

Gouvernement du Québec

O.C. 733-2009, 18 June 2009

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

Ergothérapeutes
— **Standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre**
— **Amendments**

Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes 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 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, 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 ergothérapeutes du Québec made the Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended by sections 63 and 65 of chapter 11 of the Statutes of 2008 respectively, 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 to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes

du Québec was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2009 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, amended by section 63 of chapter 11 of the Statutes of 2008, 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 to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec*

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

1. The Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec is amended in section 2 by replacing the words “board of directors of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code” wherever they appear by the word “Order”.

2. Section 8 is amended by striking out “the board of directors of”.

* The Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec, approved by Order in Council 1262-2000 dated 25 October 2000 (2000, *G.O.* 2, 5263), has not been amended since its approval.

3. Section 9 is amended by replacing “board of directors” in subparagraph 8 of the first paragraph by “Order”.

4. Sections 10 to 12 are replaced by the following:

“**10.** The secretary of the Order sends the documents and information prescribed in section 9 to a committee formed by the board of directors of the Order, in accordance with paragraph 2 of section 86.0.1 of the Professional Code, for the purpose of examining applications for equivalence and deciding, as the case may be,

(1) to recognize a diploma or training equivalence; or

(2) not to recognize a diploma or training equivalence.

The committee is composed of persons other than members of the board of directors of the Order.

For the purpose of making an appropriate decision, the committee may require that the applicant undergo an assessment of competence including an interview, a situation scenario, an examination, a training period or a combination of those measures.

11. The committee informs the person concerned in writing of its decision by sending the decision by registered mail, within 30 days of the date on which the decision was made.

Where the committee decides not to recognize the equivalence applied for, it must inform the person in writing of the programs of study leading to a diploma giving access to the permit or any complementary training, supervised clinical training sessions or examinations which if successfully completed within the allotted time would enable the person to be granted the equivalence.

12. The person informed of the committee’s decision not to recognize the equivalence applied for may apply for a review by the board of directors of the Order.

The person must apply for a review in writing to the secretary of the Order within 30 days of receipt of the decision. The board of directors of the Order must, before making a decision in respect of the application, allow the person to make submissions.

For that purpose, the secretary of the Order informs the person of the date, place and time of the meeting of the board of directors of the Order where the application will be examined, by means of a written notice sent by registered mail at least 15 days before the date set for the meeting.

A person who wishes to make submissions in person at the meeting must notify the secretary of the Order in writing at least 10 days before the date scheduled for the meeting. The person may also send written submissions to the secretary of the Order at any time before the date scheduled for the meeting.

The board of directors of the Order has 90 days from the date of receipt of the application for review to make its decision.

12.1. The decision of the board of directors of the Order made pursuant to section 12 is final and must be sent to the person by registered mail within 30 days of the date on which the decision was made.”.

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

9301

Gouvernement du Québec

O.C. 734-2009, 18 June 2009

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

**Diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders
— Amendments**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education, Recreation and Sports;