

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 8 August 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting equivalence standards for diplomas granted by educational institutions outside Québec for an agrologist's permit to be issued, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting equivalence standards for diplomas granted by educational institutions outside Québec for an agrologist's permit to be issued *

Professional Code
(R.S.Q., c. C-26, s. 93, par. c and c. 1)

1. The Regulation respecting equivalence standards for diplomas granted by educational institutions outside Québec for an agrologist's permit to be issued is amended by adding the following sections after section 2.01:

“**2.01.01.** Within 15 days following its decision not to acknowledge the diploma equivalence applied for, or to recognize such equivalence in part only, the Bureau must inform the candidate in writing of the curriculum or training periods whose satisfactory completion, considering his present level of knowledge, would allow him to be granted a training equivalence.

* The only amendment to the Regulation respecting equivalence standards for diplomas granted by educational institutions outside Québec for an agrologist's permit to be issued (R.R.Q., 1981, c. A-12, r.10) was made by the regulation approved by Order in Council number 1523-90 of October 24, 1990 (1990, *G.O.* 2, 2653).

2.01.02. A candidate who is informed of the Bureau's decision not to recognize the diploma equivalence applied for, or to recognize such equivalence in part only, may apply for a review of the decision on condition that such application is made, with supporting reasons, in writing to the secretary of the Order within 30 days following receipt of the decision.

2.01.03. The review is made, within 90 days following the date of receipt of the application, by a review committee formed by the Bureau pursuant to subparagraph (2) of section 86.0.1 of the Professional Code (R.S.Q., c. C-26) and consisting of persons other than members of the Bureau or the committee referred to in section 2.01.

2.01.04. Before making a decision, the review committee must allow the candidate to submit his observations. For that purpose, the secretary shall inform the candidate of the date, place and time of the meeting at which the application is to be examined, by means of a written notice sent by registered mail at least 15 days before the meeting is held.

A candidate wishing to be present for the purpose of submitting his observations must inform the secretary accordingly at least ten days before the date scheduled for the meeting. The candidate may also convey written observations to the secretary at least one day before the date scheduled for the meeting.

2.01.05. The committee's decision is final and must be transmitted to the candidate in writing within 30 days following the date of the said meeting.”

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

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Gouvernement du Québec

O.C. 466-2008, 14 May 2008

Professional Code
(R.S.Q., c. C26)

Pharmacists — Practice of pharmacy within a partnership or a joint-stock company

Regulation respecting the practice of pharmacy within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation respecting the

practice of a profession within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Bureau must then, by regulation, impose on its 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 a declaration made to the order;

WHEREAS the Bureau of the Ordre des pharmaciens du Québec made the Regulation respecting the practice of pharmacy within a partnership or a joint-stock 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, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the Bureau under section 90 or 91, paragraph *d*, *g* or *h* of section 93, or paragraph *j*, *n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the Bureau under that paragraph;

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 8 September 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved, with amendments, section 11 and Division V of the Regulation;

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 pharmacy within a partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of pharmacy within a partnership or a joint-stock company

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

DIVISION I GENERAL

1. Pharmacists may practise within a joint-stock company or limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) provided the terms and conditions and restrictions set out in this Regulation are met.

Pharmacists must at all times ensure that the company or partnership allows them to comply with the Pharmacy Act (R.S.Q., c. P-10), the Professional Code and the regulations made under that Act or that Code.

DIVISION II CONDITIONS

§1. Limited liability partnership

2. Pharmacists are authorized to practise within a limited liability partnership provided the following conditions are met at all times:

(1) the partnership is constituted exclusively for the practice of pharmacy and all the shares in the partnership are held by pharmacists;

(2) all the shares of a partner are automatically and mandatorily redeemed by the other partners or the partnership in accordance with the terms and conditions set out in the contract of partnership if

(a) the partner dies, ceases to be a pharmacist, becomes bankrupt or makes an assignment of property for the benefit of all the creditors;

(b) the partner is under protective supervision and as a consequence is struck from the roll of the Order; or

(c) a movable security charged on the partner's shares is realized or the shares are seized as movable property and release from such realization, security or seizure is not obtained within 30 days;

(3) no share or part thereof is transferred to any person who is not a pharmacist;

(4) the management of the partnership is under the responsibility of a pharmacist;

(5) the pharmacy has professional liability coverage conforming to Division V on behalf of the partnership; and

(6) the partnership complies with the requirements of section 13 of the Regulation respecting the keeping of pharmacies, approved by Order in Council 57-94 dated 10 January 1994.

3. Pharmacists who are partners or officers within the partnership must ensure that the contract constituting the partnership contains the conditions set out in section 2. Pharmacists must also ensure that the written contract constituting the partnership or allowing the continuance of the general partnership as a limited liability partnership contains the following particulars:

(1) the name and professional domicile of all partners, the number of their permit issued by the Order and the address of the head office of the partnership;

(2) the date of constitution of the partnership or, as the case may be, of continuance of the existing general partnership as a limited liability partnership; and

(3) the name of the partnership, which must comply with the requirements of section 187.13 of the Professional Code and section 25 of the Pharmacy Act.

§2. Joint-stock company

4. Pharmacists are authorized to practise pharmacy within a joint-stock company provided the following conditions are met at all times:

(1) the company is constituted exclusively for the practice of pharmacy;

(2) the name of the company does not consist of a designating number and includes only the name of one or more shareholder pharmacists, preceded by the word

“pharmacie” followed by the word “pharmacien(s)” or “pharmacienne(s)”, in accordance with the requirements of section 25 of the Pharmacy Act;

(3) the company does not use any assumed name;

(4) every director or officer of the company is a pharmacist;

(5) subject to sections 5 and 13, no powers of the board of directors are delegated or entrusted to a person who is not a pharmacist holding shares in the company;

(6) the shares of the capital stock of the company are held and are the exclusive property of one or more pharmacists and at no time may be held in trust, in a nominee account or in the name of a mandatary;

(7) no shareholder votes or transfers his or her shares of the capital stock of the company according to the instructions or in favour of one or more persons who are not pharmacists holding shares in the company, or transfers to such persons the voting rights attached to their shares, by proxy or otherwise;

(8) unless the mandatary is a pharmacist holding shares in the company, no person votes by proxy at the meetings of shareholders;

(9) where the company has several shareholders, all the shares of a shareholder are automatically and mandatorily redeemed by the other shareholders or the company in accordance with the terms and conditions set out in a shareholder agreement if

(a) the shareholder dies, ceases to be a pharmacist, becomes bankrupt or makes an assignment of property for the benefit of all the creditors; or

(b) the shareholder is under protective supervision and as a consequence is struck from the roll of the Order;

(10) the pharmacy has professional liability coverage conforming to Division V on behalf of the company; and

(11) the company complies with the requirements of section 13 of the Regulation respecting the keeping of pharmacies, approved by Order in Council 57-94 dated 10 January 1994.

Pharmacists who are shareholders, directors or officers of the company must ensure that the shareholder agreement contains the condition mentioned in subparagraph 9 of the first paragraph and that the other conditions set out in the first paragraph appear in the articles of the company.

5. The following conditions apply to a pharmacist who is the sole shareholder of the company:

(1) where the pharmacist dies, the heir, liquidator or trustee of the succession may, in that capacity, be the registered holder of the deceased shareholder's shares for a period of 3 years if the company places all the company's pharmacies under the personal supervision of a pharmacist;

(2) where the pharmacist is placed under protective supervision, the tutor or curator may, in that capacity, be the registered holder of the shareholder's shares for a period of 3 years if the company places all the company's pharmacies under the personal supervision of a pharmacist; or

(3) where the pharmacist becomes bankrupt or makes an assignment of property for the benefit of all the creditors, or where a movable security charged on the shares is realized or the shares are seized as movable property, the provisional custodian, the interim receiver, the trustee in bankruptcy, the secured creditor, the seizing creditor or the mandatary may hold the shares until the liquidation is closed or the shares are sold, if the company places all the company's pharmacies under the personal supervision of a pharmacist.

DIVISION III DECLARATIONS

6. A pharmacist wishing to practise within a partnership or joint-stock company referred to in section 1 must, at least 30 days before the commencement of the partnership's or company's activities, file a declaration under oath with the Order on a form furnished by the Order and that contains

(1) the name of the partnership or company and the registration number assigned by the competent authority;

(2) the legal form of the partnership or company;

(3) where applicable, the date on which the general partnership will become a limited liability partnership;

(4) the address of the head office of the partnership or company and of its establishments in Québec;

(5) the name, professional domicile and the number of the permit issued by the Order of all the partners or shareholders, directors and officers;

(6) the designation, from among the partners or shareholders, of a representative and confirmation that the representative accepts the mandate, undertakes to ensure

the accuracy of the information provided to the Order and to immediately notify the Order of the termination of the mandate; and

(7) confirmation from the partners, shareholders, directors and officers that

(a) all documents filed with the declaration are true to the originals, have not been modified in any manner and that the information therein is complete and accurate; and

(b) all partnership shares or issued and outstanding shares in the company, as the case may be, are held in compliance with this Regulation.

7. The declaration required under section 6 must be signed by all the pharmacists who are partners, shareholders, directors or officers of the partnership or company and be filed with the following documents and the fees prescribed by section 11:

(1) in the case of a limited liability partnership, a copy of the agreement referred to in the first paragraph of section 187.15 of the Professional Code and of the contract referred to in paragraph 2 of section 2, and a copy of any amendment to the agreement or contract; or

(2) in the case of a joint-stock company, a copy of the constituting articles, of amendments to the articles and, where applicable, a copy of the shareholder agreement.

The declaration must be renewed every 3 years or whenever requested by the syndic, the assistant syndic, an inspector, an investigator, the secretary or any other representative of the Order.

8. The representative must be appointed from among the partners or shareholders, and is to have a mandate, pursuant to this Regulation,

(1) to reply to requests made by the syndic, the assistant syndic, an inspector, an investigator, the secretary or any other representative of the Order;

(2) to provide the documents that pharmacists are required to send to the Order under the Pharmacy Act, the Professional Code and the regulations made under that Act or that Code; and

(3) to receive all correspondence from the Order, including any notice of non-compliance addressed to the partnership or company or to a pharmacist.

The representative accepting the mandate must ensure the accuracy of all information provided to the Order and immediately notify the Order of the termination of the mandate. Should the representative fail to notify the Order, a pharmacist, partner or shareholder must send that notice to the Order.

9. To retain the right to practise within a partnership or company, the partners, shareholders, directors and officers must update the information and documents filed pursuant to sections 6 and 7, except the home address of the partners, shareholders, directors and officers.

The representative must file with the secretary of the Order, within 30 days of any change, an amending declaration under oath describing the amendment, accompanied where applicable by the documents attesting to the amendments, and by the fees prescribed by section 11.

The amending declaration and accompanying documents stand in lieu of the declaration referred to in paragraph 3 of section 187.11 of the Professional Code.

10. Where an amendment is made to add a pharmacist as a partner or shareholder, the pharmacist must also sign the amending declaration, which in such a case must contain the designation and confirmation referred to in paragraphs 6 and 7 of section 6.

11. The fees payable to the Order are \$500 for the initial declaration required by section 6 and \$50 for the renewal of the declaration in accordance with the second paragraph of section 7 and for the amending declaration to be filed pursuant to section 9.

DIVISION IV OTHER TERMS AND CONDITIONS AND RESTRICTIONS

12. Pharmacists practising within a general partnership that is continued as a limited liability partnership, or within a joint-stock company or a limited liability partnership that is constituted, must, on the date of the occurrence, inform their clients of the consequences associated with the nature of the partnership or joint-stock company with respect to the pharmacist's professional liability and that of the partnership or joint-stock company.

To that end, pharmacists must post in a conspicuous place inside the pharmacy a notice containing the information referred to in the first paragraph for a period of at least 90 days following the date of the occurrence.

13. A provisional custodian, an interim receiver, a curator, a trustee in bankruptcy, a liquidator, a bank holding security, a hypothecary or prior creditor or their

mandataries may administer the property of a partnership or company until the liquidation or realization is completed, by placing the property under the personal supervision of a pharmacist,

(1) if the partnership or company becomes bankrupt, makes an assignment of property or is liquidated or dissolved; or

(2) upon realization on a security under section 427 of the Bank Act (S.C. 1991, c. 46), a hypothec or a prior claim.

14. The pharmacist or the representative must immediately inform the Order of the dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or company or any other cause likely to prevent the partnership or company from carrying on its activities.

15. A pharmacist immediately ceases to be authorized to practise within a partnership or company if the pharmacist no longer meets any of the terms and conditions or restrictions set out in this Regulation or in Chapter VI.3 of the Professional Code. The same applies if the joint-stock company within which the pharmacist carries on professional activities does not comply with the Acts and regulations in matters of health and social services or does not allow the pharmacist to comply with them.

DIVISION V PROFESSIONAL LIABILITY COVERAGE

16. To be authorized to practise in accordance with this Regulation, a pharmacist practising within a partnership or company must furnish and maintain security for the partnership or company by contributing to the Fonds d'assurance responsabilité professionnelle de l'Ordre des pharmaciens du Québec, against liabilities of the partnership or company arising from fault or negligence on the part of the pharmacist in the practice of the profession within the partnership or company.

The security must contain the following minimum conditions as regards any and all claims and damages covered:

(1) an undertaking by the insurer to pay in lieu of the partnership or company, over and above the amount of security to be furnished by the pharmacist pursuant to the Règlement sur la souscription obligatoire au Fonds d'assurance de la responsabilité professionnelle de l'Ordre des pharmaciens du Québec, approved by the Office des professions du Québec as stated in a notice published in the *Gazette officielle du Québec* of

16 August 2000, up to the amount of the security, any sum that the partnership or company may be legally bound to pay to an injured third party on a claim arising from fault or negligence on the part of the pharmacist in the practice of the profession within the partnership or company;

(2) an undertaking by the insurer to take up the cause of the partnership or company and defend it in any action against it and to pay all amounts related to the inquiry, defence and interest on the amount of the security;

(3) an amount of at least \$1,000,000 per claim and \$2,000,000 for all claims filed against the partnership or company during a 12-month coverage period; and

(4) an undertaking that the security extends to all claims filed in the 5 years following the coverage period during which a pharmacist in the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be entered on the roll of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of the pharmacist while practising within the partnership or joint-stock company.

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

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Gouvernement du Québec

O.C. 467-2008, 14 May 2008

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

Pharmacists

— Code of ethics

Code of ethics of pharmacists

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 professional towards the public, the clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the Bureau of the Ordre des pharmaciens du Québec made the Code of ethics of pharmacists;

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, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 4 July 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, 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 Code of ethics of pharmacists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Code of ethics of pharmacists

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

CHAPTER I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations that must be discharged by every member of the Ordre des pharmaciens du Québec.

2. For the purpose of this Regulation, unless indicated otherwise,