

Regulations and other Acts

Gouvernement du Québec

O.C. 335-2010, 14 April 2010

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

Administrateurs agréés — Indemnity fund

Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec

WHEREAS, under section 89.1 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order that authorizes the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS, in the Regulation respecting trust accounting by chartered administrators made under section 89 of the Code, the board of directors of the Ordre des administrateurs agréés du Québec authorizes its members to hold funds or property;

WHEREAS the board of directors made the Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a profession in Québec 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 respecting the indemnity fund of the Ordre des administrateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 25 November 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, 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 respecting the indemnity fund of the Ordre des administrateurs agréés du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 89.1)

SECTION I CONSTITUTION OF AN INDEMNITY FUND

1. The board of directors of the Ordre des administrateurs agréés du Québec establishes an indemnity fund that must be used to indemnify a claimant following the use of sums or goods for purposes other than those for which he had entrusted them to a chartered administrator in the practice of his profession.

2. The fund shall be maintained at a minimum amount of \$100,000. Less any administrative expenses related to this fund, it consists of:

1° the sums already allocated for this purpose at the date on which this regulation comes into force;

2° the sums allocated therefore by the board of directors;

3° the assessments fixed for that purpose;

4° the sums recovered from the offending chartered administrator under a subrogation or pursuant to section 159 of the Professional Code (R.S.Q. c. C-26);

5° interests and other income generated by the sums constituting the fund;

6° the sums of money which may be paid by an insurer or reinsurance company under an insurance policy subscribed by the Ordre for all its members;

7° sums received by the Ordre for this fund;

8° interest and other income generated by the chartered administrator general trust accounts.

SECTION II ADMINISTRATION AND INVESTMENT RULES OF THE INDEMNITY FUND

3. The executive committee of the Ordre administers the indemnity fund. It is authorized to enter into a group insurance or reinsurance contract for the purposes of the fund and to pay the premiums thereof out of the fund.

4. The accounting of the fund shall be separate from the general accounting of the Ordre.

5. The sums constituting the fund are invested by the executive committee as follows:

1° the portion of those sums which the executive committee intends to use on a short-term basis is deposited in a financial institution regulated by An Act respecting Trust companies and savings companies (R.S.Q., c. S-29.01), by the Bank Act (S.C. 1991, c. 46), by An Act respecting financial services cooperatives (R.S.Q. c. C-67.3) or by the Trust and Loan Companies Act (S.C. 1991, c. 45);

2° the balance is invested in accordance with section 1339 of the Quebec Civil Code.

SECTION III CLAIMS

6. A claim must be forwarded to the secretary of the Ordre at its head office.

7. The secretary of the Ordre enters the claim on the agenda for the first meeting of the executive committee following its receipt.

8. A claim must:

1° be submitted in writing and under oath;

2° state all facts in support of the claim and be accompanied by all relevant documents;

3° indicate the amount claimed.

9. A claim in respect of a chartered administrator may be filed whether or not a decision of the Disciplinary Council, the Professions Tribunal or any other competent tribunal has been rendered.

10. In order for a claim to be receivable, it must be filed within 12 months from the time the claimant becomes aware that sums and goods have been used for purposes other than those for which they were entrusted to a chartered administrator in the practice of his profession.

11. The executive committee may extend the delay provided for in section 10 if the claimant demonstrates that, for a reason beyond his control, he was unable to file his claim within that required.

12. A request made to the Ordre for an inquiry with regard to facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 8 if the request is filed within the time period contemplated in section 10.

13. Upon the request of the executive committee, of the person designated or committee designated to hold an inquiry, the claimant or the chartered administrator concerned shall provide all the information and documents relating to the claim.

14. The executive committee decides on a timely basis whether it is expedient to accept a claim in whole or in part and, where applicable, fixes the indemnity. Its decision is final.

Within the sixty (60) days of the decision, the indemnity is paid to the claimant who signs an acquittance in favour of the Ordre.

15. The maximum indemnity payable from the indemnity fund for the period covering the fiscal year of the Ordre is limited to \$100,000 for all claims concerning a chartered administrator.

When the executive committee believes that claims in excess of this amount may be presented with regards to the same chartered administrator, it shall suspend the payment of indemnities until it has reviewed all claims concerning this chartered administrator. It shall prepare an inventory of the funds, securities and other property entrusted to this chartered administrator and advise in writing the persons likely to file a claim.

The maximum indemnity is reconsidered every five years, starting the day the present Regulation comes in force.

16. The balance of a chartered administrator's trust account, the sums of which have been blocked or otherwise disposed of in accordance with section 30 of the Regulation respecting trust accounting by the Ordre des administrateurs agréés du Québec, approved by the Office of the professions of Quebec on November 2, 2009, is distributed by the secretary of the Ordre, at the expiry of a 60 day delay starting on the date of publication of a notice to that effect in a newspaper having general circulation in the location where the chartered administrator has or had his professional domicile, among the claimants on a prorata basis according to the amounts of their claims allowed, up to the amount of the claim, less the indemnity fixed under section 14.

SECTION IV FINAL AND TRANSITORY PROVISIONS

17. This regulation replaces the Regulation respecting the indemnity fund of the Ordre professionnel des administrateurs agréés du Québec (R.Q., 1981, c. C-26, r.12).

However, the Regulation respecting the indemnity fund of the Ordre professionnel des administrateurs agréés du Québec continues to govern the claims filed to the fund before the date on which the present regulation came into force as well as to the claims filed against the fund after that date but which relate to events that took place prior to that date.

18. This regulation comes into force on the fifteenth day which follows the date of its publication in the *Gazette Officielle du Québec*.

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Gouvernement du Québec

O.C. 336-2010, 14 April 2010

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

Midwives — Code of ethics

Code of ethics of midwives

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des sages-femmes du Québec made the Code of ethics of midwives;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Code of ethics of midwives was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, 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 Code of ethics of midwives was published in Part 2 of the *Gazette officielle du Québec* of 25 November 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, the Office has examined the Code of ethics of midwives and made its recommendation;

WHEREAS it is expedient to approve the Code of ethics of midwives with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Code of ethics of midwives, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Code of ethics of midwives

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

DIVISION I GENERAL DUTIES TOWARDS THE PUBLIC

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations that must be discharged by every member of the Ordre professionnel des sages-femmes du Québec.