

The Bureau's decision is final and shall be forwarded to the candidate by registered mail within 30 days following the date of the hearing.

#### DIVISION IV FINAL PROVISIONS

**10.** This Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre professionnel des hygiénistes dentaires du Québec, approved by Order in Council 759-92 dated 20 May 1992.

**11.** 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. 675-96, 5 June 1996

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

#### Dental hygienists — Conciliation and arbitration procedure of accounts

Regulation respecting the procedure for the conciliation and arbitration of accounts of members of the Ordre des hygiénistes dentaires du Québec

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

WHEREAS under section 88 of the Code, the Bureau made the Regulation respecting the procedure for conciliation and arbitration of accounts of dental hygienists (R.R.Q., 1981, c. C-26, r. 105);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau made the Regulation respecting the procedure for the conciliation and arbitration of accounts of members of the Ordre des hygiénistes dentaires du Québec;

WHEREAS a draft of the Regulation was sent to every member of the professional order at least 30 days before its adoption by the Bureau, in accordance with section 95.3 of the Code;

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

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

WHEREAS it is expedient to approve that 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 procedure for the conciliation and arbitration of accounts of members of the Ordre des hygiénistes dentaires du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation respecting the procedure for the conciliation and arbitration of accounts of members of the Ordre des hygiénistes dentaires du Québec

Professional Code  
(R.S.Q., c. C-26, s. 88; 1994, c. 40, s. 76)

#### DIVISION I CONCILIATION

**1.** A client who has a dispute with a member of the Ordre des hygiénistes dentaires du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic within a 45-day period from the date of receipt of the account, provided that the member has not instituted proceedings to recover the account.

**2.** A client who has already paid the account for professional services in whole or in part may file a written application for conciliation on the portion that has been paid, within a 45-day period from the date of receipt of the account.

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

**3.** A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

**4.** Within 3 days of receiving an application for conciliation, the syndic shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's professional domicile. He shall also send the client a copy of this Regulation.

The member may not institute proceedings to recover his account for professional services once the syndic informs him of the application for conciliation respecting that account and until the expiry of the period prescribed for sending an application for arbitration or, if an application for arbitration is made, until a decision is rendered by the council of arbitration.

Notwithstanding the foregoing, the syndic may authorize such proceedings if, failing such, recovery of the claim may be jeopardized.

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

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

**7.** Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered or certified mail. The report shall contain the following information, where applicable:

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

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

## **DIVISION II** **ARBITRATION**

### *§1. Application for arbitration*

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

A copy of the conciliation report shall accompany the client's application for arbitration together with the amount that he acknowledged owing during the conciliation and that is mentioned in the syndic's report.

**9.** Within 3 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's professional domicile.

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

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

**12.** The amount deposited under sections 8 and 11 shall be remitted by the secretary of the Order to the party in favour of whom such acknowledgment was made.

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

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

### *§2. Council of arbitration*

**14.** The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$1 000 or more and of a single arbitrator in all other cases.

**15.** The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof. Where there is only one member, he shall act as chairman and secretary at the same time.

The directors of the Bureau and the secretary of the Order may not act as arbitrators on a council of arbitration.

**16.** Before acting, the members of the council of arbitration shall take the oath of office and discretion in Schedule II.

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

**18.** A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 17 or of the day on which the reason for the request becomes known.

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

### §3. *Hearing*

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

**20.** The secretary of the Order shall give the parties or their advocates and the arbitrators at least 10 days' written notice of the date, time and place of the hearing.

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

**22.** A party requesting that the testimony be recorded shall assume the cost thereof. Such request shall be recorded in the minutes of the hearing written and signed by the secretary of the council of arbitration.

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

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

### §4. *Arbitration award*

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

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

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

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

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

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

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

**30.** The arbitration council shall file the arbitration award with the secretary of the Order. It shall be sent to each party or to their advocates and to the syndic within 10 days after it is filed.

### DIVISION III TRANSITORY AND FINAL

**31.** This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of dental hygienists (R.R.Q., 1981, c. C-26, r. 105), but the latter Regulation continues to govern the procedure for conciliation and arbitration of accounts for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

**SCHEDULE I**

(s. 8)

**APPLICATION FOR ARBITRATION OF AN ACCOUNT**

I, the undersigned, .....  
(applicant's name and first name)  
.....  
.....  
(address) (occupation)

declare that:

(1) As on .....(date), .....(name of member) sent to .....(name of client applying for arbitration) an account in the amount of \$....., for professional services.

(2) Mark *a* or *b* as applicable:

(a) I am the client applying for arbitration;  
(b) I am the advocate of the client applying for arbitration and I am duly authorized, under an authorization a copy of which is attached hereto, to sign this form on his behalf.

(3) Mark *a* or *b* as applicable and give reasons:

(a) I refuse to pay the account;  
(b) I am asking for a reimbursement of \$.....;

Reasons: .....  
.....  
.....  
.....

(4) During conciliation, I acknowledged owing the amount of \$..... and consequently I am depositing with this application a certified cheque to the order of the Secretary of the Ordre des hygiénistes dentaires du Québec "in trust".

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

(6) I am applying for arbitration of the account under the Regulation respecting the procedure for the conciliation and arbitration of accounts of members of the Ordre des hygiénistes dentaires du Québec.

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

(8) I agree to submit to the procedure provided for in that Regulation and to the ensuing arbitration award.

.....  
Date Signature

**SCHEDULE II**

(s. 16)

**OATH OF OFFICE AND DISCRETION**

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

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

.....  
Signature

Sworn before me .....  
(name and position, profession or capacity)  
at.....on .....  
(municipality) (date)

.....  
Signature

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Gouvernement du Québec

**O.C. 676-96, 5 June 1996**

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

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

**Physicians  
— Terms and conditions for a specialist's certificate to be issued by the Ordre  
— Amendments**

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

WHEREAS under section 3 of the Medical Act (R.S.Q., c. M-9), subject to the provisions of that Act, the Collège