

The draft Regulation determines, among the professional activities that may be engaged in by physical therapists and physical rehabilitation therapists, those that may be engaged in by a person for the completion of the compensatory measures prescribed by the Règlement sur la délivrance d'un permis de l'Ordre professionnel de la physiothérapie du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles, as well as those that may be engaged in by physical therapists for the completion of training provided for in the Règlement sur des activités de formation des physiothérapeutes pour procéder à des manipulations vertébrales et articulaires (chapter C-26, r. 192.1).

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

Further information may be obtained by contacting Marie-France Salvas, advocate at the legal service of the Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 351-2770; toll-free number: 1 800 361-2001; fax: 514 351-2658; email: physio@oppq.qc.ca

Any person wishing to comment on the matter 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<sup>e</sup> 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 to amend the Regulation respecting certain professional activities in physiotherapy

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

**1.** The Regulation respecting certain professional activities in physiotherapy (chapter C-26, r. 193) is amended by inserting the following after section 2:

“**2.1.** Among the professional activities that may be engaged in by physical therapists or physical rehabilitation therapists, the activities required for the completion of the compensatory measures that would allow a person to obtain a licence may be engaged in by a person referred

to in sections 2 and 3 of the Règlement sur la délivrance d'un permis de l'Ordre professionnel de la physiothérapie du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (*insert the date of coming into force of this Regulation*), on the condition that the person does so under the supervision of a teacher or training supervisor who is available to intervene at short notice.”.

**2.** Section 3 is amended by replacing “and 2” in the first paragraph by “, 2 and 2.1”.

**3.** The following is inserted after section 3.1:

“**3.2.** A physical therapist may, within the scope of the training provided for in the Règlement sur des activités de formation des physiothérapeutes pour procéder à des manipulations vertébrales et articulaires (chapter C-26, r. 192.1), perform spinal and joint manipulations in the presence of a training instructor or training supervisor, physical therapist, who holds a certificate allowing the practice of the activity referred to in subparagraph *i* of paragraph 3 of section 37.1 of the Professional Code and who has more than 2 years of experience.”.

**4.** 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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### Draft Regulation

Professional Code  
(chapter C-26)

#### Disciplinary councils of professional orders — Rules of evidence and practice for the conduct of proceedings relating to complaints lodged

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules of evidence and practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils of professional orders, made by the Office des professions 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 rules of evidence and practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils of professional orders.

There are no impacts on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Luc Hunlédé, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the matter 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<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to interested persons, departments and bodies.

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

## Rules of evidence and practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils of professional orders

Professional Code  
(chapter C-26, s. 184.3)

### DIVISION I SCOPE AND PURPOSE

**1.** These Rules apply to the conduct of proceedings relating to complaints lodged with the disciplinary councils of professional orders.

The purpose of the Rules is to promote the expeditious handling of complaints and related proceedings in keeping with the principles of natural justice.

### DIVISION II GENERAL PROVISIONS

**2.** Articles 6 to 8 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to determine non-judicial days and compute time limits.

**3.** Each party must inform the secretary of the disciplinary council

(1) of a change of address, telephone number and, as the case may be, electronic address and fax number; and

(2) of the name of the advocate who, as the case may be, represents or assists the party, and indicate the advocate's address, telephone number, electronic address and fax number.

### DIVISION III COMPLAINTS

**4.** Every complaint lodged against a professional must be made in writing, supported by the oath of the complainant and, where applicable, a notice of disclosure of the exhibits invoked in its support. The complaint must set out concisely the facts on which it is based.

In addition to what is provided for in sections 127 and 129 of the Professional Code (chapter C-26), the complaint must indicate

(1) the name and address of the complainant, his or her telephone number, electronic address and, where applicable, fax number; and

(2) the name, title and address of the respondent.

The complaint must be sent to the secretary of the disciplinary council at the head office of the order by any means of transmission providing the original document.

**5.** The date of filing of a complaint is the date on which the secretary of the disciplinary council receives it.

The secretary of the disciplinary council allows a complainant whose complaint does not comply with section 4 to complete the complaint, failing which the complaint is refused.

**6.** Where a person other than a syndic lodges a complaint, the secretary of the disciplinary council sends the person, within 10 days from the reception of the complaint, an acknowledgement of receipt indicating the record number attributed to the complaint and a copy of this Regulation.

### DIVISION IV APPLICATIONS AND OTHER PROCEEDINGS

**7.** Every application to the disciplinary council must be made in writing, and notified to the opposite party and the secretary of the disciplinary council by any means of transmission providing the original document, not less than 5 clear days before the date of the hearing.

A request may be presented orally during the hearing, if the disciplinary council authorizes it.

**8.** The disciplinary council proceeds with the hearing of a request in the presence of the parties. Where possible and with the consent of the parties, the disciplinary council may hear a request by telephone conference call, videoconference or any other appropriate means of communication.

**9.** All proceedings must be legibly written on one side only of a sheet measuring 21.59 cm by 27.94 cm (8.5 in. x 11 in.), must indicate the names of the parties and the record number, and must state their purpose and the conclusions sought. The proceedings must be accompanied by, where applicable, the exhibits invoked in their support. They are notified to the other party and the secretary of the disciplinary council.

#### **DIVISION V POSTPONEMENT**

**10.** The disciplinary council may, for cause, upon its own initiative or upon application by one of the parties, postpone the hearing to another date.

The disciplinary council may attach certain conditions to the postponement.

**11.** As soon as the reasons to be invoked are known, the party wishing to postpone the hearing must submit a written application to the disciplinary council. The request is sent to the secretary of the disciplinary council and notified to the other party.

A postponement may be granted if it is based on serious grounds.

No postponement is granted solely by the consent of the parties.

#### **DIVISION VI CESSATION OF REPRESENTATION BY AN ADVOCATE**

**12.** Before a date of hearing has been set, an advocate who wishes to cease representing a party may do so after notifying the party, the other parties and the secretary of the disciplinary council.

If a date of hearing has been set, the advocate cannot cease representing the party, nor may another advocate be brought in as a substitute, without the authorization of the council.

#### **DIVISION VII CASE MANAGEMENT CONFERENCE**

**13.** The chair of a disciplinary council that holds a case management conference in accordance with section 143.2 of the Professional Code may do so in the presence of the parties or by telephone conference call, videoconference or any other appropriate means of communication.

**14.** The minutes of a case management conference drawn up by the secretary of the disciplinary council must record the discussions held and the decisions made during the conference. The minutes set out the specific terms and conditions of management of the hearing agreed to by the parties, where applicable, the procedure and time limit for the disclosure of exhibits and other evidence, the list of witnesses and the subject of the testimonies.

The secretary of the disciplinary council sends a copy of the minutes to the parties, who are bound by their content.

#### **DIVISION VIII DISCLOSURE OF EXHIBITS AND OTHER EVIDENCE**

**15.** Unless the procedure and the time limit for the disclosure of exhibits and other evidence are determined during the case management conference, a party who intends to refer to an exhibit in its possession at the hearing, whether the exhibit be real evidence or a document, must communicate it in accordance with the provisions of this Division.

**16.** A party who intends to refer to an exhibit in its possession at the hearing must, not less than 15 days before the hearing, forward a copy to the other party and to the Bureau des présidents des conseils de discipline and file 6 copies at the hearing.

Documents written in a language other than French or English must be accompanied with a translation in French or in English. The translation must be certified to be true to the original by a translator who is a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec or, if the translator is not from Québec, by a translator recognized as such by the competent authority in the translator's province or country.

**17.** A party that is unable to deliver a copy of an exhibit, because of circumstances or the nature of the exhibit, is required to provide access to the exhibit by some other means not less than 15 days before the hearing.

**18.** A party may, before a hearing, request the other party to file an exhibit in its possession for examination, whether the exhibit be real evidence or a document.

If the party refuses or disagrees, the president of the disciplinary council issues any appropriate orders.

**19.** If it is relevant and offers reasonable safeguards of reliability, hearsay evidence is admissible, including at the hearing of a request for immediate provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities.

**20.** Unless the disciplinary council decides otherwise, a party who intends to adduce an expert's report as evidence must, not less than 15 days before the hearing, send the other party a copy of the report and the résumé of the expert. The party must also file proof of the communication with the other party to the secretary of the disciplinary council.

**21.** In the absence of a report and unless the disciplinary council decides otherwise, an expert witness may be heard provided that, not less than 15 days before the hearing, the party who intends to have the expert witness testify sends the other party a sufficiently reasoned and detailed summary of the expert's testimony and a résumé evidencing the expert's professional competence. The party must also file with the secretary of the disciplinary council proof of the communication with the other party.

#### **DIVISION IX** SUMMONING WITNESSES

**22.** Articles 280 and 284 of the Code of Penal Procedure apply, with the necessary modifications, to the summoning of witnesses in accordance with section 146 of the Professional Code.

#### **DIVISION X** HEARING ROLL

**23.** A hearing roll held by the secretary of a disciplinary council in accordance with section 120.1 of the Professional Code must mention:

- (1) the names of the members of the disciplinary council, indicating the member who is the chair;
- (2) the record number;
- (3) the names of the parties and, where applicable, the names of their advocates;
- (4) the object of the complaint;
- (5) the object of the hearing;
- (6) the date and time of the hearing;
- (7) the place of the hearing, indicating the room, where applicable.

#### **DIVISION XI** HEARING AND DECISION

**24.** The chair of the disciplinary council sees to the orderly progress of the hearing.

**25.** Persons attending the hearing must behave with dignity and respect. They must not interfere with the conduct of the hearing or do anything that would adversely affect the decorum and good order.

The following, among other things, are prohibited: practice of photography, making of audio or video recordings and the use of pagers and cellular telephones in a resonant mode.

**26.** The secretary of the disciplinary council or any other person designated by the secretary draws up the minutes of the hearing.

In addition to what is set out in section 153 of the Professional Code, the minutes include the following information:

- (1) the names of the members of the disciplinary council, indicating the member who is the chair;
- (2) the record number;
- (3) the name of the person who draws up the minutes;
- (4) the name of the person who makes the recording and the means of recording;
- (5) the names and addresses of the parties and an indication that they swore an oath;
- (6) the names and addresses of the parties' advocates, where applicable;
- (7) the names and addresses of the witnesses heard and an indication that they swore an oath;
- (8) the date, place and time of the beginning and the end of the hearing;
- (9) the date and time of any stay or resumption of the hearings;
- (10) the surname and first name of any interpreter and an indication that the interpreter swore an oath;
- (11) the presence or absence of the parties;
- (12) a plea of guilty, where applicable;
- (13) the various steps of the hearing;
- (14) the code and a description of the exhibits filed;
- (15) the incidents and objections;

- (16) the orders and decisions rendered at the hearing;
- (17) the admissions, agreements and undertakings of the parties;
- (18) the date the matter is taken under advisement.

**DIVISION XII**  
FINAL

**27.** 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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