

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*).

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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*.