

## Ministerial Orders

### M.O. 2020

#### Ministerial Order 2020-022 of the Minister of Health and Social Services dated 15 April 2020

Public Health Act  
(chapter S-2.2)

Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2), which provides that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that the Order in Council provides that the Minister of Health and Social Services may order any other measure needed to ensure that the health and social services network has the necessary human resources;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020 and until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020;

CONSIDERING that the latter Order in Council provides that the measures set out in Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020 and 223-2020 dated 24 March 2020 and in Ministerial Orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-006 dated 19 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020-009 dated 23 March 2020, 2020-010 dated 27 March 2020, 2020-011 dated 28 March 2020, 2020-012 dated 30 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-018 dated 9 April, 2020-019

and 2020-20 dated 10 April 2020 and 2020-021 dated 14 April 2020, except to the extent that they were amended by those Orders in Council or Orders, continue to apply until 24 April 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

CONSIDERING that the latter Order in Council also empowers the Minister of Health and Social Services to take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT in addition to the visits authorized by Ministerial Order 2020-009 dated 23 March 2020, visits from a family caregiver to users lodged in facilities in institutions where a residential and long-term care centre is operated be authorized if the following conditions are met:

(1) the user was receiving support from the family caregiver before 13 March 2020 and that support is still necessary;

(2) the family caregiver

(a) understands the risks inherent in the visits;

(b) undertakes to respect the directives given by the institution and the public health authorities; and

(c) received a negative COVID-19 screening result before the first visit and shows no COVID-19 related symptoms;

(3) the director of public health for the region in which the institution is situated has not ordered the visits suspended to protect the health of the population;

THAT, for each of the following professional orders, the president or, in the president's absence, the executive director or the secretary may issue, without cost and to allow temporary practise of the profession governed by the order, a special public health emergency student authorization to a person registered in the program of college or university studies leading to a diploma giving access to the permit of the order, on the condition that the person not have more than the equivalent of one full-time session remaining to complete the program:

- (1) the Ordre des infirmières et infirmiers du Québec;
- (2) the Ordre professionnel des inhalothérapeutes du Québec;
- (3) the Ordre professionnel des technologistes médicaux du Québec;
- (4) the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec (only for the profession of medical imaging technologist in radiodiagnostics or the profession of medical imaging technologist in nuclear medicine);
- (5) the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (only for the profession of social worker);

THAT the president or, in the president's absence, the executive director or the secretary of the Ordre des infirmières et infirmiers auxiliaires du Québec may issue, without cost and to allow temporary practise of the profession governed by the Order, a special public health emergency student authorization to a person registered in the program of studies leading to a diploma giving access to the permit of the Order, on the condition that the person has acquired proficiency units 1 to 26 in that program;

THAT the president or, in the president's absence, the executive director or the secretary of a professional order in the healthcare field may, without an integration or training program requirement, grant a person less than 70 years of age who has not been a member of the order for less than 5 years or is registered as a non-practising member or a member of a similar class, a special public health emergency authorization allowing exclusive practice of the profession or the use of a title reserved to the professionals practising the profession and to perform the same activities as those professionals; the president, the executive director or the secretary may, however, restrict the professional activities that may be performed by the person to whom the special authorization is granted and determine the conditions on which the person may perform the activities. Section 35 of the Charter of the French language (chapter C-11) does not apply in a case where such special authorization is granted;

THAT the person to whom special authorization is granted be exempted from the requirement to contribute to the insurance fund of the order or to join a group plan contract for professional liability entered into by the order if the person practises within a public institution within the meaning of the Act respecting health services

and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) or for the Nunavik Regional Board of Health and Social Services. The institution or regional board employing a person who has been granted special authorization or in which the person is practising is guarantor, takes up the person's defence and bears financial responsibility for any fault committed by the person in practising the profession;

THAT the person granted special authorization not be a member of the professional order, or retain status as a non-practising member or a member of a similar class, if applicable, but be held to the same ethical obligations as for a member of the professional order and to the other rules governing the practice of the profession;

THAT any decision denying the issuance of a special public health emergency authorization or any decision granting the issuance of such an authorization that is restricted or subject to conditions, if applicable, be substantiated and sent to the Minister of Health and Social Services, and that a copy of each special authorization granted by a professional order be sent to the Minister of Health and Social Services;

THAT, despite the preceding paragraphs, the Collège des médecins du Québec may grant a special public health emergency authorization. It may, however, on the terms and conditions it determines, re-enter a person on the roll of the Order, without cost and without paragraph 2 of section 46 of the Professional Code (chapter C-26) applying, if the person has not been a member of the Order for less than 3 years, is less than 70 years of age and did not cease being a member by reason of a commitment undertaken with the Order or an issue with the quality of the person's practice;

THAT the paragraphs in the operative part of Ministerial Order 2020-004 dated 15 March 2020 concerning the special public health emergency authorization that may be granted by the president or, in the president's absence, the executive director or the secretary of a professional order to allow a person to practise an exclusive profession or use a title reserved for the members of the order, be revoked.

Québec, 15 April 2020

DANIELLE MCCANN,  
*Minister of Health and Social Services*

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