

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*.

2817

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;