

Occupational therapists must also remain available for all meetings required by any one of those persons.

90. Occupational therapists must, in due time:

(1) inform the secretary of the Order if they have reason to believe:

(a) that a person does not meet the requirements to be licensed or entered on the Order's member roll;

(b) that an occupational therapist does not respect the conditions of his or her licence or the restrictions on his or her right to practice;

(c) that a person who is not a member of the Order is using the title of "Occupational Therapist" or "ergothérapeute" or a title or abbreviation that may lead one to believe that he or she is a member, or the abbreviation "erg.", or initials that may lead one to believe that he or she is a member, or the initials "O.T." or "O.T.R.";

(d) that a person is illegally practicing a professional activity reserved for members of the Order;

(2) inform the syndic of the Order if they have reason to believe:

(a) that an occupational therapist practices the profession in a manner likely to harm the public or that violates the provisions of this Code, the Professional Code or any regulation governing their application;

(b) that a company within which occupational therapists practice professional activities contravenes this Code, the Professional Code or any regulation governing their application.

The disclosure of such information must occur in accordance with the obligations of professional secrecy.

91. Occupational therapists who are informed of an inquiry into their professional conduct or competence or of a complaint lodged against them must refrain from communicating with the person who initiated the inquiry without the prior written permission of the syndic or an assistant syndic.

Furthermore, occupational therapists must not try to influence, intimidate, threaten, harass or take reprisals against a person because the person has reported or intends to report behaviour that is in contravention with the occupational therapist's professional obligations, or because the person has collaborated or intends to collaborate in an inspection or inquiry in this regard.

92. Occupational therapists must comply with all decisions rendered by the Order with regard to them and respect any agreements made with the board of directors, the executive committee, the secretary of the Order, a syndic or the professional inspection committee, including any committee to which the board of directors has delegated its authority in compliance with the provisions of the Professional Code.

93. Where occupational therapists or the companies within which they practice use the graphic symbol of the Order for advertising purposes or documentation, they must make sure that it is an accurate copy of the original and that it is not represented in a way that may lead one to believe that the advertising or documents come from the Order or are approved by the Order.

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

3473

Draft Regulation

Professional Code
(chapter C-26)

Occupational therapists — Practice within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of the profession of occupational therapist within a partnership or a joint-stock company, made by the board of directors of the Ordre des ergothérapeutes 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 authorizes members of the Order to carry on their professional activities within a joint-stock company or a limited liability partnership.

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

Further information may be obtained by contacting Caroline Fortier, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778, extension 246, or 1 800 265-5778, extension 246; fax: 514 844-0478.

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 the practice of the profession of occupational therapist within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*)

DIVISION I CONDITIONS FOR PRACTISING

1. Occupational therapists may carry on professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), subject to the following conditions:

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or combination of persons or trusts:

(a) an occupational therapist, another professional from the health and social services sector governed by the Professional Code, or a professional from the health and social services sector governed by a Canadian regulating authority;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by the persons mentioned in subparagraph *a*;

(c) a trust where all trustees are persons mentioned in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the directors appointed by the partners of the limited liability partnership are persons mentioned in subparagraph *a* of paragraph 1;

(3) to constitute a quorum for a meeting of the board of directors of the joint-stock company, a majority of the members present must be persons mentioned in subparagraph *a* of paragraph 1;

(4) the conditions set forth in this section are listed in the articles of the joint-stock company or in the contract of the partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities;

(5) the articles of the joint-stock company or the contract of the partnership must include the conditions to transfer company shares or partnership units in the event of the death, disability, strike off, or bankruptcy of one of the persons mentioned in subparagraph *a* of paragraph 1.

2. To carry on professional activities within a partnership or joint-stock company, occupational therapists must provide the Order with the following documents:

(1) a sworn declaration duly completed on the form provided by the Order containing the following information:

(a) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the occupational therapists carry on professional activities, and the registration number assigned to it by the competent authority;

(b) the legal form of the partnership or joint-stock company;

(c) in the case of a joint-stock company:

— the address of the head office of the company and the addresses of its establishments in Québec;

— the names and home addresses of all the shareholders mentioned in section 1 (1), their percentage of shares with voting rights and the Order or professional association of which they are members;

— the names and home addresses of the directors and officers of this company and the Order or professional association of which they are members, if applicable;

(d) in the case of a limited liability partnership:

— the addresses of the establishments of the partnership in Québec, specifying the address of the principal establishment;

— the names and home addresses of the partners mentioned in section 1 (1), the percentage of their units, and the Order or professional association of which they are members;

— the names and home addresses of the directors and the Order or professional association of which they are members, if applicable;

(e) the occupational therapist's name, permit number, and status within the partnership or joint-stock company, as well as the professional activities carried on therein;

(f) a certificate to the effect that the shares or units held, the rules of administration of the partnership or company, and the articles of the joint-stock company or the contract of the limited liability partnership comply with the conditions set out in this Regulation;

(2) a written document issued by a competent authority certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division III;

(3) an irrevocable written authorization from the partnership or joint-stock company within which the occupational therapists carry on professional activities allowing a person, committee, disciplinary body, or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 8 from a person, or to obtain a copy of such a document;

(4) the fees payable prescribed by the Order's Board of directors.

3. Occupational therapists must:

(1) update and provide the Order with the declaration referred to in section 2, accompanied by the fees payable prescribed by the Order's board of directors, before March 31 of each year;

(2) promptly notify the Order of any change in the security prescribed in Division III or in the information given in the declaration set out in section 2 that would affect compliance with the conditions set out in this Regulation.

4. Occupational therapists immediately cease to be authorized to carry on professional activities within a partnership or joint-stock company if the occupational therapists no longer comply with the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code.

DIVISION II REPRESENTATIVE

5. If two or more occupational therapists carry on professional activities within a partnership or joint-stock company, a representative must be designated to act on behalf of all the occupational therapists practicing there to satisfy the terms and conditions in sections 2 and 3.

The representative must ensure the accuracy of the information provided to the Order.

The representative is also designated by the occupational therapists carrying on professional activities within the partnership or joint-stock company to reply to requests made by a representative of the Order and provide, where applicable, the documents the occupational therapists are required to submit.

The representative must be an occupational therapist and carry on professional activities in Québec within the partnership or joint-stock company, and be a partner or a director and shareholder with partnership or joint-stock company voting rights.

DIVISION III PROFESSIONAL LIABILITY COVERAGE

6. To be authorized to carry on professional activities within a partnership or joint-stock company, occupational therapists must provide and maintain on behalf of the partnership or joint-stock company, by means of an insurance contract or by participating in a group insurance plan entered into by the Order, security coverage against the liability of the partnership or joint-stock company that may arise from the fault of the occupational therapists in the course of carrying on professional activities within the partnership or joint-stock company.

7. Such coverage must provide the following minimum conditions:

(1) an undertaking by the insurer to pay on behalf of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third party regarding a claim filed during the coverage period as a result of a fault on the part of an occupational therapist in the course of carrying on professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all costs and expenses of proceedings against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted in the 5 years after the date on which a member in the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company, or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault on the part of an occupational therapist while carrying on professional activities within the partnership or joint-stock company;

(4) an amount of security of at least \$1,000,000 per claim, for a maximum of \$3,000,000 for all claims filed against the partnership or joint-stock company within a 12-month coverage period regardless of the number of occupational therapists in the partnership or joint-stock company;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance contract, to amend a condition of this section, or not to renew the contract.

DIVISION IV ADDITIONAL INFORMATION

8. The following documents may be required pursuant to paragraph 3 of section 2:

(1) if occupational therapists carry on professional activities within a joint-stock company:

(a) a written document from a competent authority attesting to the existence of the joint-stock company;

(b) an up-to-date register of the articles and by-laws of the joint-stock company;

(c) an up-to-date register of the shares of the joint-stock company;

(d) an up-to-date register of the shareholders of the joint-stock company;

(e) an up-to-date register of the directors of the joint-stock company;

(f) any shareholders' agreement or voting agreement and amendments;

(g) the declaration of registration and registration certificate of the joint-stock company and any update;

(h) a complete and up-to-date list of the joint-stock company's principal officers and their home addresses;

(2) if occupational therapists carry on professional activities within a limited liability partnership:

(a) where applicable, a certified true copy of the declaration from the competent authority stating that the general partnership has been continued as a limited liability partnership;

(b) the declaration of registration of the partnership and any update;

(c) the partnership contract and amendments;

(d) an up-to-date register of the partners of the partnership;

(e) if applicable, an up-to-date register of the directors of the partnership;

(f) the complete and up-to-date list of the names and home addresses of the partnership's principal officers;

(3) a written document attesting that the partnership or joint-stock company is duly registered in Québec;

(4) a written document attesting that the partnership or joint-stock company has an establishment in Québec.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

9. Occupational therapists who practice within a joint-stock company constituted before the date this Regulation comes into force must comply with the provisions contained herein at the latest within one year after that date.

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

3474

Draft Regulation

Professional Code
(chapter C-26)

Psychologists

—Diplomas giving access to permits

—Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter 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 1.24 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 permits issued by the Ordre des psychologues du Québec.