

If a treatment plan agreed upon must be modified, the denturologist shall without delay inform the patient of the additional fees that the modification will entail.”.

**21.** Section 56 is revoked.

**22.** Sections 59 and 60 are replaced by the following:

“**59.** Acting as a manufacturer, wholesaler, vendor or representative of products associated with the practice of denturology other than for teaching, training, research or development purposes is incompatible with the practice of the profession of denturology.

**60.** A denturologist shall ensure that none of the activities outside the practice of the profession of denturology carried on by the denturologist in connection with an office or enterprise compromises compliance with the rules of professional conduct prescribed by this Code, including the honour, dignity and integrity of the profession.”.

**23.** Section 61 is amended by adding the following after paragraph 18:

“(19) practising with other persons within a partnership or joint-stock company when the denturologist knows that one of the conditions, terms or restrictions pursuant to which the denturologist is authorized to so practise is not being met;

(20) practising within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.”.

**24.** The following is inserted after section 61:

“**61.0.1.** It is also derogatory to the dignity of the profession of denturology for a denturologist who carries on professional activities within a partnership or joint-stock company to

(1) fail to take reasonable measures to put an end to or prevent the repeated performance of an act derogatory to the dignity of the profession of denturology performed by another person who carries on professional activities within the partnership or joint-stock company and that was brought to the denturologist’s attention at least 30 days previously;

(2) continue to carry on the activities within the partnership or joint-stock company if the representative of the partnership or joint-stock company for the Order or a director, officer or employee is still performing duties

more than 10 days after being struck off the roll for more than three months or has had his permit revoked; or

(3) continue to carry on the activities within the partnership or joint-stock company if a shareholder or a partner has been struck off the roll for more than three months or has had his permit revoked, if

(a) the partner or shareholder still directly or indirectly exercises a voting right within the partnership or joint-stock company more than 10 days after the effective date of the striking off the roll or permit revocation; or

(b) the partner or shareholder has not divested himself of his shares or partnership units 180 days after the effective date of the striking off the roll or permit revocation.”.

**25.** 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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## Draft Regulation

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

### Denturologists — Practice of denturology within a partnership or a joint-stock company

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 practice of denturology within a partnership or a joint-stock company, made by the Bureau of the Ordre des denturologistes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation contains specific provisions intended to govern the terms and conditions for authorization of the practice of denturology within a partnership or a joint-stock company, in particular as regards the administration of the partnership or joint-stock company and the holding of company shares or partnership units.

In accordance with Chapter VI.3 of the Professional Code, the conditions also include the requirement to take out insurance to cover liability which may arise

from fault or negligence on the part of members authorized to practise the profession within the partnership or joint-stock company. The members must also provide the Order with the required information on the partnership or joint-stock company and maintain the information up to date.

The Ordre des denturologistes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Monique Bouchard, Director General and Secretary, Ordre des denturologistes du Québec, 45, place Charles-LeMoyne, bureau 106, Longueuil (Québec) J4K 5G5; telephone: 450 646-7922; fax: 450 646-2509.

Any person wishing to comment on the draft Regulation may submit written comments to the Chair of the Office des professions du Québec, 800, place d'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation respecting the practice of denturology 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.** Denturologists may, subject to the terms, conditions and restrictions established in this Regulation, carry on their professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

Denturologists must take reasonable measures to ensure that the company or partnership allows them to comply with the Professional Code, the Denturologists Act (R.S.Q., c. D-4) and the regulations made under that Code or that Act.

### DIVISION II CONDITIONS

**2.** Denturologists are authorized to carry on their professional activities within a limited liability partnership or a joint-stock company if at all times,

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

(a) by a denturologist;

(b) by a legal person, partnership or joint-stock company or any other enterprise if the voting rights attached to the shares or units are held exclusively by a denturologist;

(c) by a trust whose trustee is a denturologist; or

(d) in any combination by a person, an enterprise or a trust referred to in subparagraphs *a*, *b* and *c*;

(2) no manufacturer, wholesaler, vendor or representative of products associated with the practice of denturology and no person holding a majority of the shares of such a manufacturer or wholesaler holds shares or units of the partnership or joint-stock company; and

(3) a majority of the directors of the board of directors of the joint-stock company or the partners or the directors appointed by the partners to manage the affairs of the limited liability partnership are denturologists and must constitute the majority of the quorum of such boards at all times.

Denturologists must ensure that the conditions listed in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purposes of professional activities.

### DIVISION III OTHER TERMS, CONDITIONS OR RESTRICTIONS

**3.** A denturologist who wishes to carry on professional activities within a partnership or joint-stock company must, before starting to carry on the activities, provide the Order with the following:

(1) the declaration required by section 4 accompanied by a fee of \$200;

(2) a written document from a competent authority certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division IV;

(3) if the denturologist carries on professional activities within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) stating that the general partnership has been continued as a limited liability partnership;

(5) a written document from a competent authority certifying that the partnership or joint-stock company is registered in Québec; and

(6) an irrevocable written authorization from the partnership or joint-stock company within which the denturologist carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 13 from a person, or to obtain a copy of such a document.

**4.** The denturologist must send to the Order a sworn declaration on the form provided by the Order containing

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the denturologist carries on professional activities and the Québec business number assigned to them by the enterprise registrar;

(2) the legal form of the partnership or joint-stock company;

(3) the denturologist's name, member number and status within the partnership or joint-stock company;

(4) if the denturologist carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and the addresses of its establishments in Québec, and the names and home addresses of the directors and officers of the joint-stock company;

(5) if the denturologist carries on professional activities within a limited liability partnership, the addresses of the establishments in Québec indicating the principal establishment, the names and home addresses of the partners and, where applicable, the names and home

addresses of the directors appointed to manage the affairs of the partnership;

(6) a written document provided by the denturologist certifying that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation;

(7) the names of the holders of shares or units referred to in subparagraph 1 of the first paragraph of section 2 with the percentage of voting rights held by each holder; and

(8) in the case of holders of shares or units referred to in subparagraph *b* or *c* of subparagraph 1 of the first paragraph of section 2, a document certifying that the conditions of those subparagraphs are met.

**5.** If more than one denturologist carries on professional activities within a partnership or joint-stock company, a representative must be designated who is to act on behalf of all the denturologists in the partnership or joint-stock company to satisfy the conditions of sections 3 and 4. The representative must reply for all the denturologists to requests made by the syndic, an assistant syndic, an inspector, an investigator or any other representative of the Order and submit, as applicable, the documents that the denturologists are required to submit.

The representative must be a member of the Order and carry on professional activities in Québec within the partnership or joint-stock company.

The representative must ensure the accuracy of the information given in the declaration referred to in section 4 except the home addresses of partners, directors and officers of the partnership or joint-stock company.

Denturologists carrying on professional activities within the same partnership or joint-stock company must inform the Order of any change of representative within 15 days of the date of the change.

**6.** A denturologist is exempt from satisfying the conditions in sections 3 and 4 and in the fourth paragraph of section 5 if a denturologist or a representative of the partnership or joint-stock company within which the denturologist carries on professional activities has already satisfied those conditions.

**7.** The documents referred to in paragraphs 2, 3 and 5 of section 3 and the information referred to in section 4 must be updated every year by the denturologist or the representative by 1 April at the latest on the form provided by the Order, accompanied by a fee of \$200.

**8.** If a denturologist becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the denturologist must, within 15 days, take the necessary measures to comply, failing which the denturologist is no longer authorized to carry on professional activities within the partnership or joint-stock company.

**9.** A denturologist or the denturologist's representative must immediately inform the Order of the cancellation of the insurance coverage required by Division IV, of the striking off, dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or joint-stock company or other cause likely to prevent the partnership or joint-stock company from carrying on its activities, and of any change in the information given in the declaration that is contrary to the conditions set out in section 2.

#### **DIVISION IV** **PROFESSIONAL LIABILITY COVERAGE**

**10.** To be authorized to carry on professional activities in accordance with this Regulation, a denturologist carrying on professional activities within a partnership or joint-stock company must furnish and maintain security on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of the denturologist in carrying on professional activities within the partnership or joint-stock company.

The suretyship contract must be with a bank, savings and credit union, trust or insurance company and provide that the surety will provide the coverage in accordance with the conditions of this Division and will pay, by waiving the benefit of division and discussion, in lieu of the partnership or joint-stock company up to the amount of the suretyship.

**11.** The following minimum conditions for the security must be set out in a specified rider or contract:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the denturologist pursuant to the Regulation respecting professional liability insurance for denturologists (R.R.Q., 1981, c. D-4, r.2) up to the amount of the security, any sum that the partnership or joint-stock company may be

legally bound to pay to an injured third person on a claim filed during the coverage period and arising from fault or negligence on the part of the denturologist in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an amount of at least \$1,000,000 per claim filed against the partnership or joint-stock company, subject to a limit of the same amount for all claims filed against the partnership or joint-stock company during a 12-month coverage period, regardless of the number of members in the partnership or joint-stock company;

(4) an undertaking by the insurer or surety that the security extends to all claims submitted in the five years following the coverage period during which a denturologist of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of the member while carrying on professional activities within the partnership or joint-stock company;

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance or suretyship contract if the amendment affects a condition set out in this Regulation; and

(6) an undertaking by the insurer or surety to immediately notify the secretary of the Order that the insurance or suretyship contract has not been renewed.

#### **DIVISION V** **ADDITIONAL INFORMATION**

**12.** Where a general partnership is continued as a limited liability partnership or where a joint-stock company or a limited liability partnership is established, the denturologist must ensure that the partnership or joint-stock company publishes, within 15 days of the occurrence, a notice to that effect in a newspaper distributed in each locality where it has an establishment.

The notice must specify in general terms the effects of the continuation or establishment, in particular with respect to the denturologist's professional liability.

**13.** The documents for which an authorization from the partnership or joint-stock company is required to communicate or obtain copies pursuant to paragraph 6 of section 3 are the following:

(1) if the denturologist carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors; and

(e) a list of the partnership's principal officers and their home addresses;

(2) if the denturologist carries on professional activities within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the securities of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) a list of the partnership's principal officers and their home addresses.

## DIVISION VI TRANSITIONAL AND FINAL

**14.** Denturologists who carry on professional activities within a joint-stock company constituted for the purpose of carrying on professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

## Draft Regulation

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

### Nurses

#### — Certain professional activities which may be engaged in by medical technologists

Notice is hereby given, in accordance with the Regulation Act (R.S.Q., c. R-18.1), that the "Regulation respecting certain professional activities which may be engaged in by medical technologists" was adopted by the Bureau of the Ordre des infirmières et infirmiers du Québec, at its meeting held on December 13 and 14, 2007.

This regulation has been forwarded to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26), and submit it, with its recommendation, to the Government, which may approve it, with or without amendment, upon the expiry of a period of 45 days following the publication of this notice.

The purpose of this regulation is to authorize medical technologists, in accordance with certain conditions, to insert a catheter into an artificial opening in the human body:

— via an ileal conduit stoma that includes ureters;

— via a tracheostomy, except when the patient is receiving ventilator assistance.

Further information may be obtained by contacting Ms. Hélène d'Anjou, Attorney, Legal Services Department, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec), H3Z 1V4; telephone: 514 935-2501, extension 319 or 1 800 363-6048; fax: 514 935-3147; email: helene.danjou@oiiq.org

Any person having comments to make may submit them, before the expiry of the 45-day period specified above, to the Chairman of Office des professions du Québec, 800, place d'Youville, 10<sup>e</sup> étage, Québec City (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 which has adopted this regulation, as well as to interested persons, departments and agencies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*