

According to the Barreau, the Regulation has no impact on business enterprises, including SMEs.

For more information, you may contact Ms. Nicole Dufour, advocate at the Research and Legislation Department of the Barreau du Québec, 445, boulevard Saint-Laurent., Montréal (Québec) H2Y 3T8, telephone number: 514 954-3400, extension 3142 or 1 800 361-8495, extension 3142, fax number: 514 954-3463.

Please send any comments you may have before the said expiration of 45 days to the President of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The Office will forward them to the Minister responsible for the application of the laws respecting the professions and may also submit them to the professional order that adopted the Regulation and to the interested persons, ministries, and agencies.

GAÉTAN LEMOYNE,
*President of the Office des
professions du Québec*

Regulation to amend the Code of ethics of advocates ¹

Professional Code
(R.S.Q., c. C-26, a. 87)

1. The Code of ethics of advocates is amended by deleting the words «or of police officer» in paragraph *b* of sections 4.01.01.

2. The Code is amended by inserting the following sections after section 4.01.01.1 :

«**4.01.01.02.** An advocate who holds the office of police officer or performs the duties of a police officer must refrain from acting as an advocate outside the scope of his employment or the activities of duties related to his employment as a police officer.

4.01.01.03. An advocate who performs the duties of a police officer cannot act as a prosecutor in penal or criminal matters.».

¹ The most recent amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 351-97 dated 7 April 2004 (2004, *G.O.* 2, 1272). For prior amendments, see «Tableau des modifications et Index sommaire», Éditeur officiel du Québec, 2006, up to date until 1 April 2006.

3. This regulation shall come into force of the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Draft Regulation

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

Physicians — Indemnity fund

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the “Regulation respecting the indemnity fund of the Collège des médecins du Québec”, adopted by the Bureau of the Collège des médecins du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

This proposed regulation establishes an indemnity fund that must be used to repay the amounts of money used by a physician for purposes other than the ones for which they were delivered to him in the practice of his profession. It also determines the terms and conditions applicable to the filing of claims addressed to the fund and to the payments made by the latter.

The Collège des médecins du Québec anticipates the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting M^e Linda Bélanger, legal counsel for the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. : 1 888 633-3246 or 514 933-4441; fax : 514 933-3276.

Any interested person having comments to make is requested 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. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments and agencies concerned.

GAÉTAN LEMOYNE,
*Chairman of the Office des
professions du Québec*

Regulation respecting the indemnity fund of the Collège des médecins du Québec

Professional Code
(R.S.Q., c. C-26, s. 89)

DIVISION I CONSTITUTION OF FUND

1. The Bureau of the Collège des médecins du Québec shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a physician for purposes other than those for which they had been delivered to him in the practice of his profession, including the payment of retainers.

DIVISION II COMPOSITION OF FUND

2. The fund shall be maintained at a minimum amount of \$50,000. It may consist of:

- (1) the sums of money allocated thereto by the Bureau;
- (2) assessments fixed for such purpose;
- (3) the sums of money recovered from physicians by subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);
- (4) the interest yielded by the sums of money constituting the fund;
- (5) the sums of money that may be paid by an insurance company under a group insurance policy taken out by the Bureau for all its members.

This amount is after deduction of the administrative costs related to this fund.

DIVISION III MANAGEMENT OF THE FUND

- 3.** The Bureau shall administer the fund. It is authorized to conclude an insurance contract for the purposes of the fund and to pay the premiums out of this fund.
- 4.** The fund accounting shall be separate from that of the Collège.
- 5.** The sums of money constituting the fund shall be invested by the Bureau in the following way:

(1) the portion of the sums that the Bureau anticipates using in the short term shall be deposited in a financial institution;

(2) the other portion shall be invested in accordance with sections 1339 and 1340 of the Civil Code.

DIVISION IV CONDITIONS AND STANDARDS RELATING TO RECEIVING AND KEEPING

6. The physician shall document for any sum of money or other security that a patient delivers to him in the practice of his profession.

Moreover, he shall deposit these valuables in an account used specifically for this purpose.

DIVISION V CLAIMS ON THE FUND

7. To be valid, a claim shall be filed in the course of the year during which the claimant becomes aware of utilization of the money or other securities for purposes other than those for which they had been given to the physician in the practice of his profession.

8. The time period prescribed in section 7 may be extended if the claimant demonstrates that for reasons beyond his control, he was unable to file a claim within the required time.

9. A claim in respect of a physician may be filed whether or not there has been a decision of the Committee on Discipline, the Professions Tribunal or any other competent court respecting him.

10. A claim shall:

- (1) be submitted in writing;
- (2) state the supporting facts;
- (3) indicate the amount claimed, with supporting evidence;
- (4) be sworn to.

11. A claim on the fund shall be sent to the secretary of the Collège.

12. The secretary shall enter the claim on the agenda of the first meeting of the Bureau following the date of its receipt.

DIVISION VI INDEMNITY

13. The Bureau shall decide whether it is expedient to allow a claim in whole or in part and, where applicable, shall set the indemnity. Its decision is final.

14. The maximum indemnity payable from the fund for a fiscal year of the Collège is \$50,000 for all claims in respect of a physician and \$15,000 per claimant.

If the total of claims accepted by the Bureau exceeds the \$50,000 indemnity, the indemnity shall be distributed proportionally to the amount of these claims.

The maximum indemnity shall be reconsidered every five years from the date on which this Regulation comes into force.

15. Before receiving the indemnity set by the Bureau, the claimant shall sign a discharge in favour of the Collège with subrogation of all his rights against the offending physician up to the amount of the indemnity.

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