

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 201-96, 14 February 1996

An Act to amend the Act respecting income security and other legislative provisions (1995, c. 69)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting income security and other legislative provisions

WHEREAS the Act to amend the Act respecting income security and other legislative provisions (1995, c. 69) was assented to on 15 December 1995;

WHEREAS section 27 of the Act prescribes that the provisions therein will come into force on the date or dates to be fixed by the Government, except sections 15, 16, 19 and 22 which came into force on 1 January 1996;

WHEREAS it is expedient to fix the date of the coming into force of certain other provisions of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT 1 March 1996 be fixed as the date of coming into force of sections 10, 14, 21 and 26 of the Act to amend the Act respecting income security and other legislative provisions;

THAT 1 April 1996 be fixed as the date of coming into force of sections 3 to 7, 9, 17, 23 and 25 of the Act to amend the Act respecting income security and other legislative provisions.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9608

Regulations and other acts

Gouvernement du Québec

O.C. 184-96, 14 February 1996

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule II.1 to the Act

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 16.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), replaced by section 5 of Chapter 46 of the Statutes of 1995, the pensionable salary of an employee who is released with pay for union activities is the salary paid to him by his employer and the salary, if any, paid to him by a body designated in Schedule II.1 and the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS under the first paragraph of section 13.1 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), replaced by paragraph 1 of section 23 of Chapter 46 of the Statutes of 1995, the pensionable salary of a teacher who is released with salary for union activities is the salary paid to him by his employer and, where such is the case, any salary paid to him by a body designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS under the second paragraph of that section, amended by paragraph 2 of section 23 of Chapter 46 of the Statutes of 1995, the first paragraph applies from the date on which the designation of the body in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan takes effect and the body begins to pay contributory amounts as an employer and to deduct the contributions from the pensionable salary it pays to such a teacher;

WHEREAS under section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI, and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule II.1 to that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220)

1. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1728-93 and 1729-93 dated 8 December 1993, 556-94 dated 20 April 1994, 1227-94 dated 17 August 1994, 1323-94 dated 7 September 1994 and 1322-95 dated 4 October 1995, as well as by section 14 of Chapter 74 of the Statutes of 1993 and section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the words "The Syndicat de l'enseignement du Lanaudière", "The Syndicat de l'enseignement de Pascal-Taché", "The Syndicat de l'enseignement du Sault-Saint-Louis" and "The Syndicat du personnel de l'enseignement de Chauveau".

2. This Amendment has effect from 1 March 1995 in respect of the Syndicat de l'enseignement du Lanaudière and of the Syndicat du personnel de l'enseignement de Chauveau, from 1 December 1995 in respect of the Syndicat de l'enseignement du Sault-Saint-Louis and from 1 January 1996 in respect of the Syndicat de l'enseignement de Pascal-Taché.

9607

Gouvernement du Québec

O.C. 193-96, 14 February 1996

Nurses Act
(R.S.Q., c. I-8)

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

Nurses

— Code of ethics

— Amendments

Regulation to amend the Code of ethics of nurses

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter called “the Order”, and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS pursuant to the Professional Code, the Order made the Code of ethics of nurses (R.R.Q., 1981, c. I-8, r. 4);

WHEREAS under section 87 of the Professional Code, as it read in 1992, the Bureau of a professional order shall adopt, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity; such code must contain, *inter alia*, provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by members of the Order;

WHEREAS pursuant to that section, the Bureau of the Order adopted, at a meeting held on 30 and 31 January 1992, the French and English versions of the Regulation to amend the Code of ethics of nurses;

WHEREAS in accordance with the third paragraph of section 95 of the Professional Code, as it read in the fall of 1991, the secretary of the Order sent a draft of that Regulation to every member of the Order at least thirty days before its making by the Bureau of the Order;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), that regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 21 October 1992;

WHEREAS that Regulation was accompanied by a notice indicating that it could be submitted to the Govern-

ment for approval, with or without amendment, upon the expiry of 45 days following that publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following that publication, the Chairman of the Office received no comments;

WHEREAS pursuant to section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, any regulation made by the Bureau of a professional order under that Code or the Act constituting the professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS at its sitting of 21 June 1995, the Office examined the Regulation and recommended that it be approved by the Government with amendments;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of nurses, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of nurses

Nurses Act
(R.S.Q., c. I-8, s. 3)

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

1. The Code of ethics of nurses (R.R.Q., 1981, c. I-8, r. 4) is amended by striking out the first sentence of section 3.02.02.

2. The Code is amended by inserting the following Divisions after section 4.03.01:

“DIVISION V
CONDITIONS, OBLIGATIONS AND
PROHIBITIONS RESPECTING ADVERTISING
BY A NURSING PROFESSIONAL

5.01 No nursing professional may, in any way whatsoever, engage in advertising that is false, misleading or incomplete as to the professional services he provides or will be required to provide.

5.02 In his advertising, a nursing professional may not claim to possess specific qualities or skills unless he can substantiate such claim.

5.03 In his advertising, a nursing professional may not compare the quality of his services with the services provided or that may be provided by other nursing professionals, and may not discredit or denigrate the services provided or that may be provided by other nursing professionals.

5.04 In his advertising, a nursing professional may not use or allow the use of an endorsement or a statement of gratitude.

The first paragraph does not prevent a nursing professional from mentioning in his advertising an award for excellence or any other prize underlying a specific contribution or achievement.

5.05 No nursing professional may, in any way whatsoever, engage in advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age or state of health or the occurrence of a specific event.

5.06 A nursing professional must avoid all advertising likely to tarnish the image of the profession or to impart to it a profit-seeking or commercial character.

5.07 A nursing professional may not advertise miraculous treatment or care the scientific value or effectiveness of which is not recognized.

5.08 A nursing professional who advertises prices or fees shall

- (1) establish fixed amounts;
- (2) specify the services covered by those amounts;
- (3) indicate whether or not disbursements are included in the amounts;
- (4) indicate whether additional services are required and specify whether they are included in the amounts.

The fixed amounts must remain in effect for a minimum period of 90 days after the last broadcasting or publication of the advertisement.

5.09 Any advertising by a nursing professional must be of such a nature as to adequately inform persons who have no particular knowledge of the field referred to in the advertising.

5.10 A nursing professional must keep a complete copy, in writing or on an electronic media, of every advertisement for a period of at least 5 years following the date on which it was last published or broadcast. The copy must be given to the syndic of the Order upon his request.

5.11 A nursing professional who practises in a partnership is jointly and severally responsible with the other nursing professionals for complying with the rules respecting advertising, unless the advertisement clearly indicates the names of those responsible therefor or unless the nursing professional demonstrates that the advertisement was published or broadcast without his knowledge or consent or in spite of the measures taken to ensure compliance with those rules.

DIVISION VI
GRAPHIC SYMBOL OF THE ORDER

6.01 The Ordre des infirmières et infirmiers du Québec must be represented by a graphic symbol that is in conformity with the original held by the secretary of the Order.

6.02 Where a nursing professional reproduces the graphic symbol of the Order for advertising purposes, he must ensure that such reproduction is in conformity with the original held by the secretary of the Order.

6.03 Where a nursing professional uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, he must include the following warning in the advertisement:

“This advertisement does not originate from the Ordre des infirmières et infirmiers du Québec; it commits the liability of its author only.”.

Where a nursing professional uses the graphic symbol of the Order for advertising purposes, including on a business card, he may neither juxtaposed the name of the Order nor use it otherwise, except to indicate that he is a member thereof.”.

3. This Regulation replaces the Regulation respecting advertising by nurses (R.R.Q., 1981, c. I-8, r. 12).

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

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Gouvernement du Québec

O.C. 194-96, 14 February 1996

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

**Respiratory therapists
— Conciliation and arbitration procedure
for the accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), amended by section 76 of Chapter 40 of the Statutes of 1994, the Bureau of the Ordre professionnel des inhalothérapeutes du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS under the above-mentioned section of the Code, that Bureau adopted a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order sent a draft of that Regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 August 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation respecting the conciliation
and arbitration procedure for the ac-
counts of members of the Ordre
professionnel des inhalothérapeutes du
Québec**

Professional Code
(R.S.Q., c. C-26, s. 88)

**DIVISION I
CONCILIATION**

1. A client who has a dispute with a member of the Ordre professionnel des inhalothérapeutes du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

2. A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 60-day period from the date of receipt of the account.

Where an amount has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

3. A member may not institute proceedings to recover an account for professional services before the expiry of a 60-day period from the date of receipt of the account by the client.

4. Within 3 days of receiving an application for conciliation, the syndic shall notify the member concerned; he shall also send the client a copy of this Regulation.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

6. Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 90 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute; and
- (4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

DIVISION II **ARBITRATION**

§1. Application for arbitration

8. Within 30 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

A copy of the conciliation report shall accompany the client's application for arbitration.

9. Within 3 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. Council of arbitration

13. The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$1 000 or more, and of a single arbitrator where the amount is less than \$1 000.

14. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof.

15. Before acting, the members of the council of arbitration shall take the oath in Schedule II.

16. The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

17. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 15 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The Bureau shall decide the request and, where applicable, shall see that the arbitrator is replaced.

§3. Hearing

18. The secretary of the Order shall give the parties or their advocates and the arbitrators at least 30 days' written notice of the date, time and place of the hearing.

19. The parties are entitled to be represented or assisted by an advocate.

20. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow such procedure as it considers appropriate.

21. A party requesting that the testimony be recorded shall assume the cost thereof.

22. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

§4. Arbitration award

23. The council of arbitration shall issue its award within 45 days of the end of the hearing.

24. The award shall be a majority award of the members of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

25. The costs incurred by a party for the arbitration shall be borne by that party.

26. In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that he sent with his application for arbitration.

27. In its award, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 10 % of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of

arbitration may add thereto interest and an indemnity determined in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

28. The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

29. The arbitration award shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

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

SCHEDULE I

(s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)
.....
(domicile)

declare that:

(1)
(member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to
.....
(member's name)
the amount of the arbitration award.

.....
Signature

SCHEDULE II

(s. 15)

OATH

I solemnly affirm that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

.....
Signature

Oath taken before
(name and position, profession or quality)

in , on
(municipality) (date)

.....
Signature

9605

Gouvernement du Québec

O.C. 195-96, 14 February 1996

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

Notaries**— Code of ethics**

Regulation to amend the Code of ethics of notaries

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des notaires du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS the Bureau made the Code of ethics of notaries (R.R.Q., 1981, c. N-2, r. 3);

WHEREAS under the above-mentioned section, the Bureau made the Regulation to amend the Code of ethics of notaries;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Chamber sent a draft of it to every member of the Chamber at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the regulations Act (R.S.Q., c. R-18.1), the text of the draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 25 January 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS under section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Ministère responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of notaries, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of notaries

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

1. The Code of ethics of notaries (R.R.Q., 1981, c. N-2, r. 3), amended by Order in Council 105-92 dated 29 January 1992 and by Order in Council 1239-93 dated 1 September 1993, is further amended by inserting the following after section 2.03:

“**2.04.** A notary must promptly report to the syndic of the Chambre des notaires du Québec the fact that he has reason to believe that a notary has used sums of money or other securities for purposes other than those for which they were entrusted to him in the practice of his profession.”.

2. The following is inserted after section 3.01.06:

“**3.01.07.** A notary must be familiar with the standards of professional practice provided for in the Règlement sur la tenue des dossiers et des études des notaires, as amended, and apply them to the professional services he renders.”.

3. Section 3.07.00 is amended by adding the words “in accordance with the standards of professional practice” after the word “rendered” in the first sentence of the second paragraph.

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

9604

Gouvernement du Québec

O.C. 202-96, 14 February 1996

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

Regulation to amend the Regulation respecting income security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government made, by Order in Council 922-89 dated 14 June 1989, the Regulation respecting income security;

WHEREAS it is expedient to further amend that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting income security attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 December 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the comments received have been evaluated;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT the Regulation to amend the Regulation respecting income security, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting income security

An Act respecting income security
(R.S.Q., c. S-3.1.1, s. 91, 1st par., subpars. 4, 9, 21, and 2nd par.)

1. The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995 and 1354-95 dated 11 October 1995 is further amended in section 13:

1. by deleting subparagraph 2;
2. by substituting the following for subparagraph 3;

“(3) Scale based on participation:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1	0	597	100
1	1	842	86
1	2 or more	963	95
2	0	933	110
2	1	1054	120
2	2 or more	1150	125 ”;

3. by substituting the following for subparagraph 5:

“(5) Mixed scale:

Adult(s)	Dependent children	Scale of needs	Work income excluded
1 non-participant and 1 participant	0 1 2 or more	836 957 1053	161 171 175
1 non-participant and 1 unavailable	0 1 2 or more	826 947 1043	135 134 138
1 unavailable and 1 participant	0 1 2 or more	923 1044 1140	85 84 88 ”.

2. Section 14.1 is amended by substituting the table for the following:

“Category of scales	Scale of needs	Work income excluded
Unavailability	\$231	\$ 74
Participation	251	100
Non-participation	131	174 ”.

3. Section 56 is amended by substituting the words “equivalent to the scales of needs applicable to an independent adult or to the family for the period of activity, which are prescribed in sections 7, 8, 8.1 and 9 and increased, where applicable, under section 10.2” for the words “determined according to the scale based on availability” in the first paragraph.

4. Section 61 is amended by substituting “4,333” for “4.3”.

5. Section 83 is amended

(1) by substituting “\$150” for “\$100” in the first paragraph;

(2) by adding the words “or by \$100 for the same period in the case of an independent adult referred to in section 8, 8.1, 9, 14, 14.1 or 15 or an independent adult placed in a foster family” after the word “Act” at the end of the first paragraph;

(3) by substituting “\$150” for “100” in the second paragraph;

(4) by adding the words “or by \$100 for the same period in the case of an independent adult referred to in sections 8, 8.1, 9, 14, 14.1 or 15 or an independent adult placed in a foster family” after the word “months” at the end of the second paragraph; and

(5) by substituting the words “an independent adult referred to in section 8, 8.1, 9, 14, 14.1 or 15 or an independent adult placed in a foster family, \$150 in the case of a family that has only one adult member or \$300 in other cases” for the words “a family that has only one adult member or \$200 in other cases” in the third paragraph.

6. This Regulation comes into force on 1 April 1996, except section 4 which will come into force on 1 October 1996.

9606

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 1994, c. 40)

Physiotherapists — Equivalence of diplomas and training

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit, the text of which appears below, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

In accordance with paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), amended by section 80 of Chapter 40 of the Statutes of 1994, the Regulation provides standards to be used by the Bureau of the Order to recognize that a person's diploma or training certifies that the level of knowledge attained is equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements.

According to the Order, the impact of the Regulation will be to allow the issue of a physiotherapist's permit to a person who has received a diploma issued by a teaching establishment outside Québec or who has received training that demonstrates that he has attained a level of knowledge equivalent to the level of a physiotherapist who is a member of the Order.

Further information may be obtained by contacting Mr. Paul Marcoux, syndic of the Ordre des physiothérapeutes du Québec, 1100, avenue Beaumont, bureau 530, Ville Mont-Royal (Québec), H3P 3H5, tel.: (514) 737-2770; fax: (514) 737-6431.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Comments will be forwarded by the Office to the Minister responsible for the application of legislation respecting the professions; they may also be for-

warded to the professional order that has made the regulation, as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*; 1994, c. 40, s. 80)

DIVISION I EQUIVALENCE RECOGNITION PROCEDURE

1. The secretary of the Ordre professionnel des physiothérapeutes du Québec shall forward a copy of this Regulation to a candidate wishing to have his training or a diploma recognized as equivalent.

In this Regulation, "diploma equivalence" means the recognition by the Bureau of the Order that a diploma issued by a teaching establishment outside Québec certifies that a candidate's level of knowledge is equivalent, according to the standards provided for in section 6, to the level attained by the holder of a diploma recognized as meeting permit requirements.

In this Regulation, "training equivalence" means the recognition by the Bureau of the Order that a candidate's training demonstrates that he has attained a level of knowledge equivalent, according to the standards provided for in section 8, to the level attained by the holder of a diploma recognized as meeting permit requirements.

2. A candidate applying for a diploma or training equivalence shall

(1) send an application in writing to the secretary of the Order, together with the dues required for the examination of his application, which are prescribed by the Bureau of the Order, pursuant to paragraph 8 of section 86.01 of the Professional Code, enacted by section 73 of Chapter 40 of the Statutes of 1994;

(2) provide the secretary of the Order with

(a) a copy of the diploma that the candidate holds and wishes to have recognized as equivalent;

(b) a true copy of his act of birth or, failing that, of his passport or of a certificate of Canadian citizenship or proof that the candidate was legally admitted to Canada to reside there permanently;

(c) where applicable, a document attesting to the candidate's relevant work experience; and

(3) where applicable, provide an attestation of schooling, completed by the teaching establishment that issued the diploma in respect of which a diploma equivalence is applied for or by a competent authority, describing the program of study taken, particularly the courses, practical work and clinical training sessions, and forward that attestation of schooling to the secretary of the Order.

Documents provided in support of an application for a diploma or training equivalence that are written in a language other than French or English shall be accompanied by a French or English translation, attested to by a declaration made under oath by the person who did the translation.

3. The secretary shall forward to the Bureau the documents referred to in section 2. At the first meeting following the date of receipt of those documents, the Bureau shall decide whether to grant a diploma or training equivalence, in accordance with this Regulation.

4. Within 30 days following the date of its decision, the Bureau shall inform the candidate thereof in writing and, where the decision is not to grant an equivalence, shall indicate to the candidate the programs of study, the training sessions or the examinations that must be successfully completed for the equivalence to be granted.

5. A candidate who is informed of the Bureau's decision not to grant the equivalence may apply to the Bureau for a hearing, provided that he applies therefor in writing to the secretary within 30 days of the mailing of the decision.

The Bureau shall grant a hearing within 60 days following the date of receipt of an application for a hearing and, where expedient, shall revise its decision. To that end, the secretary shall convene the candidate by means of a notice in writing sent by registered mail not less than 10 days before the date of the hearing.

The Bureau's decision is final and shall be sent to the candidate in writing within 30 days following the date of the hearing.

DIVISION II STANDARDS OF EQUIVALENCE

6. A candidate holding a diploma issued by a teaching establishment outside Québec shall be granted a diploma equivalence if the diploma was issued upon completion of university studies comprising the equivalent of at least 100 credits. Each credit shall represent 15 hours of attendance in a theoretical course and 30 hours of practical work or 45 hours of clinical training, broken down as follows:

(1) between 15 and 21 credits in basic sciences;

(2) between 4 and 8 credits in behavioural sciences;

(3) between 45 and 50 credits in physiotherapy sciences;

(4) between 6 and 10 credits in administration and research;

(5) between 18 and 24 credits in clinical professional training.

7. Notwithstanding section 6, where the diploma in respect of which an equivalence application has been filed was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the knowledge acquired by the candidate no longer corresponds to the knowledge currently being taught, taking into account developments in the profession.

In such case, a training equivalence may be granted in accordance with section 8 if the training and relevant work experience acquired by the candidate since being awarded the diploma have enabled him to acquire the required level of knowledge.

8. A training equivalence shall be granted if the candidate demonstrates that he has

(1) knowledge equivalent to that acquired by the holder of the diploma recognized by the Government under the first paragraph of section 184 of the Code; and

(2) relevant work experience of at least 5 years, particularly in the practice of physiotherapy.

9. To determine whether a candidate may be granted a training equivalence, the Bureau shall take all the following factors into account:

(1) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;

(2) the courses taken, the number of credits related thereto and the results obtained, each of the credits representing 15 hours of theoretical courses and 30 hours of practical work or 45 hours of clinical training;

(3) the professional training sessions completed and other continuing or upgrading training activities;

(4) the total number of years of schooling; and

(5) the relevant work experience.

10. Where assessing a candidate's training or work experience presents such difficulties that a judgment cannot be made on his level of knowledge, the Bureau may invite that person to take an examination or to complete a training session, or both.

11. Notwithstanding section 6 and until 1 January 1999, a person who holds a diploma issued by a teaching establishment outside Québec may be granted an equivalence where the diploma comprises only 96 credits, including only 12 credits in clinical professional training.

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

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

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