

3. Section 4.04 is abrogated.

4. Section 5.02 is amended by adding the following paragraphs at the end:

“In the case of a standard workday of 10 hours and 30 minutes, the work schedule may begin at 6:30 a.m. at the earliest.

In all other cases, the employer and employees, after agreement with a majority of the employees concerned, may decide that the work schedule begins at 6:00 a.m. at the earliest.”.

5. The following is substituted for sections 5.03 and 5.04:

“**5.03.** The standard workweek for the watchman, truck driver, boiler fireman, stationary engineman, maintenance man and repairman is scheduled from Sunday to Saturday with no restriction as to the hour at which work begins or ends.”.

6. Section 5.05 is amended by adding the following paragraphs at the end:

“In the case of an employee paid on a piece rate or incentive basis, for the purposes of computing the amount to be paid for overtime hours, the increase in the employee’s wage is determined on the basis of the total wage earned during the last two weeks of work preceding the week during which the overtime hours were worked.

For the purposes of computing overtime hours, annual vacations and paid general holidays are considered as workdays.”.

7. Section 5.09 is abrogated.

8. The following is substituted for the first paragraph of section 6.02:

“**6.02.** An employee who has 60 days of continuous service with his employer is entitled to the following paid holidays: New Year’s Day, 2 January, Easter Monday, the Monday that precedes 25 May, 1 July, Labour Day, Thanksgiving Day, Christmas and 26 December.”.

9. Section 6.03 is amended by substituting the following for the second paragraph:

“However, the indemnity of the employee paid on a piece rate or incentive basis must be equal to his average daily wage established on the basis of complete pay periods within the two weeks preceding that holiday.”.

10. Section 7.01 is amended by adding the following paragraphs at the end of paragraph *b*:

“He is also entitled, if he so requests, to an additional annual vacation without pay equal to the number of days required to bring his annual vacation to three weeks.

That additional vacation does not have to be continuous with the annual two-week paid vacation. However, it may not be divided, nor be replaced by an compensatory indemnity;”.

11. The following is substituted for section 7.05:

“**7.05. Fringe benefits:** During his annual vacation, the employee is entitled to the following benefits, if applicable: a contribution to a group insurance plan or pension plan and any other benefit agreed upon by the employer.”.

12. The following is substituted for section 10.01:

“**10.01.** The Decree remains in force until 31 December 2002.”.

13. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 1417-2000, 6 December 2000**

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

**Medical Act which may be done by classes of persons other than physicians**  
— Amendments

Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act, the Bureau of the Collège des médecins du Québec, hereafter designated as “the College”, in addition to the duties provided in sections 87 to 93 of the Professional Code (R.S.Q., c. C-26), shall by regulation, determine among the acts contemplated in section 31 of the Medical Act those which, under certain prescribed conditions, may be done by classes of persons other than physicians;

WHEREAS, under the second paragraph of section 19, the Bureau of the College shall, before passing a regulation under subparagraph *b* of the first paragraph, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there are no such orders, the representative bodies of such classes of persons;

WHEREAS, pursuant to that subparagraph, the Bureau of the College adopted on 21 April 1999 the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians in its French and English versions;

WHEREAS the consultation required under the second paragraph of section 19 of the Act was carried out;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 25 August 1999 with a notice that it could be submitted to the Government for approval, upon the expiry of 45 days following its publication;

WHEREAS the Chairman of the Office received comments following that publication;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, a regulation adopted by the Bureau of a professional order under the Act constituting the professional order shall be transmitted to the Office 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 the Regulation was transmitted to the Office which examined it and recommended the approval thereof 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 amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, attached to this Order in Council, be approved with amendments.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## **Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians\***

Medical Act

(R.S.Q., c. M-9, s. 19, 1<sup>st</sup> par., subpar. *b*)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians is amended at section 1.01 by adding, after paragraph *r*, the following:

“ *s* ) “nurse first surgical assistant”: a nurse having a minimum of three years experience in an operative room, one year of which being in the concerned surgical discipline. Furthermore,

i. he or she is the holder of a baccalaureate in nursing sciences issued by a Quebec university or he or she has completed at least 60 credits in nursing sciences in the course of a program of university studies other than the program leading to the certificate mentioned in subparagraph *ii*;

ii. he or she is the holder of a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières;

iii. he or she is the holder, since less than one year, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued, either by an establishment or an instructor recognised by the Heart and Stroke Foundation of Quebec, either by an establishment affiliated to a Quebec faculty of medicine.”

2. Section 5.02 of this Regulation is amended by adding, at the end, the following paragraph:

“However, they may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

3. Section 5.06 of this Regulation is amended by adding, at the end, the following paragraph:

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\* The recent amendments to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on September 18, 1981 (1982, *G.O.* 2, 21) were introduced by the Regulation approved by Order in Council 1149-2000 dated September 27, 2000 (2000, *G.O.* 2, 6543). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to February 1st, 2000.

“However, he or she may not assist or participate in the act mentioned in section A-1.43 of this schedule.”.

4. The following section is inserted after section 5.10:

“5.11. Despite section A-1.43 requiring that the act described be done by a nurse first surgical assistant, any nurse may do the act described at section A-1.43, subject to division II if, on 28 December 2000:

(a) he or she is, either the holder of a certificate in perioperative nurse care issued by the Université du Québec à Trois-Rivières, either enrolled in a program of studies leading to the issuing of this certificate and becomes the holder of the certificate;

(b) he or she meets the requirement of sub-paragraph *iii* of paragraph *s* of section 1.01.”

5. Schedule A of this Regulation is amended by adding, after section A-1.42, the following section:

Act consisting in:	Medical prescription	Remote supervision	Supervision on the premises	Direct supervision	In a hospital centre only	According to protocol	Other conditions
“A-1.43 Performing complementary clinical and surgical technical activities during the surgical procedure	X			X	X	X	<p>The act is performed by the nurse first surgical assistant and this, in the course of a clinical and technical assistance to the surgeon.</p> <p>The nurse first surgical assistant must maintain his or her knowledge in cardio pulmonary resuscitation by obtaining an annual attestation either of an establishment or instructor recognized by the Heart and Stroke Foundation of Quebec, either of an establishment affiliated with a Quebec faculty of medicine.</p> <p>The surgeon responsible for the surgical procedure is physically present at the beneficiary’s side during the performance of the act. The nurse first surgical assistant practices at no time simultaneously as a nurse in internal service.”.</p>

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