

A candidate who wishes to be present to make submissions must inform the secretary at least five days before the date set for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date set for the meeting.

The decision of the committee is final and must be sent to the candidate in writing within 30 days following the date of the meeting.”.

6. A diploma or training equivalence application for which a recommendation was made pursuant to section 10 of the Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec approved by Order in Council 1025-2002 dated 4 September 2002, as it reads on 21 May 2008, must be examined on the basis of the provisions replaced by this Regulation.

Section 13, as introduced by section 5 of this Regulation, applies to decisions made pursuant to section 11 of the Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec, as it reads on 21 May 2008, if the time allowed for review has not expired on 22 May 2008, and to review applications in respect of which the Bureau has not made a decision before that date. The person who made the recommendation to the Bureau in relation to a decision whose review is applied for cannot be a member of the committee formed to conduct the review.

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

8678

Gouvernement du Québec

O.C. 400-2008, 23 April 2008

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

**Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices
— Practice within a partnership or a joint-stock company**

Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec 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 Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec may make a regulation respecting the practice of the profession of guidance counsellor and psychoeducator within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Order 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 conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec 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 of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec;

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 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 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 of a professional order 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 of an order 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 13 June 2007 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 the Office approved, without amendment, Chapter II of the Regulation comprising sections 9 to 11 and, without amendment, the second paragraph of section 3 of the Regulation;

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 respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec 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*)

CHAPTER 1 GENERAL

1. Members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec are authorized to carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by members of the Order or by other professionals governed by the Professional Code;

(b) by a legal person, trust or enterprise whose voting rights attached to the shares or units of the partnership or joint-stock company are held entirely by members of the Order or by other professionals governed by the Professional Code; or

(c) by a combination of persons, trusts or enterprises referred to in subparagraphs *a* and *b*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order or other professionals governed by the Professional Code; and

(3) to constitute a quorum of the board of directors of a partnership or joint-stock company, a majority of the members present are members of the Order or other professionals governed by the Professional Code.

Members of the Order must ensure that those conditions appear in the articles of incorporation of the joint-stock company or in the contract constituting the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. A member of the Order may carry on professional activities within a partnership or joint-stock company if the member

(1) provides the Order with a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Chapter II;

(2) provides the Order, where the member carries on professional activities within a joint-stock company, with a written document from the competent authority certifying the existence of the joint-stock company;

(3) provides the Order, where applicable, with a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) provides the Order with a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(5) provides the Order with a written document certifying that the partnership or joint-stock company has an establishment in Québec;

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

(7) provides the Order with a written document from the partnership or joint-stock company certifying that its shareholders having voting rights, its partners, directors and officers, as well as the members of its staff who are not members of the Order are aware of the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006 and comply with the Code.

3. In addition, the member of the Order must send to the Order a sworn declaration, made on the form provided by the Order, containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the member of the Order carries on professional activities and the registration number assigned to them by the competent authority;

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

(3) the professional activities carried on by the member of the Order within the partnership or joint-stock company;

(4) the member of the Order's name, home address and status within the partnership or joint-stock company;

(5) where the member carries on professional activities within a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the main establishment, names and home addresses of all the partners, their percentage of units and an indication of their management functions, as the case may be;

(6) where the member carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

(7) an indication 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;

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

(9) an indication that the conditions set out in subparagraph *b* of subparagraph 1 of the first paragraph of section 1 are complied with in the case of holders of shares or units referred to in that subparagraph.

Members of the Order must submit with their declaration a fee of \$100.

4. Where more than one member of the Order carries on activities within the same partnership or joint-stock company, they must designate a representative to fill out the documents on behalf of all the members of the Order and send the documents and fees prescribed in sections 2 and 3 to the Order, reply to requests made by the syndic, an assistant syndic, an inspector, an investigator or any other representative of the Order and provide any other documents the members of the Order are required to submit.

The representative must be a member of the Order and a voting partner or shareholder.

The representative must ensure the accuracy of the information given in the declaration referred to in the first paragraph of section 3.

5. A member of the Order is exempt from the requirement to satisfy the conditions set out in sections 2 and 3 if a member of the Order or the representative of the partnership or joint-stock company within which the member practises has already satisfied the conditions.

6. The documents referred to in paragraphs 1, 4 and 5 of section 2 must be updated every year by the member of the Order or the representative by 31 March at the latest.

Any change to the other documents referred to in section 2 and to the declaration referred to in the first paragraph of section 3 must be sent to the Order within 30 days of the date of the change.

7. Where a member of the Order becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the member of the Order must, within 15 days, take the necessary measures to comply, failing which, the member of the Order is no longer authorized to carry on activities within the partnership or company.

8. A member of the Order or the representative of the partnership or the joint-stock company must immediately inform the Order of any change to the insurance coverage referred to in paragraph 1 of section 2, the striking off, dissolution, assignment of property, bank-

ruptcy, voluntary or forced liquidation of the partnership or joint-stock company or any other cause likely to prevent the partnership or joint-stock company from carrying on its activities and any change in the information given in the declaration referred to in the first paragraph of section 3 that is contrary to the conditions set out in section 1.

CHAPTER II PROFESSIONAL LIABILITY COVERAGE

9. A member of the Order must furnish and maintain security for the partnership or joint-stock company within which the member carries on professional activities by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of members of the Order in carrying on their professional activities within the partnership or joint-stock company.

10. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the member of the Order pursuant to the *Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 19 December 2001, or the coverage taken out by the member of the Order if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the member of the Order in carrying on professional activities;

(2) an undertaking by the insurer or surety 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 undertaking that the security extends to all claims submitted in the five years after the date on which a member of the Order in 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 that member while carrying on professional activities within the partnership or joint-stock company;

(4) an amount of at least \$1,000,000 per claim and \$3,000,000 for all claims relating to the coverage period;

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance or suretyship contract, to amend a condition of this section or not to renew the contract; and

(6) an undertaking by the insurer or surety to provide the secretary of the Order with a notice that the insurance or suretyship contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract.

11. The suretyship under this Chapter must be with a bank, credit union, trust or insurance company that undertakes to provide the coverage required by section 10, waiving the benefit of division and discussion; the institution must be domiciled in Canada and maintain sufficient property in Québec to meet the required coverage.

CHAPTER III ADDITIONAL INFORMATION

12. On a general partnership being continued as a limited liability partnership or a joint-stock company being constituted, a member of the Order carrying on professional activities within the partnership or joint-stock company must, on the date of the occurrence, send a notice to his or her clients informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to the member's professional liability and that of the partnership or joint-stock company.

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 2 are the following:

(1) if the member of the Order carries on professional activities within a joint-stock company,

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

(b) the complete and up-to-date register of the shareholders of the joint-stock company;

(c) the complete and 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) the names and home addresses of the company's principal officers;

(2) if the member of the Order carries on professional activities within a limited liability partnership,

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

(b) the partnership contract and amendments;

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

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

(e) the names and home addresses of the partnership's principal officers.

CHAPTER IV INCOME

14. Where a member of the Order carries on professional activities within a joint-stock company, the income derived from the professional services rendered within and on behalf of the company belongs to the company, unless it has been agreed otherwise.

The determination, billing and payment of fees is subject to the conditions set out in the Code of ethics of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and the member of the Order is personally responsible for seeing to their application.

CHAPTER V TRANSITIONAL AND FINAL

15. A member of the Order who carries on professional activities within a joint-stock company constituted for the purposes of the 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.

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

8679

Gouvernement du Québec

O.C. 401-2008, 23 April 2008

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

Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Equivalence standards for the issue of permits — Amendments

Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of an order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec;

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 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 and to be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;