

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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## Regulations and other acts

Gouvernement du Québec

### O.C. 981-96, 14 August 1996

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

#### Commission administrative des régimes de retraite et d'assurances – Signing of certain deeds, documents or writings

Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances

WHEREAS under the first paragraph of section 144 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), no deed, document or writing binds the Commission unless it is signed by the chairman, a vice-chairman or by an officer and, in the case of an officer, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS by Order in Council 757-91 dated 5 June 1991, the Government approved the Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances;

WHEREAS it is expedient to replace that Regulation;

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

THAT the Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 144)

**1.** The officers of the Commission administrative des régimes de retraite et d'assurances who hold permanently or on an interim basis the positions mentioned in this Regulation are authorized to sign alone and with the same authority as the chairman of the Commission the contracts mentioned hereinafter, subject to the conditions prescribed under the Act respecting the Ministère des Approvisionnement et Services (R.S.Q., c. M-23.01) and the Financial Administration Act (R.S.Q., c. A-6).

**2.** Directors are authorized, within the limits of their duties, to sign any contract for services for which the commitment of the Commission does not exceed \$5 000.

In addition, the Director of Finance is authorized, within the limits of his duties, to sign any contract whatsoever for which the commitment of the Commission does not exceed \$20 000, as well as any occupancy agreement, regardless of the amount.

The expression “contract for services” in the first paragraph has the meaning given to it in the Government Services Contracts Regulation, made under the Act respecting the Ministère des Approvisionnement et Services (R.S.Q., c. M-23.01).

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

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Gouvernement du Québec

## O.C. 1020-96, 14 August 1996

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

### Regulation

#### — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions

WHEREAS under section 112 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, not later than 31 December 1996, make a regulation under section 78 or section 113 of that Act even if the regulation has not been published as required by section 8 of the Regulations Act (R.S.Q., c. R-18.1). Such a regulation shall come into force, notwithstanding section 17 of that Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation. Such a regulation may, if it so provides, apply to any class of eligible persons it determines and from any date not prior to 20 June 1996;

WHEREAS under section 113 of that Act, the Government may make any transitional provision to prescribe, with regard to the persons or classes of persons referred to in Division I of Chapter III of the Act, for the reference period it determines:

(1) what is to be done with the contributions referred to in section 14.3 of the Health Insurance Act (R.S.Q., c. A-29), as it read before being repealed by section 92 of the Act respecting prescription drug insurance and amending various legislative provisions, paid by a beneficiary from a date determined in the Regulation;

(2) the date of the expiry of a proof of exemption issued by the Board during a period determined in the regulation in accordance with sections 14.7 and 14.8 of the Health Insurance Act, as they read before being repealed by section 92 of the Act respecting prescription drug insurance and amending various legislative provisions;

(3) the cases in which the Board shall issue proof of exemption and the validity period of such proof;

(4) the amount of and cases in which the Board shall effect a reimbursement to an eligible person referred to in section 15;

(5) the conditions to be met by a pharmacist to be entitled to remuneration from the Board for the pharmaceutical services and medications referred to in section 8 provided by the pharmacist;

(6) the percentage of the cost of pharmaceutical services and medications that remains chargeable to an eligible person and the amount of the maximum contribution payable by the person, and to provide for cases of exemption with or without conditions; the coinsurance percentage and the maximum contribution for a reference period may vary according to classes of persons and within classes of persons;

WHEREAS under the first paragraph of section 116 of the Act respecting prescription drug insurance and amending various legislative provisions, the Government may, by regulation, prior to 1 August 1997, make any other transitional provision to remedy any omission and ensure the implementation of the basic prescription drug insurance plan as soon as possible after the plan is established by the Act;

WHEREAS under the second paragraph of section 116 of the Act respecting prescription drug insurance and amending various legislative provisions, a regulation made under that section is not subject to the publication requirements set out in section 8 of the Regulations Act. It shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation, notwithstanding section 17 of that Act. A regulation may, once published and where it so provides, apply from any date not prior to 1 August 1996;

WHEREAS under section 118 of the Act respecting prescription drug insurance and amending various legislative provisions, when ordering the coming into force of a provision of the Act, the Government may determine the date or dates on which the provision takes effect in respect of the classes of persons it determines;

WHEREAS by Order in Council 846-96 dated 3 July 1996, the Government made the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions;

WHEREAS it is expedient to amend that Regulation;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions**

An Act respecting prescription drug insurance (1996, c. 32, ss. 78, 1<sup>st</sup> par., subpars. 3, 112, 113 and 116)

**1.** The Regulation respecting the application of the Act respecting prescription drug insurance and amending various legislative provisions, made by Order in Council 846-96 dated 3 July 1996, is amended in section 1:

(1) by adding the following at the end of clause *a* of subparagraph 1 of the first paragraph: “, except in the case provided for in section 1.1”; and

(2) by adding the following at the end of clause *b* of subparagraph 1 of the first paragraph: “, except in the case provided for in section 1.1”.

**2.** The following is inserted after section 1:

“**1.1** For the reference period extending from 1 August 1996 to 31 December 1996, an eligible person referred to in subparagraph 1 of the first paragraph of section 1 who suffers from a severe mental disease shall contribute to paying the cost of pharmaceutical services and medications covered under the basic prescription drug insurance plan and paid for by the Régie de l’assurance-maladie du Québec pursuant to section 22 of the Act, at the time of each filling or renewal of a prescription, by making a coinsurance payment equal to 25 % of the cost of those services and medications, up to the amount of a maximum contribution fixed at \$16.67 per month for all the medications provided to him, where that person obtains at least one of the following medications as part of the treatment for his mental disease:

- (1) zuclopenthixol acetate;
- (2) mesoridazine besylate;

- (3) lithium carbonate;
- (4) promazine hydrochloride;
- (5) thioridazine hydrochloride;
- (6) trifluoperazine hydrochloride;
- (7) fluphenazine hydrochloride;
- (8) chlorpromazine hydrochloride;
- (9) loxapine hydrochloride;
- (10) lithium citrate;
- (11) clozapine;
- (12) haloperidol decanoate;
- (13) flupenthixol decanoate;
- (14) zuclopenthixol decanoate;
- (15) fluphenazine decanoate;
- (16) flupenthixol dihydrochloride;
- (17) zuclopenthixol dihydrochloride;
- (18) fluphenazine enanthate;
- (19) fluspirilene;
- (20) haloperidol;
- (21) I-tryptophan;
- (22) loxapine;
- (23) prochlorperazine maleate;
- (24) thioproperazine mesylate;
- (25) prochlorperazine mesylate;
- (26) methotrimeprazine;
- (27) pipotiazine palmitate;
- (28) pericyazine;
- (29) perphenazine;
- (30) pimozone;

- (31) prochlorperazine;
- (32) risperidone;
- (33) loxapine succinate;
- (34) thiothixene.

Notwithstanding the foregoing, the percentage of the cost of the medications referred to in subparagraphs 11 and 32 of the first paragraph which remains chargeable to the Board shall be assumed by the Board, on the condition that an application for authorization prescribed under section 72 of the Health Insurance Act (R.S.Q., c. A-29) has been forwarded to it and that,

(1) in the case of clozapine, that medication is used for the symptomatic treatment of schizophrenia in patients with normal white cells and for whom appropriate treatment with antipsychotic drugs has proven ineffective or caused intolerable side effects preventing the administration of an effective dose. The white cell differential shall be checked once a week;

(2) in the case of risperidone, that medication is used for the symptomatic treatment of schizophrenia in patients for whom appropriate treatment with antipsychotic drugs has proven ineffective or caused intolerable side effects.”

**3.** Section 3 is amended

(1) by inserting the words “or in section 1.1” after the words “in section 1”; and

(2) by substituting the words “referred to in those sections” for the words “referred to in that section”.

**4.** Section 6 is amended by inserting the words “or in section 1.1” after the words “in section 1”.

**5.** Section 8 is amended by adding “or in section 1.1” at the end.

**6.** This Regulation has effect since 1 August 1996.

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Gouvernement du Québec

**O.C. 1042-96, 21 August 1996**

Hospital Insurance Act  
(R.S.Q., c. A-28)

**Regulation**  
— **Amendments**

Regulation to amend the Regulation respecting the application of the Hospital Insurance Act

WHEREAS under section 8 of the Hospital Insurance Act (R.S.Q., c. A-28), the Government may make regulations for the carrying out of that Act;

WHEREAS the Government made the Regulation respecting the application of the Hospital Insurance Act (R.R.Q., 1981, c. A-28, r. 1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 July 1996 on page 2903, with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS the period has expired and it is expedient to make the Regulation without amendment;

WHEREAS section 18 of the Regulations Act provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the fifteenth day following that date where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of that Act provides that the reason justifying a shorter period for the coming into force shall be published with the regulation;

WHEREAS the urgency due to the following circumstances justifies such a coming into force:

— the insurance has taken the necessary measures in order for travel insurance premiums for journeys abroad to be paid by persons travelling outside Canada be adjusted from 1 September 1996 in relation with the date of coming into force announced in the draft Regulation published in the *Gazette officielle du Québec* of 3 July 1996;

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

THAT the Regulation to amend the Regulation respecting the application of the Hospital Insurance Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Regulation respecting the application of the Hospital Insurance Act**

Hospital Insurance Act  
(R.S.Q., c. A-28, s. 8)

**1.** The Regulation respecting the application of the Hospital Insurance Act (R.R.Q., 1981, c. A-28, r. 1), amended by the Regulations made by Orders in Council 1036-82 dated 28 April 1982 (Suppl., p. 80), 1180-82 dated 19 May 1982 (Suppl., p. 81), 1490-82 dated 23 June 1982 (Suppl., p. 82), 1314-83 dated 22 June 1983, 1523-83 dated 2 August 1983, 1321-84 dated 6 June 1984, 1768-84 dated 8 August 1984, 197-86 dated 26 February 1986, 1257-87 dated 12 August 1987, 1981-88 dated 21 December 1988, 113-90 dated 31 January 1990, 1100-90 dated 1 August 1990, 668-91 dated 15 May 1991, 696-91 dated 22 May 1991, 744-91 dated 29 May 1991, 498-92 dated 1 April 1992, 315-93 dated 10 March 1993 and 1379-95 dated 18 October 1995, and amended by the indexation applied pursuant to the second paragraph of section 15 of that Regulation, is further amended, in section 15:

(1) by substituting the amount "\$100.00" for the amount "\$509.00" and by substituting "\$50.00 per day" for "\$61.00 per visit" in subparagraph *a* of the first paragraph;

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

“(a.1) for a hemodialysis treatment, the price of the service, up to the amount of \$220.00 per treatment including medications;”;

(3) by striking out the second paragraph.

**2.** Any resident who left Canada before 1 September 1996 and claims a reimbursement for insured services received during his stay outside Canada in a hospital centre situated outside Canada is governed by section 15 of the Regulation respecting the application of the Hospital Insurance Act as it read before that date.

**3.** This Regulation comes into force on 1 September 1996.

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## Draft Regulations

### Draft Regulation

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1)

#### Chargeable fees and specialist titles — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, adopted by the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication.

The purpose of the Draft Regulation proposed by the Association des courtiers et agents immobiliers du Québec is to make various amendments to the By-law respecting chargeable fees and specialist titles. It also proposes to increase by 50 dollars the chargeable fees for the issue and renewal of a real estate broker's or real estate agent's certificate.

Finally, the Draft Regulation is also intended to change the terms and conditions for obtaining and withdrawing the various specialist titles that the Association may award, to make changes to certain titles and to create new ones.

According to the Association des courtiers et agents immobiliers du Québec, to date, study of the amendments has revealed no impact on the public. The amendments will have a limited impact on businesses, particularly on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Serge Cayer, Director General and Secretary, Association des courtiers et agents immobiliers du Québec, 500, boulevard René-Lévesque Ouest, bureau 700, Montréal (Québec), H2Z 1W7. Tel.: (514) 392-4800; fax: (514) 392-4801.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9<sup>e</sup> étage,

Québec (Québec), G1R 4Y5. Those comments will be forwarded by the Inspector General of Financial Institutions to the Minister of Finance.

ALFRED VAILLANCOURT,  
*Acting Inspector General of  
Financial Institutions*

### By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1, ss. 75 and 76)

**1.** The By-Law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, approved by Order-in-Council 1866-93 of December 15, 1993, amended by a By-Law to amend the By-Law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, approved by Order-in-Council 1428-95 of November 1, 1995 and amended by the indexation established in application of Section 4 of this By-Law, published in the *Gazette Officielle du Québec*, Part 1, of December 9, 1995, is amended in Section 1:

(1) by replacing the figure "409" with the figure "459" in paragraphs (1) and (2);

(2) by replacing the figure "169" with the figure "219" in paragraphs (3), (4), (5) and (6).

**2.** Section 2 of this By-Law is amended:

(1) by replacing the figure "409" with the figure "459" in paragraphs (1) and (2);

(2) by replacing the figure "169" with the figure "219" in paragraphs (3), (4), (5) and (6).

**3.** This By-Law is amended by replacing Section 5 with the following:

"The Association may award the following specialist titles:

- (1) agricultural real estate;
- (2) commercial and industrial real estate, residential income property and business transactions;
- (3) co-ownership real estate;
- (4) resort real estate;
- (5) international real estate;
- (6) residential leasing;
- (7) real estate immovable hypothecary loans.”.

**4.** This By-Law is amended by replacing Section 6 with the following:

“To obtain a specialist title, the member shall apply in writing to the Association. He shall supply a sworn statement to the effect that he devotes or intends to devote a minimum of 70 % of his activities to the field mentioned in the application.

The title of the certificate category of the member mentioned in the first paragraph is amended by deleting the words “real estate” and adding, at the end, the word “in” followed by the title obtained”.

**5.** This By-Law is amended by inserting the following four Sections after Section 6:

“**6.1.** To obtain a specialist title with the mention “specialist”, a member who is a natural person shall apply in writing to the Association. He shall supply a sworn statement to the effect that, during at least 3 of the 5 years preceding the application, he has devoted a minimum of 70 % of his activities to the field mentioned in the application and that he has taken and passed the training courses given or recognized by the Association.

The title of the certificate category of the member mentioned in the first paragraph is amended by deleting the words “real estate” and adding, at the end, the words “specialist in” followed by the title obtained.”

**6.2.** A specialist title shall be valid for the duration of the member’s certificate.

**6.3.** A member who has obtained a specialist title shall, at the Association’s request, supply a sworn statement to the effect that he has devoted and intends to devote a minimum of 70 % of his activities to the field related to this title.

The title shall be withdrawn automatically upon an affidavit by the Secretary of the Association that the member is in default to supply this statement.

**6.4.** The specialist title obtained by a member shall be withdrawn automatically upon an affidavit by the Secretary of the Association that the member has made false statements, specially with regard to the percentage of his activities devoted to the field related to this title.”.

**6.** This By-Law shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1)

### Rules of professional ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Rules of professional ethics of the Association des courtiers et agents immobiliers du Québec, adopted by the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendments.

The purpose of the Draft Regulation proposed by the Association des courtiers et agents immobiliers du Québec is to make an amendment to the Rules of professional ethics of the Association. It also proposes that a member of the Association be obliged to answer all of the correspondence of the Association in writing, including the correspondence of the syndic or of the assistant syndic.

According to the Association des courtiers et agents immobiliers du Québec, to date, study of the amendment has not showed any impact on the public. Furthermore, it has not showed any impact on businesses, particularly on small and medium-sized businesses.

Further information may be obtained from Mr. Serge Cayer, Director General and Secretary, Association des courtiers et agents immobiliers du Québec, 500, boulevard René-Lévesque Ouest, bureau 700, Montréal (Québec), H2Z 1W7. Tel.: (514) 392-4800; fax: (514) 392-4801.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9<sup>e</sup> étage, Québec (Québec), G1R 4Y5. The comments will be forwarded to the Minister of Finance by the Inspector General of Financial Institutions.

ALFRED VAILLANCOURT,  
*Acting Inspector General of  
Financial Institutions*

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### **Regulation to amend the Rules of professional ethics of the Association des courtiers et agents immobiliers du Québec**

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1, s. 75 )

**1.** The Rules of Professional Ethics of the Association des courtiers et agents immobiliers du Québec, approved by Order-in-Council 1867-93 of December 15, 1993, are amended by the insertion of the words “in writing” after the word “answer” in Section 56.

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



## Index Statutory Instruments

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

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