbing work platforms (MCWPs)” after “ISO Standard 16369 - Mast-Climbing Work Platforms,” in subparagraph 1 of the first paragraph;

(2) by replacing “in compliance with the following minimum conditions” in the portion before subparagraph *a* of subparagraph 5 of the first paragraph by “in compliance with the terms and conditions of CSA Standard B354.10/B354.11, Safe use and best practices for mast climbing work platforms (MCWPs)/Training for mast climbing work platforms (MCWPs), and according to the following frequencies”;

(3) by striking out “, in compliance with section 7.1.2.9 of ISO 16369 - Mast-Climbing Work Platforms Standard, applicable at the time of the manufacture, by a qualified person” in subparagraph *a* of subparagraph 5 of the first paragraph;

(4) by replacing subparagraph *b* of subparagraph 5 of the first paragraph by the following:

“(b) every 6 months or every 120 hours of use, whichever comes first, by a qualified mechanic;”;

(5) by replacing “a welding inspector holding” in subparagraph 6 of the first paragraph by “a person holding for at least 5 years”;

(6) by adding the following at the end of subparagraph 6 of the first paragraph:

“A document confirming the examination shall be kept. The document shall contain the name and signature of the examiner and the date of the examination.

Where an examination reveals an anomaly or a sign of wear, the examination provided for in subparagraph 7 shall be performed before the motorized scaffolding may be again used.”;

(7) by replacing subparagraph 7 of the first paragraph by the following:

“(7) undergo, within 10 years after the date of manufacturing, and, then, every 5 years, a non-destructive examination of the load-bearing parts, specified by the manufacturer, in compliance with the requirements of CSA Standard W178.1 Certification of Welding Inspection Organizations.

The structure shall also be analyzed using ultrasound.

A document confirming the examination and analysis shall be kept. The document shall contain the name and signature of the examiner and the date of the examination.”.

6. Section 3.10.15 is amended by inserting “stationary” before “circular” in paragraph 2.

7. Section 3.10.16 is revoked.

8. Section 5.2.2 is replaced by the following:

“**5.2.2.** The employer who wishes to carry out work liable to bring any part, load, scaffolding, machine component or person closer to a power line than the minimum approach distance specified in section 5.2.1 may proceed with such work provided that

(a) that power line has been turned off. The employer shall ensure that no one runs any risk of being electrocuted before turning the power on again;

(b) the employer has come to an agreement with the electrical power company as to safety measures to be adopted. Before the work begins, the employer shall transmit a copy of such agreement as well as the work plan to the Commission. Such measures shall be carried out before the work begins and shall be maintained throughout the course of the work; or

(c) the employer uses extensible construction equipment, such as a backhoe, a power shovel, a crane or a dump truck, and complies with the following conditions:

i. the extensible construction equipment is equipped with a device having a first function of warning the operator or stopping the equipment from operating so that the minimum approach distance specified in section 5.2.1 is respected, and a second function of stopping the equipment from operating should the device fail to perform its first function. A written declaration signed by an engineer, certifying that the extensible equipment performs those functions and that it neither damages the equipment nor renders it unstable when it stops the equipment from operating, shall be obtained by the employer. If the device fails to operate partially or completely, or is inoperative, the employer shall cease to use the extensible construction equipment and shall obtain a new written declaration signed by an engineer before re-using the equipment;

ii. the operator of the extensible construction equipment equipped with the device referred to in subparagraph i must have received the manufacturer’s training on the proper use of the device.”.

9. Division VII is replaced by the following:

“DIVISION VII PORTABLE TOOLS

§7.0 General

7.0.1. For the purposes of this Division, “portable tool” means a tool whose weight is supported by a person during its use.

7.0.2. A portable tool shall not compromise the safety of workers. To that end, it shall

(1) be maintained in good working condition;

(2) be verified by a qualified person, where it is powered by a source of energy other than manual, before its initial use on the site and daily thereafter when it is used; and

(3) be maintained in accordance with the manufacturer’s instructions.

7.0.3. A portable tool shall be used in accordance with the manufacturer’s instructions.

It shall not be used if weather conditions may make its use dangerous.

7.0.4. Unless the manufacturer’s instructions so allow, a portable tool shall not be in operation while it is being recharged, repaired or adjusted, maintained or cleaned.

In addition, the engine shall be cooled before refueling and the portable tool shall not be started less than 3 m from the place where it was refuelled.

7.0.5. Subject to section 7.1.1.3, a portable tool shall not be modified unless the manufacturer or an engineer certifies in writing that the modification does not compromise its safety or offers the same safety as the original tool.

7.0.6. A portable tool powered by an internal combustion engine shall be used in accordance with section 3.10.17.

7.0.7. A portable tool powered by an electrical source shall be used in accordance with subdivision 2.11.

7.0.8. Subject to a special provision in this Division, the personal protective equipment provided for in subdivision 2.10 for the protection of workers against the risks of injury caused by a portable tool shall be worn during the use of the tool.

§7.1. Special provisions relating to certain portable tools

§7.1.1. Explosive actuated tool

7.1.1.1. Only a low velocity explosive actuated tool may be used.

7.1.1.2. A low velocity explosive actuated tool shall

- (1) be unloaded when not in use; and
- (2) never be left without supervision when it is loaded.

7.1.1.3. Only the manufacturer may modify a low velocity explosive actuated tool.

7.1.1.4. A low velocity explosive actuated tool may only be operated by a worker having received training and holding the certificate of low velocity explosive actuated tool operator, as provided for in Schedule 8.

7.1.1.5. No work may be performed by a low velocity explosive actuated tool operator who is less than 18 years of age.

7.1.1.6. An operator may not use a low velocity explosive actuated tool to drive

- (1) fasteners into

(a) curved or rounded objects, except if the tool is equipped with a protective device designed for such work;

(b) plaster tiles, hollow bricks or slates;

(c) cast iron, marble, granite, glazed linings and other hard and brittle materials;

(d) steel or alloys that are harder than the fastener used;

(e) hard materials in which holes have already been made, except if the tool is equipped with a device that is capable of holding back the fasteners;

(f) corner bricks or vertical mortar joints; and

(g) steel where

- i. the steel is less than 4.83 mm thick;
- ii. the point of entry of the fasteners is less than 50 mm from a weld;
- iii. the point of entry of the fasteners is less than 13 mm from an edge;

(2) fasteners with a shaft diameter equal to or less than 4.83 mm into concrete where

(a) the concrete is less than 65 mm thick or equal to 3 times the depth of penetration of the shaft of the fasteners;

(b) the point of entry of the fasteners is less than 50 mm from an unsupported edge; and

(c) the point of entry of the fasteners is less than 75 mm from another fastener that is broken.

7.1.1.7. Before firing, the operator shall ensure

- (1) that the low velocity explosive actuated tool

(a) is placed in a stable firing position; and

(b) is held so that the barrel of the tool is perpendicular to the firing surface; and

- (2) that there is no other person within firing range.

7.1.1.8. Firing incident: Where a firing incident or a misfire occurs, the low velocity explosive actuated tool shall be held in its firing position for at least 15 seconds; the tool shall then be unloaded. In such a case, the barrel of the tool shall

- (1) not be pointed toward the operator or any other person;

(2) be held pointing obliquely toward the ground; and

(3) be held as far as possible from the body of the operator.

7.1.1.9. The employer shall prohibit the use of a low velocity explosive actuated tool in shops or any other area where the concentration of inflammable vapours, gases or dust has reached the lower explosive limit.

7.1.1.10. The employer shall ensure

(1) that a low velocity explosive actuated tool is

(a) checked before its first use each day; and

(b) regularly inspected to detect worn or damaged parts, in accordance with the manufacturer's recommendations;

(2) that all parts of the low velocity explosive actuated tool have been cleaned after its use; and

(3) that the safety devices on a low velocity explosive actuated tool are in proper working order.

7.1.1.11. Only spare parts recommended by the manufacturer shall be used.

7.1.1.12. No low velocity explosive actuated tool may be used where any of its parts or accessories is defective.

7.1.1.13. When it is not in use, a low velocity explosive actuated tool shall be placed in a case designed for that purpose. The case shall contain

(1) a copy of the manufacturer's instructions for the use and maintenance of the tool;

(2) all the accessories and implements necessary for the maintenance of the tool at the work site; and

(3) a logbook recording the date of each inspection provided for in subparagraph *b* of paragraph 1 of section 7.1.1.10 as well as the date and type of each repair made.

7.1.1.14. The case provided for in section 7.1.1.13 and the boxes containing the fasteners and cartridges shall be put in a place that

(1) is kept locked; and

(2) is inaccessible to unauthorized persons.

7.1.1.15. The operator shall

(1) pick up, as work progresses, the cartridge cases that exploded;

(2) store unused cartridges in accordance with section 7.1.1.14; and

(3) dispose of used cartridges that did not explode in accordance with the manufacturer's instructions.

7.1.1.16. The following notices shall be affixed permanently and shall be clearly legible:

(1) on each low velocity explosive actuated tool:

(a) the manufacturer's name or trademark;

(b) the type and model of the tool;

(c) the strength of the maximum charge permitted by the manufacturer's specifications;

(2) on the accessories, the manufacturer's name or trademark;

(3) on each box containing fasteners:

(a) the manufacturer's name or trademark;

(b) the nominal dimensions of the fasteners;

(4) on each box containing explosive charges:

(a) the manufacturer's name or trademark;

(b) the place where it was manufactured;

(c) the strength of the explosive charge of the cartridges.

§7.1.2 Nailing gun

7.1.2.1. Definitions: For the purposes of this subdivision,

“**nailing gun**” means a device held by hand by a single operator and in which energy is transmitted in a linear manner to a steel nail charged into the device in order to drive the nail. The energy required for driving comes in particular from compressed air, combustion gas or an electrical load, but not from propellant powder;

“**dual-action contact-trip command**” means a command method in which the trigger and the nose contact element must be interlocked so that only one drive

operation is carried out by pressing the trigger while the nose contact element is pressed on the material. To repeat the operation, the trigger and the nose contact element must first return to their idle position;

“**trigger**” means a finger-actuated part that controls the arrival of energy to the driving mechanism of a nailing gun;

“**nose contact element**” means a mechanism at the end of a nailing gun that, for as long as it is not touching a material, prevents the firing of a nail;

“**framing work**” means construction work related to the structure of walls, floors and roofs. Finishing work and work for covering roofs with shingles are excluded.

7.1.2.2. A nailing gun used for framing work shall

(1) be equipped with a trigger and a nose contact element; and

(2) operate by dual-action contact-trip command.

7.1.2.3. A nailing gun shall be used

(1) in a stable position;

(2) while wearing the protective glasses described in section 2.10.5; and

(3) without pointing the nailing gun at the operator or any other person.

7.1.2.4. A nailing gun shall be disconnected from its energy source before its maintenance or unblocking.

§7.1.3 Saws

§7.1.3.1. Circular saws

7.1.3.1.1. A circular saw, except a cut-off machine, shall comply with paragraph 2 of section 3.10.15.

§7.1.3.2. Chainsaws

7.1.3.2.1. A chainsaw shall comply with CSA Standard Z62.1-15, Chainsaws, for Classes 1A and 2A.

7.1.3.2.2. A chainsaw shall not be used to cut materials other than wood, unless such use is specified by the manufacturer and the required recommended modifications have been made, if applicable.

It shall not be used inside a closed building if it has an internal combustion engine.

7.1.3.2.3. The user of a chainsaw shall wear protective footwear from among the following:

(1) footwear referred to in section 2.10.6

(a) that complies with the recommendations for the user of a chainsaw; or

(b) that has protective gaiters and that complies with Part 9 of EN Standard 381-9, Personal protective equipment for users of hand chainsaw;

(2) footwear that complies with ISO Standard 17249, Safety footwear with resistance to chainsaw cutting;

(3) footwear that complies with ISO Standard 20345, Personal protective equipment — Safety footwear, that has protective gaiters and that complies with Part 9 of EN Standard 3819, Personal protective equipment for users of hand chainsaw.

7.1.3.2.4. The user of a chainsaw shall wear pants or chaps complying with Class A, C or D of ASTM Standard F 3325-18, Standard Specification for Leg Protective Devices for Chainsaw Users.

7.1.3.2.5. The user of a chainsaw shall wear gloves that allow a grip on the chainsaw’s handles.

7.1.3.2.6. The user of a chainsaw shall

(1) start the chainsaw by firmly maintaining the front handle with the left hand and the rear handle between the knees or on the ground by standing with the right foot in the rear handle;

(2) hold the chainsaw with both hands and with feet solidly set during use; and

(3) apply the chain brake during a displacement when the engine is on.

During its use, a chainsaw shall not be held higher than the shoulders.”.

10. Schedule 7 is revoked.

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

104961

Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Performance of the activities described in sections 39.7 and 39.8 of the Code

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) that the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code, made by the Office des professions du Québec, is published as a draft and may be submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation determines places, cases and circumstances in which a person may perform the activities described in sections 39.7 and 39.8 of the Professional Code, as well as the conditions and procedures pursuant to which a person may perform those activities.

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

Further information may be obtained by contacting Marie-Christine Corriveau, advisor, physical health, Direction de la veille et des orientations, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; email: marie-christine.corriveau@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, secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Higher Education and may also be sent to interested persons, departments and bodies.

ROXANNE GUÉVIN,
Secretary of the Office des professions du Québec

Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code

Professional Code
(chapter C-26, s. 39.9)

DIVISION I DEFINITIONS

I. For the purposes of this Regulation:

“authorized professional” means any professional authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code; (*professionnel habilité*)

“entity” means any entity, except an institution, on whose behalf a person performs the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26); (*entité*)

“institution” means any institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5); (*établissement*)

“person acting within the framework of a home care program provided by an institution operating a local community service centre” means any person providing home care services on behalf of an institution that operates a local community service centre, in particular, an employee of the institution, an employee of a social economy enterprise within the meaning of the Social Economy Act (chapter E-1.1.1), an employee of a body or a worker hired by mutual agreement; (*personne agissant dans le cadre d'un programme de soutien à domicile fourni par un établissement qui exploite un centre local de services communautaires*)

“person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services” means any person acting within that framework, except for a person acting within the framework of a foster family within the meaning of the Act respecting health services and social services, unless the children entrusted to the foster family have no health problem requiring special

care; (*personne agissant dans le cadre des activités d'une ressource intermédiaire ou de type familial visée à la Loi sur les services de santé et les services sociaux*)

“rules of care” means the clinico-administrative rules governing the performance of the activities described in sections 39.7 and 39.8 of the Professional Code in an institution; (*règles de soins*)

“temporary alternative environment for children” means any childcare establishment, any day camp or vacation camp, or any respite service outside the child's home. (*milieu de vie substitut temporaire pour les enfants*)

DIVISION II

PLACES, CASES AND CIRCUMSTANCES
IN WHICH A PERSON MAY PERFORM THE
ACTIVITIES DESCRIBED IN SECTIONS 39.7
AND 39.8 OF THE PROFESSIONAL CODE

2. In addition to the places, cases and circumstances referred to in sections 39.7 and 39.8 of the Professional Code (chapter C-26), a person may perform the activities described in those sections in the following places, cases or circumstances:

(1) where the person is acting on behalf of a private seniors' residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) according to the agreement entered into between that residence and the institution of the territory where it is situated;

(2) where the person is acting on behalf of a religious corporation within the framework of subparagraph *f* of the second paragraph of section 8 of the Religious Corporations Act (chapter C-71);

(3) where the person is acting on behalf of a rehabilitation centre 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 (chapter S-5) and the person provides to a user adjustment or rehabilitation services, social and socio-occupational integration services or support services;

(4) where the person is acting, whether as a volunteer or for remuneration, on behalf of a body that provides respite and adult supervision services outside the user's home;

(5) where the person is acting on behalf of an institution or body that offers social and stimulation activities of the day centre or daytime activities type;

(6) where the person is acting on behalf of a correctional facility attached to an institution for health care management purposes.

3. A person may also perform the activities described in section 39.7 of the Code where the person is acting in a school or other temporary alternative environment for children.

DIVISION III

CONDITIONS AND PROCEDURES PURSUANT
TO WHICH A PERSON MAY PERFORM THE
ACTIVITIES DESCRIBED IN SECTIONS 39.7
AND 39.8 OF THE PROFESSIONAL CODE

4. This Division applies to

(1) any person acting in the places, cases and circumstances determined in section 2;

(2) any person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2); and

(3) any person acting within the framework of a home care program provided by an institution operating a local community service centre.

5. A person referred to in section 4 may perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) where

(1) the following conditions of training are met:

(a) the person has learned the skills related to those activities in a training program that

i. has a minimum duration of 14 hours;

ii. pertains to the standards and the routes of administration of the medications as well as the legislation governing the performance of activities related to invasive care;

iii. is recognized by the Ministère de l'Éducation, du Loisir et du Sport as well as the Ministère de la Santé et des Services sociaux; and

iv. is given by a school service centre or school board, an institution or a training provider accredited by a school service centre or school board;

(b) specifically for the activities described in section 39.7 of the Professional Code, in addition to the training described in subparagraph *a*, the person has

learned the activities related to invasive care with an authorized professional of the institution or entity where they are performed;

(2) the following conditions of performance are met:

(a) the person is supervised, when the person is performing each of those activities for the first time and until the person masters the skills required to perform them, by an authorized professional of the institution or entity where they are performed;

(b) the person is authorized to perform each of those activities by an authorized professional of the institution or entity where they are performed and that professional authorizes the person if the conditions required to perform them are met;

(c) the person complies with the rules of care in force of the institution of the territory where the entity where those activities are performed is situated;

(d) the person has access, for a rapid intervention, to an authorized professional.

6. Where an agreement between an entity and the institution of the territory where it is situated so provides, the authorized professionals of that entity are responsible for supervising and authorizing the performance of those activities in accordance with subparagraphs *a* and *b* of paragraph 2 of section 5.

Where that agreement so provides, those professionals are also responsible for the learning of the activities related to invasive care in accordance with subparagraph *b* of paragraph 1 of that section.

DIVISION IV

CONDITIONS AND PROCEDURES PURSUANT TO WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTION 39.7 OF THE PROFESSIONAL CODE IN A SCHOOL OR OTHER TEMPORARY ALTERNATIVE ENVIRONMENT FOR CHILDREN

7. A person acting in a school or other temporary alternative environment for children may perform the activities described in section 39.7 of the Professional Code (chapter C-26) where they are required, if the following conditions are met:

(1) an agreement to that effect has been entered into between the school service centre or school board having jurisdiction over that school or the temporary alternative environment for children and the institution of the

territory where they are situated. Where that school is a private educational institution referred to in section 54.1 of the Act respecting private education (chapter E-9.1), the agreement must be entered into with that institution;

(2) the person learned each of those activities with an authorized professional of an institution or school;

(3) the person was supervised, when the person performed each of those activities for the first time and until the person mastered the skills required to perform them, by an authorized professional of an institution or school;

(4) the person was authorized to perform each of those activities by an authorized professional of the institution covered by the agreement or the school and that professional authorizes the person if the conditions required to perform them are met;

(5) the person complies with the rules of care in force in the institution covered by the agreement;

(6) the person has access, for a rapid intervention, to an authorized professional.

DIVISION V

TRANSITIONAL AND FINAL

8. A person who was authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) and performed them, during the 2 years preceding (*insert the date of the coming into force of this Regulation*), in a private seniors' residence, rehabilitation centre for physically impaired persons, rehabilitation centre for mentally impaired persons, within the framework of the activities of an intermediate or family-type resource or within the framework of a home care program provided by an institution operating a local community service centre is not required, to continue to perform them, to meet the conditions of training provided for in paragraph 1 of section 5.

9. This Regulation replaces the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

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

104963

