

Gouvernement du Québec

**O.C. 1079-96, 28 August 1996**

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

**Nursing Assistants**

**— Procedure for conciliation and arbitration of accounts**

**— Amendments**

Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants

WHEREAS under section 2 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40, s. 2), subject to the inconsistent provisions of a special act, the Code applies, in particular, to all professional orders;

WHEREAS pursuant to the Code, the Ordre des infirmières et infirmiers auxiliaires du Québec made the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (R.R.Q., 1981, c. C-26, r. 117);

WHEREAS, in 1990, section 88 of the Code read as follows:

“88. The Bureau must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the corporation which may be used by persons having recourse to the services of the members.

The regulation shall include

(1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part, provided the application for conciliation is made within 45 days after the day he receives the account. The Bureau may extend the time limit up to a maximum of one year. Where the member has withdrawn or withheld sums from funds he holds or has received for or on behalf of the person, the time limit runs from the time the person becomes aware that such sums have been withdrawn or withheld;

(2) provisions for the setting up of a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;

(3) provisions for the arbitration of accounts by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation.

The regulation may provide that where the fees or the specific terms and conditions allowing to determine the fees are fixed in a written agreement between the member and the person, the procedure may be used only to ensure that the services rendered are in conformity with the said agreement.”;

WHEREAS pursuant to that section of the Code, at its meeting held on 29 March 1990, the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec made, in French and in English, the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (Amendment);

WHEREAS in accordance with the provisions of the third paragraph of section 95 of the Code, as it read in 1989, the secretary of the professional Order sent the draft of the regulation to every member of the Order at least thirty days before it was formally made by the Bureau of the Order;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, as a draft, in Part 2 of the *Gazette officielle du Québec* of 1 May 1991;

WHEREAS the Regulation was published with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following the date of its publication and asking any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

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

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

WHEREAS at its meeting held on 30 May 1995, the Office examined the Regulation and recommended its approval by the Government, with amendments;

WHEREAS pursuant to section 35 of the Professional Code, enacted by section 31 of Chapter 40 of the Statutes of 1994, the Order decided to substitute the word “Ordre” for the words “Ordre professionnel” in its name and it is expedient to amend the Regulation to reflect that decision;

WHEREAS it is expedient to approve the Regulation, with amendments;

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

THAT the Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants**

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

**1.** The Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (R.R.Q., 1981, c. C-26, r. 117), amended by section 457 of Chapter 40 of the Statutes of 1994, is further amended by substituting the following for section 2.03:

“**2.03.** An application for conciliation in respect of an account which was not paid or was paid, in whole or in part, must be transmitted to the syndic within 45 days following the day on which the patient received the account.

An application for conciliation in respect of a sum withdrawn or withheld by a member from funds he is holding or has received for or on behalf of the patient must be transmitted to the syndic within 45 days following the day the patient becomes aware that such sum has been withdrawn or withheld.

An application for conciliation in respect of an account or part thereof which was not paid may be transmitted to the syndic after the expiry of the 45-day period, provided that it is transmitted before a legal action is served by the member on the patient in respect of the unpaid account or part thereof.”

**2.** Section 3.02.01 of the Regulation is amended by adding the following after the first paragraph:

“Notwithstanding the foregoing, where the amount in dispute is less than \$1 500, only one arbitrator is appointed by the administrative committee and he shall act as council for the purposes of this Regulation.”

**3.** Section 3.02.05 of the Regulation is amended by adding the following after the first paragraph:

“In the case of a council consisting of one arbitrator, the latter shall be replaced by a new arbitrator appointed by the administrative committee and the dispute shall be re-heard.”

**4.** Section 3.04.02 of the Regulation is amended by adding the following paragraph after the first paragraph:

“The council shall determine, where applicable, the reimbursement of fees to which the patient is entitled.”

**5.** Schedule 1 to the Regulation is amended by substituting the following for paragraph 2:

Check the appropriate box

“(2) I refuse to pay this account

or

I ask for a reimbursement of \$ .....

for the following reasons:

.....  
.....  
.....”

**6.** Schedule 2 to the Regulation is amended:

(1) by substituting the following for clause 2:

“(2) The party of the first part

Check the appropriate box

(a) refuses to pay this account

or

(b) asks for a reimbursement of \$ .....

for the following reasons:

.....  
.....  
.....

For the purposes of prescription, the party of the first part waives the benefit of elapsed time.”;

(2) by adding the following after the first paragraph of clause 5:

“The party of the first part undertakes, for the duration of the arbitration, not to claim, before civil courts, reimbursement of the amount it paid towards all or part of the account in dispute;”.

**7.** The Regulation is amended by striking out the word “professionnel” which appears in the name of the Order in paragraph *a* of section 1.01 and in Schedule 2.

**8.** 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. 1108-96, 4 September 1996**

An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21)

#### **Signing of certain documents**

Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration

WHEREAS the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21) was assented to on 20 June 1996;

WHEREAS under the second paragraph of section 7 of that Act, no deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by an employee of the Government and in the last two cases, only so far as determined by the Government;

WHEREAS under section 73 of the Act, the members of the personnel assigned to the “Immigration and Cultural Communities Program” of the Ministère des Relations internationales, to the registrar of civil status at the Ministère de la Justice, to the youth secretariat and the family secretariat at the Ministère de la Sécurité du revenu and the members of the personnel of the Conseil du trésor put at the disposal of the Minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., c. S-6.1) and assigned to the “Communication-Québec” directorate become, without further formality, members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration;

WHEREAS by Order in Council 910-94 dated 22 June 1994, the Government made the Rules respecting the signing of certain writings of the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles and it is expedient to make them applicable to the members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration;

WHEREAS it is expedient, therefore, to make the Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration, attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister for Relations with the Citizens and of the Minister of State for Employment and Solidarity:

THAT the Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

#### **Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration**

An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21, s. 7)

**1.** The members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration are authorized to sign documents on behalf of the Minister of Relations with the Citizens and Immigration in accordance with the provisions of the Rules respecting the signing of certain writings of the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles, made by Order in Council 910-94 dated 22 June 1994.

The associate deputy ministers for Youth and the Family, the registrar of civil status, the director of Communication-Québec and the directors under their authority are also authorized to sign as associate deputy minister, as director general of management services or as a director mentioned in those Rules, respectively.

**2.** These Rules come into force on the date of their making.

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