

70. A podiatrist must refrain from using comparative advertising.

71. A podiatrist must clearly indicate in the advertising and on all other items of identification used to offer professional services, the podiatrist's name as well as the podiatrist's status as podiatrist. The podiatrist may also mention the services offered and the pathologies treated.

72. No podiatrist may use or allow the use of an endorsement or a statement of gratitude concerning the podiatrist when advertising, using social media or speaking or appearing in public.

73. All podiatrists who are partners or work together in the practice of their profession are jointly responsible for complying with the rules respecting advertising, unless one of them demonstrates that the advertising was done without the podiatrist's knowledge and consent and despite measures taken to ensure compliance with those rules.

74. A podiatrist must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession.

75. No podiatrist may, by any means whatsoever, engage in or allow advertising that mentions a price, reduction, discount or gratuity on the treatment of local disorders of the foot, including the sale of podiatric orthoses.

76. A podiatrist must keep an integral copy of every advertisement for a period of 5 years following the date on which it was last published or broadcast. On request, the copy must be given to the syndic.

DIVISION VI GRAPHIC SYMBOL OF THE ORDER

77. The Order is represented by a graphic symbol that conforms to the original held by the secretary of the Order.

78. A podiatrist who reproduces the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

79. Where the podiatrist uses the graphic symbol of the Order for advertising purposes, the podiatrist must ensure that such advertising is not interpreted as emanating from the Order, and that it does not bind the Order in any way.

80. This Regulation replaces the Code of ethics of podiatrists (chapter P-12, r. 5) and the Regulation respecting advertising by podiatrists (chapter P-12, r. 12).

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

102047

Draft Regulation

Professional Code
(chapter C-26)

Podiatrists —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 podiatry within a partnership or a joint-stock company, adopted by the board of directors of the Ordre des podiatres du Québec, may be submitted to the Government which may approve it, with or without amendments, on the expiry of 45 days following this publication.

The draft Regulation authorizes a member of the Order to carry on 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 Martine Gosselin, Director General and Secretary of the Ordre des podiatres du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 288-0019 or 1 888 514-7433; fax: 514 844-7556; email: mgosselin@ordredespodiatres.qc.ca

Any person wishing to comment on the matter is requested to submit written comments, before the expiry of 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 may also be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

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

Regulation respecting the practice of podiatry 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 GENERAL

1. A podiatrist may, subject to the terms, conditions and restrictions established in this Regulation, carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (chapter C-26).

Podiatrists must at all times ensure that the partnership or joint-stock company allows them to comply with the Professional Code, the Podiatry Act (chapter P-12) and the regulations made under the Code or the Act.

2. If a podiatrist is struck off the roll for more than 3 months or has had his or her permit revoked, the podiatrist may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

During that period, the podiatrist may not be a director, officer or representative of the partnership or joint-stock company.

DIVISION II TERMS AND CONDITIONS OF PRACTICE

3. A podiatrist may carry on professional activities within a joint-stock company or a limited liability partnership, if

(1) more than 50% of the voting rights attached to the shares of the partnership or joint-stock company are held by the following persons or a combination thereof:

(a) a podiatrist;

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

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(2) the other voting rights attached to the shares of the partnership or joint-stock company, as the case may be, are held by the following persons or a combination thereof:

(a) a member of a professional order governed by the Professional Code;

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

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(3) in the case of a joint-stock company, all of the non-voting shares are held by the following persons or a combination thereof:

(a) a podiatrist;

(b) a member of a professional order governed by the Professional Code;

(c) a relative, either by direct or indirect line of descent, of a member who holds shares referred to in subparagraph *a*;

(d) the spouse of a podiatrist who holds shares referred to in paragraph 1;

(e) a partnership or joint-stock company or a trust whose voting rights attached to the shares, equity securities or other rights are held entirely by a person referred to in subparagraphs *a*, *b*, *c* or *d*;

(4) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners of the limited liability partnership are persons referred to in subparagraph *a* of paragraph 1;

(5) to constitute a quorum at a meeting of the directors of a partnership or joint-stock company, a majority of the persons present must be persons referred to in subparagraph *a* of paragraph 1;

(6) the conditions set out in this section appear in the articles of constitution of the joint-stock company or are stipulated in the contract constituting the limited liability partnership and that is also provided that the partnership or joint-stock company is constituted for the purposes of carrying on professional activities; and

(7) the articles of constitution of the joint-stock company or the contract constituting the limited liability partnership must provide for the manner in which the shares are to be transferred, in the event of the death, invalidity, striking off or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

4. A podiatrist who wishes to practise within a partnership or joint-stock company must provide the secretary of the Order with:

(1) the declaration referred to in section 5 with the fees prescribed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company complies with the professional liability coverage requirements of Division IV;

(3) if the podiatrist practises within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

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

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

(6) a written document certifying that the partnership or joint-stock company maintains an establishment in Québec;

(7) an irrevocable written authorization from the partnership or joint-stock company within which the podiatrist practises entitling a person, a committee, a disciplinary body or a tribunal referred to in section 192 of the Professional Code to require any person to produce a document mentioned in section 11, or a copy of such a document;

(8) a written undertaking from the partnership or joint-stock company that its shareholders having voting rights, its partners, directors and officers, as well as the members of its staff who are not podiatrists are aware of and comply with the regulations of the Order.

5. A podiatrist who wishes to practise within a partnership or joint-stock company must also send to the secretary of the Order a sworn declaration duly made on the form provided by the Order and containing

(1) the name of the partnership or joint-stock company and any other names used in Québec by the partnership or joint-stock company within which the podiatrist practises and the business number assigned to it by the competent authority;

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

(3) in the case of a joint-stock company, the address of the head office of the company and establishments in Québec, the names and home addresses of the directors and officers, and the professional order of which they are members, if applicable;

(4) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of the partners and directors, and the professional order of which they are members, if applicable;

(5) the podiatrist's name, member number, status within the partnership or joint-stock company and professional activities carried on within the partnership or joint-stock company;

(6) an attestation certifying that the shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

6. To retain the right to carry on professional activities within a partnership or joint-stock company, a podiatrist must

(1) update the declaration referred to in section 5 and provide the declaration to the Order, accompanied by the fees prescribed by the board of directors of the Order, before 31 March of each year;

(2) inform the Order without delay of any change in the coverage under Division IV or in the information provided in the declaration provided pursuant to section 5 that may affect compliance with the conditions set out in this Regulation, accompanied by the fees prescribed by the board of directors of the Order.

7. The name of the partnership or joint-stock company must not be a number name or include the name of a podiatric orthoses manufacturer.

DIVISION III REPRESENTATIVE

8. If two or more podiatrists practise within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the podiatrists practising in the partnership or joint-stock company in order to comply with the terms and conditions provided in sections 4 and 5.

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

The representative is also designated by the podiatrists practising within a partnership or joint-stock company to reply to requests made by the syndic, an inspector or any other representative of the Order and to provide, where applicable, the documents that the podiatrists are required to submit.

The representative must be a podiatrist who practises in Québec within the partnership or joint-stock company and be a partner or a director and shareholder with voting rights of the partnership or joint-stock company.

DIVISION IV **PROFESSIONAL LIABILITY COVERAGE**

9. To be authorized to practise within a partnership or joint-stock company, podiatrists must furnish and maintain for that partnership or joint-stock company, by an insurance contract or by participation in group insurance contracted by the Order, security against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the podiatrists committed while practising within the partnership or joint-stock company.

10. The security must include the following minimum conditions:

(1) an undertaking by the insurer to pay in lieu 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 person on a claim filed during the coverage period and arising from fault on the part of the podiatrist committed while practising 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 the 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 following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a podiatrist, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the podiatrist while practising within the partnership or joint-stock company;

(4) an amount of security of at least \$1,000,000 per claim filed against the partnership or joint-stock company, subject to a limit of \$3,000,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members 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 prior to any cancellation or amendment to the insurance contract if the amendment affects a condition set out in this Regulation or to any non-renewal of the contract;

(6) an undertaking by the insurer to provide the secretary of the Order with a notice when the insurer has paid a sum of money by reason of a fault or negligence committed by a podiatrist setting out the name of the partnership or joint-stock company and of the podiatrist involved, the nature of the damage and of the fault, and the sum paid.

DIVISION V **ADDITIONAL INFORMATION**

11. The documents that may be required pursuant to paragraph 7 of section 4 are the following:

(1) if the podiatrist practises within a joint-stock company:

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

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

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

(d) any shareholders' agreement and voting agreement and amendments;

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

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

(2) if the podiatrist practises within a limited liability partnership:

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

(b) the partnership agreement and amendments;

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

(d) where applicable, an up-to-date register of the directors of the partnership; and

(e) a complete and up-to-date list of the partnership's principal officers and their home addresses.

DIVISION VI TRANSITIONAL AND FINAL

12. A podiatrist who practises within a joint-stock company constituted before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation at the latest within 1 year following that date.

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

102049

Draft Regulation

Professional Code
(chapter C-26)

Sexologists — Professional activities that may be engaged in by persons other than sexologists

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 that may be engaged in by persons other than sexologists, made by the board of directors of the Ordre professionnel des sexologues 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.

Among the professional activities reserved for sexologists and on the terms and conditions set out in the Regulation, the draft Regulation enables persons other than sexologists to engage in the activities required to complete a program of studies leading to a diploma giving access to the permit issued by the Order or a diploma in sexology issued by a university outside Québec.

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

Further information may be obtained by contacting Isabelle Beaulieu, Director General and Secretary, Ordre professionnel des sexologues du Québec, 4126, rue Saint-Denis, bureau 300, Montréal (Québec) H2W 2M5; telephone: 438 386-6777 or 1-855-386-6777, extension 222; email: isabelle.beaulieu@opsq.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 that may be engaged in by persons other than sexologists

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

1. Among the professional activities that may be engaged in by sexologists, the activities required for the completion of a program of studies in sexology may be engaged in by a student registered in a program, on the condition that the student engages in the activities under the supervision of the supervisor provided for in section 2 of the Regulation and in keeping with the regulatory standards that apply to sexologists relating to ethics and the keeping of records and consulting rooms. In addition, the student must meet one of the following conditions:

(1) the program of studies in sexology in which the student is registered leads to a diploma giving access to the permit issued by the Ordre professionnel des sexologues du Québec; or

(2) the program of studies in sexology in which the student is registered leads to a diploma in sexology issued by an educational institution situated outside Québec of a level equivalent to that of the program referred to in paragraph 1.

2. The supervisor referred to in section 1 must be a member of the Order and, where applicable, be qualified to engage in the professional activities he or she is supervising and have a minimum of 5 years of practical experience in the field covered by the training program.

He or she must not have been the subject, in the 3 years preceding the supervision, of a decision under section 55 of the Professional Code (chapter C-26) requiring the person to complete a period of refresher training or a refresher course or of any decision by a professional order, a disciplinary council or the Professions Tribunal imposing the striking off the roll, or restriction or suspension of the right to engage in professional activities.

On request, the supervisor sends to the Order the contact information of the student and the terms and conditions that apply to the supervisor.