

Draft Regulations

Draft Regulation

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

Psychotherapist's permit

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 respecting the psychotherapist's permit, adopted 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 main purpose of the Regulation is to determine standards for the issue of a psychotherapist's permit, and the conditions on which the title of psychotherapist may be used.

It also determines a framework for the continuing education requirements and establishes a list of interventions that are not psychotherapy.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Daniel Lantin, research officer, Direction de la recherche et de l'analyse, or France Lesage, advocate, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person having comments to make 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^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister of Justice; they may also be sent to interested persons, departments and bodies.

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

Regulation respecting the psychotherapist's permit

Professional Code
(R.S.Q., c. C-26, s. 187.1, 3rd par., ss. 187.3.1, 187.3.2 and 12.2)

DIVISION I STANDARDS FOR THE ISSUE OF PERMITS

1. The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a member of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des infirmières et infirmiers du Québec, the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec or the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec who

(1) holds a master's degree in the field of mental health and human relations;

(2) has university-level theoretical training in psychotherapy of 765 hours apportioned as follows:

i. 270 hours on 4 theoretical models of intervention, namely, psychodynamic, cognitive-behavioural, systemic, and communication theories and humanist theories; of the 270 hours, 45 hours must be devoted to each model and 90 hours to one of the models;

ii. 90 hours on the common factors, including the psychotherapist's attitudes, the context and the client's expectations, relational quality, communication skills and the placebo effect;

iii. 90 hours on the essential tools, including scientific methods such as quantitative research and statistics as well as qualitative research including epistemological models such as hermeneutics and phenomenology;

iv. 180 hours on the classification of mental disorders, psychopathology and problems related to human development including understanding using various models of intervention, recognized classifications such as DSM and ICD and their subsequent modifications, life cycles and major problems that are related to them;

v. 45 hours on the link between biology and psychotherapy, including somatopsychic and psychosomatic relationships, the relevance and limits of psychotherapy, a general knowledge of the anatomy and physiology of the central nervous system, as well as psychotropic drugs;

vi. 45 hours on the legal and organizational aspects of the practice of psychotherapy, including the laws and the organizational resources;

vii. 45 hours on ethics and deontology including the psychotherapist's duties and requirements toward the client, the public and the practice of psychotherapy.

That training must have been received in the course of a program of study leading to a diploma giving rise to the permit of one of the professional orders referred to in the first paragraph of section 187.1 of the Professional Code (R.S.Q., c. C-26) or in the course of training in psychotherapy received in a university-level educational establishment, a private establishment or from a trainer who:

i. is a member of one of the professional orders whose members may practise psychotherapy;

ii. holds a master's degree or a higher university degree in the field of mental health and human relations or a doctorate of medicine; and

iii. has 5 years of clinical experience in at least one of the 4 theoretical models of intervention;

(3) has successfully completed a supervised training period related to at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of paragraph 2 involving a minimum of 300 hours of direct treatment with at least 10 clients, each client having received a direct treatment of at least 10 hours, 100 hours of individual supervision and 200 hours devoted to other activities related to the practice of psychotherapy, such as group supervision, the transcription and writing of notes in records, general case management and directed readings; supervision is provided by a person who

i. is a member of one of the professional orders whose members may practise psychotherapy;

ii. holds a master's degree or a higher university degree in the field of mental health and human relations or a doctorate of medicine;

iii. has 5 years of clinical experience in at least one of the 4 theoretical models of intervention; and

iv. has training in supervision.

DIVISION II CONDITIONS FOR USING THE TITLE OF PSYCHOTHERAPIST

2. Physicians or psychologists who use the title of psychotherapist must ensure that it is preceded by their reserved title.

Holders of a psychotherapist's permit must use the title of psychotherapist and ensure that such title is preceded by their reserved title.

DIVISION III FRAMEWORK FOR CONTINUING EDUCATION REQUIREMENTS

3. Physicians or psychologists who practise psychotherapy and holders of a psychotherapist's permit must accumulate at least 90 hours of continuing education in psychotherapy over a 5-year period.

Physicians must choose continuing education activities from among those provided for in the program of continuing education activities in psychotherapy adopted by the Collège des médecins du Québec.

Psychologists and holders of a psychotherapist's permit must choose continuing education activities from among those provided for in the program of continuing education activities in psychotherapy adopted by the Ordre des psychologues du Québec.

4. Physicians, psychologists and holders of a psychotherapist's permit are exempted from the obligation to participate in an activity provided for in the program of training activities if they demonstrate that it is impossible for them to participate.

5. The Collège des médecins du Québec suspends the right to practise psychotherapy of a physician who has not fulfilled his or her obligation to take continuing education until the physician provides the Collège with proof that the obligation has been fulfilled.

The Ordre des psychologues du Québec suspends the right to practise psychotherapy of a psychologist who has not fulfilled his or her obligation to take continuing education until the psychologist provides the Order with proof that the obligation has been fulfilled.

The Ordre des psychologues du Québec suspends the psychotherapist's permit of the holder who has not fulfilled his or her obligation to take continuing education until the holder provides the Order with proof that the obligation has been fulfilled.

DIVISION IV **INTERVENTIONS THAT ARE NOT** **PSYCHOTHERAPY**

6. The following interventions are not psychotherapy:

(1) accompaniment and support of a person through regular or sporadic meetings, so that the person may express his or her difficulties. In such a context, the professional or intervener may give advice or make recommendations;

(2) support intervention to support a person so that the person may maintain and consolidate acquired skills and adaptation strategies by targeting strengths and resources through regular or sporadic meetings or activities. Such intervention includes reassuring, advising and providing information related to the person's condition or the experienced situation;

(3) conjugal and family intervention designed to promote and support the optimal functioning of the couple or family through interviews that often involve all the family members. Such intervention is intended to change the factors in the functioning of the family or couple that impede the couple's or family members' blossoming or to offer assistance and advice in the face of everyday life's difficulties;

(4) psychological education intended to teach skills through the information and education of the person. Such education may be used at every step of the care and service process. It consists in the teaching of specific knowledge and skills to maintain or improve the person's autonomy or health, in particular to prevent the appearance of health or social problems, including mental problems or the deterioration of the person's mental condition. Such teaching may pertain for instance to the nature of the physical or mental illness, its symptoms, its treatments including the role that may be played by the person in the maintenance or restoration of his or her health, as well as stress management techniques, relaxation techniques, or assertiveness techniques;

(5) rehabilitation aiming at helping a person to deal with the symptoms of an illness or improving skills. Such rehabilitation is used, among other things, with persons suffering from significant mental health problems so that they may reach an optimal level of autonomy towards recovery. It may form part of meetings to accompany or support the person and include, for instance, the management of hallucinations and the practice of day-to-day and social skills;

(6) clinical follow-up consisting in meetings to update a disciplinary intervention plan. It is intended for persons who display behaviour problems or any other problem causing suffering or psychological distress, or health problems, including mental problems. It may involve the contribution of various professionals or interveners grouped in interdisciplinary or multidisciplinary teams. Such follow-up may be part of an intervention plan within the meaning of the Act respecting health services and social services or the Education Act, take the form of meetings or interventions to accompany or support the person, as defined above, and also include psychological rehabilitation or education. It may also include the adjustment of pharmacotherapy;

(7) coaching to update one's potential by developing talents, resources or skills in persons neither in distress nor in pain who express particular needs in terms of personal or professional achievements;

(8) crisis intervention consisting in an immediate, short and directing intervention adjusted to the type of crisis, the characteristics of the person and of the person's surrounding. It is intended to stabilize the condition of the person or the person's environment in connection with the crisis situation. That type of intervention may involve exploring the situation and assessing possible consequences, for instance, the danger potential, suicidal risk or risk of decompensation, defusing, support, the teaching of adaptation strategies to deal with the experienced situation and orientation towards services or care more adapted to the needs.

DIVISION V **TRANSITIONAL AND FINAL**

§1. Standards for the issue of the permit

7. The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a person who applies therefor within 2 years of the date of coming into force of section 187.1 of the Professional Code and who

(1) holds a bachelor's degree in the field of mental health and human relations on the date of coming into force of section 187.1 of the Professional Code;

(2) has completed, in the 3 years preceding the date of coming into force of section 187.1 of the Professional Code, 600 hours in psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of paragraph 2 of section 1;

(3) has completed, in the 5 years preceding the date of coming into force of section 187.1 of the Professional Code or in the year following that date, 90 hours of continuing education in psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of paragraph 2 of section 1; and

(4) has completed, on the date of coming into force of section 187.1 of the Professional Code, 50 hours of individual supervision pertaining to 200 hours of practice of psychotherapy in connection with at least 1 of the 4 theoretical models of intervention referred to in subparagraph *i* of paragraph 2 of section 1.

8. The board of directors of the Ordre professionnel des psychothérapeutes du Québec issues a psychotherapist's permit to a person who applies therefor within 2 years of the date of coming into force of section 187.1 of the Professional Code and who meets either of the following conditions, on the date of coming into force of section 187.1 of the Professional Code:

(1) the person is a member of the Ordre professionnel des conseillers et conseillères d'orientation du Québec or of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec and is accredited as a psychotherapist; or

(2) the person is a member of the Canadian Psychoanalytic Society, the Association des psychothérapeutes psychanalytiques du Québec or the Société québécoise des psychothérapeutes professionnels and the person does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy.

§2. *Trainers and supervisors*

9. For the purposes of paragraph 2 of section 1, a person who, on the date of coming into force of section 187.1 of the Professional Code, meets the following conditions is also a trainer:

(1) the person is a member of one of the professional orders whose members may practise psychotherapy;

(2) the person has 5 years of clinical experience in at least 1 of the 4 theoretical models of intervention; and

(3) the person has taught for 1 year the theoretical knowledge of at least 1 of the 4 theoretical models of intervention.

10. For the purposes of paragraph 3 of section 1, supervision may also be exercised by a person who, on the date of coming into force of section 187.1 of the Professional Code,

(1) is a member of one of the professional orders whose members may practise psychotherapy;

(2) has 5 years of clinical experience in at least one of the 4 theoretical models of intervention;

(3) has training in supervision; and

(4) has supervised for 1 year the practice of psychotherapy in at least 1 of the 4 theoretical models of intervention.

§3. *Applicable provisions*

11. The following provisions apply to the holder of a psychotherapist's permit who does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy, with the necessary modifications, in particular by applying the suspension of a psychotherapist's permit to the striking off the professional roll:

(1) sections 43, 45, 45.2, 48 to 52.1, 53 to 57, 58.1 to 60.7, 62.2, 85.1 to 85.3, 88 to 89.1 and 91 of the Professional Code, Divisions VI and VII, except the first paragraph of section 117, Division VIII of Chapter IV of the Code, except the first paragraph of section 121, and Chapters VI.1, VI.3, VIII and VIII.1 of the Code;

(2) the following regulations:

i. Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des psychologues du Québec (c. C-26, r. 210);

ii. Code of ethics of psychologists (c. C-26, r. 212);

iii. Règlement sur le comité d'inspection professionnelle de l'Ordre des psychologues du Québec (c. C-26, r. 213);

iv. Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel des psychologues du Québec (c. C-26, r. 215);

v. Regulation respecting the records of a psychologist who ceases to practise (c. C-26, r. 216);

vi. Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists (c. C-26, r. 220);

vii. Regulation respecting the keeping of records and consulting-rooms by psychologists (c. C-26, r. 221).

§4. Conditions for using the title of psychotherapist

12. A holder of a psychotherapist's permit who does not meet the conditions for the issue of a permit by one of the professional orders whose members may practise psychotherapy must use the title of psychotherapist and ensure that such title is preceded by the title of the university degree held.

13. This Regulation comes into force on *(insert the date of coming into force of section 187.1 of the Professional Code)*.

1673

Draft Regulation

Real Estate Brokerage Act
(R.S.Q., c. C-73.2)

Various regulations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulations, 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.

— Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising;

— Regulation to amend the Regulation respecting the issue of broker's and agency licences;

— Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

— Regulation to amend the Real Estate Indemnity Fund and determination of the professional liability insurance premium.

All the amendments enable a broker acting on behalf of an agency to carry on activities within a business corporation controlled by the broker, in accordance with sections 22.1 to 22.6 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), enacted by section 16 of chapter 40 of the Statutes of 2010.

Further information on the draft Regulations may be obtained by contacting Veerle Braeken, Coordinator, Direction générale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7419; fax: 418 646-5744; email: veerle.braeken@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the secretariat, Ministère des Finances, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,
Minister of Finance

ALAIN PAQUET,
Minister for Finance

Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1) is amended in section 6 by inserting “, either his or her own or, if applicable, that of the business corporation within which the licence holder carries on activities in accordance with Division IV of Chapter II of the Act” after “professional civil liability”.

2. The following is inserted after Division VI of Chapter I:

“DIVISION VI.1 BROKERAGE ACTIVITIES WITHIN A BUSINESS CORPORATION

34.1. A broker acting on behalf of an agency is authorized to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), if the following requirements are met:

(1) the broker holds at least 90% of the voting rights attached to the corporation's shares;

(2) the shares held enable the broker to receive any declared dividend prior to any other corporation's shareholder;

(3) the broker is the president of the corporation;