

## Regulations and other Acts

Gouvernement du Québec

### O.C. 1327-2020, 9 December 2020

Amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office des professions du Québec

WHEREAS, under the first paragraph of section 196.2 of the Professional Code (chapter C-26), the expenditures incurred by the Office des professions du Québec in a fiscal year are payable by the members of the professional orders;

WHEREAS, under the second paragraph of section 196.2 of the Code, the members of the orders are required to pay, for each fiscal year of the Office, a contribution determined by the Government;

WHEREAS, under the third paragraph of section 196.2 of the Code, each fiscal year, the surplus of the Office for the preceding fiscal year is added to, or its deficit for the preceding fiscal year is deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year;

WHEREAS, under the third paragraph of section 196.2 of the Code, any surplus or deficit expected by the Office for a fiscal year may also be taken into account in whole or in part;

WHEREAS, under the third paragraph of section 196.2 of the Code, the resulting amount is then divided by the number of members in all the orders on 31 March of the calendar year in progress and the quotient is the amount of the annual contribution of each member;

WHEREAS, under the first paragraph of section 196.8 of the Code, every person or group and every department or other government body are to pay the charge determined by regulation of the Government after consultation with the Office and the Québec Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions;

WHEREAS, under the second paragraph of section 196.8 of the Code, the charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2 of the Code;

WHEREAS, under subparagraph 4 of the first paragraph of section 19.1 of the Code, the Minister of Higher Education has submitted to the Québec Interprofessional Council, for advice, the amount of the contribution of each member of an order for the 2021-2022 fiscal year of the Office;

WHEREAS it is expedient to determine the amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT \$29.00 be determined as the amount of the contribution of each member of a professional order for the 2021-2022 fiscal year of the Office des professions du Québec.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 1328-2020, 9 December 2020

Professional Code  
(chapter C-26)

#### **Conseillers en ressources humaines et en relations industrielles agréés — Compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec**

Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec

WHEREAS, under the first paragraph of section 89 of the Professional Code (chapter C-26), the members of a professional order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation;

WHEREAS, under the first and second paragraphs of section 89.1 of the Code, the board of directors of a professional order that makes a regulation under section 89 of the Code authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec authorizes its members to hold funds in the Règlement sur la détention de sommes par les membres de l'Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec approved by the Office des professions du Québec on 23 October 2020;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec made the Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec on 30 March 2020;

WHEREAS, pursuant to section 95 of the Professional Code, 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 for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 17 June 2020 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 23 October 2020 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the compensation procedure of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec**

Professional Code  
(chapter C-26, s. 89.1)

**1.** A claimant may be compensated in accordance with this procedure following the use by a member of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec of funds for purposes other than those for which they were entrusted to the member under a regulation of the Order made under section 89 of the Professional Code (chapter C-26).

**2.** To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by the member for purposes other than those for which they were entrusted to the member;

(2) be accompanied by proof of the steps taken with the member to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents;

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the board of directors if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

**3.** A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 2.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 2 are met.

**4.** The secretary of the Order enters every admissible claim on the agenda for the first meeting of the board of directors following the date on which the claim becomes admissible.

**5.** The secretary of the Order informs the member and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

**6.** The board of directors decides, as soon as possible, whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the indemnity.

The substantiated decision is final.

**7.** The maximum amount that may be paid for the period covering the fiscal year of the Order is

- (1) \$10,000 for a claimant in respect of a member;
- (2) \$50,000 for all the claimants in respect of a member;
- (3) \$100,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$100,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

**8.** Where the board of directors believes that two or more claims may be filed in respect of a member and that the total amount claimed may exceed \$50,000, it must suspend the payment of compensations until it has reviewed all claims in respect of the member. If circumstances permit, the board of directors must draw an inventory of the funds entrusted to the member and notify in writing the persons likely to file a claim.

**9.** If the claimant is vulnerable due to his or her age or physical, psychological or social condition, the board of directors may, exceptionally, pay an amount greater than those provided for in section 7.

**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. 1347-2020, 9 December 2020

Nurses Act  
(chapter I-8)

An Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6)

### Specialized nurse practitioners

Regulation respecting specialized nurse practitioners

WHEREAS, under subparagraph *f* of the first paragraph of section 14 of the Nurses Act (chapter I-8), as replaced by paragraph 1 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services (2020, chapter 6), the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec may by regulation regulate the classes of specialization to which specialized nurse practitioners must belong to engage in the activities referred to in section 36.1 of the Nurses Act, as replaced by section 3 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, and determine the terms and conditions for engaging in those activities as well as the standards relating to the form and content of verbal or written prescriptions made by specialized nurse practitioners and, for that purpose, the board of directors may, in the regulation, establish an advisory committee;

WHEREAS, under the second paragraph of section 14 of the Nurses Act, as added by paragraph 2 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec must, before adopting such a regulation, consult the Office des professions du Québec and the interested professional orders;

WHEREAS, in accordance with the second paragraph of section 14 of the Nurses Act, as added by paragraph 2 of section 2 of the Act to amend the Nurses Act and other provisions in order to facilitate access to health services, the board of directors of the Ordre professionnel des infirmières et infirmiers du Québec consulted the Office des professions du Québec, the Collège des médecins du Québec, the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Ordre