

Gouvernement du Québec

O.C. 395-2009, 1 April 2009

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

Otométrists

— Equivalence standards for the issue of a permit by the Ordre

— Amendments

Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors of a professional 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c* and *c.1*;
2008, c. 11, s. 1, par. 1 and 2, s. 61, par. 2 and s. 212)

1. The Regulation respecting equivalence standards for the issue of a permit by Ordre des optométristes du Québec is amended by the replacement, in section 3, of the second paragraph by the following:

“In this regulation:

“diploma equivalence” means the recognition by the Order that a diploma issued by an educational institution outside Québec demonstrates that a person has acquired a level of knowledge and ability that is equivalent to the

* The only amendments to the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, approved by Order-in-Council no. 452-99 of April 21, 1999 (1999, *G.O.* 2, 1110) were made by the regulation approved by Order-in-Council no. 519-2005 of June 1, 2005 (2005, *G.O.* 2, 1869).

level acquired by the holder of a diploma recognized by the regulation of the government made under the first paragraph of section 184 of this code as giving access to the permit;

“training equivalence” means the recognition by the Order that a person’s training demonstrates that he has acquired a level of knowledge and ability that is equivalent to the level acquired by the holder of a diploma recognized by regulation of the government made under the first paragraph of section 184 of this code as giving access to the permit.”.

2. Section 4 of this regulation is amended by:

1. the replacement, in the first paragraph, of “Bureau” by “administrative committee”;

2. the replacement, in the first paragraph, of the last sentence by the following:

“For the purposes of making an appropriate recommendation, this committee may ask the person to participate in an interview, pass an examination or complete a training period.”;

3. the replacement of the second paragraph by the following:

“The administrative committee makes one of the following decisions at the first regular meeting following the date on which a recommendation is received from the committee:

- 1.** recognize diploma or training equivalence;
- 2.** recognize partial training equivalence;
- 3.** refuse to recognize diploma or training equivalence.”.

3. Sections 5 and 6 of this regulation are replaced by the following:

“**5.** Within 30 days of its decision, the administrative committee must inform the person concerned of the decision in writing and, should this decision consist in recognizing partial equivalence or not recognizing equivalence, it must inform said person, in consideration of his current level of knowledge and ability, of the education programs, training or examinations that he must successfully complete within the time period set by the administrative committee in order to obtain equivalence.

“**6.** The person who is informed of the decision by the administrative committee to refuse recognition of the requested equivalence or to recognize it partially may request a review, on condition that he makes the request in writing to the secretary within 30 days of the date on which this decision is received.

The review is conducted within 60 days of the date on which this request is received by a committee formed by the Bureau, in application of paragraph 2 of section 86.0.1 of the Professional Code, composed of persons other than the members of the administrative committee or the committee specified in section 4.

The committee must, prior to making a decision, inform the person of the date of the meeting during which his request will be examined and of his right to present his observations at the meeting.

The person who wishes to attend the meeting in order to make his observations must inform the secretary at least five days prior to the scheduled date of the meeting. He may, however, send the committee his written observations at any time prior to the scheduled date of the meeting.

The decision of the committee is final and must be sent, by registered mail, to the person concerned within 30 days of the date on which it was rendered.”.

4. This regulation is amended by inserting, after section 7, the following:

“**7.1.** The person who holds a doctorate of optometry issued by an educational institution outside Québec whose standards comply with those of the Accreditation Council on Optometric Education shall be granted diploma equivalence.”.

5. Section 8 of this regulation is replaced by the following:

“**8.** Notwithstanding sections 7 and 7.1, when a diploma that is the subject of an equivalence request was obtained more than three years prior to the date of this request and the knowledge and abilities that it demonstrates no longer correspond, due to the development of the profession, to what, at the time of the request, is taught in an education program leading to a diploma that gives access to the permit, the person shall be granted training equivalence in accordance with section 9, if he has acquired, since obtaining his diploma, the level of knowledge and abilities required.”.

6. Section 9 of this regulation is amended by the insertion, after “knowledge,” of “and abilities.”

- 7.** Section 10 of this regulation is repealed.
- 8.** Section 11 of this regulation is amended by the deletion of the second paragraph.
- 9.** This regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.
- 9189

Gouvernement du Québec

O.C. 396-2009, 1 April 2009

Optometry Act
(R.S.Q., c. O-7)

Optometrist
— **Standards for the issue and holding of the permit authorizing to administer medication**
— **Amendments**

Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication

WHEREAS, under section 19.2 of the Optometry Act (R.S.Q., c. O-7), amended by section 212 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must, by regulation, fix the standards for the issue and holding of a permit authorizing an optometrist to administer medication to patients in accordance with section 19.1 of the Act;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication;

WHEREAS, pursuant to section 95 of the Professional Code (R.S.Q., c. C-26) and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation amending the Regulation respecting the

standards for the issue and holding of the permit authorizing an optometrist to administer medication was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication*

Optometry Act
(R.S.Q., c. O-7, s. 19.2)

1. The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication is amended by the replacement, in paragraph 3 of section 1, of “a diploma considered” by “as part of another recognized training program.”

2. This regulation is amended by replacing section 2 with the following:

“**2.** The permit is also issued to a member of the Ordre des optométristes who satisfies the other conditions prescribed in section 1, even if he received his training prior to the period referred to in paragraph 3 of that section or his training is not of the level referred to in that paragraph, provided that he satisfies one of the following conditions:

* The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication, approved by Order-in-Council no. 1452-95 of November 8, 1995 (1995, *G.O.* 2, 3132) has not been amended since its approval.