

2. Section 1.01, replaced by section 1 of this Regulation, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the replaced section or are registered in a program leading to those diplomas

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

2349

Draft Regulation

Professional Code
(chapter C-26)

Social workers

— Certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology or sexology

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology and sexology, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and appearing below, 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 allows persons trained in criminology or sexology to engage in certain professional activities reserved for social workers for a period of three years and according to the terms and conditions determined in the Regulation.

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

Further information may be obtained by contacting Richard Silver, Legal Counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 520, 5^e étage, Montréal (Québec) H2M 1M2; telephone: 514 731-3925 or 1 888 731-9420; fax: 514 731-6785; email: info.general@optsq.org

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 and to interested persons, departments and bodies.

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

Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology and sexology

Professional Code
(chapter C-26, s. 94, par. h)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by social workers, those that may be engaged in by persons trained in criminology and sexology.

2. In this Regulation,

(1) “person trained in criminology” means any person who holds a bachelor’s degree or a master’s degree in the field of criminology issued by a university in Canada;

(2) “person trained in sexology” means any person who holds a bachelor’s degree or a master’s degree in the field of sexology issued by a university in Canada.

3. A person trained in criminology may, within the scope of the activities referred to in subparagraph *i* of paragraph *d* of section 37 of the Professional Code (R.S.Q., c. C-26), engage in the following professional activities:

(a) assess a person suffering from a mental or neuro-psychological disorder attested by the diagnosis or evaluation of an authorized professional;

(b) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (R.S.Q., c. P-34.1);

(c) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1);

(d) make decisions as to the use of restraint measures in accordance with the Act respecting health services and social services (R.S.Q., c. S-4.2) and the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5); and

(e) make decisions as to the use of isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons.

4. A person trained in sexology may, within the scope of the activities referred to in subparagraph *i* of paragraph *d* of section 37 of the Professional Code, engage in the following professional activities:

(a) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional; and

(b) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act.

5. The person referred to in section 1 must, to engage in the determined activities, be registered in the register kept by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and meet the requirements related to the mandatory training provided for in this Regulation.

6. Among the professional activities referred to in section 3, a student registered in a program of study in criminology pursuant to paragraph 1 of section 2 may engage in the activities required for the completion of a program of studies in criminology, on the condition that the student engages in the activities under the supervision of a training supervisor.

7. The training supervisor referred to in section 6 must meet the following conditions:

1° he holds a bachelor's degree or a master's degree in the field of criminology issued by an academic institution at the university level;

2° he is enrolled on the Register kept by the Order.

8. Among the professional activities referred to in section 4, a student registered in a program of studies pursuant to paragraph 2 of section 2 may engage in the activities required for the completion of a program of study in sexology, on the condition that the student engages in the activities under the supervision of a training supervisor.

9. The training supervisor referred to in section 8 must meet the following conditions:

1° he holds a bachelor's degree or a master's degree in the field of sexology issued by an academic institution at the university level;

2° he is enrolled on the Register kept by the Order.

10. On request, the educational institution referred to in sections 6 and 8 sends the Order the contact information of the training supervisor and the student under his supervision and the terms and the applicable conditions of supervision.

DIVISION II MANDATORY TRAINING

11. A 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.

12. A person chooses, among the eligible training activities determined in section 13, those provided for in the program of training activities established by the Order pursuant to section 14 or recognized by the Order pursuant to section 15 and that are related to the professional activity engaged in.

DIVISION III TRAINING ACTIVITIES

13. Participation in courses, seminars, symposiums, conferences or congresses offered by persons, university educational institutions, organizations or specialized institutions are eligible training activities.

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

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) the clientele covered by the training activity;
- (4) legal and organizational aspects of the practice; or
- (5) problems related to human development.

14. The Order establishes a program of training activities referred to in the first paragraph of section 13. To that end, the Order determines the training activities constituting the program, that is, courses, seminars, symposiums, conferences or congresses and the persons, university educational institutions, organizations or specialized institutions authorized to offer them.

The determination is made by taking into consideration the following criteria:

- (1) the relation between the training activity and the professional activities engaged in;
- (2) the existence of training objectives and their nature;
- (3) the competence and qualifications of the instructor in relation to the subject matter;
- (4) the curricular framework;
- (5) the quality of instructional material provided; and
- (6) the recognition of attendance to or successful completion of the training activity.

15. A training activity referred to in the first paragraph of section 13 that is not listed in the program of training activities established by the Order may be recognized on request by the person referred to in section 1. The request must be sent to the Order at least 60 days before the date set for the holding of the activity or within 120 days following the date on which it is held, along with the supporting documents specifying the activity concerned, its duration, content, the person in charge or the instructor and, if applicable, the result obtained and any other information allowing to establish that the activity complies with the criteria in the second paragraph of section 14.

The request for recognition following the date on which the training activity is held is valid only for the person having attended the training activity.

The Order rules on the request within 30 days of its receipt.

In case of refusal, the secretary of the Order notifies the person in writing of its decision. The secretary also 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.

DIVISION IV **EXEMPTION FROM TRAINING**

16. 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.

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

Before setting the terms and conditions, the Order must so notify the person in writing 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**

18. A 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.

19. The Order sends a notice to the person who failed to comply with the requirements of sections 11 and 18, 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 the default may only be computed for the year of the reference period during which the person was in default.

20. The person must keep, for 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

21. The Order sends a final notice to the person who failed to remedy the default indicated in the notice referred to in section 19, informing the person that the person has an additional 15-day period from the receipt of the final notice to remedy the default and that, otherwise, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has met the requirements indicated in the notice.

DIVISION VII TRANSITIONAL AND FINAL

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

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

24. This Regulation ceases to have effect three years after the date of coming into force.

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Draft Regulation

Professional Code
(chapter C-26)

Speech therapists and audiologists — Diplomas giving access to permits — 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 to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.12 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or

specialist's certificates of professional orders, which lists the diplomas giving access to the permit issued by the Ordre des orthophonistes et audiologistes du Québec and the institutions that issue them, in order to add to that list the diploma of Maîtrise en orthophonie awarded by the Université du Québec à Trois-Rivières. Technical amendments are also made to section 1.12 to distinguish the diplomas giving access to the permit of speech therapist and the diploma giving access to the permit of audiologist.

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

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre des orthophonistes et audiologistes du Québec for their opinion. To that end, the Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the interested educational institutions.

Further information may be obtained by contacting Céline Giroux, Secretary General, Ordre des orthophonistes et audiologistes du Québec, 235, boulevard René-Lévesque Est, bureau 601, Montréal (Québec) H2X 1N8; telephone: 514 282-9123 or 1 888 232-9123; fax: 514 282-9541.

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, Jean Paul Dutrisac, 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 Order and to interested persons, departments and bodies.

JEAN-MARC FOURNIER,
Minister of Justice

Regulation to amend the regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (c. C-26, r. 2) is amended by replacing section 1.12 by the following: