

## Regulations and other Acts

Gouvernement du Québec

### O.C. 553-2009, 12 May 2009

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

#### **Infirmières et infirmiers — Terms and conditions for the issue of permits by the Ordre**

Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec

WHEREAS, under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26, amended by paragraph 1 of section 1 and by paragraph 4 of section 62 of chapter 11 of the Statutes of 2008), the board of directors of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines;

WHEREAS the board of directors of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec;

WHEREAS, pursuant to section 95 of the Professional Code, amended by section 63 of chapter 11 of the Statutes of 2008, and subject to section 95.2 of the Code, 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 was published in Part 2 of the *Gazette officielle du Québec* of 3 December 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 des professions du Québec 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 respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### **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*; 2008, c. 11, s. 1, par. 1 and s. 62, par. 4)

#### **DIVISION I ISSUE OF PERMIT**

**1.** The Board of Directors 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. I-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 Board of Directors 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 Board of Directors 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 as soon as possible, 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 Board of Directors 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 Board of Directors.

**§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 Board of Directors 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 Board of Directors 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 Board of Directors 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*.

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**M.O., 2009**

**Order number 2009-12 of the Minister  
for Transport dated 13 May 2009**

An Act respecting off-highway vehicles  
(R.S.Q., c. V-1.2)

Regulation to authorize the operation of motorized all-terrain vehicles on a portion of route 131 under the management of the Minister of Transport

THE MINISTER FOR TRANSPORT,

CONSIDERING section 47 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2), which provides that the Minister of Transport may, by regulation, allow certain types of off-highway vehicles to be operated on all or part of a public highway maintained by the Minister, on the conditions and for the period of time the Minister indicates;

CONSIDERING Order in Council 1162-2008 dated 18 December 2008 concerning the Minister for Transport, which authorizes the latter to perform the duties of the Minister of Transport relating to the application of the Act respecting off-highway vehicles;

CONSIDERING that the Club de VTT Nord Lanaudière filed an application on 5 July 2005 so that the Minister of Transport authorizes the operation of motorized all-terrain vehicles on a portion of route 131;

CONSIDERING that Municipalité de Saint-Michel-des-Saints passed a resolution on 18 July 2005 whereby it supports the application of the Club de VTT Nord Lanaudière, in keeping with the regulatory process of the municipality to relocate the operation of such vehicles on certain municipal roads;