

Regulation to amend the Regulation respecting fiscal administration*

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 31, 2nd par., s. 96, 1st par.; 1999, c. 65, s. 34; 1999, c. 83, s. 283)

1. Section 31R1 of the Regulation respecting fiscal administration is amended, in the first paragraph,

(1) by replacing the portion before subparagraph *a* by the following:

“**31R1.** The Minister may allocate a refund due to a person by reason of the application of a fiscal law, to the payment of any amount for which that person is indebted to the State under the following Acts:”;

(2) by replacing subparagraph *c* by the following:

“(c) the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3);”;

(3) by adding, after subparagraph *c*, the following paragraph:

“(d) the Act respecting family benefits (R.S.Q., c. P-19.1).”.

2. Section 31R2 of the Regulation is amended by replacing the portion before paragraph *a* by the following:

“**31R2.** For the purposes of the allocation, the Minister receives, from each Minister or body responsible for the application or the administration of an Act referred to in section 31R1, the following particulars concerning the persons indebted under the Act applied:”.

3. Section 31R3 of the Regulation is replaced by the following:

“**31R3.** Where the Minister receives the information described in section 31R2 respecting a debtor and a refund must be paid to that debtor by reason of the application of a fiscal law, the Minister deducts the amount of the debtor’s debt from the refund.”.

4. Section 31R4 of the Regulation is amended by replacing the portion of the first paragraph before subparagraph *a* by the following:

“**31R4.** After the allocation provided for in section 31R3, the Minister sends to each Minister or body concerned the following particulars concerning the debtor:”.

5. Section 31R5 of the Regulation is replaced by the following:

“**31R5.** The Minister also sends to each concerned Minister or body a list of the debtors for whom no allocation has been made.”.

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 142-2000, 16 February 2000

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

Collège des médecins du Québec — Standards for equivalence of diplomas for the issue of a permit or specialist’s certificate

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

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 paragraph *c* of section 93 of the Professional Code, the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purpose of issuing a permit or specialist’s certificate;

WHEREAS, pursuant to section 94.1 of the Professional Code, the Bureau of a professional order may, in a regulation that it is authorized to make under that Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and it may provide that reference to such a standard includes any subsequent amendment to it;

* The Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was last amended by the Regulation made by Order in Council n° 1454-99 dated 15 December 1999 (1999, *G.O.* 2, 5207). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

WHEREAS, pursuant to the aforementioned provisions of the Professional Code, the Bureau of the Collège des médecins du Québec, at its meeting of 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, to replace 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;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of that Code, any regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 5 May 1999, with a notice indicating that it would be submitted to the Government which could approve it with or without amendment at the expiry of 45 days following its publication and inviting 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 the Chairman of the Office des professions du Québec has received comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

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 respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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 to have 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 7 and 8 are intended to evaluate whether or not a diploma holder's knowledge, skills and attitudes compare 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, the examination may be retaken twice.

4. Pursuant to section 94.1 of the Professional Code, a reference to standards established by the bodies referred to in sections 5 to 8 includes any subsequent amendment made thereto by those bodies.

DIVISION II STANDARDS FOR EQUIVALENCE OF DIPLOMAS

§1. Diplomas issued in Canada outside Québec

5. 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

6. 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.

7. 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, for at least three 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

8. 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 medi-

cine 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, for at least three 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 awards 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

9. The secretary of the Collège des médecins du Québec shall forward to any person who applies for a diploma equivalence for the purposes mentioned in section 1

(1) a copy of this Regulation;

(2) a copy of the resolution of the Bureau of the College indicating which examinations are established or approved for the purposes of paragraph 2 of sections 7 and 8; and

(3) a copy of the resolution of the Bureau of the College passed under paragraph 8 of section 86.0.1 of the Professional Code prescribing the fees payable under this Regulation.

10. A person who needs a diploma equivalence shall apply therefor by using the form intended for that purpose 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) if the person relies on paragraph 1 of section 7 or section 8, proof that the person has worked in a clinical discipline in Québec, during the time period mentioned in that paragraph;

(4) if the person relies on paragraph 2 of section 7 or section 8, proof that the person passed the examinations referred to in that paragraph.

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 and in accordance with subparagraph *g* of the first paragraph of section 86 of the Professional Code, 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 a committee which, within that time, shall make a recommendation to the Bureau. That 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 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 ten days before the date of the hearing.

14. At the first meeting of the Bureau of the College following the filing of the recommendation of the committee made up for the purposes of section 13, 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. 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.

16. Notwithstanding paragraphs 1 and 2 of section 8 of this Regulation, a person who holds a diploma referred to in section 4 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, and also 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, and in addition to what is mentioned in subparagraphs 1 and 2 of that section, proof that he has worked in a clinical discipline in Québec for at least six years under a restrictive permit.

17. 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, as well as the Regulation respecting the standards for equivalence of the diplomas issued by educational establishments situated outside Québec for the issuing of a permit (Amendment), adopted

by the Bureau of the Collège des médecins du Québec on 25 October 1989 and published as a draft in Part 2 of the *Gazette officielle du Québec* of 16 May 1990.

18. 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. 143-2000, 16 February 2000

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

Collège des médecins du Québec
— **Additional terms and conditions for the issue of permits**
— **Standards of equivalence for certain of those terms and conditions**

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

WHEREAS, under section 3 of the Medical Act (R.S.Q., c. M-9), subject to the provisions of the 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 paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS, under paragraph *h* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine, among the professional acts that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of the same section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS, under section 94.1 of the Professional Code, the Bureau of a professional order may, in a regulation that it is authorized to make under the Code or under an Act constituting the professional order, make compulsory a standard established by a government or body and it may provide that reference to such a standard includes any subsequent amendment to it;

WHEREAS, pursuant to the aforementioned provisions of the Professional Code, the Bureau of the Collège des médecins du Québec, at its meeting of 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, to replace 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;

WHEREAS, under section 95 of the Professional Code, 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 an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 5 May 1999, with a notice indicating that it would be submitted to the Government which could approve it with or without amendment at the expiry of 45 days following its publication and inviting 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 the Chairman of the Office des professions du Québec has received comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

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: