

Gouvernement du Québec

**O.C. 1062-2012**, 14 November 2012

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, chapter 28)

**Psychoeducators  
— Training conditions of persons other than  
psychoeducators to engage in professional activities  
that may be engaged in by psychoeducators**

Regulation respecting the training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators

Whereas, under the second paragraph of section 18 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, chapter 28), the board of directors of an order referred to in the first paragraph of section 18 of the Act, as amended by section 11 of chapter 10 of the Statutes of 2012, may determine by regulation the terms and conditions on which the persons referred to in that paragraph may exercise an activity reserved for its members and determine which of the regulatory standards applicable to the members apply to those persons;

WHEREAS, under the third paragraph of section 18 of the Act, section 95 of the Professional Code (chapter C-26) applies to a regulation made under the second paragraph of section 18;

WHEREAS the board of directors of the Ordre des psychoéducateurs et psychoéducatrices du Québec made the Regulation respecting the training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, any regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be sent to the Office des professions du Québec for examination and submitted, with the Office's recommendation, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2012

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 submitted it to the Government with 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 training conditions of persons other than psychoeducators to engage in professional activities that may be engaged in by psychoeducators, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation respecting the training  
conditions of persons other than  
psychoeducators to engage in professional  
activities that may be engaged  
in by psychoeducators**

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
(2009, chapter 28, s. 18, 2nd par.)

**DIVISION I  
PURPOSE**

**1.** This Regulation is intended for the person who, on 20 September 2012, does not meet the conditions for the issue of the permit by the Ordre des psychoéducateurs et psychoéducatrices du Québec and who was engaged in a professional activity referred to in paragraph 1.3.2 of section 37.1 of the Professional Code (chapter C-26).

**DIVISION II  
MANDATORY TRAINING**

**2.** The person referred to in section 1 must complete at least 6 hours of training for each professional activity engaged in per 2-year reference period.

**3.** A person chooses, among the eligible training activities determined in section 4, those that are related to the professional activity engaged in.

### DIVISION III TRAINING ACTIVITIES

#### 4. The following are eligible training activities:

(1) participation in courses, seminars, workshops, symposiums, conferences or congresses offered by persons, university educational institutions, organizations or specialized institutions;

(2) supervision received from a psychoeducator who engages in the same professional activity engaged as the person required to complete the training, in the case of the activities referred to in subparagraphs *a*, *e* and *f* of paragraph 1.3.2 of section 37.1 of the Professional Code; and

(3) supervision received from a member of a professional order who engages in the same professional activity as the person required to complete the training, in the case of the activities referred to in subparagraphs *b*, *c*, *d*, *g* and *h* of paragraph 1.3.2 of section 37.1 of the Code.

The training activities must relate to at least one of the following subjects:

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) users for whom the training activity is intended;
- (4) legal and organizational aspects of the practice; or
- (5) problems related to human development and adjustment problems.

### DIVISION IV EXEMPTION FROM TRAINING

5. A person who shows that it is impossible for him or her to comply with the required training may, for a given reference period, be exempted from having to attend training.

To obtain an exemption, the person applies to the Order by completing the form provided for that purpose and provides the following information:

- (1) the reasons for the exemption; and
- (2) a doctor's note or any other proof attesting to the fact that the person is unable to attend.

Before refusing an application for exemption, the Order must so notify the applicant and inform the applicant of his or her right to submit written observations within 15 days. The Order sends its decision to the applicant within 60 days of receipt of the application.

6. As soon as the exemption is no longer required, the person must so notify the Order in writing and comply with the training requirement under the terms and conditions set by the Order.

Before setting the terms and conditions, the Order must so notify the person and inform the person of his or her right to submit written observations within 15 days. The Order determines the terms and conditions of training within 60 days of receipt of the notice informing it that the exemption is no longer required.

### DIVISION V MONITORING

7. The person referred to in section 1 must, not later than 31 May after the end of each reference period, send to the Order a declaration of training in which the following information is recorded:

- (1) the training activities attended during that reference period; and
- (2) the number of hours completed during that reference period.

The Order may request any document in support of the information recorded in the declaration of the person who must then send it within 10 days after the date of receipt of the request.

8. If the Order refuses to recognize declared training activities, the secretary of the Order notifies the person in writing of that decision and informs the person of his or her right to apply for a review of the decision within 15 days of receipt of the notice. The person must send the application for review in writing to the secretary of the Order, along with his or her written observations.

9. The Order sends a notice to the person who failed to comply with the requirements of sections 2 and 7, indicating the obligations not complied with and informing the person that the person has 90 days from the receipt of that notice to remedy the default.

Training hours completed after non-compliance may only be computed for the year of the reference period during which the person was in default.

**10.** The person must keep, at least 2 years after the end of a reference period, the documents in support of the information recorded in the person's declaration of training.

#### **DIVISION VI DEFAULT**

**11.** The Order sends a final notice to the person who failed to remedy the default indicated in the notice sent pursuant to section 9, informing the person that the person has an additional 15-day period from the receipt of the final notice to remedy the default and failing that, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has complied with the requirements contained in the notice sent pursuant to section 9.

**12.** Where the person failed to remedy the default indicated in the notice sent pursuant to section 9 within 3 years after receipt of the final notice referred to in section 11, the Order notifies the person that he or she can resume engaging in the professional activity concerned provided that the person successfully completes a university-level course of 3 credits on assessment and completes the total number of hours of training required in accordance with section 2 since the default.

#### **DIVISION VII TRANSITIONAL AND FINAL**

**13.** For the purposes of this Regulation, the first reference period begins on 1 April 2013.

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

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Gouvernement du Québec

### **O.C. 1063-2012, 14 November 2012**

An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations  
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#### **Social workers**

#### **— Training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers**

Regulation respecting the training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers

WHEREAS, under the second paragraph of section 18 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, chapter 28), the board of directors of an order referred to in the first paragraph of section 18 of the Act, as amended by section 11 of chapter 10 of the Statutes of 2012, may determine by regulation the terms and conditions on which the persons referred to in that paragraph may exercise an activity reserved for its members and determine which of the regulatory standards applicable to the members apply to those persons;

WHEREAS, under the third paragraph of section 18 of the Act, section 95 of the Professional Code (chapter C-26) applies to a regulation made under the second paragraph of section 18;

WHEREAS the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec made the Regulation respecting the training conditions of persons other than social workers to engage in professional activities that may be engaged in by social workers;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, any regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be sent to the Office des professions du Québec for examination and submitted, with the Office's recommendation, to the Government which may approve it with or without amendment;