

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 130
19 August 1998
No. 34

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Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec
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Coming into force of Acts

Gouvernement du Québec

O.C. 998-98, 5 August 1998

An Act to establish the Grande bibliothèque du Québec (1998, c. 38) — Coming into force

COMING INTO FORCE of the Act to establish the Grande bibliothèque du Québec

WHEREAS the Act to establish the Grande bibliothèque du Québec (1998, c. 38) was assented to on 20 June 1998;

WHEREAS under section 34 of that Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 5 August 1998 as the date of coming into force of the provisions of the Act, except for subparagraph 2 of the first paragraph of section 4 and section 23;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT 5 August 1998 be fixed as the date of coming into force of the provisions of the Act to establish the Grande bibliothèque du Québec (1998, c. 38), except for subparagraph 2 of the first paragraph of section 4 and section 23.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

2462

Gouvernement du Québec

O.C. 1005-98, 5 August 1998

An Act respecting income support, employment assistance and social solidarity (1998, c. 36) — Coming into force of section 203

COMING INTO FORCE of a provision of the Act respecting income support, employment assistance and social solidarity

WHEREAS the Act respecting income support, employment assistance and social solidarity (1998, c. 36) was assented to on 20 June 1998;

WHEREAS under section 230 of the Act, its provisions come into force on the date or dates fixed by the Government, except sections 176, 177, 205, paragraph 4 of section 207, sections 214, 215, 218 and 227 which came into force on 20 June 1998, subparagraph 2 of paragraph 5 of section 207 and paragraph 7 of section 208 which came into force on 1 July 1998, but have effect since 1 June 1998 and the other provisions of sections 207 and 208 which came into force on 1 August 1998;

WHEREAS it is expedient to fix 5 August 1998 as the date of coming into force of section 203 of the Act;

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

THAT 5 August 1998 be fixed as the date of coming into force of section 203 of the Act respecting income support, employment assistance and social solidarity (1998, c. 36).

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

2455

Regulations and other acts

Gouvernement du Québec

O.C. 1013-98, 5 August 1998

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

Physicians

— Certain terms and conditions for a specialist's certificate to be issued

— Amendments

Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec

WHEREAS under section 3 of the Medical Act (R.S.Q., c. M-9), subject to the provisions of that Act, the Collège des médecins du Québec and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS pursuant to the Medical Act and to the Professional Code, the Bureau of the Collège des médecins du Québec made the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec (R.R.Q., 1981, c. M-9, r. 7);

WHEREAS under subparagraph *c* of the first paragraph of section 37 of the Medical Act, every holder of a permit is entitled to a specialist's certificate who applies therefor and who has complied with the conditions and formalities imposed in accordance with the Professional Code;

WHEREAS under paragraphs *e* and *i* of section 94 of the Code, the Bureau of a professional order may, by regulation, define the different classes of specialization within the profession and determine the other terms and conditions for issuing specialist's certificates, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS pursuant to those paragraphs, the Bureau of the Collège des médecins du Québec, at its meeting held on 19 June 1996, made the Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec, both in French and in English;

WHEREAS that Regulation, which is subject to the provisions of the Regulations Act (R.S.Q., c. R-18.1), was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 18 September 1996;

WHEREAS the Regulation was accompanied by a notice indicating that it could be submitted to the Government for approval, with or without amendments, upon the expiry of 45 days following its publication and inviting any person having comments to make to send them to the Chairman of the Office des professions du Québec before the expiry of the 45-day period;

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

WHEREAS under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendments;

WHEREAS the Regulation was transmitted to the Office, which has examined it and recommended its approval by the Government, with amendments;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec*

Professional Code
(R.S.Q., c. C-26, s. 94, pars. e and i)

1. The Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec is amended by inserting the following after paragraph 14 in Schedule I

“14.1 Emergency medicine: 60 months of training including:

(a) 24 months of clinical training in family medicine, or in disciplines related to the specialty;

(b) 24 months of training in emergency medicine;

(c) 12 months of training, the contents of which may vary according to the university programme mentioned in section 3.01.01; where the said year is not included in the university programme approved, the candidate shall propose the content thereof and have it approved by the Credentials Committee.”.

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

2459

Gouvernement du Québec

O.C. 1014-98, 5 August 1998

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

Medical technologists — Code of ethics

Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order

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 under the same section of the Professional Code, the code of ethics must contain, *inter alia*:

(1) provisions determining which acts are derogatory to the dignity of the profession;

(2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;

(3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession;

(4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a professional's obligation to release documents to his client;

(5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;

WHEREAS, at its meeting held on 1 June 1997, the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec as a replacement for the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169) presently in force;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order, at least 30 days before the adoption of the Regulation by the Bureau of the Order, sent a draft of the Regulation to every member of the Order by inserting a French version of the Regulation in the publication that the Order sent to its members, that is, *Le Sommaire*, vol. 12, no. 6, March 1997, which was accompanied by a notice indicating that the English version was available upon request;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 8 October 1997 with a notice indicating, in particular, that it could be submitted to the Government which may approve it with or without amendment upon the expiry of 45 days following the date of its publication and inviting any person having comments to make, to send

* The Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec (R.R.Q., 1981, c. M-9, r. 7) was last amended by the Regulation approved by Order in Council 676-96 dated 5 June 1996 (1996, *G.O.* 2, 2735). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

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

WHEREAS, in accordance with section 95 of the Professional Code, the Regulation was transmitted to the Office which examined it and made its recommendation;

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 Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

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

CHAPTER I GENERAL

1. This Code, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), governs the general and special duties that a medical technologist must discharge, particularly while carrying out a mandate entrusted to his care by a client.

It determines, in particular, which acts are derogatory to the dignity of the profession of medical technologist, provisions to preserve the secrecy of confidential information that becomes known to a medical technologist in the practice of his profession, conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code as well as provisions concerning a medical technologist's obligation to release documents to his client and, finally, provisions setting out conditions, obligations and prohibitions in respect of advertising by a medical technologist.

CHAPTER II DUTIES TOWARDS CLIENTS, THE PROFESSION AND THE PUBLIC

DIVISION I COMPETENCE AND INTEGRITY

2. A medical technologist shall carry out his professional duties with competence and integrity.

3. A medical technologist shall practise his profession in accordance with the generally recognized standards of practice and, to that end, he shall, in particular, keep up-to-date and improve his knowledge.

4. A medical technologist shall take into account the limitations of his qualifications and the means at his disposal.

5. In addition to the provisions of section 54 of the Professional Code, a medical technologist shall refrain from practising his profession or from performing certain professional acts in conditions or in a state liable to compromise the quality of his services.

6. A medical technologist shall refrain from conveying erroneous or incomplete results.

Before conveying results, he shall ensure that the quality controls generally recognized as necessary have been carried out.

Where a medical technologist must submit reports that he knows to be incomplete or preliminary or where he doubts the reliability of certain items therein, he shall so notify the professional who requested them.

7. A medical technologist shall not act alone in making an examination liable to disturb a client's condition in such a way that the assistance of another person might be required to remedy the situation.

8. A medical technologist shall respect the life of a client. He may not refuse to provide his professional services where a client's life is in danger.

9. A medical technologist shall bear in mind all the foreseeable consequences which his research and work may have on society.

10. A medical technologist shall, unless he has sound reasons to the contrary, support every measure likely to improve the availability and quality of professional services in the field in which he practises.

11. A medical technologist shall promote measures of education and information in the field in which he practises. He shall also, unless he has sound reasons to the contrary, do what is required to ensure such education and information relative to the field.

DIVISION II BEHAVIOUR

12. A medical technologist shall exhibit irreproachable behaviour.

He shall, in particular, act with courtesy, dignity, moderation and objectivity.

DIVISION III IMPARTIALITY AND INDEPENDENCE

13. A medical technologist shall subordinate his personal interest to that of the client.

14. A medical technologist shall, at all times, safeguard his professional independence. He shall, in particular, ignore any intervention by a third party which could affect the carrying out of his professional obligations to the detriment of his client.

15. Except for the remuneration to which he is entitled, a medical technologist shall refrain from receiving any benefit, commission or discount relating to the practice of his profession. Nor shall he pay, offer to pay or agree to pay such benefit, commission or discount.

DIVISION IV DILIGENCE AND AVAILABILITY

16. A medical technologist shall demonstrate reasonable diligence and availability.

17. A medical technologist consulted by another member of the Order by reason of his particular competence on a given matter shall provide the latter with his opinion and recommendations as promptly as possible.

DIVISION V FEES

18. A medical technologist shall charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and are in proportion to the professional services provided.

19. To determine the amount of his fees, a medical technologist shall, in particular, take the following factors into account:

- (1) his experience;
- (2) the time required for the performance of the professional service;
- (3) the complexity and scope of the professional service; and
- (4) the provision of unusual professional services or professional services requiring exceptional speed or competence.

20. A medical technologist may share his fees with another member of the Order only to the extent that such sharing corresponds to a distribution of the responsibilities and services.

DIVISION VI LIABILITY

21. A medical technologist shall commit his full personal civil liability.

He is prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes all or part of such liability. He may not sign a contract having such a clause.

DIVISION VII ADDITIONAL DUTIES WHILE CARRYING OUT A MANDATE

22. A medical technologist shall, at all times, recognize his client's right to consult another member of the Order, a member of another professional order or any other competent person.

23. If the good of a client so requires, a medical technologist shall consult another member of the Order, a member of another professional order or any other competent person or refer him to one of these persons.

24. A medical technologist shall provide a client with, in addition to opinions and advice, the explanations necessary for the evaluation and understanding of the professional services he is providing.

DIVISION VIII ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

25. The following acts, in addition to those covered by section 59 of the Professional Code, the act mentioned in section 59.1 of the Code and those that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, are derogatory to the dignity of the profession:

(1) practising the profession of medical technologist while under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties, unconsciousness or intoxication;

(2) submitting an analysis or examination report that the medical technologist knows to be false;

(3) designating one of his employees or partners as a medical technologist, where the person is not entered on the roll of the Order, or allowing such person to be so designated; and

(4) not informing the secretary of the Order, within the period fixed by section 59.3 of the Professional Code, that he is or has been the subject of a judicial or disciplinary decision referred to in section 55.1 of the Code.

DIVISION IX PROVISIONS TO PRESERVE THE SECRECY OF CONFIDENTIAL INFORMATION

26. For the purposes of preserving the secrecy of confidential information that becomes known to him in the practice of his profession, a medical technologist

(1) shall avoid indiscreet conversations concerning a client or the services provided to a client;

(2) shall refrain from making use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or another person;

(3) may consider that he is released from professional secrecy with the authorization of the client, only if the authorization is given in writing or expressly.

DIVISION X CONDITIONS AND PROCEDURE APPLICABLE TO THE EXERCISE OF THE RIGHTS OF ACCESS AND CORRECTION PROVIDED FOR IN SECTIONS 60.5 AND 60.6 OF THE PROFESSIONAL CODE AND PROVISIONS CONCERNING A MEDICAL TECHNOLOGIST'S OBLIGATION TO RELEASE DOCUMENTS TO THE CLIENT

§1. General

27. A medical technologist may require that a request covered by section 29, 32 or 35 be made and the duty be practised at his professional domicile during his regular working hours.

28. Where failing to reply within 20 days upon receiving a request covered by section 29 or 32, a medical technologist is deemed to have refused to grant it.

§2. Conditions and procedure applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code

29. In addition to the particular rules prescribed by law, a medical technologist shall promptly follow up, at the latest within 20 days upon its receipt, on any request made by the client whose purpose is

(1) to examine the documents concerning him in any record established in his respect;

(2) obtain a copy of the documents concerning him in any record established in his respect.

30. A medical technologist may only charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of a request covered by paragraph 2 of section 29.

A medical technologist requesting such fees shall, before proceeding with reproducing, transcribing or forwarding the information, inform the client of the approximate amount he will have to pay.

31. A medical technologist who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a client access to the information contained in a record established in his respect, shall inform the client in writing that the disclosure would be likely to cause serious harm to the client or to a third person.

He must also, in the same document, identify the serious harm to the client or to the third person.

§3. Conditions and procedure applicable to the exercise of the right of correction provided for in section 60.6 of the Professional Code

32. In addition to the particular rules prescribed by law, a medical technologist shall promptly follow up, at the latest within 20 days upon its receipt, on any request made by a client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect; or

(3) to file in the record that concerns him the written comments that he prepared.

33. A medical technologist who grants a request covered by section 32 shall issue to the client, free of charge, a copy of the document or the part of the document that allows the client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client were filed in the record.

34. Upon written request from the client, a medical technologist shall forward a copy, free of charge, of the corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the medical technologist received the information that was subject to the correction, deletion or comments as well as to any person to whom the information was provided.

§4. Provisions concerning a medical technologist's obligation to release documents to the client

35. A medical technologist must promptly follow up on any written request made by a client, whose purpose is to take back a document entrusted to him by the client.

A medical technologist shall indicate in the client's record, where applicable, the reasons to support the client's request.

DIVISION XI CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

36. A medical technologist shall have his name and professional title appear in his advertisement.

37. A medical technologist may not engage in, or allow the use of, by any means whatsoever, advertising that is false, incomplete, misleading or liable to mislead.

38. A medical technologist who, in his advertising, claims to possess particular skills or qualities, particularly in respect of the effectiveness or extent of his services and those generally ensured by other members of his profession, in respect of the exactness and accuracy of the results he provides or of his level of competence, shall be able to substantiate such claim.

A medical technologist who, in his advertising, ascribes particular advantages to a product or service or certain performance characteristics, claims that a pecuniary benefit will result from the acquisition or use of a product or service or claims that a product or service complies with determined standards shall be able to substantiate such claims.

39. In the practice of his profession, a medical technologist may not use advertising practices liable to denigrate or discredit any person he has dealings with in particular another member of the Order or a member of another professional order.

40. A medical technologist who advertises a lump-sum fee shall:

(1) establish a price;

(2) indicate the period during which the lump-sum fee is in effect;

(3) specify the nature and extent of the professional services included in the fee; and

(4) indicate, where applicable, that additional professional services not included in the fee might be required.

A medical technologist shall word the information and details so that persons who have no particular knowledge of medical technology or professional services covered by the advertising be reasonably informed.

A medical technologist may, however, agree with a client upon a price lower than the price broadcast or published.

41. A medical technologist shall keep a complete copy of every advertisement in its original form for at least five years following the date on which it was last authorized to be broadcast or published. The copy must be given to the syndic of the Order upon request.

42. A medical technologist who uses the graphic symbol of the Order in his advertising, except on a business card, shall include the following notice:

"This is not an advertisement of the Ordre professionnel des technologistes médicaux du Québec and therefore the liability of the Order is not incurred."

DIVISION XII**RELATIONS WITH THE ORDER AND THE OTHER PERSONS A MEDICAL TECHNOLOGIST HAS DEALINGS WITH IN THE PRACTICE OF HIS PROFESSION**

43. A medical technologist whom the Bureau or the administrative committee of the Order requests to be a member of the professional inspection committee, the committee on discipline, the review committee made under section 123.3 of the Professional Code or the council for the arbitration of accounts made pursuant to the provisions of the Regulation made under section 88 of the Code, shall accept that duty unless he has exceptional reasons for refusing it.

44. A medical technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic of the Order, where expedient from the assistant syndic or an equivalent syndic, as well as a member of the professional inspection committee, an investigator or an inspector of the committee.

45. A medical technologist shall cooperate with any person he has dealings with in the practice of his profession, in particular with the other members of the Order and the members of other professional orders and shall endeavour to establish and maintain harmonious relations.

46. A medical technologist shall not, with respect to any person he has dealings with in the practice of his profession, in particular another member of the Order or a member of another professional order, breach his trust, voluntarily mislead him, betray his good faith or use unfair practices.

He shall not take credit for work performed by another person, particularly by another member of the Order.

DIVISION XIII**CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION**

47. A medical technologist shall, insofar as possible, contribute to the development of the profession by sharing his knowledge and experience with the other members of the Order and students and by participating in activities, courses and continuing training periods organized for medical technologists.

DIVISION XIV**REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER**

48. A medical technologist who, for any purpose whatsoever, reproduces the graphic symbol of the Order shall ensure that the reproduction is true to the original held by the secretary of the Order.

CHAPTER III**FINAL**

49. This Regulation replaces the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169) and, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), the Regulation respecting advertising by medical technologists, approved by Order in Council 658-88 dated 4 May 1988 ceases to have effect on the date of coming into force of this Regulation.

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

2461

Gouvernement du Québec

O.C. 1015-98, 5 August 1998Professional Code
(R.S.Q., c. C-26)**Occupational therapists**— **Code of ethics**
— **Amendments**

Regulation to amend the Code of ethics of occupational therapists

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order 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 of the Ordre des ergothérapeutes du Québec made the Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r. 78);

WHEREAS under the same section of the Professional Code, the Code of ethics must contain, *inter alia*:

(1) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a professional's obligation to release documents to his client;

(2) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the Order;

WHEREAS the Bureau of the Ordre des ergothérapeutes du Québec made the Regulation to amend the Code of ethics of occupational therapists;

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

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 September 1997, with a notice that, in particular, it could be submitted to the Government for approval with or without amendments, upon the expiry of 45 days following its publication;

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

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 occupational therapists, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of occupational therapists(*)

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

1. The Code of ethics of occupational therapists is amended by striking out the word "professional" in paragraph *a* of section 1.01.

2. The Code is amended by substituting the following for Subdivision 7 of Division III:

"§7. Terms and conditions of the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and obligation for an occupational therapist to give documents to his client

3.07.01 An occupational therapist may require that an application referred to in sections 3.07.02, 3.07.05 or 3.07.08 be made at his place of business, during his regular working hours.

3.07.02 In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:

(1) to consult documents that concern him in any record made in his regard;

(2) to obtain a copy of the documents that concern him in any record made in his regard.

3.07.03 An occupational therapist who grants an application referred to in section 3.07.02 shall give free access to documents to his client. However, an occupational therapist may request reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of an application to which paragraph 2 of section 3.07.02 applies.

An occupational therapist requesting such fees shall, before proceeding with the copying, transcribing or sending of the information, inform his client of the approximate amount he will have to pay.

3.07.04 An occupational therapist who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies his client access to the information contained in a record made in his regard shall inform his

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r. 78) has not been amended since its revision.

client in writing that the disclosure would be likely to cause serious harm to his client or to a third party.

3.07.05 In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record made in his regard;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record made in his regard;

(3) to file in the record made in his regard the written comments that he prepared.

3.07.06 An occupational therapist who grants an application referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or part of the document to allow his client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

3.07.07 Upon written request from his client, an occupational therapist shall forward a copy, free of charge for his client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the occupational therapist received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

3.07.08 An occupational therapist must promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

An occupational therapist shall indicate in his client's record, where applicable, the reasons to support his client's application."

3. Section 4.01.01 is amended

(1) by substituting the following for that part preceding paragraph *a*:

"In addition to those referred to in sections 59 and 59.1 of the Professional Code and what may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:"

(2) by substituting the following for paragraph *d*:

"(d) failing to inform the secretary of the Order in due time where he knows that a candidate does not meet the conditions of admission to the Order, and where he believes that an occupational therapist is practising the profession in a manner likely to harm the public;" and

(3) by substituting the following for paragraph *e*:

"(e) allowing a person who is not a member of the Order to use the title "occupational therapist", or a title or abbreviation which may lead people to believe that he is a member, the abbreviation "erg.", or initials which may lead people to believe that he is a member, or the initials "O.T." or "O.T.R.", or not immediately informing the secretary of the Order where he knows that a person who is not entered on the roll of the Order uses those titles, abbreviations or initials."

4. The following division is added at the end:

**"DIVISION V
CONDITIONS, OBLIGATIONS AND PROHIBITIONS
IN RESPECT OF ADVERTISING**

5.01. An occupational therapist may mention in his advertising any information likely to help the public make an enlightened choice and to promote access to useful or necessary services.

An occupational therapist must promote the preservation and development of professionalism in his advertising.

5.02. An occupational therapist may not, by any means whatsoever, engage in or allow the use of advertising that is false, incomplete, deceptive or liable to mislead.

5.03. An occupational therapist who, in his advertising, claims to possess specific qualities or skills, particularly in respect of his level of competence or the scope or efficacy of his services, shall be able to substantiate such claim.

5.04. An occupational therapist may not use an endorsement or testimonial concerning himself in his advertising.

5.05. An occupational therapist shall indicate his name and professional title in his advertising.

5.06. An occupational therapist may not engage in advertising intended for a clientele that is vulnerable by reason of the occurrence of a specific event.

5.07. An occupational therapist must avoid, in his advertising, all methods and attitudes tending to impute a mercenary or commercialistic nature to the profession.

5.08. An occupational therapist may not resort to advertising practices likely to discredit or denigrate anyone, including another professional.

5.09. An occupational therapist must keep a complete copy of every advertisement for at least 5 years following the date on which it was last authorized to be published or broadcast. That copy must be given to the secretary of the Order upon request.

5.10. An occupational therapist who advertises professional fees or prices must do so in a manner easily understandable by persons without special knowledge of occupational therapy or the professional services covered by the advertisement and must:

(1) maintain them in force for the period mentioned in the advertisement, which may not be less than 90 days after the last authorized broadcast or publication;

(2) specify the services included in those fees or prices;

(3) indicate whether expenses are included or not;

(4) indicate whether additional services not included in those fees might be required.

However, an occupational therapist may agree with his client on an amount lower than the one advertised.

5.11. In the case of an advertisement relating to a special price or a rebate, an occupational therapist must mention the period of validity, if any, of the special price or rebate. That period may be less than 90 days.

5.12. In a statement or advertisement, an occupational therapist may not, by any means whatsoever, emphasize a price or rebate more than the service offered.

5.13. An occupational therapist who reproduces the graphic symbol of the Order for advertising purposes must make sure that it is an accurate copy of the original held by the secretary of the Order.

An occupational therapist who reproduces the name of the Order in his advertising must use the following formulation: member of the Ordre des ergothérapeutes du Québec.”.

5. In accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional orders with respect to professional advertising

and certain registers (1990, c. 76), the Regulation respecting advertising by occupational therapists (R.R.Q., 1981, c. C-26, r. 85) ceases to have effect on the date of coming into force of this Regulation.

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

2458

Gouvernement du Québec

O.C. 1024-98, 5 August 1998

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Industrial establishments — Revocation

Regulation to revoke the Regulation respecting industrial establishments

WHEREAS under section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations in matters of occupational health and safety;

WHEREAS under section 310 of the Act, regulations respecting the health, safety or physical well-being of workers made pursuant to the Environment Quality Act (R.S.Q., c. Q-2) remain in force, to the extent that they are consistent with the Act respecting occupational health and safety, until they are amended, replaced or repealed by a regulation made pursuant to the Act;

WHEREAS in accordance with sections 224 of the Act and 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 21 January 1998 with a notice that at the expiry of 60 days following that notice, it could be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS at its meeting of 21 May 1998, the Commission adopted the Regulation to revoke the Regulation respecting industrial establishments, without amendment;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to revoke the Regulation respecting industrial establishments, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting industrial establishments(*)

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 223 and 310)

- 1.** The Regulation respecting industrial establishments is revoked.
- 2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2457

Gouvernement du Québec

O.C. 1026-98, 5 August 1998

An Act respecting piping installations (R.S.Q., c. I-12.1)

Plumbing Code — English version — Replacement

Replacement of the English version of the Plumbing Code, made on 22 April 1998

WHEREAS by Order in Council 567-98 dated 22 April 1998, the Government made the Plumbing Code;

WHEREAS errors have slipped in the English version of that Regulation;

WHEREAS it is expedient to correct those errors so that both versions of the Regulation be identical;

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

THAT the English version of the Plumbing Code, made by Order in Council 567-98 dated 22 April 1998, be replaced by the English version attached hereto.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Plumbing Code

An Act respecting piping installations (R.S.Q., c. I-12.1, s. 24)

DIVISION I APPLICATION OF THE NATIONAL PLUMBING CODE

- 1.** Subject to the amendments and exceptions provided for in this Regulation, the “Code national de la plomberie — Canada 1995” (CNRC 38728f) and the “National Plumbing Code of Canada 1995” (NRCC 38728), published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, hereinafter called “the Code”, apply in Québec to the design and carrying out of works related to a plumbing system covered by the Act respecting piping installations (R.S.Q., c. I-12.1) and carried out from the date of coming into force of this Regulation.

DIVISION II AMENDMENTS TO THE CODE

- 2.** A reference in the Code to the NBC is a reference to the National Building Code of Canada adopted by reference under the Public Buildings Safety Act (R.S.Q., c. S-3) and to any later provisions amending it, in force when work is being carried out on a plumbing system.

- 3.** The Code is amended

(1) in Article 1.3.3., by inserting the following after “AWWA...American Water Works Association (6666 West Quincy Avenue, Denver, Colorado 80235 U.S.A.)”:

“BNQ...Bureau de normalisation du Québec (333, rue Franquet, Sainte-Foy (Québec) G1P 4C7)”;

(2) in Article 1.3.4., by inserting the following abbreviation after the abbreviation “No”:

“NQ... norme québécoise”;

(3) by adding the following after Article 1.4.3.:

“**1.4.4.** For the purposes of Articles 1.4.2. and 1.4.3., every application for equivalence shall be accepted by the Régie du bâtiment du Québec.

* The Regulation respecting industrial establishments (R.R.Q., 1981, c. S-2.1, r. 8) has not been amended since its revision.

1.4.5. Tests and evaluations on materials or products shall be performed following the standards in Table 1.9.3. In the absence of appropriate standards, the Régie shall determine tests or standards equivalent to those standards, the use of which is compulsory.”;

(4) by adding the following after Article 1.5.1.:

“**1.5.2.** Every concrete or paved floor or part thereof below the ground level shall include or drain toward a floor drain in its lowest part.

“

BNQ	BNQ 2613-090 (1983)	Tuyaux et raccords en fonte pour canalisation sous pression — Revêtement interne au mortier de ciment — Prescriptions générales	2.6.4.2)
BNQ	BNQ 2622-120 (1984)	Tuyaux circulaires en béton armé	2.5.3.1)
BNQ	BNQ 2622-130 (1984) (Modificatif N° 1/86)	Tuyaux circulaires en béton non armé	2.5.3.1)
BNQ	BNQ 2632-040 (1983)	Tuyaux et manchons de raccordement circulaires en amiante-ciment pour canalisations sous pression	2.5.2.1)
BNQ	BNQ 2632-050 (1983)	Tuyaux et manchons de raccordement circulaires en amiante-ciment pour canalisations gravitaires	2.5.1.1)
BNQ	NQ 3619-280 (1991)	Séparateurs de graisse — Critères de performance	2.3.2
BNQ	NQ 3623-075 (1986)	Raccords en fonte grise pour canalisations sous pression	2.6.4.3)
BNQ	NQ 3623-085 (1993)	Tuyaux en fonte ductile pour canalisations sous pression	2.6.4.1)
BNQ	BNQ 3623-095 (1985)	Raccords en fonte ductile pour canalisations sous pression	2.6.4.3)
BNQ	NQ 3624-050 (1997)	Unplasticized poly(vinyl chloride) (PVC) perforated rigid pipe and fittings, 150 mm in diameter or smaller, for underground disposal of effluents	2.5.10.1)
BNQ	NQ 3624-110 (1989) (Modificatifs N° 1, 2/95)	Tuyaux annelés semi-rigides et raccords en plastique PE ou PP, de diamètre égal ou supérieur à 300 mm, pour l'évacuation des eaux de surface, l'égout pluvial et le drainage des sols	2.5.10.1)
BNQ	NQ 3624-115 (1991) (Amendment N° 1/95)	Thermoplastic pipe — Flexible corrugated tubing and fittings for soil drainage	2.5.10.1)
BNQ	NQ 3624-120 (1990) (Amendments N° 1/90, 2/94 and 3/95)	PE or PP plastic smooth inside wall corrugated pipes and fittings for rain waters and soil drainage	2.5.10.1)
BNQ	NQ 3624-122 (1989) (Modificatif N° 1/95)	Tuyaux annelés semi-rigides ou flexibles et raccords en plastique PE ou PP de diamètre égal ou inférieur à 250 mm, pour l'évacuation des eaux de surface, l'égout pluvial et le drainage des sols	2.5.10.1)
BNQ	NQ 3624-124 (1991) (Modificatif N° 1/95)	Tuyaux annelés et raccords, rigides à paroi intérieure lisse, en plastique PE ou PP, de diamètre jusqu'à 150 mm, pour l'évacuation des eaux usées, pluviales et pour la dispersion souterraine des effluents	2.5.10.1)

1.5.3. Every paved garage adjoining the *building* or contiguous thereto shall be equipped with a sump or catch basin which serves as a floor drain.”;

(5) in Article 1.9.3., by inserting the following in Table 1.9.3. after the document incorporated by reference “ASTM D3261-93”:

BNQ	NQ 3624-130 (1997)	Unplasticized poly(vinyl chloride) (PVC) rigid pipe and fittings, 150 mm in diameter or smaller, for underground sewage applications	2.5.10.1)
BNQ	NQ 3624-135 (1994) (Amendments N° 1/95, 2/96 and 3/97)	Unplasticized polyvinyl chloride (PVC) pipe and fittings, 200 mm in diameter or larger, for underground sewage and soil drainage	2.5.10.1)
BNQ	BNQ 3624-140 (1983)	Tuyaux et raccords en plastique ABS pour l'évacuation des eaux usées et la ventilation des installations sanitaires	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3624-145 (1984) (Modificatif N° 1/95)	Tuyaux et raccords en plastique PVC pour l'évacuation des eaux usées et la ventilation des installations sanitaires	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3624-160 (1984)	Tuyauterie en thermoplastique — Manchons de dilatation pour installations d'évacuation des eaux usées	2.5.12.1)
BNQ	NQ 3624-250 (1993) (Modificatif N° 1/93)	Tuyaux et raccords rigides en polychlorure de vinyle pour adduction et distribution de l'eau sous pression	2.5.7.1)
BNQ	NQ 3632-670 (1990)	Soupapes de retenue	4.6.4.
BNQ	NQ 3667-150 (1986)	Réservoirs pour les chauffe-eau domestiques	6.1.7.
BNQ	BNQ 3751-150 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique acrylonitrile — butadiène -styrène (ABS)	2.5.10.1) 2.5.12.1)
BNQ	BNQ 3751-155 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique polychlorure de vinyle (PVC)	2.5.7.1)
BNQ	BNQ 3751-160 (1982) (Modificatif N° 1/83)	Adhésifs à solvant pour tuyaux et raccords sans pression — Collage des joints de transition entre les réseaux de tuyauterie en plastique ABS et PVC	2.5.11.1)
BNQ	BNQ 3751-165 (1982)	Adhésifs à solvant pour tuyaux et raccords en plastique polychlorure de vinyle chloré (PVC-C)	2.5.8.1)

.”;

(6) by adding the following after Subsection 1.9.:

(e) Canadian General Standards Board (CGSB);

“1.10. Approval of materials

(f) Intertek Testing Services NA Inc. (ITS);

1.10.1. Approved materials, accessories and devices

(g) Underwriters Laboratories Inc. (UL).;

(1) In a *plumbing system*, only materials, accessories or devices which are recognized or certified, under a standard mentioned in Table 1.9.3., by one of the following bodies, may be used:

(a) Canadian Standards Association (CSA);

(b) Canadian Gas Association (CGA);

(c) Bureau de normalisation du Québec (BNQ);

(d) Underwriters' Laboratories of Canada (ULC);

1.10.2. Recognition by the Régie

(1) Upon request, the Régie may recognize the use of a plumbing material, accessory or device where it may not be recognized or certified by one of the bodies mentioned in Article 1.10.1.”;

(7) in Article 4.2.1

(1) by adding the following Subclauses after Subclause (vi) of Clause (e) of Sentence (1):

“vii) a drain or overflow from a swimming pool or wading pool and the floor drains in the walk around it;

viii) a drain from the pit of an elevator, of a dumb-waiter or of an elevating device.”;

(2) by substituting the following for Sentence (2):

“2) A connection is allowed in the *offset* of a deviated *soil-or-waste stack*, only at more than

a) 1.5 m from the base of the upper section or from another connection receiving *sewage* from another *soil-or-waste stack*;

b) 600 mm higher or lower than the *nominally horizontal* part, in the upper or lower vertical section of that deviated *soil-or-waste stack*.”;

(3) by adding the following after Sentence (3):

“4) A connection is allowed only at more than

a) 1.5 m from the bottom of a *soil-or-waste stack* in a *building drain* or a *branch* that receives *sewage* from that *soil-or-waste stack*;

b) 600 mm from the top of the *building drain* or the *branch* to which that *soil-or-waste stack* is connected.

5) The *fixture drain* of a floor drain or of an appliance without a flushing system shall have a *nominally horizontal* part of at least 450 mm in *developed length*, measured between the *trap* and its connection into a *nominally horizontal offset*, a *branch* or a *building drain*. The *developed length* of a floor drain shall be increased to 1.5 m if it is connected less than 3 m from the bottom of a *soil-or-waste stack* or from a *leader*.”;

(8) in Article 4.5.4., by adding the following after Sentence (1):

“2) A *sanitary drainage system* or a *combined building drain* shall not be equipped with a *building trap*.”.

DIVISION III GENERAL

4. In the case of the renewal, alteration or repair of an existing *plumbing system*, the contractor or the owner may, if certain provisions of the Code referred to in section 1 are hardly applicable, because of their impact, propose equivalent measures to the Régie, which may accept them, in order to ensure the safety and hygiene of the *plumbing system*.

DIVISION IV TRANSITIONAL AND FINAL

5. This Regulation replaces the Plumbing Code (R.R.Q., 1981, c. I-12.1, r. 1), except for section 1.2.2 as amended by section 7 of this Regulation, sections 1.2.5., 1.3.1. to 1.3.3., Subdivision 1.4. and sections 1.4.1. to 1.4.4., which shall continue to apply after the date of coming into force of this Regulation.

6. Notwithstanding section 5, the Plumbing Code (R.R.Q., 1981, c. I-12.1, r. 1), as amended at the time of the coming into force of this Regulation, may apply to a *plumbing system* or an alteration thereto where the plans and specifications are forwarded to the Régie before 4 August 1998 and where the work begins within 12 months of such forwarding.

7. For the purposes of section 5, the Plumbing Code (R.R.Q., 1981, c. I-12.1, r. 1), amended by the Regulations made by Orders in Council 1638-83 dated 9 August 1983, 1798-84 dated 8 August 1984, 563-87 dated 8 April 1987, 1516-89 dated 13 September 1989, 56-90 dated 17 January 1990, 931-90 dated 27 June 1990, 1033-91 dated 17 July 1991, 241-92 dated 19 February 1992, 944-95 dated 5 July 1995, 993-95 dated 19 July 1995 and 8-97 dated 7 January 1997, is further amended in section 1.2.2. by deleting the words “ville de Montréal-Nord,” in subsection 1.

8. This Regulation comes into force on 4 August 1998.

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Draft Regulations

Draft Regulation

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

Engineers

— Diploma equivalence

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 Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des ingénieurs du Québec, adopted by the Bureau of the Ordre des ingénieurs du Québec and whose text appears below, may be submitted to the Government for approval, with or without amendments, upon the expiry of 45 days following this publication.

According to the Ordre des ingénieurs du Québec, the purpose of that Regulation is to correct the reference made to a diploma equivalence standard established by an organization outside Québec consequently to a Superior Court judgment which has invalidated the present text, although the Order has appealed from that judgment.

Further information may be obtained by contacting Mr. Hubert Stéphanne, Director General and Secretary of the Ordre des ingénieurs du Québec, 2020, rue University, 18^e étage, Montréal (Québec) H3A 2A5; tel. (514) 845-6141, fax: (514) 845-1833.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3. They will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

ROBERT DIAMANT,
Chairman of the Office des professions du Québec

Regulation to amend the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des ingénieurs du Québec

Professional Code
(R.S.Q., c. C-26, s. 86.01, par. 7, s. 93, par. c, s. 94.1; 1994, c. 40, s. 73, s. 80, par. 2; s. 82)

1. The Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des ingénieurs du Québec, approved by Order in Council 1695-93 dated 1 december 1993, amended by Order in Council 392-96 dated March 27, 1996 is again amended by substituting the following for section 8:

“**8.** A candidate who holds a diploma issued by an educational establishment outside Québec shall be granted a diploma equivalence if the diploma was issued upon completion of a university-level program of studies that

1° meets the accreditation standards of the Canadian Council of Professional Engineers, including any subsequent amendment made to it;

2° has been accredited by an organization which has signed a bilateral recognition agreement with the Order, if this agreement complies with the accreditation standards of the Canadian Council of Professional Engineers.”.

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

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Index Statutory Instruments

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

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Physicians — Certain terms and conditions for a specialist's certificate to be issued (Professional Code, R.S.Q., c. C-26)	3671	M
Piping installations, An Act respecting ... — Plumbing Code — Replacement of the English version (R.S.Q., c. I-12.1)	3681	M
Plumbing Code — Replacement of the English version (An Act respecting piping installations, R.S.Q., c. I-12.1)	3681	M
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Professional Code — Medical technologists — Code of ethics (R.S.Q., c. C-26)	3672	N
Professional Code — Occupational therapists — Code of ethics (R.S.Q., c. C-26)	3677	M
Professional Code — Physicians — Certain terms and conditions for a specialist's certificate to be issued (R.S.Q., c. C-26)	3671	M

