

**13.** 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. 1322-96, 16 October 1996**

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

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

**Physicians  
— Conciliation and arbitration procedure  
for the accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of physicians

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

WHEREAS under section 88 of the Professional Code, as it read in January 1990, the Bureau of the Collège des médecins du Québec was required to establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of that professional order which could be used by persons having recourse to the services of the members;

WHEREAS under that section, the Regulation was required to include, in particular:

“(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 Where the member has withdrawn or withheld sums from funds he holds or has received for or on behalf of the person, the time limit runs from the time the person becomes aware that such sums have been withdrawn or withheld;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 arbitra-

tors, according to the amount of the dispute as prescribed in the regulation.”;

WHEREAS, also under the same section, the regulation could “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 for the purposes of that section, the Bureau of the Collège des médecins du Québec adopted, at its meeting held on 24 January 1990, the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians in its French and English versions;

WHEREAS a draft of the Regulation, subject to the provisions of the Regulations Act (R.S.Q., c. R-18.1; 1994, cc. 2 and 23), was published in Part 2 of the *Gazette officielle du Québec* of 30 March 1994;

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

WHEREAS following that publication, 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 that Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office which, at its meeting of 30 May 1995, examined the Regulation and recommended its approval by the Government, with amendments;

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 conciliation and arbitration procedure for the accounts of physicians, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the conciliation and arbitration procedure for the accounts of physicians

Medical Act  
(R.S.Q., c. M-9, s. 3)

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

### DIVISION I GENERAL

**1.** The purpose of this Regulation is to establish a conciliation and arbitration procedure for the accounts of physicians which may be used by persons having recourse to their services.

**2.** In this Regulation,

(1) “College” means the Collège des médecins du Québec;

(2) “administrative committee” means the administrative committee of the College;

(3) “secretary” means the secretary of the College; and

(4) “syndic” means the syndic, an assistant syndic or a corresponding syndic of the College.

**3.** The syndic shall transmit a copy of this Regulation to every person who requests it.

**4.** A client who has a dispute with a physician as to the amount of an account for professional services shall, before seeking arbitration of the account, apply for conciliation by the syndic.

**5.** Once the syndic has received an application for conciliation in respect of an account, the physician may not institute proceedings to recover that account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, the physician may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

### DIVISION II CONCILIATION

**6.** An application for conciliation in respect of an account for professional services that has not been paid or that has been paid in whole or in part shall be sent to the syndic within 60 days of the date of receipt of the account by the client.

An application for conciliation in respect of an amount withdrawn or withheld from funds which the physician has received for or on behalf of the client shall be sent to the syndic within 60 days of the date on which the client becomes aware that the sum has been withdrawn or withheld.

An application for conciliation in respect of an account or part of an account that has not been paid may be sent to the syndic after the expiry of the 60-day period, provided that it is sent before a legal proceeding is served on the client by the physician for the account or the part of the account in dispute.

**7.** The application for conciliation shall be sent to the syndic by registered or certified mail and shall reproduce the content of Schedule I.

**8.** Within 5 days following the date on which he receives the application for conciliation, the syndic shall send to the physician whose account is in dispute, a copy of that application by registered or certified mail and shall send to the client a copy of this Regulation.

**9.** The syndic shall proceed with the conciliation in such manner as he considers appropriate.

**10.** Any agreement reached during conciliation between the client and the physician shall be put in writing, in terms similar to those of Schedule II, shall be signed by them and shall be filed with the syndic.

**11.** Where conciliation does not lead to an agreement within 45 days from the date of receipt by the syndic of the application for conciliation, the syndic shall send a report on the dispute to the client and to the physician 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 physician acknowledges having to reimburse or is willing to accept as a settlement of the dispute; and

(4) the amount suggested by the syndic during conciliation as a payment to the physician or as a reimbursement to the client.

The syndic shall also send the client a form reproducing the content of Schedule III and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

### DIVISION III ARBITRATION

#### §1. *Application for arbitration*

**12.** Where conciliation does not lead to an agreement between the parties, the client may have recourse to arbitration within 30 days of receipt of the syndic's conciliation report or, in the absence of such report, between the 45<sup>th</sup> and 90<sup>th</sup> day following receipt by the syndic of his application for conciliation.

The application for arbitration shall be sent to the secretary by registered or certified mail and shall reproduce the content of Schedule III.

Where applicable, a copy of the conciliation report shall accompany the client's application for arbitration.

**13.** Within 5 days of receiving an application for arbitration, the secretary shall notify the physician concerned by registered or certified mail.

He shall also notify the administrative committee, which shall form a council of arbitration as soon as possible.

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

**15.** A physician who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary, who shall then remit it to the client.

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

**16.** Any agreement reached between the client and the physician after the application for arbitration has been filed shall be put in writing, in terms similar to those of Schedule II, shall be signed by them and shall be filed with the secretary; 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*

**17.** The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$1 500 or more, and of a single arbitrator where the amount is less than \$1 500.

**18.** The administrative committee shall appoint the member or members of the council of arbitration from among the members of the College and, if the council is composed of 3 arbitrators, shall designate the chairman thereof.

Within 10 days following the decision of the administrative committee, the secretary shall notify, by registered or certified mail, the arbitrators and the parties of the formation of a council of arbitration.

**19.** Before acting, the member or the members of the council of arbitration shall take the oath of office and discretion in Schedule IV.

**20.** 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 administrative committee, to the secretary, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in the second paragraph of section 18 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where applicable, shall see that the recused arbitrator is replaced.

**21.** Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through. If that arbitrator is the chairman of the council of arbitration, the administrative committee shall appoint one of the other two arbitrators to act as chairman.

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

#### §3. *Hearing*

**22.** The council of arbitration shall fix the date, time and place of the hearing. The secretary shall give the parties at least 10 days' written notice before the date of the hearing, by sending them a notice by registered or certified mail.

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

**24.** The council of arbitration may ask each party to submit, within a given time limit, a statement of their claims with supporting documents.

**25.** The council of arbitration shall hear the parties with dispatch, receive their evidence or record any failure on their part. For those purposes, it shall apply the rules of evidence of courts of civil jurisdiction, follow such procedure as it considers appropriate and rule according to the rules of law.

**26.** A party desiring that the testimony be recorded shall make a request to that effect at least 5 days before the date scheduled for the hearing and shall assume the cost thereof.

#### §4. Arbitration award

**27.** The council of arbitration shall issue its award within 15 days following the end of the hearing.

**28.** The award shall be a majority award of the members of the council of arbitration; failing a majority, it shall be rendered by the chairman of the council.

The award shall give reasons and shall be signed by all 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.

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

The council of arbitration may also decide the arbitration expenses, which are the expenses incurred by the College for the arbitration. The total expenses may not exceed 15 % of the amount to which the arbitration pertains.

In addition, 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.

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

**31.** 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.

**32.** The council of arbitration shall file the arbitration award with the secretary, who, within 10 days after it is filed, shall send a true copy thereof to each party or to their advocates, to the syndic and to the administrative committee.

The council of arbitration shall also send to the secretary the complete arbitration file, true copies of which may be sent only to the parties, to their advocates and to the syndic.

#### DIVISION IV

##### FINAL

**33.** This Regulation replaces the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians (R.R.Q., 1981, c. M-9, r.12), but the latter Regulation continues to govern the procedure for the conciliation and arbitration of accounts for which conciliation by the syndic is applied for prior to the date of the coming into force of this Regulation.

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

#### SCHEDULE I

(s. 7)

##### APPLICATION FOR CONCILIATION

I, the undersigned, .....,  
(name and address of client)  
being duly sworn, declare that:

1. Doctor .....  
(name and address of physician)  
has claimed from me the sum of ..... for  
professional services rendered between ..... and  
(date)

..... as attested to by:  
(date)

the account, a copy of which is enclosed herewith

or

the document, a copy of which is enclosed  
herewith, indicating that the sum has been  
withdrawn or withheld

2. I am contesting for the following reason(s):  
.....  
.....  
.....

but, where applicable, I acknowledge owing the sum of  
..... for the professional services;

3. (a) I have not paid the account

or

(b) I have paid the account in full

or

(c) I have made partial payment of the  
account in the amount of .....

or

(d) The amount of ..... has been  
withdrawn or withheld from funds which  
the physician holds or has received for  
me or on my behalf

4. I am applying for conciliation by the syndic under  
Division II of the Regulation respecting the conciliation  
and arbitration procedure for the accounts of physicians.

And I have signed

on .....  
(date)

.....  
client's signature

Sworn before .....  
(name, position, profession or quality)

At .....  
(place)

on .....  
(date)

.....  
signature

**SCHEDULE II**  
(ss. 10 and 16)

**AGREEMENT RELATIVE TO A DISPUTE  
SUBMITTED TO**

CONCILIATION

OR

ARBITRATION

Entered into between:

.....,  
(name and address of client)  
hereinafter referred to as the "client"

and

.....  
(name and address of physician)  
a member of the Collège des médecins du Québec, here-  
inafter referred to as the "physician",

who make the following statements and agreements:

An agreement entered into between the client and the  
physician concerning the dispute submitted to concilia-  
tion  or arbitration  applied for on .....  
(date)

This agreement provides for the following terms and  
conditions:

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

The client and the physician request that the procedure  
for conciliation  or arbitration  be halted.

..... client's signature      physician's signature

Signed at ..... Signed at .....  
(place) (place)

on ..... on .....  
(date) (date)

**SCHEDULE III**

(s. 12)

**APPLICATION FOR ARBITRATION  
OF AN ACCOUNT**

I, the undersigned, .....,  
(name and address of client)  
being duly sworn, declare that:

1. Doctor .....  
(name and address of physician)  
has claimed from me (or refuses to reimburse to me) a  
sum of money for professional services.
2. I have enclosed a copy of the conciliation report, if  
such report exists.
3. I am applying for arbitration of the account under  
Division III of the Regulation respecting the concilia-  
tion and arbitration procedure for the accounts of physi-  
cians, of which I have received a copy and taken cogni-  
zance.
4. I agree to submit to the procedure provided for in the  
Regulation and, where required, to pay to Doctor  
..... the amount of the arbitration  
(physician's name)  
award.

And I have signed

on .....  
(date)

.....  
client's signature

Sworn before .....  
(name, position, profession or quality)

At .....  
(place)

on .....  
(date)

.....  
signature

**SCHEDULE IV**

(s. 19)

**OATH OF OFFICE AND DISCRETION**

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

I also swear 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 and in the exercise of my powers.

.....  
signature of arbitrator

Sworn before .....  
(name, position, profession or quality)

At .....  
(place)

on .....  
(date)

.....  
signature

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Gouvernement du Québec

**O.C. 1323-96**, 16 October 1996

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

**Physicians**

— **Training of physicians who wish to practise  
acupuncture**

— **Amendments**

Regulation to amend the Regulation respecting the  
training of physicians who wish to practise acupunc-  
ture

WHEREAS section 20 of the Medical Act (R.S.Q.,  
c. M-9; 1994, c. 37, s. 19 and c. 40, s. 376) sets out that  
in addition to the powers provided for in section 94 of  
the Professional Code (R.S.Q., c. C-26; 1994, c. 40,  
s. 81), the Bureau of the Collège des médecins du Québec  
may by regulation make rules respecting the training of  
physicians who wish to practise acupuncture;