

THAT the Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims

Crime Victims Compensation Act
(R.S.Q., c. I-6, s. 5.2; 2006, c. 41, s. 2)

1. For the purposes of section 5.1 of the Crime Victims Compensation Act (R.S.Q., c. I-6), enacted by section 2 of chapter 41 of the Statutes of 2006, the professionals governed by the Professional Code (R.S.Q., c. C-26) providing psychological and social recovery services are qualified to provide psychotherapeutic rehabilitation services under the measures taken under that section.

In the case of a close relation domiciled outside Québec, the persons entitled to provide such services by the law of the close relation's domicile are qualified to provide them.

2. The fees payable by the Commission de la santé et de la sécurité du travail to a professional for services provided to a close relation of a crime victim to which the benefits under the Act have been granted are \$65 per one hour session. The maximum number of sessions that the Commission may authorize is 20 in the case of a close relation of a homicide victim and 15 in all other cases.

Despite the foregoing, if two or more close relations are eligible for rehabilitation services for the same crime, they may receive the services for an individual session or group session, according to their needs, up to an amount not exceeding the total cost of the services available to them pursuant to the first paragraph.

3. This Regulation comes into force on 22 March 2007.

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Gouvernement du Québec

O.C. 191-2007, 21 February 2007

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

Practice of the medical profession within a partnership or a company

Regulation respecting the practice of the medical profession within a partnership or a company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Collège des médecins du Québec may make a regulation respecting the practice of the medical profession within a partnership or company and, under paragraphs *g* and *h* of section 93 of the Code, it must, by regulation, impose on members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession, and fix the conditions and procedure and, as appropriate, any fees applicable to the declaration made to the Order;

WHEREAS the Collège des médecins du Québec has made the Regulation respecting the practice of the medical profession within a partnership or a company;

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

WHEREAS, under section 95 of the Professional Code, 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 and 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 3 September 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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 practice of the medical profession within a partnership or a company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of the medical profession within a partnership or a company

Professional Code
(R.S.Q., c. C-26, s. 93, subpar. *g* and *h* and s. 94, subpar. *p*)

DIVISION I PURPOSE

1. A physician may, based upon the terms, conditions and restrictions set forth under this Regulation, practise his professional activities within a joint-stock company or a limited liability partnership within the meaning of Division VI.3 of the Professional Code (R.S.Q., c. C-26) if the following conditions are met:

(1) all of the voting rights attached to the shares of the partnership or company are held by:

- (a) at least one physician;
 - (b) a legal entity, a trust or an enterprise where the voting rights attached to the shares of the partnership or company are held entirely by at least one physician;
 - (c) the persons, trusts or enterprises contemplated by subparagraphs *a* and *b*;
- (2) the only persons, apart from those contemplated by the first paragraph, who hold shares of the partnership or company are:
- (a) physicians;
 - (b) the spouse, blood relatives or persons connected by marriage or a civil union with a physician who holds the rights contemplated by paragraph (1);

(c) legal entities, trusts or enterprises where the voting rights attached to the shares of the partnership or company are entirely held by persons as contemplated under subparagraphs *a* or *b*;

(d) a person, a trust or an enterprise contemplated by subparagraphs *a*, *b* or *c*;

(3) the board of directors of the joint-stock company, as well as the partners and the directors appointed by the partners to manage the business of the limited liability partnership may only be physicians.

The physician shall ensure that terms which comply with the conditions set out in the first paragraph are included in the articles of association of the joint-stock company or stipulated in the limited liability partnership agreement and that it is also provided in the said articles or agreement that this partnership or company is constituted for the purposes of carrying on professional activities.

2. If a person referred to under section 1 is struck off the roll for a period in excess of three months, such person may not, while struck off the roll, either directly or indirectly own any share(s) in the partnership or company.

During this period, such person may not hold the position of director, officer or representative of the partnership or company.

DIVISION II OTHER TERMS AND CONDITIONS

3. The physician remits to the Collège, with a \$100 fees, a declaration containing the following information:

- (1) the partnership or company name as well as any other names used in Québec by every partnership or company within which he practises his profession and the designating number that the competent authority has issued to them;
- (2) the legal form of the partnership or company;
- (3) his status within the partnership or company;
- (4) the nature of activities carried on within the partnership or company;
- (5) a copy of the irrevocable written authorization of the partnership or company within which he practises his profession allowing the persons, committees and tribunal mentioned in section 192 of the Professional

Code, to obtain from any person having the custody thereof any document referred to in section 15 or a copy thereof;

(6) a written confirmation from a competent authority attesting that the physician holds professional liability coverage in accordance with Division III on behalf of the partnership or company.

4. In the event that the conditions stipulated in section 3 are not met, the physician is not authorized to practise his profession within the partnership or company.

5. At the request from the Collège, the physician must provide:

(1) in the event that he practises his profession within a joint-stock company, a written confirmation given by the competent authority certifying the existence of the company;

(2) a certified copy of the declaration given by the competent authority, indicating that the general partnership has been continued into a limited liability partnership;

(3) a written confirmation certifying that the partnership or company is duly registered in Québec.

6. The physician must also respond to requests pursuant to this Regulation, made by the syndic, an assistant syndic, a corresponding syndic, an inspector, an investigator, a member of a Professional Inspection Committee or another representative of the Collège and provide them, where applicable, with the requested documents.

7. Every year, when he pays his annual assessment, the physician must update the information contained in the declaration contemplated by section 3.

8. A physician immediately ceases to be authorized to practise his profession within a partnership or company if he no longer satisfies the conditions stipulated in this Regulation or in Chapter VI.3 of the Professional Code. The same applies if the joint-stock company within which he practises professional activities does not comply with the statutes, regulations and agreements respecting health and social services or does not allow him to comply with them.

9. The physician must notify the secretary in writing of any change in the information transmitted in his declaration that may contravene this Regulation. The secretary of the Collège must receive this notice within 30 days after the change is made.

He must in particular notify the Collège of the cancellation of the insurance coverage specified in Division III, of the dissolution, the assignment of assets, the bankruptcy or the voluntary or forced liquidation of the partnership or company or of any event that is likely to prevent him from pursuing his activities within the partnership or company.

10. When a physician practises professional activities within a joint-stock company, the income resulting from the professional services rendered by him within that company and on its behalf belongs to that company, unless otherwise agreed.

DIVISION III **PROFESSIONAL LIABILITY COVERAGE**

11. The physician practising his profession within a partnership or company must, in order to be authorized to practise his profession in accordance with this Regulation, provide and maintain on behalf of the partnership or company, either by means of an insurance contract or a suretyship or by joining a group insurance contracted by the Collège or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, coverage for liabilities of the partnership or company arising from the fault or negligence of the physicians in the course of the practice of their profession within such partnership or company.

12. The following minimum conditions for such coverage shall be set out in a specific rider or contract:

(1) an undertaking by the insurer or the surety to pay on behalf of the partnership or company, over and above the amount of coverage that the member must provide under the Regulation respecting professional liability insurance of the Collège des médecins du Québec, taken by a decision of June 16, 1982 or of any other amount subscribed by the member if it is higher, up to the amount of the coverage, any amount that the partnership or company may legally be liable to pay to an injured third party regarding a claim submitted during the period of coverage as a result of the fault or negligence of the physician in the course of the practice of his profession. The insurer's obligation shall extend to all claims to

which the physician's liability insurance coverage may not apply and resulting from a deliberate act committed by that physician in the course of the practice of his profession;

(2) an undertaking by the insurer or the surety to hold the partnership or company harmless and to defend the company in any lawsuit launched against it and to pay, apart from the amounts covered, all the costs and expenses of the lawsuits launched against the partnership or company, including investigation and defence costs as well as interest on the amount of the coverage;

(3) an undertaking that this coverage shall extend to all claims submitted in the five years following the period of coverage during which a physician of the partnership or company dies, leaves the partnership or company or ceases to be entered on the roll of the Order, in order to maintain a coverage for the partnership or company against the faults or negligence of a physician in the practice of his profession while he was practising within the partnership or company;

(4) the amount of the coverage must be at least \$1,000,000 per claim and at least \$2,000,000 for the aggregate of claims submitted against the partnership or company during a period of coverage of 12 months;

(5) an undertaking by the insurer or the surety to give the secretary of the Collège 30-day prior notice of intent to terminate the coverage, to modify any of the conditions stipulated in this section or not to renew it.

13. The suretyship is obtained from a bank, a savings and credit union, a trust or an insurance company which must be domiciled in Canada and hold and maintain sufficient assets in Québec to satisfy the liability coverage required under this Division.

The institution referred to in the first paragraph undertakes to provide the coverage in accordance with the conditions set out in this Division and must waive the benefit of division and discussion.

14. The physician is exempt from complying with the obligations under this Division provided he remits to the secretary a proof that the partnership or company is eligible to receive the assistance offered by the Canadian Medical Protective Association and by maintaining its eligibility regarding any liability that it may incur owing to fault or negligence committed by the physicians in the practice of their profession within that partnership or company.

DIVISION IV **ADDITIONAL INFORMATION**

15. The documents for which the physician is authorized by the partnership or company to disclose or to obtain a copy thereof in accordance with subparagraph 5 of section 3 are the following:

(1) if the physician practises his profession within a joint-stock company:

(a) the complete and updated register of the articles of association and by-laws of the company within which he practises his profession;

(b) the complete and updated share register of the company;

(c) the complete and updated register of directors of the company;

(d) any shareholders agreement and voting agreement, as amended;

(e) the updated company's statement of registration;

(f) the name of the executive officers of the company and their residential address;

(2) if the physician practises his profession within a limited liability partnership:

(a) the updated partnership's statement of registration;

(b) the partnership agreement as amended;

(c) the complete and updated register of the partners of the partnership;

(d) if applicable, the complete and updated register of the directors of that partnership;

(e) the name of the executive officers of that partnership and their residential address.

16. A physician who practises his profession within a limited liability partnership or a joint-stock company within which only physicians practise, is authorized to include, in the name of the partnership or company or after such name, the terms "firm of professionals governed by the Professional Code" or the acronym "FPGPC".

17. A physician may, acting as a respondent on behalf of physicians practising within a partnership or company, satisfy the requirements of section 3, when a partnership or company within which they practise their profession has more than one physician. The respondent is then directed by these physicians to respond to inquiries made under this Regulation, by the syndic, an assistant syndic, a corresponding syndic, an inspector, an investigator, a member of a Professional Inspection Committee or another representative of the Collège and to provide them, as the case may be, with the documents that the physicians are required to remit. The respondent must ensure that the information provided to the Collège is accurate.

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

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Gouvernement du Québec

O.C. 197-2007, 21 February 2007

Forest Act
(R.S.Q., c. F-4.1)

Rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit — Amendment

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit

WHEREAS, under section 124.29 of the Forest Act (R.S.Q., c. F-4.1), every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of a regional agency for private forest development shall pay a contribution to the agency;

WHEREAS, under that section, the contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in the year;

WHEREAS, under subparagraph 18.4 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, fix for every species and group of species and for every quality of timber, the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, and determine the schedule according to which permit holders are required to file their statement with the agencies;

WHEREAS, by Order in Council 1113-96 dated 4 September 1996, the Government made the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit;

WHEREAS it is expedient to amend the Regulation in order to fix a new rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit;

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 the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit was published in Part 2 of the *Gazette officielle du Québec* of 31 August 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif