

10. The operator of a disposal site existing on the date of coming into force of this Regulation that does not have a device on the premises for weighing the residual materials is exempted from the requirements of section 7 for a five-month period beginning on that date, except in the case of a disposal site that receives fewer than 20,000 tonnes of residual materials per year in which case the period is three years.

In addition to the information provided in the document required by the second paragraph of section 5, the operator of such a disposal site must also indicate in the document if materials were weighed elsewhere than on the premises, the place and date on which they were weighed and the name of the person who weighed them. If the materials were not weighed, the operator must indicate the quantity expressed in cubic metres and the equivalence in weight. The same applies to the quantities entered in the log referred to in section 8 and in the assessment referred to in section 9.

For the purpose of calculating the charges prescribed by section 3 for residual materials that are not weighed, one cubic metre of residual materials equals 0.5 metric tonnes.

In the case where residual materials are not weighed, the quantity of residual materials sorted and recovered that may be deducted from the quantity of residual materials received and measured for the purpose of calculating the charges may not exceed 10% of that latter quantity.

11. Every offence against sections 3, 5 and 7 to 9 and the second paragraph of section 10 renders the operator liable to a fine

(1) of \$2,000 to \$15,000 in the case of a natural person; and

(2) of \$5,000 to \$100,000 in the case of a legal person.

In the case of a second or subsequent offence, the fines are doubled.

12. This Regulation applies to a reserved area and to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

13. Despite the first paragraph of section 5, the charges due for the period from 23 June 2006 to 30 September 2006 are payable on 30 October 2006.

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

Gouvernement du Québec

O.C. 382-2006, 10 May 2006

Health Insurance Act
(R.S.Q., c. A-29)

Insured hearing devices — Amendments

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

WHEREAS, under subparagraph *h.2* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the hearing deficiencies, the services and the sets or subsets of hearing aids that must be considered to be insured services for the purposes of the seventh paragraph of section 3 of the Act, fix the age of the insured persons referred to therein and determine the classes of insured persons, determine the cost that the Board may assume on behalf of an insured person with a hearing deficiency, determine the cases and conditions in and on which the Board assumes the cost of such insured services and in and on which the services are furnished, prescribe the terms and conditions for claims and payments, and prescribe the cases and conditions in and on which such hearing aids may or must be recovered;

WHEREAS the Government made the Regulation respecting hearing devices insured under the Health Insurance Act by Order in Council 869-93 dated 16 June 1993;

WHEREAS amendments must be made to the Regulation;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted regarding the amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 25 May 2005, on page 1401, with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any interested person having comments to make on the matter could send them, before the expiry of the 45-day period, to the designated persons;

WHEREAS amendments were made to the draft Regulation after consideration of the comments and written submissions received following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the joint recommendation of the Minister of Health and Social Services and the Minister for Youth Protection and Rehabilitation:

THAT the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 7th and 9th pars., and s. 69, 1st par., subpar. h.2)

1. The Regulation respecting hearing devices insured under the Health Insurance Act is amended by replacing the title by “REGULATION RESPECTING HEARING DEVICES AND INSURED SERVICES”.

2. Section 1 is amended

(1) by replacing the definition of “assistive listening device” by the following:

““assistive listening device”: the aids and devices in the text transmission category, of the following types: decoders, TTYs (or TDDs), TTYs with large display or Braille display, portable VCO (voice carry over) TTYs, and TTY modems; the aids and devices in the sound transmission category, of the following types: telephone amplifiers, frequency modulation systems, magnetic loops, personal amplifiers, wireless frequency modulation amplification systems or wireless infrared amplification systems for television, and aids of the vibrotactile

type; the aids and devices in the environmental control systems category, of the following types: visual and tactile aids, adapted alarm clocks (visual), adapted alarm clocks (tactile), and adapted alarm clocks (for deaf-blind persons); the visual and tactile aids and devices in the environmental control systems category are telephone monitors, door monitors, fire alarm monitors, sound monitors, baby cry monitors and signal receivers;”;

(2) by replacing the definition of “hearing aid” by the following:

““hearing aid”: the aids and devices in the analogue category, of the following types: in-the-ear hearing aids, behind-the-ear hearing aids, body hearing aids and eye-glass hearing aids; hearing aids in the programmable analogue category, of the following types: in-the-ear hearing aids and behind-the-ear hearing aids; hearing aids in the digital category, of the following types: in-the-ear hearing aids and behind-the-ear hearing aids;”;

(3) by replacing “in accordance with the 1992 Standard S3.21 of the American National Standards Institute” in paragraphs 1 to 3 of the definition of “person with a hearing handicap” by “according to American National Standards Institute Standards S3.1, S3.6 and S3.21”;

(4) by inserting the following definition after the definition of “high-CROS”:

““in-the-ear”: hearing aid inserted in the ear including the full-shell, half-shell and low profile types, but excluding canal and completely-in-the-canal hearing aids.”.

3. Section 2 is amended by replacing “Chapter V” in subparagraph 2 of the first paragraph by “the Tariff for hearing devices and insured services referred to in section 4”.

4. Section 4 is amended by replacing “referred to in Chapter V are” by “and services listed in the Tariff for hearing devices and insured services made by the Board under section 72.1 of the Health Insurance Act and the hearing devices and services referred to in section 17 are, subject to the provisions of this Regulation.”.

5. Section 5 is revoked.

6. Section 6 is amended

(1) by replacing “75 years” in subparagraph *b* of subparagraph 1 of the first paragraph by “65 years”;

* The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 869-93 dated 16 June 1993 (1993, *G.O.* 2, 3497), was last amended by the regulation made by Resolution CA-413-04-17 dated 13 April 2005 (2005, *G.O.* 2, 1110) of the Régie de l'assurance maladie du Québec. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

(2) by replacing “paragraph of section 23 and in section 28” in the part of subparagraph 2 of the first paragraph preceding subparagraph *a* by “and third paragraph of section 23”;

(3) by striking out “a programmable hearing aid or” in subparagraph *d* of subparagraph 2 of the first paragraph;

(4) by replacing “tariffs and” in the second paragraph by “Tariff for hearing devices and insured services the Board makes and the”.

7. Section 7 is amended

(1) by replacing “for the person with a hearing handicap to be integrated into school or the workplace or to live independently at home” in the part of the first paragraph preceding subparagraph 1 by “to the integration of the person into school or the workplace, to the person’s independence at home or in a training environment, to the person’s participation in family life or to the person’s safety”;

(2) by inserting the following after the third paragraph:

“Despite the third paragraph, the audiogram required may be more than one year old, provided that the audiologist making the overall assessment and the recommendation is able to confirm, on the basis of the audiogram, that the person concerned meets the criteria for hearing impairment described in this Regulation.”.

8. Section 9 is replaced by the following:

“**9.** In accordance with the terms and conditions provided for in this Regulation, the Board shall assume the cost of repairing a hearing device listed in the Tariff for hearing devices and insured services, that is not listed in the Tariff but is referred to in section 17 or that is of the same category and same type as a device listed in the Tariff but that already belongs to the person with a hearing deficiency at the time the person would first be entitled to a hearing device under this Regulation.”.

9. Section 17 is amended by replacing “not listed in Chapter V, under the terms and conditions prescribed by this Regulation, if it is demonstrated that the hearing device is similar to a category provided for in Chapter V in the case of a hearing aid, or similar to a type provided for in Chapter V in the case of an assistive listening device that it corresponds to the specific hearing impairment of the person with a hearing handicap, and that no hearing device listed in Chapter V corresponds to that

specific impairment” by “not listed in the Tariff for hearing devices and insured services, under the terms and conditions prescribed in this Regulation, if it is demonstrated that the hearing device is of the same category and same type as a hearing device listed in the Tariff, that it corresponds to the specific hearing deficiency of the person involved and that no device listed in the Tariff corresponds to that specific deficiency”.

10. Section 19 is amended

(1) by replacing “the amount of \$273.72” in the part of the first paragraph preceding subparagraph 1 by “the tariff fixed by the Board under section 72.1 of the Health Insurance Act”;

(2) by replacing “Division I of Chapter V” in subparagraph 5 of the first paragraph by “Part I of the Tariff for hearing devices and insured services”;

(3) by replacing “Division I of Chapter V” in the second paragraph by “Part I of the Tariff for hearing devices and insured services”;

(4) by replacing the third paragraph by the following:

“The tariff in the first paragraph is increased by the amount provided for in the Tariff for hearing devices and insured services where an initial earmold is provided, or in the case of the allocation of an in-the-ear type hearing aid, a shell impression is made.”.

11. Section 20 is replaced by the following:

“**20.** If a person with a hearing impairment dies, the Board shall assume the cost to cover the time required and spent by the hearing aid acoustician in accordance with the tariff per quarter hour or fraction thereof and a maximum amount the Board establishes under section 72.1 of the Health Insurance Act. The tariff and maximum amount include the earmold or the shell impression.”.

12. Section 21 is amended by replacing “and the cost is set at \$9.24 per quarter-hour or fraction thereof” in the second paragraph by “in accordance with the tariff fixed by the Board under section 72.1 of the Health Insurance Act, per quarter hour or fraction thereof”.

13. Section 23 is amended by replacing the second paragraph by the following:

“A person with a hearing deficiency may be eligible for a binaural device if the person meets any of the following requirements:

(1) the person is 18 years of age or under and the device is required in speech and language training, in learning at school or in reinforcing such training or learning;

(2) the person is 19 years of age or older and the device permits a marked improvement of the threshold of speech intelligibility which is essential to pursue recognized studies or employment for remuneration or a benefit, including as a self-employed worker, a worker benefiting from support for workplace integration and job retention or a trainee developing employability skills;

(3) the person has a visual deficiency within the meaning of the regulation made by the Government under subparagraph *h.1* of the first paragraph of section 69 of the Health Insurance Act and the deficiency is such that it justifies the use of a second hearing aid.

Similarly, a person with a hearing deficiency who, on 8 June 2006, is under 19 years of age and already has a binaural device continues to be eligible for the device even after attaining 19 years of age.”

14. Section 24 is amended

(1) by replacing “Division I of Chapter V” in the first paragraph by “Part I of the Tariff for hearing devices and insured services”;

(2) by replacing “a person with a hearing handicap, as provided for in the first paragraph, is set at \$9.24” in the second paragraph by “a person with a hearing deficiency, as provided for in the first paragraph, is fixed by the Board under section 72.1 of the Health Insurance Act”;

(3) by replacing “Subdivision VII of Division I of Chapter V” in the third paragraph by “Division I of Part III of the Tariff for hearing devices and insured services”.

15. Section 26 is amended by replacing “Subdivision VII of Division I of Chapter V” in the fourth paragraph by “Division I of Part III of the Tariff for hearing devices and insured services”.

16. Section 27 is amended by inserting “type” after “in-the-ear”.

17. Section 28 is revoked.

18. Section 29 is amended by replacing “in accordance with 1992 Standard 3.21 of the American National Standards Institute” by “according to American National Standards Institute Standards S3.1, S3.6 and S3.21”.

19. Section 30 is amended by replacing the second paragraph by the following:

“For all the services listed in the first paragraph, the lump sum to be paid is the sum fixed by the Board under section 72.1 of the Health Insurance Act in respect of each of the following devices:

- (1) decoders;
- (2) TTYs (with or without printer);
- (3) adapted TTYs (large display, Braille display or portable VCO);
- (4) TTY modems;
- (5) telephone amplifiers (portable or freehand);
- (6) frequency modulation systems;
- (7) personal amplifiers;
- (8) magnetic loops;
- (9) wireless amplification systems for television (infrared or frequency modulation);
- (10) vibrotactile aids;
- (11) telephone monitors;
- (12) door monitors;
- (13) fire alarm monitors;
- (14) baby cry or sound monitors;
- (15) adapted alarm clocks (visual, tactile or for deaf-blind persons).”

20. Section 31 is amended by replacing “\$10.49” in subparagraph 1 of the first paragraph by “the tariff fixed by the Board under section 72.1 of the Health Insurance Act”.

21. The following is inserted after section 31:

“**31.1.** The Board shall pay the distributor 60% of the lump-sum amounts fixed in respect to the monitors for all the services provided for in section 30 for the reinstallation of the monitors listed in subparagraphs 11 to 14 of the second paragraph of section 30 following a move.”

22. Section 34 is amended by replacing “teletypewriter” by “TTY with large display or Braille display”.

23. The following is added after section 34:

“**34.1.** The Board shall assume the cost of purchase or replacement of a portable VCO (voice carry over) TTY for a person with a hearing deficiency who is capable of using one and is able to decode a written message and transmit a message by voice, and whose hearing loss is measured at not less than 71 decibels, or at not less than 55 decibels where that person has a marked difficulty with auditory discrimination.

34.2. The Board shall assume the cost of purchase or replacement of a TTY modem for a person with a hearing deficiency who is capable of using one and is able to decode and transmit a message by voice, and whose hearing loss is measured at not less than 71 decibels, or at not less than 55 decibels where that person has a marked difficulty with auditory discrimination and if the modem is being furnished to the person instead of a TTY.”.

24. Section 40 is amended

(1) by replacing “infrared relay system” in the first paragraph by “wireless frequency modulation amplification system or wireless infrared amplification system for television”;

(2) by inserting “compatible with the wireless amplification system in place in the dwelling” after “receiver” in the second paragraph.

25. The following is inserted after section 40:

“**40.1.** The Board shall assume the cost of purchase or replacement of a vibrotactile aid for a person with a hearing deficiency if the device is being furnished to the person instead of a hearing aid.”.

26. Section 42 is amended

(1) by striking out “, smoke” in the third paragraph;

(2) by inserting the following after the third paragraph:

“In addition, the Board shall assume the cost of purchasing or replacing only one fire detector per floor per dwelling.”;

(3) by replacing “3” by “four” in the fourth paragraph.

27. Chapter V is revoked.

28. This Regulation is amended by replacing the words “a hearing handicap” by the words “a hearing deficiency”, wherever they appear.

29. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 1 of section 6, which comes into force on 1 January 2007.

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Gouvernement du Québec

O.C. 384-2006, 10 May 2006

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

**Conseillers et conseillères d’orientation
et psychoéducateurs et psychoéducatrices
— Code of ethics of the members of the Ordre**

Code of ethics of the members of the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, clients, and the profession;

WHEREAS the Bureau of the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec made the Code of ethics of the members of the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec to replace the Code of ethics of the members of the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec (R.R.Q., 1981, c. C-26, r.41);

WHEREAS, under section 95.3 of the Professional Code, a draft Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with section 95 of the Code and 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 must be transmitted to the Office des professions du Québec for examination; it must be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;