

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 341-2015, 15 April 2015

Professional Code
(chapter C-26)

Therapist

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

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

WHEREAS, under paragraph *p* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Code, the board of directors of a professional order must, by regulation, impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession, and fix the conditions and procedure applicable to a declaration to the order;

WHEREAS the board of directors of the Ordre des ergothérapeutes du Québec made, on 14 March 2014, the Regulation respecting the practice of the profession of occupational therapist within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 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, pursuant to the first paragraph of section 95.2 of the Code, a regulation made by the board of directors of a professional order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment;

WHEREAS the first regulation made by the board of directors of a professional order under paragraph *p* of section 94 of the Code is subject to the approval of the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the practice of the profession of occupational therapist within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 24 September 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has approved the Regulation, except sections 1 and 4 and Divisions IV and V;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve sections 1 and 4 and Divisions IV and V of the Regulation with amendments;

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

THAT sections 1 and 4 and Divisions IV and V of the Regulation respecting the practice of the profession of occupational therapist within a partnership or a joint-stock company, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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 at least one of 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 managers 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:

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

ii. the names of the shareholders referred to in paragraph 1 of section 1, their percentage of shares with voting rights, the Order or professional association of which they are members and their permit number;

iii. the names of the directors of the company, the Order or professional association of which they are members, if applicable, and their permit number;

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

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

ii. the names of the partners referred to in paragraph 1 of section 1, their percentage of partnership units, the Order or professional association of which they are members and their permit number;

iii. the names of the partnership's managers, the Order or professional association of which they are members, if applicable, and their permit number;

(e) the occupational therapist's name, permit number, and status within the partnership or joint-stock company;

(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 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 and 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 of the partnership or joint-stock company.

**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 coverage period during 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 coverage period not exceeding 12 months 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 it in relation to 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 managers 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 of coming into force of this Regulation 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*.

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Gouvernement du Québec

O.C. 342-2015, 15 April 2015

Professional Code
(chapter C-26)

Therapists — **Code of ethics of occupational therapists**

Code of ethics of occupational therapists

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des ergothérapeutes du Québec made, on 13 June 2014, the Code of ethics of occupational therapists;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;