

4. A medical technologist may, for purposes of eye tissue transplants or for research, remove eyeballs from a deceased person.

The act contemplated by the preceding paragraph is performed in accordance with National Standard CAN/CSA-Z900.2.4 Ocular tissues for transplantation as amended at the time of its application and under the responsibility of a medical director.

5. A person contemplated by the third paragraph of section 9 of the Regulation respecting diploma or equivalence training standards for the purpose of the issuing of a permit by the Ordre des technologistes médicaux, approved by Order-in-Council No. D.470-2006 of May 30, 2006 may, in the presence of a medical technologist, perform the activities contemplated by sections 3 and 4 to the extent they are required to complete the training period or training that would enable the person to receive such equivalence.

6. A person holding an attestation of proficiency issued by a trainer certified by Héma-Québec may, for the purposes of eye tissue transplants, do the act contemplated by section 4.

7. A student duly registered for a training program leading to a diploma allowing access to the permit issued by the Ordre may, in the presence of a medical technologist, do the acts contemplated by sections 3 and 4 to the extent they are required for the purposes of completing such a program.

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

9041

Draft Regulation

Nurses Act
(R.S.Q., c. I-8)

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

Nurses

— Terms and conditions for the issue of permits by the Ordre

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 terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers

du Québec, made by the board of directors of the Ordre des infirmières et infirmiers du Québec, appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to replace the terms and conditions of the current Regulation by rewriting certain provisions and making certain amendments, such as adding exceptions to the requirement to register for a determined examination session and striking out the provision which provides that the terms and conditions determined in the Regulation cease to have effect after a determined period.

The Order advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

The Order made the Regulation before the coming into force of the Act to amend the Professional Code and other legislative provisions (2008, c. 11).

Further information may be obtained by contacting Carmelle Marchessault, Director, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec) H3Z 1V4; telephone: 514 935-2501; fax: 514 935-3147.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and 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 terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. i)

DIVISION I ISSUE OF PERMIT

1. The Bureau of the Ordre des infirmières et infirmiers du Québec shall issue a permit to a person who meets the following terms and conditions, in addition to the terms provided for in the Professional Code (R.S.Q., c. C-26) and the Nurses Act (R.S.Q., c. 1-8):

(1) provides a copy of the diploma determined by government regulation, pursuant to section 184 of the Professional Code, as giving access to the permit of the Order, or a copy of the decision of the Order granting a diploma equivalence or a training equivalence for the issue of a permit;

(2) passes the professional examination of the Order in accordance with Division II;

(3) provides, if required, the attestation stipulated in section 35 of the Charter of the French language (R.S.Q., c. C-11);

(4) fills out a permit application on the form that the Order provides for that purpose;

(5) pays the fees prescribed by the Bureau of the Order pursuant to paragraph 8 of section 86.0.1 of the Professional Code.

DIVISION II PROFESSIONAL EXAMINATION

§1. General

2. The professional examination shall deal with the theoretical and clinical aspects of the nursing profession. It shall assess, in particular, the assimilation, and the application to various clinical situations, of the knowledge and skills acquired by the candidate, with a view to determining whether the candidate is qualified to practice the profession.

3. The Order shall hold two examination sessions a year and it shall determine their date and place.

The candidate may use the French language or the English language in the examination.

4. At least 60 days before the date set for an examination session, the secretary of the Order shall send notice of the examination to every educational institution that confers a diploma giving access to a permit.

In addition, the Order shall publish the notice in Québec, at least once, in a French-language daily and an English-language daily.

5. The Bureau of the Order shall determine the pass mark and may decide that the examination result will be indicated simply as a pass or a failure.

It shall send the results of the examination in writing to the examinees.

§2. Eligibility for the professional examination

6. To be eligible for the professional examination, a person shall hold a diploma giving access to an Order permit or shall have been granted by the Order a diploma equivalence or a training equivalence for the issue of a permit.

§3. Time period

7. A person who is eligible for the professional examination shall pass the examination within two years of the first examination session following the date on which she obtains a diploma giving access to an Order permit or the date of the decision by the Order granting her a diploma equivalence or a training equivalence for the issue of a permit.

However, a person who demonstrates to the Order that she did not pass the examination within the time period allowed because of a health problem, childbirth, the death of her father, mother, child or spouse, or unavoidable circumstances shall have an additional time period determined by the Order, which may not exceed four years from the first examination session following the date on which she obtained a diploma giving access to an Order permit or the date of the decision by the Order granting her a diploma equivalence or a training equivalence for the issue of a permit. The person shall provide the Order with a medical certificate, a birth certificate or a death certificate in the case where she cannot sit the examination because of a health problem, childbirth or a death.

8. A person who is eligible for the professional examination shall register and sit the examination in the first session following the date on which she obtained a diploma giving access to an Order permit or the date of the decision by the Order granting her a diploma equivalence or a training equivalence for the issue of a permit.

If the person fails an examination, she shall register for and sit the examination at the session following the session in which she failed.

9. The obligation provided for in the first paragraph of section 8 shall not apply to a person registered full time for a baccalaureate in the framework of an integrated DCS-B.A. training program, i.e. for at least 12 credits per term, or to a person to whom the Order has granted a diploma equivalence or a training equivalence fewer than 90 days preceding the date on which the professional examination is held. That person shall provide the Order, as the case may be, with an attestation from the educational institution indicating that she is registered for at least 12 credits per term or with a copy of the decision by the Order granting her a diploma equivalence or a training equivalence.

That person shall register for and sit the examination at the session following the one in which she would have had to register pursuant to the first paragraph of section 8.

10. The obligation provided for in the first or second paragraph of section 8 or the second paragraph of section 9 shall not apply to a person who demonstrates to the Order that she cannot sit the examination because of a health problem, childbirth, the death of her father, mother, child or spouse, or unavoidable circumstances. In that case, the person shall provide the Order with a medical certificate, a birth certificate or a death certificate.

The person shall register for and sit the examination at the session determined by the Order.

§4. Failure

11. A person who fails the professional examination shall be entitled to take it again twice.

A person shall fail the professional examination if she does not sit the examination for which she must register pursuant to section 8 and the second paragraphs of sections 9 and 10.

12. The Bureau shall cancel the failure of an examination and decide that participation in the examination will not be considered pursuant to section 11 if the person demonstrates that her physical or mental state at the time of the examination was such that she could not sit the examination.

13. Registration under false pretences, fraud, plagiarism, participation in fraud or plagiarism, or attempted fraud or plagiarism shall result in the failure of the examination, pursuant to the decision of the Bureau.

§5. Conditions for registration

14. To register for the professional examination, a person shall complete an application on the form provided for that purpose by the Order, and shall send the Order the form at least 45 days before the date set for the examination, along with the fees set by the Bureau pursuant to paragraph 8 of section 86.0.1 of the Professional Code.

The person shall enclose two identical, recent photographs no more than one year old, of passport size (5 cm x 7 cm), which the person shall certify under her signature as being of her.

§6. Review

15. Any person having failed the professional examination may request a review before the committee formed by the Bureau for that purpose pursuant to paragraph 2 of section 86.0.1 of the Professional Code, for the purpose of verifying the result obtained. Such request shall be made in writing within 30 days following the date of receipt of the result of the examination and shall include the fee prescribed by the Bureau pursuant to paragraph 8 of section 86.0.1.

The Order shall inform the person of the decision as soon as possible.

DIVISION III FINAL PROVISIONS

16. This Regulation replaces the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec approved by Order in Council 848-97 of June 25, 1997.

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

9039