

## Draft Regulations

### Draft Regulation

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

#### Activities engaged in and described in sections 39.7 and 39.8 of the Code — Amendments

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 to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, appearing below, made by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to allow, on certain conditions, the operator or a member of the personnel of a residence for the elderly to engage in the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26).

According to the Office, the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Antoine Garnier, Direction des affaires juridiques, or Line Poitras, Direction de la recherche et de l'analyse, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; e-mail: courrier@opq.gouv.qc.ca

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

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

### Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code\*

Professional Code  
(R.S.Q., c. C-26, s. 39.9)

1. The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code is amended by inserting “nursing” in subparagraph 3 of the first paragraph of section 3 before “care”.
2. Section 3.2 is amended by inserting “nursing” in paragraph 3 before “care”.
3. The following is inserted after section 3.2:

#### “DIVISION III RESIDENCES FOR THE ELDERLY

3.3. The operator or a member of the personnel of a residence for the elderly, as defined in the second paragraph of section 346.0.1 of the Act respecting health services and social services, may engage in the activities described in sections 39.7 and 39.8 of the Professional Code, at any place they are required, on the following conditions:

- (1) an agreement on those activities has been entered into between the residence and the health and social services centre of the territory where the residence is located; and
- (2) the residence establishes and maintains a register containing
  - (a) the name of the operator or member of the personnel of the residence who is authorized to engage in the activities under this Division; and
  - (b) the name and title of the professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory

\* The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, approved by Order in Council 66-2004 dated 29 January 2004 (2004, G.O. 2, 989), was amended by the regulations approved by Orders in Council 634-2005 dated 23 June 2005 (2005, G.O. 2, 2300) and 426-2008 dated 30 April 2008 (2008, G.O. 2, 1329).

where the residence is located and who provides instruction and clinical support to and updates the knowledge and skills of the operator or member of the personnel of the residence who is authorized to engage in the activities under this Division.

For the purposes of this Division, “professional” means a physician, a nurse, a nursing assistant or a respiratory therapist.

**3.4.** To engage in the activities referred to in section 3.3, the operator or member of the personnel of a residence for the elderly must fulfil the following conditions:

(1) the person learns how to perform the activities with a professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory where the residence is located;

(2) the person is supervised the first time he or she engages in those activities by a professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory where the residence is located;

(3) the person engages in the activities in accordance with the rules of nursing care in force in the health and social services centre of the territory where the residence is located; and

(4) the person has access at all times to a professional.”.

**4.** 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)

### Advocates

— Code of ethics  
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the two regulations to amend the Code of ethics of advocates, adopted by the General Council of the Barreau du Québec at its meetings held on 21 February and 12 and 13 June 2008 and appearing below, may be submitted to the Government which may approve them, with or without amendment, on the expiry of 45 days following this publication.

The regulations amend section 3.03.04 of the Code of ethics of advocates to require an advocate to withdraw from a file when a client induces the advocate to perform illegal or fraudulent acts and section 4.03.02 of the Code to require an advocate to also answer the communications from the director of the Service de l'inspection professionnelle or the director's assistant.

The Bar advises that the regulations have no impact on enterprises, including small and medium-sized businesses.

The Order made the regulations 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 Claire Moffet, Service de recherche et législation, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 3163, or 1 800 361-8495, extension 3163; fax: 514 954-3463.

Any person wishing to comment on the draft regulations is requested to submit comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. 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 to amend the Code of ethics of advocates\*

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

**1.** Paragraph *c* of section 3.03.04 of the Code of ethics of advocates is amended:

1° by deleting the words “illegal,” and “or fraudulent” and, after the word “unfair”, adding the word “or”;

\* The last amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 59-2007 dated 30 January 2007 (2007, *G.O.* 2, 972). For previous amendments, see the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.