

Gouvernement du Québec

O.C. 1084-2003, 15 October 2003

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

**Registration in medicine
— Causes, terms and conditions for issuing
and revoking**

Regulation respecting causes, terms and conditions for issuing and revoking registration in medicine

WHEREAS, under subparagraph *c* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the Bureau of the Collège des médecins du Québec shall by regulation determine the conditions and formalities applicable to the issue of a registration certificate to a medical student or a person serving a professional training period or pursuing specialized studies, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;

WHEREAS the Bureau made the Regulation respecting terms and conditions for revoking registration in medicine (R.R.Q., 1981, c. M-9, r.6);

WHEREAS it is expedient to replace the Regulation;

WHEREAS the Bureau adopted the Regulation respecting the causes, conditions and formalities for the issuance and revocation of registration in medicine;

WHEREAS, under section 95 of the Professional Code (R.S.Q., c. C-26), subject to sections 95.1 and 95.2 of the 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; 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 sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003, with a notice that it could be submitted to the Government which could approve it, with or without amendment, after the expiry of 45 days following that publication and asking any person having comments to make to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office received comments following that consultation;

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 causes, terms and conditions for issuing and revoking registration in medicine, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**Regulation respecting causes, terms
and conditions for issuing and revoking
registration in medicine**

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. c)

1. Subject to the provisions of the Medical Act (R.S.Q., c. M-9) and of this Regulation, a registration certificate is valid until a permit to practise medicine or a specialist's certificate is issued.

2. The Bureau of Collège des médecins du Québec shall issue a registration certificate to the person who, apart from the provisions of subparagraphs *a* and *b* of the first paragraph of section 29 of the Medical Act, complies with the following terms and conditions:

1) requests a permit in writing from the secretary of the Collège des médecins du Québec;

2) pays the fees prescribed by resolution of the Bureau taken under the eighth paragraph of section 86.0.1 of the Professional Code (R.S.Q., c. C-26);

3) has not been the subject, within the five years preceding his request, of a judicial or disciplinary decision contemplated under the seventh or eighth paragraph of section 3;

4) has the required conduct, qualities and behavior to practise the medical profession.

3. The following events shall entail the revocation of the registration certificate:

1) a definite expulsion of the certificate holder from the faculty of medicine of a university which issues a diploma giving access to the permit or to a specialist's certificate, once all review and appeal mechanisms within the university where he is enrolled have been exhausted;

2) the certificate holder's suspension by the faculty of medicine of a university which issues a diploma giving access to the permit or to a specialist's certificate;

3) the abandonment, by the certificate holder, of his medical studies or of his family medicine or specialized post doctoral training;

4) the issue of this certificate under false representations;

5) any action or behavior by the certificate holder that may jeopardize patients' welfare or safety;

6) when the certificate holder is not a member of the Order, any practicing of medical activities in violation of the rules that apply to physicians, ethics, prescription, particularly those respecting the keeping of records and consulting rooms;

7) when the certificate holder is a member of the Order, and he has been the subject of any disciplinary decision following a violation of a provision of the Professional Code, the Medical Act or a regulation thereunder and imposing the revocation of his permit, the striking off the roll of the Order or the suspension of his right to engage in professional activities;

8) when the certificate holder has been found guilty by a Canadian court or a foreign court of a criminal offence which, in the reasoned opinion of the Bureau, is related to the practice of the profession, unless he has obtained a pardon;

9) when the certificate holder performs other professional activities than those he is authorized to perform or breaches the conditions under which he can perform them.

4. In the cases contemplated under the first and third paragraphs of section 3, the registration certificate shall be revoked without further formality and the Bureau's decision shall be notified to the certificate holder by the secretary.

In the cases contemplated in the second paragraph of section 3, the revocation shall be provisional and shall be in force until the day the suspension ends.

5. The Bureau may, in the case of an emergency, and if it deems that the public's protection requires it, after allowing the certificate holder to submit comments, including during a meeting, and, as the case may be, to produce documents to complete the file, decide to temporarily suspend the registration certificate until a decision is made pursuant to section 7. This decision must be given within a maximum of 30 days of the date of service of the temporary suspension.

The decision made pursuant to this section shall be served as soon as possible to the certificate holder as well as to any one concerned and it shall be enforceable as of its service.

6. When the Bureau may refuse to issue a registration certificate or when a case of revocation of registration is referred to the Bureau, the secretary shall notify the person concerned thereof at least thirty (30) days prior to the date fixed for the rendering of the decision; such notice must indicate to the certificate holder the reasons justifying the refusal to issue or the revocation as well as the possibility, within this timeframe, to submit comments, including during a meeting, and, as the case may be, to produce documents to complete his file.

7. The decision to refuse to issue the registration certificate or to revoke shall be reasoned. It shall be served as soon as possible to the certificate holder as well as to the other persons concerned and shall be enforced as of the date of its service.

If the Bureau decides not to revoke the certificate that has been temporarily suspended under the first paragraph of section 5, the suspension shall be cancelled without further formality.

8. This Regulation replaces the Regulation respecting terms and conditions for revoking registration in medicine (R.R.Q., 1981, c. M-9, r.6).

9. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.