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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 449-99, 21 April 1999

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

Bailiffs

— Terms and conditions for the issue of a permit

Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec

WHEREAS under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des huissiers de justice du Québec may, by regulation, determine the other terms and conditions for issuing permits, specialist's certificates or special authorizations, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines;

WHEREAS under paragraph *h* of that section, the Bureau may also determine, among the professional acts that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such acts;

WHEREAS under that section of the Code, the Bureau made the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in the *Gazette officielle du Québec* of 4 March 1998, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS under section 95 of the Code, the Office des professions du Québec 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 respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec

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

DIVISION I ISSUE OF A PERMIT

1. The Bureau of the Chambre des huissiers de justice du Québec shall issue a permit to practise the profession of court bailiff to a person who meets the following requirements:

(1) subject to section 20, he is the holder of a diploma that gives access to the permit issued by the Chambre and recognized by the Government under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or an equivalent to that diploma recognized by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Code or has received an equivalent training recognized by the Bureau under that subparagraph;

(2) he has taken the training course in accordance with Division II;

(3) he has passed the professional examination in accordance with Division III;

(4) he has successfully completed the professional training period in accordance with Division IV;

(5) he has completed an application for a permit and paid the fees fixed for the granting of a permit determined under paragraph 8 of section 86.0.1 of the Code;

(6) he has authorized the Bureau to inquire about his integrity and financial situation.

DIVISION II TRAINING COURSE

2. The Secretary of the Chambre shall administer the training course under the authority of the Administrative Committee.

3. The training course shall have a duration of at least four weeks and include the following:

(1) practical work relevant to the particular skills to meet the following objectives:

— serve proceedings, calculate time limits and establish proof of service;

— enforce judicial decisions that are executory, in particular, seize movables and immovables in execution, produce minutes, assess movable property, consult to the appropriate registers, carry out sales by court order, and produce a statement of collocation and distribution of the amounts realized;

— execute writs of possession;

— execute warrants for witness, or for committal;

— carry out sales by court order;

— make material ascertainment;

— perform any other duties assigned to a bailiff by law or by a court;

— serve proceedings on a party domiciled or residing in another province in Canada or another country, or issued by a foreign court or tribunal;

(2) the law and the regulations related to the practice of the profession, in particular the Professional Code, the Court Bailiffs Act (R.S.Q., c. H-4.1), the regulations made under those statutes, as well as bookkeeping, registers and trust accounts;

(3) professional behaviour in the exercise of judicial constraint, in particular, in crisis situations, and the social behaviour of an officer of justice;

(4) knowledge related to the charters of rights and freedoms, the Act respecting the Régie du logement (R.S.Q., c. R-8.1), the Act respecting the collection of certain debts (R.S.Q., c. R-2.2) and the Consumer Protection Act (R.S.Q., c. P-40.1).

4. Upon recommendation of the Secretary, the Administrative Committee shall determine the dates of the training course each year, where it will be held and the number of sessions required. The Secretary shall advise each candidate of the beginning of a session at least 30 days in advance.

DIVISION III PROFESSIONAL EXAMINATION

5. The professional examination is in writing and shall be held once a year, on the date, at the time and at the place determined by the Administrative Committee.

6. The purpose of the professional examination relating to the knowledge and skills acquired by the candidate shall be to evaluate the candidate's behaviour and practical judgment in concrete situations.

The examination shall evaluate the candidate with respect to the service of proceedings, the enforcement of judicial decisions that are executory, the performance of any other duties assigned to a bailiff by law, the production of minutes and professional law.

7. A candidate who has completed the professional training period shall be notified of the examination at least 45 days in advance.

8. The minimum pass mark for the examination is 60 %. Failing that, the candidate shall take the examination again at the following sitting.

The mark obtained at the examination, with the indication "Pass" or "Fail", shall be sent to the candidate by mail as soon as possible.

9. The candidate may sit for the examination a maximum of three times, unless he demonstrates to the Administrative Committee's satisfaction that he has successfully completed an additional training period to remedy his deficiencies.

10. Registration for the examination under false pretences, plagiarizing, being an accomplice to it or attempting to plagiarize during the examination shall result in a "Fail" mark for that examination.

DIVISION IV TRAINING PERIOD

11. The purpose of the training period is threefold: to enable the candidate to acquire the appropriate maturity, autonomy and experience for the practice of the profession of bailiff in Québec, to incorporate his knowledge and skills into concrete work situations and to apply them to real decision-making contexts.

12. To be eligible for the training period, the candidate shall complete an application on the form prescribed by the Bureau, meet the condition prescribed in paragraph 1 of section 1, have completed the training course prescribed in paragraph 2 of section 1 and pay the fees fixed by the Bureau in accordance with paragraph 8 of section 86.0.1 of the Code.

However, the candidate may not act as a trainee before having obtained a trainee's certificate from the Bureau at his training director's request.

13. A trainee is qualified, under the authority and responsibility of the training director, to serve written proceedings issued by any court if he states that he is a trainee, and to perform any duty prescribed in section 8 of the Court Bailiffs Act.

However, he may not enforce judicial decisions that are executory and may not perform any other duty assigned to a bailiff by law or by a court unless he does so under the immediate supervision of his training director who shall co-sign the minutes.

14. The training period shall last six months and shall be carried out as full time employment, performing duties the nature of which is compatible with the activities related to the practice of the profession.

15. The training director shall meet the following criteria:

(1) have been entered on the roll for at least two years; and

(2) not have been the object of a disciplinary decision within the last five years.

The training director shall not supervise or be responsible for more than one trainee at a time.

16. Upon the written request of a trainee, the Bureau may decide to:

(1) authorize a change in training directors; or

(2) authorize the interruption of a training period, to be resumed at a later time.

17. At the end of the training period, an evaluation report shall be prepared by the candidate and the training director. The report shall contain the information required to determine whether the candidate has acquired the maturity, autonomy and experience necessary to practise the profession of bailiff in Québec. Also, the report shall list different situations in which the candidate practised and give the training director's evaluation.

18. The Administrative Committee shall examine the evaluation report and give its opinion to the Bureau concerning the validity of the training period in light of the objectives contemplated in section 11.

At the first meeting following the date of receipt of the notice prescribed in the first paragraph, the Bureau shall decide whether or not the candidate has met the objectives of the training period. Within 30 days, the Secretary shall send a written notice of the decision to the candidate by issuing an attestation of his passing or failing.

Where the candidate has failed the training period, the Secretary shall notify the candidate of the reasons supporting the Bureau's decision. However, it may not issue an attestation of that decision without giving the training director and the trainee the chance to be heard.

19. A trainee who has failed the training period shall complete another training period of six months in accordance with the conditions given in this Division.

A trainee's certificate may not be renewed for more than two periods not exceeding six months each.

DIVISION V TRANSITIONAL AND FINAL

20. Until the date of coming into force of a regulation made by the Government under the first paragraph of section 184 of the Code, a candidate is deemed to have met the condition prescribed in paragraph 1 of section 1, if he is the holder of a diploma of college studies in legal technology awarded by the Minister of Education.

21. This Regulation does not apply to candidates who were admitted to their training period before its coming into force.

22. This Regulation replaces Divisions II, III and IX of the Regulation respecting the application of the Bailiffs Act (R.R.Q., 1981, c. H-4, r. 2) which continue to apply with respect to candidates who were admitted to their training period before the date of the coming into force of this Regulation.

23. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and shall remain in force for a period of three years.

Gouvernement du Québec

O.C. 450-99, 21 April 1999

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

Dietitians

— Code of ethics

— Amendments

Regulation to amend the Code of ethics of dietitians

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, the code of ethics must contain, *inter alia*, 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 that Code, as well as provisions concerning a professional's obligations to release documents to his client;

WHEREAS the Bureau of the Ordre professionnel des diététistes du Québec made, by regulation, the Code of ethics of dietitians approved by Order in Council 48-94 dated 10 January 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Bureau of the Ordre professionnel des diététistes du Québec made the Regulation to amend the Code of ethics of dietitians;

WHEREAS in accordance with section 95.3 of the Professional Code, the secretary of the Order sent a draft of the Regulation to every member of the order at least 30 days before the Bureau made the Regulation;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, in draft form, in Part 2 of the *Gazette officielle du Québec* of 18 February 1998, with a notice that it could be submitted to the Government which might approve it, with or without amendment, at the expiry of 45 days following the date of its publication;

WHEREAS, in accordance with 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 Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of dietitians, the text of which is attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of dietitians*

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

1. The Code of ethics of dietitians is amended in section 3 of the French version by substituting the word "diététiste" for the word "membre".

2. The Code is amended by substituting the following subdivision for subdivision 7 of Division II:

"§7. *Accessibility and correction to records*

30. A dietitian who has a record in respect of which a client has made a request for access or correction pursuant to his rights under sections 60.5 and 60.6 of the Professional Code shall reply to the request without delay and no later than 20 days following the date of the request.

30.1. For the purposes of the first paragraph of section 60.5 of the Professional Code, a client shall have access, free of charge, to the documents contained in any record a dietitian has established in his respect. Notwithstanding the foregoing, fees not exceeding the cost of transcribing, reproducing or forwarding the documents may be charged to the client. A dietitian charging such fees shall, before reproducing, transcribing or forwarding the documents, inform the client of the approximate amount payable.

30.2. A dietitian who refuses the request for access or correction shall notify the client of the refusal in writing, stating the grounds therefor and informing the client of his recourse.

* The Code of ethics of dietitians was approved by Order in Council 48-94 dated 10 January 1994 (1994, *G.O.* 2, 668) and has not been amended since that date.

30.3. For the purposes of section 60.6 of the Professional Code, a dietitian who agrees to the correction shall issue to the client, free of charge, a copy of the document so that the client may see the corrected or deleted information or, as the case may be, an attestation that the client's comments have been filed in the record.

The client may require the dietitian to send, without charge, a copy of any corrected information, or an attestation that outdated or irrelevant information has been deleted, to the person from whom the dietitian received the information or to any other person to whom the information was communicated.

30.4. A dietitian who holds information referred to in a request for access or correction shall, if he denies the request, keep the information for as long as necessary to allow the client to exhaust his recourses under the law.

30.5. A dietitian shall promptly return, upon request by a client, any document entrusted to him by the client.”.

3. Section 41 is amended by substituting the following:

“**41.** The Ordre professionnel des diététistes du Québec is represented by a graphic symbol identical to the original held by the secretary of the Order.

A dietitian who reproduces the Order's graphic symbol for advertising purposes shall ensure that it is identical to the original held by the secretary of the Order.

A dietitian who uses the Order's graphic symbol in a statement or advertisement, except for business cards showing that he is a member of the Order, must include a warning to the effect that the statement or advertisement, as the case may be, does not emanate from and is not binding upon the Ordre professionnel des diététistes du Québec.”.

4. Section 43 is amended by adding the words “in such manner as to mislead the public or create a false impression” at the end of paragraph 2.

5. 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. 451-99, 21 April 1999

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

Respiratory therapists
— Code of ethics

Code of ethics of respiratory therapists of 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 that section, 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 Professional 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 the Bureau of the Ordre professionnel des inhalothérapeutes du Québec adopted the Code of ethics of respiratory therapists of Québec, replacing the Code of ethics approved by Order in Council 556-88 dated 20 April 1988;

WHEREAS under section 95.3 of the Professional Code, a draft of the Regulation was sent 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 Regulation was published, in draft form, in Part 2 of the *Gazette officielle du Québec* of 22 October 1997, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following its publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec 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 respiratory therapists, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of respiratory therapists of Québec

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

DIVISION I DUTIES AND OBLIGATIONS TOWARD THE PUBLIC

1. This code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties of all members of the Ordre professionnel des inhalothérapeutes du Québec.

2. A respiratory therapist shall support every measure likely to improve the quality and availability of respiratory therapy professional services.

3. A respiratory therapist shall take into account all foreseeable consequences to public health liable to result from his research and work.

4. A respiratory therapist shall practise his profession in accordance with the highest possible standards, and shall maintain and perfect his knowledge and skills to this end. A respiratory therapist shall furthermore seek to improve his attitudes and correct them if necessary.

5. A respiratory therapist shall promote measures of education and information relevant to respiratory therapy. He shall also perform those acts necessary to ensure such education and information.

DIVISION II DUTIES AND OBLIGATIONS TOWARD CLIENTS

§1. *General provisions*

6. Before performing a professional act, a respiratory therapist shall take into account the limitations of his knowledge, abilities, and means at his disposal.

7. A respiratory therapist shall at all times respect a client's wish to consult another member of the Order or a member of another professional order.

8. A respiratory therapist shall refrain from practising his profession under conditions or in situations likely to impair the quality of his services or the dignity of the profession.

9. A respiratory therapist shall endeavour to establish a relationship of mutual trust between himself and his client. To this end, he shall deliver his services in a personalised manner.

§2. *Integrity*

10. A respiratory therapist shall discharge his professional duties with integrity.

11. If the client's welfare so requires, the respiratory therapist shall consult a member of the Order or a member of another professional order or refer him to one of these persons.

§3. *Availability and diligence*

12. A respiratory therapist shall demonstrate reasonable availability and diligence.

13. In addition to opinion and advice, a respiratory therapist shall provide his client with the explanations necessary to understand and appreciate the services rendered.

14. Before ceasing to perform his duties on behalf of a client, a respiratory therapist shall ensure that the termination of services is not prejudicial to the client.

15. A respiratory therapist shall not refuse to render services where the client's life is in danger.

§4. *Independence and impartiality*

16. A respiratory therapist shall subordinate his personal interests to those of his client.

17. A respiratory therapist shall ignore any intervention by a third party that might influence the performance of his professional duties to the detriment of his client.

18. A respiratory therapist shall refrain from intervening in his client's personal affairs on questions that are not within the scope of his professional competence.

19. A respiratory therapist shall safeguard his professional independence at all times, and shall avoid any situation in which he could be in conflict of interest.

§5. *Liability*

20. In the practice of his profession, a respiratory therapist shall assume full civil liability. He is thus prohibited from including in a contract for professional services any clause that directly or indirectly excludes all or part of such liability.

§6. *Professional secrecy*

21. A respiratory therapist is bound by professional secrecy in accordance with section 60.4 of the Professional Code.

22. A respiratory therapist shall avoid all indiscreet conversation about a client or services rendered to a client.

§7. *Accessibility of, and corrections to, records*

23. Where a respiratory therapist exercises his profession for a public body governed by the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1), the Act respecting health services and social services (R.S.Q., c. S-4.2), or the Act respecting health services and social services for Cree and Inuit Native Persons (R.S.Q., c. S-5), he shall respect the rules of accessibility and correction of files provided for in such acts.

24. Access to information contained in a record is free for the purposes of section 60.5 of the Professional Code. Nevertheless, fees not exceeding the costs of transcription, reproduction, or transmission may be charged to the client. A respiratory therapist who intends to charge fees under this section must inform the client of the amount that will be charged before transcribing, reproducing, or transmitting the information.

25. A respiratory therapist who has in his possession a record in respect of which a request for access or correction has been made must accede to such request with due diligence and not later than 20 days after receipt thereof.

26. A respiratory therapist who grants a request for correction pursuant to section 60.6 of the Professional Code shall, without charge, deliver to the client a copy of all information that has been changed or added or, as the case may be, a certification that information has been deleted.

The client may require the respiratory therapist to transmit a copy of the information or certification, as the case may be, to the person from whom such information was obtained or to any other person to whom such information was given.

27. A respiratory therapist who refuses to grant a request for access or correction shall notify the client in writing, giving reasons and informing him of his recourses.

28. A respiratory therapist who has information in respect of which a request for access or correction has been denied shall continue to keep such information during such time as will allow the client to exhaust his recourses under the law.

29. A respiratory therapist shall, with due diligence, deliver to a client who so requests all documents entrusted to him by the client.

§8. *Determination and payment of fees*

30. A respiratory therapist shall only charge or accept fees that are fair and reasonable, warranted under the circumstances, and proportional to the services rendered.

31. In determining his fees, a respiratory therapist shall, in particular, take the following factors into account:

- (1) his experience;
- (2) the time required to execute the professional service;
- (3) the degree of difficulty and importance of the service;
- (4) the performance of unusual services or services requiring exceptional competence or speed.

32. A respiratory therapist shall provide his client with all the explanations the client needs to understand the statement of fees and method of payment.

33. Insofar as possible, a respiratory therapist shall inform his client of the anticipated cost of his services before rendering them.

34. A respiratory therapist shall refrain from demanding advance payment of his fees. He may, however, by written agreement with the client, require payment on account to cover disbursements that are necessary for the execution of the required professional services.

35. A respiratory therapist shall not charge interest on outstanding accounts without first duly notifying his client. The rate of interest charged must be reasonable.

36. Before having recourse to legal proceedings, a respiratory therapist must have exhausted all other means at his disposal for obtaining payment of his fees.

37. Where a respiratory therapist entrusts the collection of his fees to another person, he shall ensure that such person acts with tact and moderation.

DIVISION III DUTIES AND OBLIGATIONS TOWARD THE PROFESSION

§1. Derogatory acts

38. In addition to the acts mentioned in sections 59 and 59.1 or acts that might be in breach of section 59.2 of the Professional Code, the following constitute acts that are derogatory to the dignity of the profession:

(1) practising the profession while under the influence of alcohol, drugs, hallucinogens, narcotics, anaesthetics, or any other substance liable to compromise the quality of his services or the client's safety;

(2) voluntarily abandoning a client who requires supervision, or refusing to provide care without sufficient cause and without ensuring competent relief in those cases where he can reasonably do so;

(3) ignoring or changing a medical prescription;

(4) entering false information into a client's record, or inserting notes under another person's signature;

(5) altering notes previously entered into a client's record, or replacing any part thereof with the intention of falsifying them;

(6) urging someone repeatedly or insistently, whether personally or through a partnership, group, association, legal person, or another natural person, to use his professional services;

(7) using confidential information to the detriment of a client with a view to obtaining a direct or indirect benefit for himself or another person;

(8) sharing his fees with another person who is not a member of the Order;

(9) receiving, paying, or undertaking to pay any benefit, rebate, or commission in connection with the practice of his profession, other than the remuneration to which he is entitled;

(10) failing to report to the Order, without delay, any person appropriating the title of respiratory therapist.

§2. Relations with the Order, colleagues, and other professionals

39. A respiratory therapist whose participation on a committee is requested by the Order shall accept that duty insofar as it is possible for him to do so.

40. A respiratory therapist shall reply promptly to all correspondence from the Order, and in particular, from the syndic or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee or one of its members, an inspector, an investigator, or a committee expert, whenever any such person requests information or explanations concerning any matter relating to the practice of the profession.

41. A respiratory therapist shall not, in respect of any person with whom he has dealings in the exercise of his profession, notably another member of the Order or a member of another professional order, betray such person's good faith or be guilty of breach of trust or disloyal practices in his regard.

In particular, a respiratory therapist shall not take credit for work done by another person.

42. A respiratory therapist shall give his opinion and recommendations within a reasonable time when consulted by a member of the Order.

§3. Contribution to the advancement of the profession

43. A respiratory therapist shall, insofar as he is able, contribute to the development of his profession by sharing his knowledge and experience with colleagues

and students and by taking part in the activities, courses, and refresher training periods organized by members of the Order.

DIVISION IV CONDITIONS, RESTRICTIONS, AND OBLIGATIONS IN RESPECT OF ADVERTISING

44. In all advertising, a respiratory therapist shall indicate his name and his title of respiratory therapist.

45. A respiratory therapist may mention in his advertising any information liable to help the public make a wise choice and to favour access to useful or necessary services.

46. A respiratory therapist shall avoid all advertising that may discredit the image of the profession.

47. No respiratory therapist shall directly or indirectly advertise in such a way as to denigrate or discredit another person, or disparage a service or product provided by such other person.

48. No respiratory therapist shall engage in, or allow the use of, by any means whatever, advertising that is false, misleading, incomplete, or liable to mislead, or that plays on the emotions of the public.

49. No respiratory therapist shall advertise or allow advertising in such a way as to possibly unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

50. A respiratory therapist shall not claim to possess specific qualities or skills, or make representations, particularly in respect of his level of competence or the range or effectiveness of his services and services generally rendered by other members of the Order, unless he can substantiate such claims.

51. A respiratory therapist who advertises fees or prices shall do so in a manner that can be understood by members of the public who have no special knowledge of respiratory therapy and he shall

(1) set fixed fees or prices;

(2) specify the nature and scope of the services included in the fees or prices;

(3) indicate whether additional services or products may be required that are not included in the fees or prices;

(4) indicate whether expenses or other disbursements are included in the fees or prices.

The fees or prices must remain in effect for a period of at least 90 days following the date of the last broadcast or publication of the advertisement. However, a lower price may always be agreed upon with a client.

52. When advertising a discount on fees or prices, a respiratory therapist shall state the regular prices and the period during which such discount is valid. This period may be shorter than 90 days.

53. A respiratory therapist shall keep a complete copy of every advertisement in its original form for a period of five years following the date of its last broadcast or publication. This copy must be submitted to the secretary or the syndic of the Order upon request.

54. A respiratory therapist practising in partnership is solidarily liable with the other professionals for ensuring observance of the rules respecting advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of measures taken to ensure observance of these rules.

DIVISION V USE OF THE GRAPHIC SYMBOL OF THE ORDER

55. Where a respiratory therapist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol conforms to the original held by the secretary of the Order.

56. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, he shall include the following warning in the advertisement, except on business cards:

“This advertisement does not originate from the Ordre professionnel des inhalothérapeutes du Québec and is the responsibility of its author solely.”

57. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, including business cards, he shall not juxtapose or otherwise use the name of the Order, except to indicate that he is a member thereof.

58. This Regulation replaces the Code of ethics of respiratory therapists of Québec, approved by Order in Council 556-88 dated April 20, 1988.

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

Gouvernement du Québec

O.C. 452-99, 21 April 1999

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

Optometrists

— **Equivalence standards for the issue of a permit**

Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec

WHEREAS under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS the Bureau of the Ordre des optométristes du Québec has duly adopted the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec;

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 30 June 1998, 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 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, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec

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

DIVISION I

PROCEDURE FOR RECOGNITION OF
EQUIVALENCE

1. The secretary of the Ordre des optométristes du Québec shall forward a copy of this Regulation to those who ask that their diploma issued by an educational institution outside Québec or their training be recognized as equivalent.

2. A person who wishes to be granted a diploma or training equivalence shall provide the secretary of the Order with the following documents that are necessary to support his application, together with the file processing fees prescribed by a resolution adopted under paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26):

(1) his academic record, including a description of the courses taken with the number of related credits and the marks obtained;

(2) proof that the diploma was obtained;

(3) an attestation that he has participated in a professional training period or any other continuous training or upgrading activity; and

(4) an attestation and a description of any relevant work experience.

The person may provide any other document he deems useful.

3. Any document sent in support of an application for diploma or training equivalence and not written in French or English shall be accompanied by a French or English translation attested by a declaration under oath by the person who did the translation.

In this Regulation,

“diploma equivalence” means the recognition by the Bureau of the Order that a person's diploma issued by an educational institution outside Québec demonstrates that the person has reached a level of knowledge that is equivalent, according to the standards provided for in section 7, to the level reached by the holder of a diploma recognized as meeting the requirements for the permit;

“training equivalence” means the recognition by the Bureau of the Order that a person’s training demonstrates that he has reached a level of knowledge that is equivalent, according to the standards provided for in section 9, to the level reached by the holder of a diploma recognized as meeting the requirements for the permit.

4. The secretary shall forward the documents mentioned in section 2 to the committee formed by the Bureau of the Order to examine applications for diploma or training equivalence and to make recommendations to the Bureau. The committee shall be composed of at least 3 optometrists who have been entered on the roll of the Order for more than 5 years. The committee may interview any person applying for a diploma or training equivalence.

At the first meeting following the receipt of the recommendation, the Bureau shall decide whether it will grant a diploma or training equivalence, in accordance with this Regulation.

5. Within 30 days of its decision, the Bureau shall inform the person of its decision in writing and, if the equivalence is denied, the Bureau shall inform the person of the programs of study, training sessions or examinations which, taking into consideration his current level of knowledge, must be completed or passed within the time prescribed by the Bureau for the equivalence to be granted.

6. A person whose application for diploma or training equivalence is not granted may apply to the Bureau for a hearing, provided that the person applies therefor in writing to the secretary of the Order within 30 days following the mailing of the Bureau’s decision not to grant the equivalence.

Within 90 days following the date of receipt of the application for a hearing, the Bureau shall hear that person and, where expedient, shall review its decision. Not less than 10 days before the date of the hearing, the secretary shall convene the person by means of a written notice sent by registered mail.

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

DIVISION II **DIPLOMA EQUIVALENCE STANDARDS**

7. A person holding a diploma in optometry issued by an educational institution outside Québec shall be granted a diploma equivalence if the diploma was obtained upon

completion of university studies comprising 141 credits or the equivalent, 123 of which shall be apportioned as follows:

(1) 26 credits in biological and biomedical sciences, pertaining in particular to human and ocular anatomy, general and ocular histology, general and ocular physiology, general and ocular pharmacology, general and ocular pathology and microbiology;

(2) 34 credits in optics, pertaining in particular to geometric, physical, ophthalmic and physiological optics;

(3) 41 credits in optometrical sciences, pertaining in particular to general optometry, orthoptics, contact lenses and low vision;

(4) 22 credits obtained following a clinical training period, particularly in general optometry, in orthoptics, contact lenses and low vision.

Each credit shall represent 15 hours of attendance in class or 45 hours worked in the course of a training period.

8. Notwithstanding section 7, where the diploma in respect of which an application for equivalence has been filed was acquired 3 years or more prior to the application, the diploma equivalence shall be denied if the person’s knowledge at the time of the application no longer corresponds, considering the developments in the profession, to the subject content being taught in a program of study leading to a diploma recognized by regulation of the Government as meeting the requirements for the permit.

In such a case, a training equivalence may be granted under section 9 if the training received since then has enabled the person to reach the required level of knowledge.

DIVISION III **TRAINING EQUIVALENCE STANDARDS**

9. A person shall be granted a training equivalence if he demonstrates that his knowledge is equivalent to the knowledge acquired by the holder of a diploma recognized by the Government under the first paragraph of section 184 of the Code.

10. Notwithstanding section 9, where the training in respect of which an application for equivalence has been filed was acquired 3 years or more prior to the application, equivalence shall be denied if the person’s knowl-

edge at the time of the application no longer corresponds, considering the developments in the profession, to the subject content being taught in a program of study leading to a diploma recognized as meeting the requirements for the permit.

11. To determine whether a person has the training required under section 9, the Bureau shall consider the following factors:

- (1) the diplomas awarded to the person in Québec or elsewhere;
- (2) the courses taken, the number of related credits and the marks obtained;
- (3) the training periods completed and other continuous training or upgrading activities;
- (4) the total number of years of schooling; and
- (5) the relevant work experience.

Where assessing a person's training is too difficult to determine his knowledge of the field, the person may be called for an interview or required to write an examination or to complete a training period, or all three for the purpose of the assessment.

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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Gouvernement du Québec

O.C. 454-99, 21 April 1999

Police Act
(R.S.Q., c. P-13)

Amount payable by the municipalities for the services of the Sûreté du Québec
— Amendments

Regulation to amend the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec

WHEREAS under paragraph 10 of section 6.1 of the Police Act (R.S.Q., c. P-13), the Government may make regulations with respect to the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the amount payable by the municipalities for

the services of the Sûreté du Québec by Order in Council 326-92 dated 4 March 1992;

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 draft Regulation to amend the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec was published in the *Gazette officielle du Québec* of 16 December 1998, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments on the draft regulation were received before the expiry of the said period;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec⁽¹⁾

Police Act
(R.S.Q., c. P-13, s. 6.1, par. 10)

1. The Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec is amended by substituting the following for section 1:

“1. For the purposes of this Regulation, “contribution” means the amount that a municipality must pay to the Government for police services of the Sûreté du

¹ The Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, made by Order in Council 326-92 dated 4 March 1992 (1992, *G.O.* 2, 1115), was last amended by the Schedule to Chapter 73 of the Statutes of 1996. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

Québec pursuant to section 64.3, 64.4 or 73.1 of the Police Act (R.S.Q., c. P-13). The amount of the contribution is established according to all the police services provided to the municipality by the Sûreté du Québec or partial or supplementary services or services provided during special events.”.

2. Section 2 is amended by inserting the words “police services of the Sûreté du Québec, except for partial or supplementary services or services provided during special events for” after the words “The amount of the contribution for”.

3. The following is substituted for section 10:

“**10.** Notwithstanding section 9, the rate by which the standardized real estate value of a municipality resulting from an amalgamation that came into force after 31 December 1990 is multiplied is, for any of the first 11 fiscal years following the last fiscal year that began before the amalgamation came into force, the product obtained by multiplying the rate that would otherwise be applicable under section 9 by the coefficient established in accordance with the second or third paragraph, as the case may be.

For the purpose of establishing the rate referred to in the first paragraph for any of the first eight fiscal years following the last fiscal year that began before the amalgamation came into force, the coefficient referred to in that paragraph is the quotient obtained by dividing the aggregate referred to in subparagraph 1 by the product referred to in subparagraph 2:

(1) the aggregate of the contributions payable, by the municipalities whose territories have been amalgamated, for the last fiscal year that began before the amalgamation came into force;

(2) the product obtained by multiplying the aggregate of the standardized real estate values of the municipalities referred to in subparagraph 1 for the second fiscal year preceding the fiscal year referred to in that subparagraph by the rate appearing in Column B of Schedule I opposite the range, in Column A of that Schedule, that comprises the total population of the municipalities on 1 January of the fiscal year referred to in subparagraph 1.

For the purpose of establishing the rate referred to in the first paragraph for any of the ninth, tenth and eleventh fiscal years following the last fiscal year that began before the amalgamation came into force, the coefficient referred to in that paragraph is the sum obtained by adding to the quotient established in accordance with the second paragraph one-quarter, one-half or three-

quarters, depending on whether it is for the ninth, tenth or eleventh fiscal year, the difference obtained by subtracting that quotient from 1.000000.

For the purposes of the second paragraph, a situation described in section 1 is deemed to have existed for the entire fiscal year referred to in subparagraph 1 of that paragraph and, if that fiscal year precedes the 1992 fiscal year, this Regulation and the legislative provisions to which it refers are deemed to have applied during the fiscal year.

Notwithstanding section 3, the product resulting from the multiplication referred to in the first paragraph, the quotient resulting from the division referred to in the second paragraph and the results of the operations referred to in the third paragraph are expressed as a decimal number comprising 5 decimals. The fifth decimal is increased by 1 where the sixth decimal would have been greater than 4.”.

4. The following is substituted for section 11:

“**11.** The Minister of Public Security shall collect the contribution.”.

5. Section 12 is amended by

(1) adding the following before the first paragraph:

“The Minister of Municipal Affairs shall send to the Minister of Public Security no later than 28 February of each fiscal year, the list of the local municipalities as of 1 January of the fiscal year referred to, giving the populations and the standardized real estate value for each one.”;

(2) by deleting the second paragraph.

6. The following is substituted for section 13:

“**13.** Where a municipality ceases to be in a situation described in section 1 after 1 January of the fiscal year, or begins to be in such a situation after that date, the Minister of Public Security shall modify his list accordingly.”.

7. Section 14 is amended

(1) by substituting the following for the first paragraph:

“**14.** No later than 31 March of each fiscal year, the Minister of Public Security shall send, to each municipality on the list drawn up under the second paragraph of section 12 for the fiscal year, a written demand for payment of the contribution.”;

(2) by inserting the words “of Public Security” after the words “the Minister” in the second paragraph.

8. The following is substituted for section 15:

“**15.** Where a municipality began to be in a situation described in section 1 after 1 January of the fiscal year, the Minister of Public Security may send a demand for payment of the contribution, even after 31 March. In such a case, the dates of 30 June and 31 October referred to in the second paragraph of section 17 shall be replaced by the last day of the third and seventh months, respectively, following the month during which the demand is sent.”.

9. Section 16 is amended

(1) by substituting the following for the first paragraph:

“**16.** Where a municipality ceases to be in a situation described in section 1 after 1 January of the fiscal year for which the contribution is payable, the Minister of Public Security may send it a written notice of the amount it must pay.”;

(2) by substituting the words “a demand sent previously” for the words “the demand” in the second paragraph.

10. Section 17 is amended

(1) by substituting the words “of Public Security” for the words “of Municipal Affairs” in the first paragraph;

(2) by adding the words “of Public Security” after the word “Minister” in the third paragraph.

11. Section 18 is amended by substituting the words “of Public Security” for the words “of Municipal Affairs” in the first paragraph.

12. The following is substituted for section 20:

“**20.** The Minister of Public Security may collect the amount payable by withholding any sum that he should otherwise pay to the municipality in default or, where the withholding is insufficient to cover all of the amount payable, by requesting of any other Minister or Government body responsible for paying the municipality a sum referred to in section 19, to withhold all or part of that sum, in such a manner that the total withholdings made in accordance with this section cover the total amount payable.”.

13. Section 22 is amended by adding the words “of Public Security” after the word “Minister”.

14. The following Division is inserted after section 25:

“DIVISION 4.1
CONTRIBUTION FOR PARTIAL OR
SUPPLEMENTARY SERVICES AND SERVICES
PROVIDED DURING SPECIAL EVENTS

25.1. The contribution payable for services provided by the Sûreté du Québec for partial or supplementary services or services provided during special events is calculated using the following formula:

(Number of officers x Number of hours) x Hourly remuneration + employer contributions + general costs).

Hourly remuneration is determined on the basis of the average of the annual salaries of an officer at the 36-month, 48-month and 60-month levels, in force on 1 July of the preceding year, divided by 1966 hours. That average is established on the basis of the remuneration determined in the collective agreement of the officers of the Police Force. Where overtime services are provided, the hourly rate is increased by 50 %.

Employer contributions consist of contributions to the pension plans (current service), the Régie de l'assurance-maladie du Québec, the Régie des rentes du Québec and the Commission de la santé et de la sécurité du travail, according to the rate and contribution limits in force on 1 July of the preceding year.

General costs are established at 15 % of hourly remuneration.

25.2. The municipality must pay the amount payable within 30 days of receipt of the invoice.

25.3. Sections 11 and 18 to 22 of the Regulation apply to this Division, *mutatis mutandis*.”.

15. Sections 26 to 28 are revoked.

16. The following is substituted for Schedule I:

“SCHEDULE I

(s. 9)

**RATE MULTIPLIERS FOR THE STANDARDIZED
REAL ESTATE VALUE**

A Population	B Rate
0 to 3000	0.00180
3001 to 3100	0.00184
3101 to 3200	0.00191
3201 to 3300	0.00198
3301 to 3400	0.00205
3401 to 3500	0.00211
3501 to 3600	0.00217
3601 to 3700	0.00223
3701 to 3800	0.00228
3801 to 3900	0.00233
3901 to 4000	0.00238
4001 to 4100	0.00242
4101 to 4200	0.00247
4201 to 4300	0.00251
4301 to 4400	0.00254
4401 to 4500	0.00258
4501 to 4600	0.00262
4601 to 4700	0.00265
4701 to 4800	0.00268
4801 to 4900	0.00272
4901 to 5000	0.00275
5001 to 5100	0.00279
5101 to 5200	0.00285
5201 to 5300	0.00291
5301 to 5400	0.00296
5401 to 5500	0.00301
5501 to 5600	0.00307
5601 to 5700	0.00311
5701 to 5800	0.00316
5801 to 5900	0.00321
5901 to 6000	0.00325
6001 to 6100	0.00329
6101 to 6200	0.00334
6201 to 6300	0.00338
6301 to 6400	0.00341
6401 to 6500	0.00345
6501 and +	0.00350

Notwithstanding the rate multipliers for the standardized real estate value applicable to a municipality, the maximum contribution payable by the municipality shall not exceed \$1 500 000.”.

17. Schedule II is revoked.

18. 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. 459-99, 21 April 1999

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

Safety Code for the construction**— Amendments****Quality of the work environment****— Amendments**

Regulation to amend the Safety Code for the construction industry and the Regulation respecting the quality of the work environment

WHEREAS under subparagraphs 3, 7, 9, 19, 21 and 42 of the first paragraph of 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 respecting the matters set forth therein;

WHEREAS under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

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

WHEREAS in accordance with section 224 of the Act and with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995 with a notice that, at the expiry of 60 days following the notice, it could be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission adopted, with amendments, the Regulation to amend the Safety Code for the construction industry and the Regulation respecting the quality of the work environment at its sitting on 15 May 1997;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Safety Code for the construction industry and the Regulation respecting the quality of the work environment, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry and the Regulation respecting the quality of the work environment

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 3, 7, 9, 19, 21 and 42, 2nd and 3rd pars.)

1. The following is inserted after section 3.23.1. of the Safety Code for the construction industry*:

“3.23.1.1. For the purposes of this subdivision,

“work carried out outside” means work entirely carried out elsewhere than in a building used, having been used or intended to be used to shelter or receive persons, animals or things;

“protective clothing” means clothing that:

- (a) resists the penetration of asbestos fibres;
- (b) covers the worker’s body, excluding his face, hands and feet;
- (c) is closed at the neck, wrists and ankles.”.

2. Section 3.23.2. is amended

(1) by substituting the following for paragraph *a* of subsection 1:

“(a) the installation, handling or removal of manufactured goods containing asbestos, provided they are and remain in a non-friable condition, such as:

- i. vinyl tiles;
- ii. acoustic tiles;
- iii. gaskets;
- iv. seals;
- v. asbestos cement products;”;

(2) by substituting the words “for the purpose of gaining access to a work area where friable materials containing asbestos are found” for the words “on which friable materials containing asbestos may be found” in paragraph *a* of subsection 2;

(3) in subsection 3:

(a) by inserting, after “3.23.2.”, the words “the handling or” in paragraph *a*;

(b) by substituting the following for paragraph *f*:

“(f) subject to paragraph *e* of subsection 2 of section 3.23.2., the handling or removal of friable material containing crocidolite or amosite;

(g) subject to paragraph *e* of subsection 2 of section 3.23.2., the total or partial removal of false ceilings on which friable materials containing asbestos is found.”.

3. The following is substituted for section 3.23.3.:

“3.23.3. The employer shall determine the types of asbestos present in the materials before undertaking work liable to generate asbestos dust.

3.23.3.1. The use of crocidolite or amosite or of a product containing either of those materials is prohibited, except where their replacement is not reasonable or feasible in practice.

3.23.3.2. Before demolition work is undertaken, materials liable to generate asbestos dust shall be removed.”.

4. Section 3.23.4. is amended by substituting the words “and the installation of friable insulating materials containing asbestos are prohibited” for the words “is prohibited”.

5. Section 3.23.6. is amended by substituting the words “, eating, drinking or chewing any substance” for the words “or eating”.

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6) was last amended by the Regulations approved by Orders in Council 1279-98 dated 30 September 1998 (1998, *G.O.* 2, 4259) and 1413-98 dated 28 October 1998 (1998, *G.O.* 2, 4441). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

6. Section 3.23.7. is amended:

(1) by substituting the word “undertaking” for the words “a worker undertakes” in the first paragraph.

(2) by substituting the word “employer’s” for the word “contractor’s” in subparagraph 1 of the first paragraph;

(3) by substituting the word “worker’s” for the word “workers’” in subparagraph 4 of the first paragraph.

7. The following is substituted for sections 3.23.8. to 3.23.10.:

“**3.23.8.** Before undertaking in a building work covered by this subdivision:

(1) all furniture shall be removed from the work area or protected by airtight film;

(2) all friable materials that contain asbestos and that are spread in the work area shall be removed in accordance with either of the following methods:

(a) after having wet those materials thoroughly;

(b) with a vacuum cleaner equipped with a high-efficiency filter.

3.23.9. Friable materials that contain asbestos and that are likely to be spread shall be kept thoroughly wetted for the duration of the work, except where the procedure may create a danger to the health, safety and physical integrity of the worker and where the danger cannot be eliminated by another means.

3.23.9.1. Before moving kilns, boilers or similar devices made entirely or partly of refractory materials containing asbestos, the employer shall cover them entirely with an airtight film.

3.23.10. During work, debris of materials containing asbestos shall be placed in airtight containers appropriate to the type of debris, regularly during the work shift and at the end of the work shift. Debris shall be removed by means of a vacuum cleaner equipped with a high-efficiency filter or by wetting the debris before it is removed.

The containers shall be placed in such a way as to cause no inconvenience.

Where work is being carried out outside, the employer shall also prevent the dispersal of the debris of materials containing asbestos by using airtight film or any other equivalent means.”

8. Section 3.23.13. is amended by striking out the words “and warnings” in the second paragraph.

9. Section 3.23.14. is amended by substituting the words “protective footwear” for the words “safety shoes”.

10. The following is inserted after section 3.23.14.:

“**3.23.14.1.** On a construction site where low-risk work is being carried out, except for the work referred to in paragraph *a* of subsection 1 of section 3.23.2., an employer shall ensure that any worker present in the work area wears a respirator that meets either of the following standards:

(1) it is approved by the National Institute for Occupational Safety and Health (NIOSH) for protection against asbestos and listed in the NIOSH Certified Equipment List dated 30 September 1993;

(2) it is certified at a minimum FFP2 in accordance with EN-149 Standard, “Respiratory protective devices — Filtering half masks to protect against particles — Requirements, testing, marking” of the European Committee for Standardization, by a laboratory recognized by the latter.

That equipment shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 “Selection, Use, and Care of Respirators”.”

11. The following is substituted for sections 3.23.15. and 3.23.16.:

“**3.23.15.** On a construction site where moderate-risk work is being carried out, an employer, in addition to the obligations provided for in sections 3.23.3. to 3.23.14., shall comply with the following:

(1) a reusable respirator fitted with a high-efficiency filter approved by the National Institute for Occupational Safety and Health (NIOSH) for protection against asbestos and listed in the NIOSH Certified Equipment List dated 30 September 1993 shall be worn by any worker present in the work area; that respirator shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 “Selection, Use, and Care of Respirators”;

(2) notwithstanding subsection 1, a respirator that complies with the provisions of subsection 1 or 2 of section 3.23.16. shall be worn in the following cases:

(a) for the handling or removal of friable material containing crocidolite or amosite;

(b) for any work covered by paragraph *d* of subsection 2 of section 3.23.2.;

(3) protective clothing shall be worn by any person present in the work area and the clothing worn shall be used exclusively for carrying out such work;

(4) the employer shall ensure that the protective clothing is clean and dry at the beginning of each day on which it is to be used;

(5) the employer shall cause reusable protective clothing to be washed or shall cause it to be cleaned by means of a vacuum cleaner equipped with a high-efficiency filter before reuse;

(6) where a worker wears winter work clothes, the employer shall provide disposable protective clothing so that the worker can at all times wear two layers of disposable protective clothing over his winter work clothes;

(7) where a person wearing disposable protective clothing leaves the work premises referred to in this section, the employer shall ensure that the clothing is placed in a plastic bag supplied by him and he shall ensure that the bag is hermetically sealed immediately;

(8) the employer shall ensure that a worker does not wear or carry his work clothes and protective footwear outside the work premises referred to this section, unless they have been washed or cleaned by means of a vacuum cleaner fitted with a high-efficiency filter;

(9) during work to recover friable materials containing asbestos, the employer shall isolate the work area with an enclosure made of materials impervious to asbestos fibres;

(10) during work to remove false ceilings for the purpose of gaining access to a work area where friable materials containing asbestos are found, the employer shall isolate the work area with an enclosure made of materials impervious to asbestos fibre and protect the building's ventilation system from any contamination;

(11) the employer shall post a sign at the entrance to each work area. That sign shall be yellow, 500 millimetres high by 350 millimetres wide and shall indicate in black letters of the size specified below the following information in the following order:

Information	Size of letters
ASBESTOS	50 mm
DANGER	40 mm
Do not breathe dust	15 mm
Protective equipment must be worn	15 mm
No admittance	15 mm
Inhaling asbestos dust may be harmful to your health	10 mm;

(12) where there is no enclosure such as referred to in subsections 9 and 10, the work area shall be marked off by hazard signs.

3.23.16. On a construction site where high-risk work is being carried out, other than the work mentioned in section 3.23.16.1., an employer shall fulfil the obligations provided for in section 3.23.15., except those provided for in paragraphs 1, 2 and 5 of that section, and the following obligations:

(1) a half-facepiece or full-facepiece respirator approved by the National Institute for Occupational Safety and Health (NIOSH) for protection against asbestos and listed in the NIOSH Certified Equipment List dated 30 September 1993 shall be worn by any worker using electric tools not fitted with a dust collector equipped with a high-efficiency filter or by any worker handling thoroughly wetted friable materials containing asbestos; the respirator shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 "Selection, Use and Care of Respirators" and shall comply with one of the following types:

(a) a powered air-purifying respirator with a high-efficiency particular filter;

(b) a supplied-air respirator operated in continuous-flow positive-pressure mode or in a pressure-demand mode with positive pressure;

(2) notwithstanding subsection 1, a supplied-air and continuous-flow positive-pressure adjusted, or pressure demand and positive pressure, half-facepiece or full-facepiece respirator, approved by the National Institute for Occupational Safety and Health (NIOSH) for protection against asbestos and listed in the NIOSH Certified Equipment List dated 30 September 1993 shall be worn by any worker who is in one of the following situations:

(a) in the presence of friable materials containing asbestos that are not thoroughly wetted;

(b) in the presence of crocidolite or amosite, where the readings made under subsection 4 give concentrations equal to or greater than 10 fibres/cm³;

(3) before work begins, the employer and the principal contractor shall identify in writing the following information and make it available in the work area:

(a) the equipment and tools necessary to carry out the work and the measures to be taken in order to install, use, care for, protect and move them;

(b) the hazards, and the health and safety measures to be taken depending on the work to be carried out;

(c) the types of asbestos and other contaminants that may be encountered during the work;

(d) the individual and group protective devices and equipment that must be used;

(e) the measures to be taken in case of emergency, which shall include, in particular, locating emergency exits in the work area and the exits through which the building can be evacuated;

(4) the employer shall take a sample of the concentration of airborne breathable asbestos fibres in the work area, in accordance with section 13 of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15), at least once per shift during the work, send it immediately to a laboratory for analysis and take reasonable measures to obtain the results of those analyses within 24 hours; the results shall be recorded in a register that is available on the work premises during all the work;

(5) the employer shall ensure that reusable protective clothing is washed before it is reused;

(6) the employer shall make available to each worker working in the work area a street clothes changing room and a work clothes changing room, between which a shower room is set up so that workers may shower before putting on their street clothes; those facilities shall be set up in the following manner:

(a) they shall be contiguous to the work area;

(b) the changing rooms and shower room shall be located in separate, communicating rooms used exclusively for that purpose;

(c) only the street clothes changing room may connect directly with the exterior of the work area;

(d) the street clothes changing room shall contain at least one locker per worker present in the work area;

(e) there shall be at least 0.14 cubic metres of storage space in each locker and at least 600 mm of space in front of each row of lockers;

(7) the employer shall ensure that any worker leaving the work area follows the decontamination procedure described below:

(a) workers shall remove their disposable protective clothing in the work clothes changing room and treat them as waste or shall remove their reusable protective clothing and put it immediately in a receptacle filled with water or, where clothes are washed in the work clothes changing room, in the tub of a washer filled with water;

(b) workers shall remove their work clothes and protective footwear in the work clothes changing room and those articles, before being put away, shall be washed or cleaned by means of a vacuum cleaner equipped with a high-efficiency filter;

(c) workers shall wash and remove their safety helmets and respirators under the shower; disposable cartridges shall be thrown into a garbage can and the other parts of the respirator shall be washed under the shower and then hung to dry in a clean area free of dust;

(d) workers shall shower immediately before entering the street clothes changing room;

(e) work clothes and protective footwear shall be washed before being transported outside the work premises referred to in this section; where the work clothes are winter clothes, they shall be cleaned by means of a vacuum cleaner equipped with a high-efficiency filter and placed in an airtight bag and the employer shall cause them to be dry cleaned and water-proofed;

(8) the work area and the work clothes changing room sealed off from the rest of the building by an airtight enclosure that has an exhaust ventilation system. The ventilation system shall meet the following standards:

(a) it shall be equipped with a high-efficiency filter;

(b) it shall provide at least 4 changes of air per hour;

(c) it shall ensure negative pressure of between 1 and 4 pascals;

(9) notwithstanding paragraph 8, when work is done outdoors, an airtight enclosure is required only for the work clothes changing room; in such case, the travel area of workers that connects the work area and the work clothes changing room shall be marked off by hazard signs;

(10) at the beginning and end of each shift, the employer shall ensure that the airtight enclosure is in good condition. If the enclosure is punctured or becomes defective, the work shall cease until the enclosure is repaired;

(11) the air vents of the building's ventilation system shall be sealed off from the work area before the work begins and shall be kept sealed during the work;

(12) upon completion of the work, it shall be prohibited to dismantle the airtight enclosure or to remove the airtight drop sheets before the concentration of airborne respirable asbestos fibres in the work area drops to less than 0.01 fibres/cm³. That reading shall be taken in accordance with section 13 of the Regulation respecting the quality of the work environment.

3.23.16.1. An employer handling or removing friable materials containing asbestos whose volume of debris exceeds 0.03 cubic metres without exceeding 0.3 cubic metres, for each minor renovation or specific regular maintenance work, shall fulfil the obligations provided for in subsections 3, 4 and 6 to 12 of section 3.23.15., those provided for in subsections 1 and 2, in paragraph e of subsection 7 and in subsections 10 and 11 of section 3.23.16., as well as the following obligations:

(1) the employer shall ensure that disposable protective clothing is used;

(2) the work area shall be sealed off from the rest of the building by an airtight enclosure that has a ventilation system equipped with a high-efficiency filter; notwithstanding the foregoing, where work is done outdoors, the airtight enclosure is not required;

(3) the following decontamination procedure shall be applied before any worker leaves the work area:

(a) the enclosure shall be cleaned by wetting or by means of a vacuum cleaner equipped with a high-efficiency filter;

(b) after removal of protective clothing, the respirator and the safety helmet shall be cleaned by wetting;

(c) the worker shall wash the parts of his body that have been exposed to dust containing asbestos.”.

12. Section 5 of the Regulation respecting the quality of the work environment” is amended by substituting the following for the second paragraph:

“The use of crocidolite or amosite or of a product containing either of those materials shall be prohibited, except where their replacement is not reasonable or feasible in practice.”.

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

2810

M.O., 1999

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services to designate a breast cancer detection centre

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate a breast cancer detection centre under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

THAT the following breast cancer detection centre be designated for the Mauricie and the Centre-du-Québec regions:

Hôpital Ste-Croix
570, rue Heriot
Drummondville (Québec)
J2B 1C1

Québec, 15 April 1999

PAULINE MAROIS,
*Minister of State for Health and Social Services and
Minister of Health and Social Services*

2813

“ The Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15) was last amended by the Regulation approved by Order in Council 1248-94 dated 17 August 1994 (1994, *G.O.* 2, 3915). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

M.O., 1999

**Order of the Minister of Transport dated
29 April 1999 respecting the thaw periods
for 1999 concerning zones 1 and 2**

Highway Safety Code
(R.S.Q. c. C-24.2, s. 419)

WHEREAS under section 419 of the Highway Safety Code (R.S.Q., c. C-24.2), the Minister of Transport may, by an order published in the *Gazette officielle du Québec*, determine zones where highway traffic is restricted or forbidden for vehicles as designated by him because of thaw, rain, erosion or flood, and the periods when such measures are applicable;

WHEREAS the Vehicle Load and Size Limits Regulation made under paragraphs 17 and 18 of section 621 of the Highway Safety Code determines, for various categories of road vehicles and combinations of road vehicles, the weights limits applicable during the thaw;

WHEREAS, in the Minister's Order of February 23, 1996 published in the *Gazette officielle du Québec* on February 25, 1996, the Minister of Transport determined 3 thaw zones;

WHEREAS by that Minister's Order published in the *Gazette officielle du Québec* on March 13, 1999, the Minister of Transport fixed an late thaw period in respect of zone 1;

WHEREAS it is expedient to advance the date of the early thaw period published on March 13, 1999, by the Minister's Order in respect of zone 1 and on February 23, 1996, by the Minister's Order in respect of zone 2;

THEREFORE, the Minister of Transport:

fixes, for the year 1999, the annual thaw period of the zones 1 and 2, from March 21, 00:01 until May 6, 00:01 in zone 1 and from March 21, 00:01 until May 15, 00:01 in zone 2.

This Order takes effect from the date of its publication in the *Gazette officielle du Québec*.

GUY CHEVRETTE,
Minister of Transport

Draft Regulations

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Exemption from the application of the Building Act

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 exemption from the Building Act, the text of which appears below, may be made by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to exempt building contractors who are members of one of the two corporations of electrical or pipefitting trades and those domiciled outside Québec from the obligation to indicate their licence number in their advertising and on contract documents that they use in their dealings with their customers.

Since it is an exemption regulation, the draft Regulation will reduce the statutory requirements for the building contractors concerned.

Further information may be obtained by contacting Mr. Jacques Leroux, Secretary, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2, tel.: (514) 864-2506 or fax: (514) 864-8652.

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 Mr. Alcide Fournier, Chairman, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

DIANE LEMIEUX,
Minister of State for Labour and Employment

Regulation to amend the Regulation respecting exemption from the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, ss. 4.1, 182, 1st par., subpar. 1 and s. 192; 1998, c. 46, ss. 2, 52 and 54)

1. The following is inserted after section 3.2 of the Regulation respecting exemption from the application of the Building Act:

“**3.3.** A building contractor who is a member of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec and any contractor domiciled outside Québec shall be exempted from the application of section 57.1 of the Act, enacted by section 18 of Chapter 46 of the Statutes of 1998.”.

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

2811

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians — Standards for equivalence of diplomas for the issue of a permit to practise medicine or specialist's certificate

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on

* The Regulation respecting exemption from the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100) was last amended by the Regulation made by Order in Council 758-98 dated 3 June 1998 (1998, G.O. 2, 2218). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

26 February 1999, adopted the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of the Regulation is to prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the issue, by the Bureau of the College, of a permit to practise medicine or a specialist's certificate and to establish an equivalence recognition procedure for those diplomas; it clarifies the conditions on which diplomas issued in Canada, outside Québec, in the United States and outside Canada and the United States may be recognized as equivalent to a diploma of doctor in medicine issued by a university situated in Québec and, among other things, it establishes a procedure to appeal from a decision denying diploma equivalence, with the possibility of being heard;

(2) the Regulation also prescribes the conditions on which a restrictive permit issued by the Bureau of the College before the coming into force of the Regulation to a person holding a diploma issued outside Canada and the United States may constitute a standard for equivalence, for the issue of a regular permit to practise medicine;

(3) as for citizens, the Regulation will specify the standards for equivalence applicable to the recognition of diplomas issued outside Québec, for a person who applies for having a diploma recognized as equivalent and for any interested person;

(4) as for the protection of the public, the Regulation ensures that the level of knowledge and the skills and attitudes of a person whose diploma issued outside Québec is recognized as equivalent by the Bureau of the College are equivalent to those of persons holding a diploma of doctor in medicine issued by a university situated in Québec.

(5) the Regulation will have no impact on businesses.

Further information may be obtained by contacting Doctor Adrien Dandavino, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal

(Québec), H3H 2T8; tel.: (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c, and s. 94.1)

DIVISION I GENERAL

1. The purpose of this Regulation is to prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the issue, by the Bureau of the Collège des médecins du Québec, of a permit referred to in section 33 of the Medical Act (R.S.Q., c. M-9) or a specialist's certificate referred to in section 37 of that Act. It is also intended to establish an equivalence recognition procedure for those diplomas.

It applies to any person who does not hold a diploma giving access to the permit and specialist's certificates and who applies for having a diploma issued by an educational establishment situated outside Québec recognized as equivalent for the purposes of the issue of a permit or specialist's certificate.

"Diploma giving access to the permit and specialist's certificates" means a diploma recognized by government regulation as giving access to the permit and specialist's certificates of the College, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

2. Recognition of the equivalence of diplomas by the Bureau of the College pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code

certifies that the level of knowledge and the skills and attitudes of a person holding a diploma issued by an educational establishment situated outside Québec are equivalent to those of a person holding a diploma giving access to the permit and specialist's certificates.

3. The examinations contemplated in paragraph 2 of sections 6 and 7 are intended to evaluate whether a diploma holder's knowledge compares to the knowledge of students evaluated by examinations upon completion of a program of study leading to a diploma giving access to the permit and specialist's certificates. There shall be at least one examination session per year and, in case of failure, two supplemental examinations may be taken.

DIVISION II STANDARDS OF EQUIVALENCE FOR DIPLOMAS

§1. *Diplomas issued in Canada outside Québec*

4. The diploma of doctor of medicine awarded by a university situated in Canada but outside Québec is equivalent to a diploma giving access to the permit and specialist's certificates, provided that the faculty of medicine of that university is accredited by the Association of Canadian Medical Colleges when the diploma is awarded.

§2. *Diplomas issued in the United States*

5. The diploma of doctor of medicine awarded by a school or faculty of medicine situated in the United States is equivalent to a diploma giving access to the permit and specialist's certificates, provided that the school or faculty is accredited by the Liaison Committee on Medical Education when the diploma is awarded.

6. The diploma of doctor of osteopathy awarded by a school of osteopathic medicine situated in the United States is equivalent to a diploma giving access to the permit and specialist's certificates, provided that the school is accredited by the Bureau of Professional Education of the American Osteopathic Association when the diploma is awarded and that the diploma holder

(1) has also been the holder, since at least 3 consecutive years, of a restrictive permit issued and renewed by the Bureau of the College on the basis of his hiring as full, associate or assistant professor in a faculty of medicine of a university that issues the diploma giving access to the permit and specialist's certificates and has been working in a clinical discipline in Québec during that period; or

(2) has passed the examinations established or approved by the Bureau of the College.

§3. *Diplomas issued outside Canada and the United States*

7. The diploma of doctor of medicine or a diploma of the same level awarded upon completion of medical studies by a school of medicine or a university situated outside Canada and the United States is equivalent to a diploma giving access to the permit and specialist's certificates, provided that the school or faculty of medicine of that university is entered in the World Directory of Schools of Medicine published by the World Health Organization when the diploma is awarded and that the diploma holder

(1) has also been the holder, since at least 3 consecutive years, of a restrictive permit issued and renewed by the Bureau of the College on the basis of his hiring as full, associate or assistant professor in a faculty of medicine of a university that issues the diploma giving access to the permit and specialist's certificates and has been working in a clinical discipline in Québec during that period; or

(2) has passed the examinations established or approved by the Bureau of the College.

DIVISION III EQUIVALENCE RECOGNITION PROCEDURE

8. The secretary of the Collège des médecins du Québec shall forward a copy of this Regulation to any person who applies for a diploma equivalence for the purposes mentioned in section 1.

9. The fees payable under this Regulation shall be prescribed by the Bureau of the College pursuant to paragraph 8 of section 86.0.1 of the Professional Code.

10. A person who applies for a diploma equivalence shall do so in writing in the form determined by the secretary and include the prescribed fees.

The person shall also include the following in the application:

(1) a certified true copy of the diploma held and whose recognition as equivalent is applied for;

(2) a description of the program of study taken, including theoretical courses, laboratories and clinical training periods, as well as their respective duration;

(3) as the case may be,

(a) proof that the person has worked in a clinical discipline in Québec; or

(b) proof that the person passed the examinations established or approved by the Bureau of the College.

A person who applies for a diploma equivalence shall provide a translation in French or English of any document submitted in support of his application and written in a language other than French or English. The translation shall be attested to by a solemn affirmation from the person who did it.

11. The secretary shall forward the record of a person applying for equivalence recognition to the committee on admission to practice — credentials division —, formed by the Bureau of the College pursuant to paragraph 2 of section 86.0.1 of the Professional Code. That committee shall examine the record and make a recommendation to the Bureau.

12. At the first meeting of the Bureau of the College following the filing of the committee's recommendation, the Bureau shall decide whether or not the person shall be granted a diploma equivalence and provide reasons for its decision.

The secretary shall inform the person concerned in writing of the decision of the Bureau and the reasons therefor, by any means providing proof of receipt, within 15 days of the date on which it was rendered.

Where the Bureau decides not to grant a diploma equivalence, the secretary shall, on the same occasion, inform the person in writing of the conditions to be met to obtain the equivalence applied for or of the programs of study leading to a diploma giving access to the permit and specialist's certificates.

13. A person to whom the Bureau of the College denies a diploma equivalence may apply for a hearing. That person shall send the secretary a written application, together with the prescribed fees, within 15 days of the date on which the decision of the Bureau is received.

The person shall be heard within 45 days of the date of receipt of the application by an appeals committee which, within that time, shall make a recommendation to the Bureau. That appeals committee, formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code, shall be composed of 3 directors of the Bureau of the College.

The appeals committee shall call the person who applied for a hearing to appear by sending a written notice to that effect by any means providing proof of receipt, at least 10 days before the date of the hearing.

14. At the first meeting of the Bureau of the College following the filing of the appeals committee's recommendation, the Bureau shall decide whether or not the person shall be granted a diploma equivalence and provide reasons therefor. The decision of the Bureau is final.

The secretary shall inform the person concerned of the decision of the Bureau and the reasons therefor by sending him a registered or certified letter within 15 days of the date on which the decision was rendered.

15. This Regulation replaces the Regulation respecting the standards for equivalence of the diplomas issued by educational establishments situated outside Québec for the issuing of a permit, approved by Order in Council 881-87 dated 3 June 1987.

16. A person who is the subject of a decision of the Bureau or administrative committee of the College rendered after 13 October 1998 pursuant to section 6 of the Regulation respecting the standards for equivalence of the diplomas issued by educational establishments situated outside Québec for the issuing of a permit, approved by Order in Council 881-87 dated 3 June 1987, shall also benefit from the provisions of this Regulation.

The secretary shall send a copy of this Regulation to that person, by any means providing proof of receipt, not later than 90 days after the date of coming into force of this Regulation.

An application for a hearing made under section 13 and pertaining to a decision denying a diploma equivalence shall be sent in the manner provided for in that section, within 15 days of the date on which a copy of this Regulation is received.

17. Notwithstanding section 7 of this Regulation, a person who holds a diploma referred to in that section and a restrictive permit issued by the Bureau of the College before the coming into force of this Regulation shall be granted a diploma equivalence, on the condition that he also provides, with the application prescribed in section 10, proof that he has been working in a clinical discipline in Québec for at least 6 years under that permit.

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

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Additional terms and conditions for the issue of permits to practise medicine

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 26 February 1999, adopted the Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it, with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of the Regulation is to determine the terms and conditions for the issue by the Bureau of the College of the permit to practise medicine by prescribing in particular, the content and duration of the postdoctoral medical training required and the type of examination to be passed;

(2) the Regulation sets standards for the recognition, in whole or in part, of the equivalence of postdoctoral medical training received outside Québec and for the recognition of an equivalence with respect to certain parts of the examination; in particular, it specifies the conditions on which the possession of a restrictive permit issued by the Bureau of the College may be recognized as partially equivalent to the postdoctoral medical training required; it also establishes an equivalence recognition procedure, with the possibility of making an appeal and applying for a hearing in the case of a decision denying equivalence;

(3) the Regulation sets out the conditions for the issue of training cards that must be held by residents and determines the professional acts they are authorized to perform in the course of the postdoctoral medical training required for the issue of a permit;

(4) as for citizens, particularly medical students and residents, the Regulation specifies the conditions for the issue of a permit to practise medicine upon completion of recognized postdoctoral medical training and is intended to ensure that persons in training are adequately supervised and perform professional acts in compliance with the rules applicable to physicians, particularly those respecting ethics;

(5) as for the protection of the public, the Regulation ensures that a person who obtains a permit to practise medicine after completing recognized postdoctoral medical training and passing an examination has the level of knowledge and the skills and attitudes required to practise medicine autonomously;

(6) the Regulation will have no impact on businesses.

Further information may be obtained by contacting Doctor Adrien Dandavino, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions

Professional Code
(R.S.Q., c. C-26, ss. 94, pars. *h* and *i*, and 94.1)

DIVISION I GENERAL AND DEFINITIONS

1. The purpose of this Regulation is to determine the additional terms and conditions for the issue by the

Bureau of the Collège des médecins du Québec of the permit referred to in section 33 of the Medical Act (R.S.Q., c. M-9), and to fix standards of equivalence for certain of those terms and conditions.

It is also intended to determine, among the professional acts that may be performed by physicians, those that may be performed by a resident, in accordance with the terms and conditions determined thereafter.

2. The permit shall be issued to a person who meets the following conditions, in addition to the conditions and formalities imposed by law:

(1) the person has completed

(a) the postdoctoral training in family medicine and passes the family medicine examination prescribed by this Regulation; or

(b) the postdoctoral training prescribed for obtaining a specialist's certificate in a specialty within the medical profession and passes the examination prescribed for that specialty, according to the terms and conditions in the Regulation respecting the specialties within the medical profession, additional terms and conditions for the issue of specialist's certificates by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions;

(2) the person applies therefor in the form determined by the secretary and appends two copies of his passport-size photograph taken during the 12 months preceding the date of the application and authenticated by the signature of a witness; and

(3) the person pays the fees prescribed for obtaining a permit.

3. The fees payable under this Regulation shall be prescribed by the Bureau of the College pursuant to paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26).

4. In this Regulation, unless the context indicates otherwise,

“committee” means the committee on admission to practice -credentials division, formed by the Bureau of the College pursuant to paragraph 2 of section 86.0.1 of the Professional Code; (*comité*)

“position” means the employment held in an institution for the purposes of completing postdoctoral training in family medicine; (*poste*)

“resident” means a person holding a diploma giving access to the permit and specialist's certificates or to whom the Bureau of the College has, pursuant to subparagraph g of the first paragraph of section 86 of the Professional Code, recognized a diploma equivalence and who is registered in a postdoctoral university program in family medicine and serves training periods under that program; (*résident*)

“secretary” means the secretary of the College; (*secrétaire*)

“training level” means the evaluation of the resident's progress in a postdoctoral university program in family medicine, in terms of the number of months of postdoctoral training deemed completed; (*niveau de formation*)

“training sites” means centres operated by institutions within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or institutions within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), affiliated with universities that issue the diplomas giving access to the permit and specialist's certificates, as well as offices, clinics or other establishments affiliated with such institutions or universities, and recognized by the Bureau of the College. (*milieux de formation*)

DIVISION II POSTDOCTORAL TRAINING IN FAMILY MEDICINE

§1. *Content and duration*

5. Postdoctoral training in family medicine consists in a series of training periods lasting 24 months, served under a postdoctoral university program in family medicine approved by the Bureau of the College for that purpose, in training sites approved by the Bureau and within the scope and limits of that approval, as appearing in the List of Approvals established by the College, updated periodically and published annually.

Training periods shall be the subject of training reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated, or by their representatives.

Postdoctoral training is deemed completed in the opinion of the Bureau where the resident, according to all training reports, meets the minimum standards of knowledge, skills and attitudes related to family medicine.

When a resident so requests in writing, the secretary shall inform him in writing of any reason why the Bureau of the College does not deem the postdoctoral training completed.

§2. Training cards

6. A resident may not begin a training period unless he meets the conditions for the issue of a training card.

The resident shall apply therefor in the form determined by the secretary.

7. The secretary shall issue a training card to a resident who

(1) is entered in the register kept pursuant to paragraph *c* of section 15 of the Medical Act and holds a registration certificate issued in accordance with that Act;

(2) holds a position within the meaning of an order made pursuant to section 503 of the Act respecting health services and social services;

(3) provides proof of his acceptance into a university postdoctoral program in family medicine and proof that he has obtained a certificate of employment from an institution participating in such a program, in a position appropriate for his training level; and

(4) pays the fees prescribed for a training card.

8. A training card shall mention that the resident is entered in the register kept for that purpose, the postdoctoral university program in which he is registered, the training sites where he serves his training periods and their duration, as well as his training level. It shall bear a facsimile of the secretary's signature.

Furthermore, the training card shall mention that training periods may also be served in any other site not indicated on the card, provided that it is approved by the Bureau of the College.

9. A training card shall be valid for 12 months or until the date stipulated on it. However, it shall expire immediately if the resident's registration in the university postdoctoral program is cancelled, if the resident leaves the program or if his registration certificate is revoked in accordance with the Medical Act.

10. A training card is renewable on the same conditions until the postdoctoral training is deemed completed in accordance with the third paragraph of section 5.

§3. Professional acts that may be performed by residents

11. A resident may perform, among the professional acts that may be performed by physicians, those corresponding to his training level and required to complete his postdoctoral training, on the following conditions:

(1) he performs them in the training sites where he is serving his training periods, in compliance with the stipulations of his training card; and

(2) he performs them under the authority of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, prescriptions, the keeping of records and consulting rooms.

DIVISION III FAMILY MEDICINE EXAMINATION

§1. Eligibility for the examination

12. To be allowed to take the family medicine examination, a candidate shall hold a letter of eligibility for the examination.

He may take the examination as soon as 18 months of postdoctoral training in family medicine have been deemed completed in accordance with the third paragraph of section 5.

13. A candidate shall apply for a letter of eligibility in the form determined by the secretary.

To obtain a letter, a candidate shall, with the application,

(1) demonstrate that his postdoctoral training in family medicine has been deemed completed, in accordance with the third paragraph of section 5, or that there will remain no more than 6 months of postdoctoral training in family medicine to be completed on the date fixed for the examination session;

(2) provide two copies of his passport-size photograph taken during the 12 months preceding the date of the application and authenticated by the signature of a witness; and

(3) provide the information and documents referred to in paragraphs 1 and 2, together with the prescribed fees, at least 6 months before the date fixed for the examination session.

14. A candidate to whom a letter of eligibility is issued before his postdoctoral training is completed shall

demonstrate afterwards that he has finished his training and that it has been deemed completed in accordance with the third paragraph of section 5.

15. A candidate shall obtain a letter of eligibility for the examination no later than two years after the date on which his postdoctoral training in family medicine is deemed completed in accordance with the third paragraph of section 5, or after the date of a decision rendered by the Bureau of the College under this Regulation granting him a training equivalence in family medicine.

After this two-year period, a candidate may not obtain a letter of eligibility for the examination unless he demonstrates, with the application provided for in section 13, that he has kept his knowledge up-to-date and maintained the skills and attitudes required for the purposes for which he completed the postdoctoral training or obtained a training equivalence.

16. A candidate shall take the family medicine examination within three years of the date of his letter of eligibility.

After this three-year period, a candidate may not take the examination unless he holds a new letter of eligibility.

To obtain a new letter, a candidate shall apply therefor in the form determined by the secretary and, with the application,

(1) demonstrate that he has kept his knowledge up-to-date and maintained the skills and attitudes required for the purposes for which he completed the postdoctoral training or obtained a training equivalence; and

(2) provide the information referred to in paragraph 1, together with the prescribed fees, at least 6 months before the date fixed for the examination session.

17. The committee shall determine whether a candidate is eligible for the examination.

18. When a candidate is declared eligible, the secretary shall send him a letter of eligibility for the examination.

The letter of eligibility for the examination issued pursuant to section 13 or 15 is valid for three years; a letter issued pursuant to section 16 is valid for one year.

19. The secretary shall inform a candidate in writing of the committee's decision denying his eligibility for the examination.

20. A candidate whose eligibility is denied may apply to the committee for a review of the decision on the basis of new facts.

§2. Family medicine examination

21. The family medicine examination shall evaluate whether a candidate is qualified to practise family medicine autonomously.

The examination shall also pertain to the legislative, ethical and organizational aspects of medicine as practised in Québec.

The examination shall include at least one of the following components: clinical, written, computer, oral or practical; those components may be shared in whole or in part with those of the examinations administered respectively by the College of Family Physicians of Canada, for the issue of a certificate in family medicine (CCFPC), and by the Medical Council of Canada, for the issue of a licence (LMCC).

The Bureau of the College shall determine the component or components to be used and those to be shared.

22. A jury of five examiners appointed by the committee shall be set up; two examiners shall be chosen from among the list of family physicians provided by the deans of the faculties of medicine of the universities that issue the diplomas giving access to the permit and specialist's certificates.

All examiners shall be family physicians, appointed for a renewable one-year term.

The secretary may appoint additional examiners to assist the jury, if need be, or appoint an examiner to replace an examiner unable to act due to absence, illness or any other reason.

23. The quorum of the jury is three examiners.

24. The jury shall determine the content of the examination, recommend to the Bureau of the College the component or components to be used, set the pass-mark, supervise its administration and determine whether a candidate passes the examination, taking into account, if need be, all the training reports referred to in section 5.

The jury shall also determine the content and the component or components of the supplemental examination available to candidates who failed and, as of the first failure, may recommend to the Bureau of the College that the candidate complete additional postdoctoral training in family medicine before taking the supple-

mental examination. The jury may also recommend the content and duration of the additional training.

25. The College shall hold at least one examination session per year.

The secretary shall determine the place, date and time of the examination session and inform the candidates thereof in writing.

26. A candidate declared eligible shall register for the examination at least two months before the date fixed for the examination session, by means of an application to that effect in the form determined by the secretary, together with the prescribed fees.

27. A candidate may take an examination in French or in English.

28. The secretary or a person designated by him shall administer and invigilate any component of the examination in writing or on computer.

Those two components of the examination shall be marked in a way that ensures the candidates' anonymity.

29. A candidate must obtain the pass-mark to pass the examination.

30. The secretary shall inform each candidate of his results in writing.

31. Cheating or plagiarism, participation in such acts or any attempt to cheat or plagiarize shall result in the failure of the examination upon decision by the committee.

32. A candidate who fails is entitled to three supplemental examinations.

33. After the third supplemental examination, a candidate shall obtain a new letter of eligibility before taking another supplemental examination.

The provisions of the third paragraph of section 16 apply to the candidate.

34. The secretary shall inform the candidate in writing of the jury's decision on the supplemental examination.

35. As of a first failure and after assessing whether a candidate's deficiencies are likely to be corrected by additional postdoctoral training in family medicine, the Bureau of the College may decide, on the basis of the jury's recommendation, that the candidate may not take

the supplemental examination unless he completes such training, whose content and duration shall be determined by the Bureau.

The secretary shall inform a candidate in writing of the Bureau's decision in that regard.

36. A candidate who is obliged by the Bureau of the College to complete additional postdoctoral training in family medicine shall append to the application referred to in section 26 a document certifying that such training has been deemed completed in accordance with the third paragraph of section 5.

37. The provisions respecting examinations apply to supplemental examinations.

§3. Appeal to the appeals committee

38. A candidate who has failed the examination may appeal against the jury's decision to an appeals committee if he considers that the failure was caused by a factor related to the examination process.

The candidate shall complete an application to that effect in the form determined by the secretary within thirty days following the date of the forwarding of the examination results, together with the prescribed fees.

39. The appeals committee shall be composed of three committee members appointed by it.

40. The appeals committee may grant or dismiss the appeal. It shall render its decision within three months.

If it grants the appeal, it shall render one or more of the following decisions:

(1) reverse the jury's decision and decide that the candidate has passed the examination and order that the amount paid by the candidate under the second paragraph of section 38 be refunded to him;

(2) authorize the candidate to take a new examination that is not a supplemental examination within the meaning of section 32, on a date determined by the secretary, without additional expenses;

(3) change the composition of the jury for the new examination that the candidate is authorized to take.

The decision of the appeals committee is final.

The secretary shall inform the candidate of the committee's decision within 15 days of the date of the decision by any means providing proof of receipt.

DIVISION IV
EQUIVALENCE OF CERTAIN TERMS
AND CONDITIONS

§1. Standards of equivalence for postdoctoral training in family medicine

41. Training shall be recognized equivalent to the postdoctoral training in family medicine referred to in section 5, where it consists of a series of training periods of at least 24 months served

(1) in Canada, outside Québec, in a postdoctoral university program in family medicine in a faculty of medicine, recognized by the College of Family Physicians of Canada; or

(2) in the United States, in a postdoctoral university program in family medicine in a school or faculty of medicine, recognized by the Accreditation Council for Graduate Medical Education.

42. Postdoctoral training in family medicine acquired outside Canada and the United States, recognized by a certificate or diploma authorizing the candidate to legally practise medicine and issued after a successful examination by a postdoctoral training body or an educational establishment situated outside Canada and the United States is also recognized as equivalent to the postdoctoral training in family medicine referred to in section 5. For the purposes of having such an equivalence recognized, a candidate shall

(1) demonstrate that he has served training periods as part of the postdoctoral training in question whose content and duration meet the requirements of section 5; and

(2) subject to the third paragraph, demonstrate, during 12 months of training, that he meets the minimum criteria of knowledge, skills and attitudes related to family medicine. To that end, he shall serve those months of training, in training sites, in a postdoctoral university program in family medicine approved for that purpose by the Bureau of the College, and those months shall correspond to the training completed by a resident in the last year of postdoctoral training. Those months of training shall be the subject of semestrial reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated, or by their representatives, and they shall be deemed completed by the Bureau of the College where the candidate, according to all training reports, meets the abovementioned criteria.

Subparagraph 2 of the first paragraph does not apply to a candidate to whom the Bureau of the College has granted a diploma equivalence pursuant to paragraph 1 of section 6 or 7 of the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec.

A minimum of six consecutive years' work experience in Québec in family medicine, under a restrictive permit issued by the Bureau of the College, shall be equivalent to the 12 months of training referred to in subparagraph 2 of the first paragraph.

§2. Standards of equivalence for certain components of the family medicine examination

43. A candidate who meets either one of the following conditions shall be granted an equivalence exempting him from the obligation to take any component of the family medicine examination that corresponds to the examination administered by the College of Family Physicians of Canada, for the issue of a certificate in family medicine (CCFPC):

(1) the candidate to whom the Bureau of the College grants an equivalence pursuant to section 41 passes the examination of the College of Family Physicians of Canada or of the American Board of Family Practice, required for the issue of a certificate in family medicine; or

(2) the candidate to whom the Bureau of the College grants an equivalence pursuant to section 42 holds a restrictive permit issued and renewed by the Bureau of the College on the basis of the hiring of that candidate as a full or associate professor in the faculty of medicine of a university that issues a diploma giving access to the permit and specialist's certificates.

§3. Equivalence recognition procedure

44. A person who applies for an equivalence shall do so in writing in the form determined by the secretary and shall include the prescribed fees.

45. A person who applies under section 41 shall append to his application

(1) a document certifying that he has completed his postdoctoral training in family medicine within an approved university program, issued by the dean of the school or faculty of medicine, including a description of the completed program and of the training periods, their duration and proof that they were completed;

(2) where applicable:

(a) a document certifying that the person practises or has practised family medicine competently, supported by references from the medical authorities concerned;

(b) proof that the person is in good standing with the competent authority of the place where he practises family medicine.

46. A person who applies under section 42 shall append to his application

(1) a certified true copy of the certificate or diploma issued outside Canada and the United States authorizing him to legally practise medicine;

(2) proof that the certificate or diploma was issued after a successful examination;

(3) a document certifying that he has completed his postdoctoral training in family medicine outside Canada and the United States, including a description of the completed program and of the training periods, their duration and proof that they were completed;

(4) where applicable:

(a) a document certifying that the person practises or has practised family medicine competently, supported by references from the medical authorities concerned;

(b) proof that the person is in good standing with the competent authority of the place where he practises family medicine;

(c) the semestrial training reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated.

47. A person who applies under paragraph 1 of section 43 shall append to his application a document issued by the College of Family Physicians of Canada or the American Board of Family Practice certifying that the person has passed the examination required for the issue of a certificate in family medicine or, as the case may be, a certified true copy of his certificate.

48. A person who makes an application for equivalence recognition shall provide a French or English translation of any document provided in support of his application and drawn up in a language other than French or English. The translation shall be certified by a solemn affirmation by the person who did it.

49. The secretary shall forward the applicant's record to the committee which shall examine it and make its recommendation to the Bureau of the College.

50. At the first meeting of the Bureau of the College following the filing of the committee's recommendation, the Bureau shall render a decision on the application for equivalence and state its grounds.

The secretary shall inform the person concerned in writing of the Bureau's decision and the grounds therefor, by any means providing proof of receipt, within 15 days of the date on which it was rendered.

Where the Bureau decides not to grant an equivalence, the secretary shall, on the same occasion, inform the candidate in writing of the conditions to be met in order to obtain the equivalence applied for or of the terms and conditions for the issue of the permit referred to in section 2.

51. A candidate whose application for equivalence is turned down by the Bureau of the College may apply for a hearing. The person shall apply therefor in writing to the secretary within 15 days following receipt of the Bureau's decision and include the prescribed fees.

The person shall be heard within 45 days following receipt of the application by an appeals committee which, within that time, shall make a recommendation to the Bureau. The appeals committee, formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code, shall be composed of three directors of the Bureau of the College.

The appeals committee shall convene the applicant by sending him a written notice at least 10 days before the date of the hearing by any means providing proof of receipt.

52. At the first meeting of the Bureau of the College following the filing of the appeals committee's recommendation, the Bureau shall render a decision on whether an equivalence should be granted and state its grounds. The decision of the Bureau is final.

The secretary shall inform the person concerned of the Bureau's decision and its grounds by registered or certified mail within 15 days of the date on which the decision was rendered.

DIVISION V TRANSITORY AND FINAL PROVISIONS

53. This Regulation replaces the Regulation respecting the terms and conditions for the issuance of permits

of the Ordre professionnel des médecins du Québec, approved by Order in Council 880-87 dated 3 June 1987, and the Regulation to amend the Regulation respecting the terms and conditions for the issuance of permits of the Ordre professionnel des médecins du Québec, adopted by the Bureau of the Collège des médecins du Québec at its meeting of 16 April 1997.

54. A person subject to a decision of the Bureau or administrative committee of the College rendered after 13 October 1998 pursuant to the Regulation respecting the terms and conditions for the issuance of permits of the Ordre professionnel des médecins du Québec on the recognition of the equivalence of a condition fixed therein shall also benefit from the provisions of Subdivision 3 of Division IV of this Regulation.

The secretary shall send a copy of this Regulation to such person, by any means providing proof of receipt, not later than 90 days after the date of coming into force of this Regulation.

An application for a hearing made pursuant to section 51 and pertaining to a decision denying equivalence shall be sent in the manner prescribed in that section within 15 days following receipt of a copy of this Regulation.

55. 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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Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Specialties within the medical profession, additional terms and conditions for the issue of specialist's certificates

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 26 February 1999, adopted the Regulation respecting the specialties within the medical profession, additional terms and conditions for the issue of specialist's certificates by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it, with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of the Regulation is to enumerate the various specialties within the medical profession and to determine the terms and conditions for the issue of specialist's certificates by the Bureau of the College by prescribing, in particular, the content and duration of the postdoctoral medical training required and the type of examination that must be passed;

(2) the Regulation sets standards for the recognition, in whole or in part, of the equivalence of postdoctoral medical training received outside Québec and for the recognition of an equivalence with respect to certain parts of the examination; in particular, it specifies the conditions on which the possession of a restrictive permit issued by the Bureau of the College may be recognized as partially equivalent to the postdoctoral medical training required; it also establishes an equivalence recognition procedure, with the possibility of making an appeal and applying for a hearing in the case of a decision denying equivalence;

(3) the Regulation sets out the conditions for the issue of training cards that must be held by residents in a specialty and determines the professional acts they are authorized to perform in the course of the postdoctoral medical training required for the issue of a specialist's certificate;

(4) as for citizens, particularly medical students and residents in a specialty, the Regulation specifies the conditions for the issue of a specialist's certificate in one of the enumerated specialties upon completion of recognized postdoctoral medical training and is intended to ensure that persons in training are adequately supervised and perform professional acts in compliance with the rules applicable to physicians, particularly those respecting ethics;

(5) as for the protection of the public, the Regulation ensures that a person who obtains a specialist's certificate after completing recognized postdoctoral medical training and passing an examination has the level of knowledge and the skills and attitudes required to practise medicine as a specialist and, in particular, to act as a consultant to other physicians and health professionals in the specialty in which he holds a certificate;

(6) the Regulation will have no impact on businesses.

Further information may be obtained by contacting Doctor Adrien Dandavino, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
Chairman of the Office des
professions du Québec

Regulation respecting the specialties within the medical profession, additional terms and conditions for the issue of specialist's certificates by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions

Professional Code
(R.S.Q., c. C-26, ss. 94, pars. e, h and i, and 94.1)

DIVISION I GENERAL AND DEFINITIONS

1. The purpose of this Regulation is to enumerate the various specialties within the medical profession, to determine the additional terms and conditions for the issue by the Bureau of the Collège des médecins du Québec of the specialist's certificate referred to in section 37 of the Medical Act (R.S.Q., c. M-9), and to fix standards of equivalence for certain of those terms and conditions.

It is also intended to determine, among the professional acts that may be performed by physicians, those that may be performed by a resident in accordance with the terms and conditions determined hereunder.

2. The various specialties within the medical profession are enumerated in Schedule I.

3. A specialist's certificate in one of the specialties enumerated in Schedule I shall be issued to a person who meets the following conditions, in addition to the conditions and formalities imposed by law:

(1) the person has completed the postdoctoral training in the specialty and passes the examination prescribed for that specialty;

(2) the person applies for a specialist's certificate in the form determined by the secretary and provides two copies of his passport-size photograph taken during the 12 months preceding the date of the application and authenticated by the signature of a witness; and

(3) the person pays the fees prescribed for a specialist's certificate.

Where a candidate who meets the terms and conditions determined by this Regulation does not yet have a permit issued by the Bureau of the College, the certificate shall bear the date of the issue of the permit.

4. The fees payable under this Regulation shall be prescribed by the Bureau of the College pursuant to paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26).

5. In this Regulation, unless the context indicates otherwise,

“committee” means the committee on admission to practise — credentials division, formed by the Bureau of the College pursuant to paragraph 2 of section 86.0.1 of the Professional Code; (*comité*)

“position” means the employment held in an institution for the purposes of completing postdoctoral training in a specialty; (*poste*)

“resident” means a person holding a diploma giving access to the permit and specialist's certificates or to whom the Bureau of the College has, pursuant to subparagraph g of the first paragraph of section 86 of the Professional Code, recognized a diploma equivalence and who is registered in a postdoctoral university program in a specialty and serves training periods under that program; (*résident*)

“secretary” means the secretary of the College; (*secrétaire*)

“training level” means the evaluation of the resident's progress in a postdoctoral university program in a specialty, in terms of the number of months of postdoctoral training deemed completed; (*niveau de formation*)

“training sites” means centres operated by institutions within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or institutions within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), affiliated with universities that issue the diplomas giving access to the permit and specialist’s certificates, as well as offices, clinics or other establishments affiliated with such institutions or universities, and recognized by the Bureau of the College. (*milieux de formation*)

DIVISION II POSTDOCTORAL TRAINING IN A SPECIALTY

§1. *Content and duration*

6. The postdoctoral training required to obtain a specialist’s certificate in one of the specialities within the medical profession, as well as its duration, are set out in Schedule I.

7. Unless the context indicates otherwise, postdoctoral training in a specialty consists in a series of training periods served under a postdoctoral university specialization program approved by the Bureau of the College for that purpose, and within the scope and limits of that approval as appearing in the List of Approvals established by the College, updated periodically and published annually.

Training periods shall be the subject of training reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated, or by their representatives.

Postdoctoral training is deemed completed in the opinion of the Bureau where the resident, according to all training reports, meets the minimum standards of knowledge, skills and attitudes related to the specialty.

When a resident so requests in writing, the secretary shall inform him in writing of any reason why the Bureau of the College does not deem the postdoctoral training completed.

§2. *Training cards*

8. A resident may not begin a training period unless he meets the conditions for the issue of a training card.

The resident shall apply therefor in the form determined by the secretary.

9. The secretary shall issue a training card to a resident who

(1) is entered in the register kept pursuant to paragraph c of section 15 of the Medical Act and holds a registration certificate issued in accordance with that Act;

(2) holds a position within the meaning of an order made pursuant to section 503 of the Act respecting health services and social services;

(3) provides proof of his acceptance into a university postdoctoral program in a specialty and proof that he has obtained a certificate of employment from an institution participating in such a program, in a position appropriate for his training level; and

(4) pays the fees prescribed for a training card.

10. A training card shall mention that the resident is registered in the register kept for that purpose, the postdoctoral university program in which he is registered, the training sites where he serves his training periods and their duration, as well as his training level. It shall bear a facsimile of the secretary’s signature.

Furthermore, the training card shall mention that training periods may also be served in any other site not indicated on the card, provided that it is approved by the Bureau of the College.

11. A training card shall be valid for 12 months or until the date stipulated on it. However, it shall expire immediately if the resident’s registration in the postdoctoral program is cancelled, if the resident leaves the program or if his registration certificate is revoked in accordance with the Medical Act.

12. A training card is renewable on the same conditions until the postdoctoral training set out in Schedule I is deemed completed in accordance with the third paragraph of section 7.

§3. *Professional acts that may be performed by residents*

13. A resident may perform, among the professional acts that may be performed by physicians, those corresponding to his training level and required to complete his postdoctoral training in a specialty, on the following conditions:

(1) he performs them in the training sites where he is serving his training periods, in compliance with the stipulations of his training card; and

(2) he performs them under the authority of competent persons and in compliance with the rules applicable

to physicians, particularly those respecting ethics, prescriptions, the keeping of records and consulting rooms.

DIVISION III **EXAMINATION IN A SPECIALTY**

§1. Eligibility for the examination

14. To be allowed to take an examination in a specialty, a candidate shall hold a letter of eligibility for the examination .

He may take the examination as soon as he is in his last year of postdoctoral training in the specialty.

15. A candidate shall apply for a letter of eligibility for the examination in the form determined by the secretary.

To obtain a letter, a candidate shall, with the application,

(1) demonstrate that his postdoctoral training in a specialty has been deemed completed, in accordance with the third paragraph of section 7, or that he will be registered in his last year of postdoctoral training in a specialty on the date fixed for the examination session;

(2) provide two copies of his passport-size photograph taken during the 12 months preceding the date of the application and authenticated by the signature of a witness; and

(3) provide the information and documents referred to in paragraphs 1 and 2, together with the prescribed fees, at least eight months before the date fixed for the examination session.

16. A candidate to whom a letter of eligibility for the examination is issued before his postdoctoral training has been deemed completed in accordance with the third paragraph of section 7 shall demonstrate afterwards that he has finished his training and that it has been deemed completed in accordance with the said paragraph.

17. A candidate shall obtain a letter of eligibility for the examination no later than two years after the date on which his postdoctoral training in a specialty is deemed completed in accordance with the third paragraph of section 7, or after the date of a decision rendered by the Bureau of the College under this Regulation recognizing the equivalence of his postdoctoral training in a specialty.

After this two-year period, a candidate may not obtain a letter of eligibility for the examination unless he

demonstrates, with the application provided for in section 15, that he has kept his knowledge up-to-date and maintained the skills and attitudes required for the purposes for which he completed the postdoctoral training or obtained a training equivalence.

18. A candidate shall take the examination in the specialty within three years of the date of his letter of eligibility.

After this three-year period, a candidate may not take the examination unless he holds a new letter of eligibility.

To obtain a new letter, a candidate shall apply therefor in the form determined by the secretary and, with the application,

(1) demonstrate that he has kept his knowledge up-to-date and maintained the skills and attitudes required for the purposes for which he completed the postdoctoral training or obtained a training equivalence; and

(2) provide the information referred to in paragraph 1, together with the prescribed fees, at least eight months before the date fixed for the examination session.

19. The committee shall determine whether a candidate is eligible for the examination.

20. When a candidate is declared eligible, the secretary shall send him a letter of eligibility for the examination.

The letter of eligibility for the examination issued pursuant to section 15 or 17 is valid for three years; a letter issued pursuant to section 18 is valid for one year.

21. The secretary shall inform a candidate in writing of the committee's decision denying his eligibility for the examination.

22. A candidate whose eligibility is denied may apply to the committee for a review of the decision on the basis of new facts.

§2. Examination in a specialty

23. The examination in a specialty shall evaluate whether a candidate is qualified to practise a specialty autonomously and, in particular, to serve as a consultant in the specialty.

The examination shall also pertain to the legislative, ethical and organizational aspects of medicine as practised in Québec.

The examination shall include at least one of the following components: clinical, written, computer, oral or practical; those components may be shared in whole or in part with those of the examination administered by the Royal College of Physicians and Surgeons of Canada for the issue of a specialist's certificate in an equivalent specialty.

The Bureau of the College shall determine, for the examination in each specialty, the component or components to be used, as well as those to be shared.

24. A jury of three examiners appointed by the committee shall be set up for each specialty.

All examiners shall be physicians who hold a specialist's certificate, appointed for a renewable one-year term.

The secretary may appoint additional examiners to assist the jury, if need be, or appoint an examiner to replace an examiner unable to act due to absence, illness or any other reason.

The three examiners forming a jury shall hold a specialist's certificate in the specialty concerned, except for the first five years of a new specialty.

The quorum of the jury is two examiners.

25. The jury shall determine the content of the examination, recommend to the Bureau of the College the component or components to be used, set the pass-mark, supervise its administration and determine whether a candidate passes the examination, taking into account, if need be, all the training reports referred to in section 7.

The jury shall also determine the content and the component or components of the supplemental examination available to candidates who failed and, as of the first failure, may recommend to the Bureau of the College that the candidate complete additional postdoctoral training in the specialty concerned before taking the supplemental examination. The jury may also recommend the content and duration of the additional training.

26. The College shall hold at least one examination session per year per specialty.

The secretary shall determine the place, date and time of the examination session and inform the candidates thereof in writing.

27. A candidate declared eligible shall register for the examination at least two months before the date fixed for the examination session, by means of an appli-

cation to that effect in the form determined by the secretary, together with the prescribed fees.

28. A candidate may take an examination in French or in English.

29. The secretary or a person designated by him shall administer and invigilate any component of the examination done in writing or on computer.

Those two components of the examination shall be marked in a way that ensures the candidates' anonymity.

30. A candidate must obtain the pass-mark to pass the examination.

31. The secretary shall inform each candidate of his results in writing.

32. Cheating or plagiarism, participation in such acts or any attempt to cheat or plagiarize shall result in the failure of the examination upon decision by the committee.

33. A candidate who fails is entitled to three supplemental examinations.

34. After the third supplemental examination, a candidate shall obtain a new letter of eligibility before taking another supplemental examination.

The provisions of the third paragraph of section 18 apply to the candidate.

35. The secretary shall inform the candidate in writing of the jury's decision on the supplemental examination.

36. As of a first failure, and after assessing whether a candidate's deficiencies are likely to be corrected by additional postdoctoral training in the specialty concerned, the Bureau of the College may decide, on the basis of the jury's recommendation, that the candidate may not take the supplemental examination unless he completes such training, whose content and duration shall be determined by the Bureau.

The secretary shall inform a candidate in writing of the Bureau's decision in that regard.

37. A candidate who is obliged by the Bureau of the College to complete additional postdoctoral training in a specialty shall append to the application referred to in section 27 a document certifying that such training has been deemed completed in accordance with the third paragraph of section 7.

38. The provisions respecting examinations apply to supplemental examinations.

§3. Appeal to the appeals committee

39. A candidate who has failed an examination may appeal against the jury's decision to an appeals committee if he considers that the failure was caused by a factor related to the examination process.

The candidate shall complete an application to that effect in the form determined by the secretary within thirty days following the date of the forwarding of the examination results, together with the prescribed fees.

40. The appeals committee shall be composed of three committee members appointed by it.

41. The appeals committee may grant or dismiss the appeal. It shall render its decision within three months.

If it grants the appeal, it shall render one or more of the following decisions:

(1) reverse the jury's decision and decide that the candidate has passed the examination and order that the amount paid by the candidate under the second paragraph of section 39 be refunded to him;

(2) authorize the candidate to take a new examination that is not a supplemental examination within the meaning of section 33, on a date determined by the secretary, without additional expense;

(3) change the composition of the jury for the new examination that the candidate is authorized to take.

The decision of the appeals committee is final.

The secretary shall inform the candidate of the committee's decision within 15 days of the date of the decision by any means providing proof of receipt.

DIVISION IV
EQUIVALENCE OF CERTAIN TERMS
AND CONDITIONS

§1. Standards of equivalence for postdoctoral training in a specialty

42. Postdoctoral training deemed completed in family medicine or in another specialty enumerated in Schedule I shall be recognized as equivalent to a part of the postdoctoral training prescribed in Schedule I for one of the specialties referred to therein, provided that the training is relevant to the postdoctoral training prescribed for the specialty concerned.

43. Specialist's training in a specialty equivalent to a specialty enumerated in Schedule I received in Canada outside Québec, or in the United States, in a postdoctoral program of a faculty or school of medicine approved by the Royal College of Physicians and Surgeons of Canada or by the Accreditation Council for Graduate Medical Education shall be recognized as equivalent to the postdoctoral training prescribed in Schedule I for one of the specialties enumerated therein, provided that the candidate having received that training can demonstrate that the content and duration of the training periods completed under that program meet the requirements of Schedule I for the specialty concerned.

44. Postdoctoral training in a specialty equivalent to a specialty enumerated in Schedule I acquired outside Canada and the United States, recognized by a certificate or diploma authorizing the candidate to legally practise in that equivalent speciality and issued after a successful examination by a postdoctoral training body or an educational establishment situated outside Canada and the United States, is also recognized as equivalent to the postdoctoral training prescribed in Schedule I for one of the specialties enumerated therein. For the purposes of having such an equivalence recognized, a candidate shall

(1) demonstrate that he has served training periods as part of the postdoctoral training in question whose content and duration meet the requirements of Schedule I for that specialty; and

(2) subject to the second paragraph, demonstrate, during 12 months of training, that he meets the minimum criteria of knowledge, skills and attitudes related to that specialty. To that end, he shall serve those months of training, in training sites, in a postdoctoral university program in that specialty approved for that purpose by the Bureau of the College, and those 12 months shall correspond to the training completed by a resident in the last year of postdoctoral training. Those months of training shall be the subject of semestrial reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated, or by their representatives, and they shall be deemed completed by the Bureau of the College where the candidate, according to all training reports, meets the abovementioned criteria.

A minimum of six consecutive years' work experience in Québec in a specialty, under a restrictive permit issued by the Bureau of the College, shall be equivalent to the 12 months of training referred to in subparagraph 2 of the first paragraph.

Subparagraph 2 of the first paragraph does not apply to a candidate to whom the Bureau of the College has granted a diploma equivalence pursuant to paragraph 1 of section 6 or 7 of the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec.

§2. Standards of equivalence for certain components of the examination in a specialty

45. A candidate who meets either one of the following conditions shall be granted an equivalence exempting him from the obligation to take any component of an examination in a specialty prescribed by this Regulation that corresponds to the examination administered by the Royal College of Physicians and Surgeons of Canada for the issue of a specialist's certificate, or to take the written or computer component of the examination:

(1) the candidate to whom the Bureau of the College grants an equivalence pursuant to section 43 passes the examination of the Royal College of Physicians and Surgeons of Canada or of the American Board of Medical Specialties, required for the issue of a certificate in a specialty; or

(2) the candidate to whom the Bureau of the College grants an equivalence pursuant to section 44 holds a restrictive permit issued and renewed by the Bureau of the College on the basis of the hiring of that candidate as a full or associate professor in the faculty of medicine of a university that issues a diploma giving access to the permit and specialist's certificates.

§3. Standards of equivalence for a specialist's certificate in a new specialty

46. Within 30 days of the coming into force of a regulation of the Bureau of the College establishing a new specialty, the secretary shall inform each physician by means of a written notice of the establishment of the new specialty and of the date of the coming into force of the regulation establishing it. The notice shall contain the provisions of this Subdivision, in addition to those of sections 53 to 58, as well as the postdoctoral training prescribed in Schedule I for the purposes of obtaining the specialist's certificate in that specialty.

47. Within six months following the delivery of that notice, a physician may, in order to obtain a specialist's certificate in the new specialty, demonstrate that, on the whole, his education, his training or his professional experience meet the requirements of this Regulation with respect to the postdoctoral training and the examination in the specialty prescribed for obtaining a specialist's certificate in the new specialty.

§4. Equivalence recognition procedure

48. A person who applies for an equivalence shall do so in writing in the form determined by the secretary and shall include the prescribed fees.

49. A person who applies under section 42 shall append to his application the documents or certifications that demonstrate the relevance of his postdoctoral training already deemed completed.

50. A person who applies under section 43 shall append to his application:

(1) a document certifying that he has completed his training in a specialty within a recognized postdoctoral program, issued by the dean of the faculty or school of medicine, including a description of the completed program and of the training periods, their duration and proof that they were completed;

(2) where applicable:

(a) a certified true copy of the specialist's certificate issued by the Royal College of Physicians and Surgeons of Canada or by the American Board of Medical Specialties;

(b) a document certifying that the person practises or has practised the equivalent specialty competently, supported by references from the medical authorities concerned;

(c) proof that the person is in good standing with the competent authority of the place where he practises the equivalent specialty.

51. A person who applies under section 44 shall append to his application

(1) a certified true copy of the certificate or diploma issued outside Canada and the United States authorizing him to legally practise the equivalent specialty;

(2) proof that the certificate or diploma was issued after a successful examination;

(3) a document certifying that he has completed his postdoctoral training in the equivalent specialty outside Canada and the United States, including a description of the completed program and of the training periods, their duration and proof that they were completed;

(4) where applicable:

(a) a document certifying that the person practises or has practised the equivalent specialty competently, supported by references from the medical authorities concerned;

(b) proof that the person is in good standing with the competent authority of the place where he practises the equivalent specialty;

(c) the semestrial training reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated.

52. A person who applies under paragraph 1 of section 45 shall append to his application a document issued by the Royal College of Physicians and Surgeons of Canada or by the American Board of Medical Specialties certifying that the person has passed the examination required for the issue of a specialist's certificate or, as the case may be, a certified true copy of his certificate.

53. A person who applies under section 47 shall append to his application

(1) a document certifying that he practises in the professional field related to the new specialty and a description of his professional activities; and

(2) a certified true copy of any diploma, certificate or attestation that demonstrates that he has acquired the training, knowledge, skills and attitudes related to the new specialty.

54. A person who files an application for equivalence recognition shall provide a French or English translation of any document provided in support of his application and drawn up in a language other than French or English. The translation shall be certified by the solemn affirmation of the person who did it.

55. The secretary shall forward the applicant's record to the committee which shall examine it and make its recommendation to the Bureau of the College.

With respect to a person who applies under section 47, the committee may recommend that the Bureau of the College recognize the equivalence of all or a part of the postdoctoral training, as well as the equivalence of the successful examination in the specialty or in one of its components.

56. At the first meeting of the Bureau of the College following the filing of the committee's recommendation, the Bureau shall render a decision on the application for equivalence and state its grounds.

The secretary shall inform the person concerned in writing of the Bureau's decision and the grounds therefor, by any means providing proof of receipt, within 15 days of the date on which it was rendered.

Where the Bureau decides not to grant an equivalence, the secretary shall at the same time inform the candidate in writing of the conditions to be met in order to obtain the equivalence applied for or of the terms and conditions for the issue of the specialist's certificate referred to in section 3.

57. A candidate whose application for equivalence is turned down by the Bureau of the College may apply for a hearing. The person shall apply therefor in writing to the secretary within 15 days following receipt of the Bureau's decision and include the prescribed fees.

The person shall be heard within 45 days following receipt of the application by an appeals committee which, within that time, shall make a recommendation to the Bureau. The appeals committee, formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code, shall be composed of three directors of the Bureau of the College.

The appeals committee shall convene the applicant by sending him a written notice at least 10 days before the date of the hearing by any means providing proof of receipt.

58. At the first meeting of the Bureau of the College following the filing of the appeals committee's recommendation, the Bureau shall render a decision on whether an equivalence should be granted and state its grounds. The decision of the Bureau is final.

The secretary shall inform the person concerned of the Bureau's decision and its grounds by registered or certified mail within 15 days of the date on which the decision was rendered.

DIVISION V TRANSITORY AND FINAL PROVISIONS

59. This Regulation replaces 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) and the Regulation respecting standards for recognizing the equivalence of the training of a person not holding the normally required diploma, for the purposes of issuing a specialist's certificate (R.R.Q., 1981, c. M-9, r. 10).

60. A person subject to a decision of the Bureau or administrative committee of the College rendered after 13 October 1998 pursuant to the Regulation respecting

standards for recognizing the equivalence of the training of a person not holding the normally required diploma, for the purposes of issuing a specialist's certificate with respect to the recognition of an equivalence, shall also benefit from the provisions of Subdivision 4 of Division IV of this Regulation.

The secretary shall send a copy of this Regulation to such person, by any means providing proof of receipt, not later than 90 days after the date of coming into force of this Regulation.

An application for a hearing made pursuant to section 57 and pertaining to a decision denying equivalence shall be sent in the manner prescribed in that section within 15 days following receipt of a copy of this Regulation.

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

SCHEDULE I

(ss. 2 and 6)

SPECIALTIES WITHIN THE MEDICAL PROFESSION AND POSTDOCTORAL TRAINING REQUIRED FOR A SPECIALIST'S CERTIFICATE IN A SPECIALTY

1. Anatomical pathology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 36 months of training in anatomical pathology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

2. Anesthesiology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 6 months of training in internal medicine;

(c) 30 months of training in anesthesiology including:

— 3 months of training in pediatric anesthesiology; and

— 3 months of training in critical care; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

3. Medical biochemistry

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in internal medicine or in pediatrics;

(c) 24 months of training in medical biochemistry including:

— 12 months of training in a centre operated by an institution within the meaning of the Act respecting health services and social services; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

4. Cardiology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in cardiology including:

— 1 month of training in pediatric cardiology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

5. Cardiac surgery

72 months of training including:

(a) 24 months of training in surgery;

(b) 24 months of training in cardiac surgery including:

— 6 months of training in pediatric cardiac surgery;

(c) 12 months of training including:

— 6 months of training in thoracic surgery; and

— 6 months of training in general surgery or vascular surgery; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

6. General surgery

60 months of training including:

(a) 48 months of training in surgery including:

— 6 months of training in fields related to the specialty; and

— 42 months of training in general surgery, 12 months of which may be in other surgical fields; and

(b) 12 months of training the content of which is determined by the university program mentioned in section 7.

7. Orthopedic surgery

60 months of training including:

(a) 12 months of training in surgery;

(b) 36 months of training in orthopedic surgery including:

— 6 months of training in pediatric orthopedic surgery; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

8. Plastic surgery

60 months of training including:

(a) 12 months of training in surgery;

(b) 36 months of training in plastic surgery including:

— 3 months of training in pediatric plastic surgery; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

9. Dermatology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in internal medicine or in pediatrics;

(c) 24 months of training in dermatology; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

10. Endocrinology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in endocrinology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

11. Gastroenterology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in adult and pediatric gastroenterology of which:

— 6 months may be replaced by 6 months of training in internal medicine or in pediatrics; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

12. Medical genetics

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in medical genetics; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

13. Geriatric medicine

60 months of training including:

(a) 24 months of training in internal medicine;

(b) 24 months of training in geriatric medicine including:

— 3 months of training in psychogeriatrics; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

14. Hematology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in hematology including:

— 9 months of clinical training in adult or pediatric hematology,

— 9 months of training in a hematology laboratory; and

— 6 months of training in fields related to the specialty; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

15. Clinical immunology and allergy

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in clinical immunology and allergy including:

— 3 months of training in pediatric allergy; and

— 3 months of training in adult allergy; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

16. Emergency medicine

60 months of training including:

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

(b) 24 months of training in emergency medicine; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

17. Internal medicine

60 months of training including:

(a) 54 months of training in internal medicine including training in subspecialties for periods of not more than 3 months per subspecialty;

— 6 of those months may be replaced by 6 months of training in fields related to the specialty; and

(b) 6 months of training the content of which is determined by the university program mentioned in section 7.

18. Nuclear medicine

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in internal medicine or in pediatrics;

(c) 24 months of training in nuclear medicine; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

19. Medical microbiology and infectious diseases

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics; and

(b) 36 months of training in medical microbiology and infectious diseases including:

— 24 months of training in a medical microbiology diagnostic laboratory; and

— 12 months of training in infectious diseases.

20. Nephrology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in nephrology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

21. Neurosurgery

72 months of training including:

(a) 24 months of training in fields related to the specialty;

(b) 36 months of training in neurosurgery; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

22. Neurology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in internal medicine or in pediatrics;

(c) 24 months of training in neurology;

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

23. Obstetrics and gynecology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 36 months of training in obstetrics and gynecology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

24. Medical oncology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in medical oncology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

25. Ophthalmology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 36 months of training in ophthalmology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

26. Otolaryngology

60 months of training including:

(a) 12 months of training in surgery;

(b) 36 months of training in otolaryngology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

27. Pediatrics

60 months of training including:

(a) 48 months of training in pediatrics; and

(b) 12 months of training the content of which is determined by the university program mentioned in section 7.

28. Psychiatry

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in internal medicine 6 months of which may be replaced by 6 months of training in pediatrics;

(c) 24 months of training in psychiatry including:

— 3 months of training in a rehabilitation centre; and

— 3 months of training in pediatric rehabilitation; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

29. Pneumology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in pneumology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

30. Psychiatry

60 months of training including:

(a) 12 months of training at least 6 months of which are in fields related to the specialty;

(b) 36 months of training in psychiatry including:

— 6 months of training in pedopsychiatry; and

— 6 months of training in psychiatric long-term care and in rehabilitation; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

31. Diagnostic radiology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 36 months of training in diagnostic radiology including:

— 6 months of training in ultrasonography; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

32. Radiation oncology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 36 months of training in radiation oncology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

33. Rheumatology

60 months of training including:

(a) 24 months of training in internal medicine or in pediatrics;

(b) 24 months of training in rheumatology; and

(c) 12 months of training the content of which is determined by the university program mentioned in section 7.

34. Community health

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 24 months of training in a community health program and a master's degree in a field relevant to community health;

(c) 12 months of practical training in community health; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

35. Urology

60 months of training including:

(a) 12 months of training in fields related to the specialty;

(b) 12 months of training in surgery;

(c) 24 months of training in urology; and

(d) 12 months of training the content of which is determined by the university program mentioned in section 7.

2816

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians — Professional acts that may be performed by persons other than physicians

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 26 February 1999, adopted the Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of that Regulation is to determine, among the professional acts that may be performed by physicians, those that may be performed by medicine students under a program of study leading to a doctorate in medicine and by fellows, that is, persons serving periods of advanced education in Québec under a university program;

(2) the Regulation specifies, in particular, the conditions on which such acts may be performed; in respect of fellows, it prescribes the conditions for the issue and revocation of the educational card compulsory for performing such acts;

(3) as for citizens and the protection of the public, the Regulation will help ensure that medicine students and fellows are adequately supervised in the course of their training and periods of advanced education and that they perform the authorized professional acts in compliance with the rules applicable to physicians, particularly those respecting ethics; it will make sure that persons who come to Québec to complete periods of advanced education have minimum qualifications to take part in the medical care required;

(4) the Regulation will have no impact on businesses.

Further information may be obtained by contacting Doctor Adrien Dandavino, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions

Professional Code
(R.S.Q., c. C-26, s. 94, par. h)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional acts that may be performed by physicians, those that may be performed by the following persons and to determine the applicable terms and conditions:

(1) medical students, that is, persons registered in a program of study leading to a diploma giving access to the permit or a specialist's certificate, and persons registered in such a program of study but within the scope of a host or exchange program approved by the faculty of medicine or by government authorities; and

(2) fellows, that is, persons serving periods of advanced education under a university program, in clinical medicine or research.

“Diploma giving access to the permit or a specialist's certificate” means a diploma recognized by government regulation as giving access to the permit referred to in section 33 of the Medical Act (R.S.Q., c. M-9) and to a specialist's certificate referred to in section 37 of that Act, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

2. The professional acts that may be performed by a resident in family medicine or in a specialty and the applicable terms and conditions are listed in the Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions or, as the case may be, the Regulation respecting the specialties within the medical profession, the additional terms and conditions for the issue of a specialist's certificate by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions.

“Resident in family medicine or in a specialty” means any person who holds a diploma giving access to the permit or a specialist's certificate or to whom the Bureau of the Collège des médecins du Québec has, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, recognized a diploma equiva-

lence, who is registered in a postdoctoral university program in family medicine or a specialty and serving periods of training under that program.

DIVISION II MEDICAL STUDENTS

3. A medical student may perform, among the professional acts of a physician, those required to complete the program of study leading to a diploma giving access to the permit or a specialist's certificate, on the following conditions:

(1) he is entered on the register kept pursuant to the Medical Act and, where applicable, holds a registration certificate issued in accordance with that Act; and

(2) he performs them in a training setting recognized by the faculty of medicine, under the supervision of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, the keeping of records and consulting rooms.

DIVISION III FELLOWS

4. A fellow may perform, among the professional acts of a physician, those required to complete periods of advanced education, on the following conditions:

(1) he is entered on the register kept pursuant to the Medical Act;

(2) he performs them in the clinical or research sites where he serves his periods of advanced education, in compliance with what is mentioned on his educational card; and

(3) he performs them under the authority of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, prescriptions, the keeping of records and consulting rooms.

5. A fellow may not perform a professional act unless he meets the conditions for the issue of an educational card.

The fellow shall apply for an educational card in the form determined by the secretary.

6. The secretary shall issue an educational card to a fellow who

(1) holds a position within the meaning of an order made pursuant to section 503 of the Act respecting health services and social services;

(2) provides proof of admission to a university program in family medicine or a specialty and proof that he has obtained an employment certificate from an institution participating in such a program;

(3) in the absence of a diploma giving access to the permit or a specialist's certificate,

(a) has passed the evaluating examination of the Medical Council of Canada or holds a standard certificate of the Educational Commission for Foreign Medical Graduates (ECFMG) or has passed the "United States Medical Licensing Examination" (USMLE) Step 2; and

(b) provides proof of his admission to a host or exchange program approved by the faculty of medicine or by government authorities; and

(4) pays the fees prescribed for the obtention of a trainee card.

7. The educational card shall show that the fellow is entered in the register kept for that purpose, the university program in which he is registered, the training sites where he serves his periods of advanced education and their duration. It shall bear a facsimile of the secretary's signature.

Furthermore, the educational card shall mention that periods of advanced education may also be served in any other setting not indicated on the card, provided that it is approved by the Bureau of the College.

8. The educational card shall be valid for 12 months, or until the date stipulated on it. However, it shall expire immediately if the fellow's registration in the university program is cancelled, if the fellow leaves the program or if his educational card is revoked in a case provided for in section 9.

The educational card is renewable on the same conditions until the periods of advanced education have been completed within the university program to which the fellow was admitted.

9. The following entails the revocation of the educational card:

(1) abandonment by the fellow of the university program under which he serves his periods of advanced education or his expulsion or suspension from the program;

(2) obtaining an educational card under false pretences;

(3) acting or behaving in such a way that the well-being or safety of the patients he deals with is compromised; or

(4) performing professional acts in contravention of the provisions of the Medical Act, the Professional Code or a regulation thereunder.

10. 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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Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Conditions and formalities for the revocation of the registration certificate referred to in the Medical Act

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 26 February 1999, adopted the Regulation respecting the conditions and formalities for the revocation of the registration certificate referred to in Division V of the Medical Act.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of that Regulation is to determine the conditions and formalities for the revocation of the registration certificate referred to in the Medical Act, which provides for the registration with the College of medicine students and persons serving periods of postdoctoral training with a view to obtaining a permit to practise medicine or a specialist's certificate in one of the specialties defined within the medical profession;

(2) as for citizens and the protection of the public, the Regulation is intended to ensure that only authorized

persons may pursue medical studies and receive the recognized postdoctoral training leading first to the issue of a doctorate in medicine and secondly to the issue of a permit to practise medicine and possibly a specialist's certificate; it prescribes that a registration certificate is revoked if, for instance, the certificate holder acts or behaves in such a way that the well-being or safety of the patients he deals with is compromised;

(3) the Regulation will have no impact on businesses.

Further information may be obtained by contacting Doctor Adrien Dandavino, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation respecting the conditions and formalities for the revocation of the registration certificate referred to in Division V of the Medical Act

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par. subpar. c)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine the conditions and formalities for the revocation of the registration certificate referred to in Division V of the Medical Act (R.S.Q., c. M-9).

DIVISION II CONDITIONS FOR THE REVOCATION OF A REGISTRATION CERTIFICATE

2. The following entails the revocation of the registration certificate:

(1) expulsion or suspension of the certificate holder by the faculty of medicine of a university that issues the diploma giving access to the permit or a specialist's certificate;

(2) abandonment by the certificate holder of the program of study leading to a diploma giving access to the permit or a specialist's certificate or by the certificate holder of the training program including periods of professional training whose successful completion is prescribed, by regulation made under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), as an additional condition for the issue of a permit, specialist's certificate or special authorization;

(3) obtaining a registration certificate under false pretences;

(4) a certificate holder who acts or behaves in such a way that the well-being or safety of the patients he deals with is compromised; or

(5) a certificate holder who performs medical acts in contravention of the provisions of the Medical Act, the Professional Code or a regulation thereunder.

DIVISION III FORMALITIES FOR THE REVOCATION OF A REGISTRATION CERTIFICATE

3. Where a case of revocation of a registration certificate is submitted to the Bureau of the Collège des médecins du Québec, the secretary of the College shall so inform the certificate holder at least 10 days before the date fixed for examining the case.

4. A holder of a registration certificate who wants to be heard may apply for a hearing to the secretary of the College.

5. A decision to revoke a registration certificate shall give reasons and it takes effect as soon as it is made.

6. A decision to revoke a registration certificate shall be forwarded to the interested persons as soon as possible.

7. A revoked registration certificate becomes void and is deemed not to exist.

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

Draft Regulation

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

Chiropractors — Professional examination — 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 Bureau de l'Ordre des chiropraticiens du Québec has made the Regulation to amend the Regulation respecting professional examinations of the Ordre des chiropraticiens du Québec, the text of which appears below.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, it will be submitted, with the recommendation of the Office, to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre des chiropraticiens du Québec, the main purpose of the Regulation is to no longer exempt candidates holding a diploma awarded by the National Board of Chiropractic Examiners in the United States from the written part of the examination prescribed in the Regulation. However, a transitional provision is provided to not penalize students who registered for the professional examination and who began the process of the national examinations of the National Board of Chiropractic Examiners before 1 October 1998.

According to the Order, the Regulation will encourage an interprovincial reciprocity within the scope of the implementation of the Agreement on Internal Trade, because the written examinations of the United States are not recognized by any other Canadian province, and will facilitate the interprovincial mobility of professionals.

Further information may be obtained by contacting Yves P. Roy, Secretary of the Ordre des chiropraticiens du Québec, 7950, boulevard Métropolitain Est, Ville d'Anjou (Québec) H1K 1A1; telephone number: (514) 355-8540; fax: (514) 355-2290; e-mail: ocq@msn.com.

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 Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions;

they may also be sent to the professional order that has made the Regulation and to the interested persons, departments and bodies.

JEAN-K. SAMSON,
Chairman of the Office des professions

Regulation to amend the Regulation respecting professional examinations of the Ordre des chiropraticiens du Québec

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

1. The Regulation respecting professional examinations of the Ordre des chiropraticiens du Québec approved by Order in Council 270-87 dated 25 February 1987 is amended in section 17

(1) by striking out the words “National Board of Chiropractic Examiners in the United States or by the” in the second paragraph; and

(2) by adding the following at the end:

“Candidates holding a diploma awarded by the National Board of Chiropractic Examiners in the United States, and who took the first part of the examination of that body before 1 October 1998, shall also be exempted from the written part of the examination of the Order, referred to in paragraph 1 of section 16, except the radiological examination.”

2. 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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Index Statutory Instruments

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

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