

Gouvernement du Québec

O.C. 101-2013, 13 February 2013

Professional Code
(chapter C-26)

Activities engaged in and described in sections 39.7 and 39.8 of the Code
— Amendment

Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

WHEREAS, under the first paragraph of section 39.9 of the Professional Code (chapter C-26), the Office des professions du Québec may, by regulation, determine places, cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 of the Code as well as the applicable conditions and procedures;

WHEREAS, in accordance with the third paragraph of section 39.9 of the Professional Code, the Minister of Health and Social Services, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec and the Collège des médecins du Québec have been consulted prior to the making of the Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS the Office made the Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 14 January 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

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 to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

Professional Code
(chapter C-26, s. 39.9, 1st par.)

1. The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3) is amended by inserting “nursing” in subparagraph 3 of the first paragraph of section 3 before “care”.

2. Section 3.2 is amended by inserting “nursing” in paragraph 3 before “care”.

3. The following is inserted after section 3.2:

“DIVISION III
PRIVATE SENIORS’ RESIDENCES

3.3. For the purposes of this Division,

(1) “local authority” means a local authority within the meaning of the Act respecting health services and social services;

(2) “care attendant” means a care attendant within the meaning of the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors’ residence, made by Order in Council 100-2013 dated 13 February 2013;

(3) “professional” means a physician, a nurse, a nursing assistant or a respiratory therapist;

(4) “private seniors’ residence” means a private seniors’ residence whose services are intended for semi-independent elderly persons within the meaning of that Regulation.

3.4. A care attendant of a private seniors’ residence may engage, at any place they are required, in the activities described in sections 39.7 and 39.8 of the Professional Code on the following conditions:

(1) an agreement on those activities has been entered into between the operator of the residence and the local authority of the territory where the residence is located. Such agreement must provide for mechanisms to be implemented by the operator to ensure the quality and continuity of the activities covered by this Regulation, particularly in the case of a change of care attendant or professional in the residence; and

(2) the operator of the residence keeps a register containing

(a) the name of the residence's care attendant who is authorized to carry on those activities under this Division;

(b) the name of the school board that issued to the care attendant an official document attesting to the mastery of the skills related to those activities; and

(c) the name and title of the residence's professional or, failing that, of the professional who practises in a centre operated by the local authority of the territory where the residence is located, and who provides clinical support to and updates the knowledge and skills of the residence's care attendant who is authorized to engage in the activities under this Division.

3.5. To engage in the activities referred to in section 3.4, the care attendant of a private seniors' residence must

(1) have learned how to perform the activities with a school board professional, with a residence's professional or, failing that, with a professional who practises in a centre operated by the local authority of the territory where the residence is located;

(2) hold an official document issued by a school board attesting to the mastery of the skills related to the activities;

(3) be supervised, the first time he or she engages in those activities, by a residence's professional or, failing that, by a professional who practises in a centre operated by the local authority of the territory where the residence is located;

(4) engage in the activities in accordance with the rules of nursing care in force in the local authority of the territory where the residence is located; and

(5) have access at all times to a professional of the residence or, failing that, to a professional who practises in a centre operated by the local authority of the territory where the residence is located.”

4. This Regulation comes into force on 28 February 2014.

Gouvernement du Québec

O.C. 102-2013, 13 February 2013

Nurses Act
(chapter I-8)

Infirmières et infirmiers — Registration certificates issued by the Ordre des infirmières et infirmiers du Québec

Regulation respecting registration certificates issued by the Ordre des infirmières et infirmiers du Québec

WHEREAS, under section 12 of the Nurses Act (chapter I-8), the board of directors of the Ordre des infirmières et infirmiers du Québec must, by regulation, determine the conditions and formalities applicable to the issue of a registration certificate, and the causes for and the conditions and formalities applicable to the revocation of such a certificate;

WHEREAS the board of directors of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting registration certificates issued by the Ordre des infirmières et infirmiers du Québec;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, 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 registration certificates issued by the Ordre des infirmières et infirmiers du Québec was published in Part 2 of the *Gazette officielle du Québec* of 24 October 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 made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice: