

Draft Regulation

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

**Geologists
— Compensation fund**

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 compensation fund of the Ordre des géologues du Québec, made by the board of directors of the Ordre des géologues du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the procedure to compensate a claimant if a geologist uses funds or property for purposes other than those for which they were entrusted by the claimant to the geologist in the practice of the profession, and the conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund. The draft Regulation also prescribes the maximum compensation that may be paid to all claimants who have filed a claim in respect of a geologist.

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

Further information may be obtained by contacting Alain Liard, Secretary and Executive Registrar, Ordre des géologues du Québec, 500, rue Sherbrooke Ouest, bureau 900, Montréal (Québec) H3A 3C6; telephone: 514 278-6220 or 1 800 377-7708; fax: 514 844-7556; email: dirgen@ogq.qc.ca

Any person wishing to comment on the draft Regulation 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. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

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

Regulation respecting the compensation fund of the Ordre des géologues du Québec

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

**SECTION I
SETTING UP A COMPENSATION FUND**

1. The Board of Directors of the Ordre des géologues du Québec (the “Ordre”) is to set up a fund to compensate claimants following the use by a geologist of sums or property for purposes other than those for which they were entrusted to the geologist in the practice of his or her profession.

2. The fund is maintained at a minimum level of \$100,000. It is made up of the following amounts, less the administration expenses related thereto:

- (1) sums already allocated for this purpose (*indicate here the date this regulation comes into effect*);
- (2) sums allocated by the Board of Directors thereto;
- (3) contributions established for this purpose;
- (4) sums or property recovered from a geologist pursuant to a subrogation or section 159 of the Professional Code (R.S.Q., c. C-26);
- (5) interest and other income generated by sums or property that make up the fund;
- (6) sums paid by an insurer pursuant to an insurance or reinsurance contract entered into with the Ordre;
- (7) sums received by the Ordre for the fund.

**SECTION II
ADMINISTRATION AND INVESTMENT RULES**

3. The Board of Directors of the Ordre manages the compensation fund. It is authorized to enter into any insurance or reinsurance contract for the purposes of the fund and to pay the premiums for such contract from the fund.

4. The accounts kept for the fund shall be separate from those kept for the Ordre.

5. The sums that make up the fund shall be invested as follows:

(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*).

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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.