

(1) the portion of the sums that the Board of Directors plans to use in the short term shall be deposited with a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45);

(2) the remainder of the sums shall be invested in accordance with section 1339 of the Civil Code of Québec.

SECTION III COMPENSATION PROCEDURE

6. A claim to the fund shall:

- (1) be made in writing;
- (2) set out the supporting facts and be accompanied by all relevant documents;
- (3) indicate the amount claimed;
- (4) be sworn and be filed with the Secretary of the Ordre.

7. The Secretary shall put the claim on the agenda of the first meeting of the Board of Directors held after the claim is filed.

8. For a claim to be admissible, it shall be filed within 12 months from the time the claimant learns that the sums and property are being used for purposes other than those for which he or she entrusted them to the geologist in the practice of the latter's profession.

9. The Board of Directors may extend the time limit provided for in section 8 above if the claimant demonstrates that he or she was unable, on reasonable grounds, to file the claim within the required time limit.

10. A request for investigation sent to the Ordre with respect to facts that could result in a claim to the fund shall be deemed to be a claim within the meaning of section 6 above, if such request is submitted within the time limit provided for in section 8 above.

11. The Board of Directors shall decide, as expeditiously as possible, whether to grant a claim, in whole or in part, and, where applicable, shall establish the compensation in respect thereof. The decision of the Board of Directors shall be final.

Where a decision is made to grant a claim, the claimant shall be paid compensation within 60 days thereof and the claimant shall then sign a release in favour of the Ordre.

12. A decision may be made in respect of a claim, notwithstanding a decision rendered by the disciplinary council, Tribunal des professions or any other competent tribunal with regard to the claimant and geologist concerned.

13. The maximum compensation payable from the fund for the period covered by the fiscal year of the Ordre is set at \$100,000 for all claims in connection with a geologist.

Where the Board of Directors has reasonable grounds to believe that claims exceeding this amount may be filed in connection with a geologist, it may have an inventory drawn up of the sums and property placed in trust with such geologist and shall notify in writing the persons likely to file a claim. It may also suspend payment of compensation until it has assessed all claims in respect of such geologist.

The maximum compensation shall be reconsidered every five years, as of (*indicate here the date this regulation comes into effect*).

1776

Draft Regulation

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

Medical Act
(R.S.Q., c. M-9)

Physicians

- **First surgical assistance activities that may be performed by a nurse**
- **Activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians**
- **Amendment**

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 certain first surgical assistance activities that may be performed by a nurse and amending the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians", adopted by the Board of directors of the Collège des médecins du Québec, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to update authorised activities in first surgical assistance. It replaces Section I of the Regulation respecting the activities contemplated in section 31 of the Medical Act that may be engaged in by classes of persons other than physicians (c. M-9, r. 13).

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

Further information may be obtained by contacting, M^e Linda Bélanger, Legal Advisor, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: 514 933-4441, extension 5362 or 1 888 633-3246; facsimile number: 514 933-5374, email: lbelanger@cmq.org

Any person having comments to make is asked to transmit them, before the expiry of 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. Those comments will be forwarded by the Office to the Minister of Justice; they may be also forwarded to the professional order that made the Regulation as well as to the persons, departments and agencies concerned.

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

Regulation respecting certain first surgical assistance activities that may be performed by a nurse and amending the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subp. b)

Professional Code
(R.S.Q., c. C-26, s. 94h and 94.1)

1. This regulation identifies the professional activities among those that physicians may perform that, under the terms and conditions prescribed herein, may be performed by the first surgical assistant nurse.

The term “nurse,” wherever it appears in this regulation, refers to both female and male nurses.

2. The first surgical assistant nurse may, as part of providing first assistance to the surgeon and according to a medical prescription, perform the following surgical techniques and clinical activities during a surgical procedure:

- (1) Use and install various complex surgical instruments and devices within the surgical site;
- (2) Snip, manipulate, dissect and remove tissues;
- (3) Perform certain steps of the surgical procedure within the surgical site;
- (4) Choose and apply a hemostatic method at depth;
- (5) Suture deep levels of the surgical wound and tie them at depth.

3. To be authorized to perform the activities described in section 2, nurses must respect the following conditions:

- (1) have a minimum of 24 months of experience in an operating suite during the 5 last years;
- (2) have a certificate for 30 credits of nursing practice as first surgical assistant issued by a Quebec university;
- (3) have a bachelor's degree in nursing including or not the certificate mentioned in paragraph (2);
- (4) have a biennial attestation in advanced care in cardiovascular resuscitation issued by a master instructor recognized by the Heart and Stroke Foundation of Québec, according to the standards of the Handbook of Advanced Cardiovascular Care of the Heart and Stroke Foundation of Canada;
- (5) perform these activities in the following places:
 - (a) a hospital centre operated by an establishment in the meaning of the Act respecting health services and social services (R.S.Q. c. S-4.2) or the Act respecting health services and social services for Cree Native Persons (R.S.Q. c. S-5);
 - (b) a specialized medical centre in the meaning of the Act respecting health services and social services;
 - (c) a private consulting office of professionals in the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native Persons;

(6) perform this professional activity in the presence of the surgeon responsible for the surgical procedure, except for the opening or closing of the surgical wound, where the surgeon must be present in the building and available at all times to intervene rapidly.

(7) at no time work simultaneously as a nurse in internal service.

4. A nurse may perform the activities described in section 2 if, before (*enter the date of coming into force of this regulation*), she would have satisfied the requirements provided in sections 2 and 4 of the “Regulation on activities contemplated by section 31 of the Medical Act that can be performed by classes of persons other than physicians.” (D. 996-2005).

5. A nurse satisfies the training requirements provided in paragraph 2 of section 3 if she has been issued either:

(1) a registered nurse first assistant (RNFA) certificate upon completion of a program accredited by the Competency and Credential Institute (CCI);

(2) a registered nurse first assistant (RNFA) certificate by the British Columbia Institute of Technology or by the Center for Nursing Studies, Memorial University of Newfoundland.

6. A person registered in a training program leading to the certificate provided in paragraph (2) of section 3 is authorized to perform the activities mentioned in section 2 for the purposes of completing this program, provided that the other conditions provided in this regulation are respected and they are done in a hospital centre operated by an establishment in the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native Persons.

7. This regulation replaces Section I of Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians (c. M-9, r. 13) and removes, in article 1 of this regulation, “a nurse first surgical assistant,”.

8. This regulation shall come into force on the fifteenth day following the date of publication in the *Gazette officielle du Québec*.

1775

Draft Rules

An Act respecting racing
(R.S.Q., c. C-72.1)

Standardbred horse racing and betting houses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules to amend the Rules respecting certification, the Rules to amend the Rules respecting standardbred horse racing, the Rules to amend the Rules respecting Standardbred horse races held at a Class D race track and the Rules to amend the Rules respecting betting houses, appearing below, may be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following this publication.

The draft Rules amend the Rules respecting certification (c. C-72.1, r. 1), the Rules respecting Standardbred horse racing (c. C-72.1, r. 4), the Rules respecting Standardbred horse races held at a Class D race track (c. C-72.1, r. 5) and the Rules respecting betting houses (c. C-72.1, r. 8) to allow the relaunching of horse racing and betting houses in Québec.

The draft Rules amend the titles of some of the existing rules to specify whether they apply to professional or amateur race tracks, and increase from 30 to 45 days the period during which a horse’s official performance remains valid.

The draft Rules specify that at least 80% of all the horse races held in Québec must be presented in a betting house, that a minimum of 8 races must be held in each race program at a professional race track, and that a minimum of 5 races must be held in each race program at an amateur race track.

The draft Rules remove the requirement to provide, before obtaining a race track licence, a certificate from the Ministère du Développement durable, de l’Environnement et des Parcs stating that the immovable to be used as a race track and its destination comply with the Environment Quality Act (R.S.Q., c. Q-2) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1), and the regulations made thereunder. They also remove the requirement, for the holders of horse racing betting house licences applying for the renewal of a licence, of submitting audited annual financial statements showing the income and expenditures of each betting house.