

## Regulations and other Acts

Gouvernement du Québec

**O.C. 40-2021, 20 January 2021**

Pharmacy Act  
(chapter P-10)

### Terms and conditions for the sale of medications —Amendment

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS, under section 37.1 of the Pharmacy Act (chapter P-10), the Office des professions du Québec, after consultation with the Institut national d'excellence en santé et en services sociaux, the Collège des médecins du Québec, the Ordre des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold;

WHEREAS the Office made the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications on 24 April 2020 after conducting the required consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the terms and conditions for the sale of medications was published in Part 2 of the *Gazette officielle du Québec* of 13 May 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, under section 13 of the Professional Code (chapter C-26), every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

Pharmacy Act  
(chapter P-10, s. 37.1)

**1.** The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended in section 7 by striking out “from a physician or dentist”.

**2.** Section 8 is revoked.

**3.** 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. 41-2021, 20 January 2021**

Professional Code  
(chapter C-26)

### Probation officers and correctional counsellors —Professional activity that may be engaged in by certain probation officers and certain correctional counsellors

Regulation respecting a professional activity that may be engaged in by certain probation officers and certain correctional counsellors

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the board of directors of the Ordre professionnel des criminologues du Québec consulted the Collège des médecins du Québec, the Ordre des conseillers et conseillères d'orientation du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des orthophonistes et audiologistes du Québec, the Ordre des psychoéducateurs et psychoéducatrices du Québec, the Ordre des psychologues du Québec, the Ordre professionnel des sexologues du Québec and the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec before making the Regulation respecting a professional activity that may be engaged in by a probation officer or correctional counsellor of the Ministère de la Sécurité publique on 18 December 2019 and 9 April 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 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting a professional activity that may be engaged in by a probation officer or correctional counsellor of the Ministère de la Sécurité publique was published in Part 2 of the *Gazette officielle du Québec* of 29 April 2020 with a notice that it could be examined by the Office and then submitted to the Government for approval, 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 21 August 2020 and 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 a professional activity that may be engaged in by certain probation officers and certain correctional counsellors, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation respecting a professional activity that may be engaged in by certain probation officers and certain correctional counsellors

Professional Code  
(chapter C-26, s. 94, 1st par., subpar. *h*)

### DIVISION I EXERCISE OF A RESERVED PROFESSIONAL ACTIVITY

**1.** Probation officers or correctional counsellors within the meaning of the Act respecting the Québec correctional system (chapter S-40.1) employed on 30 April 2018 may, in the exercise of their functions, assess the criminogenic factors and offending behaviour of a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional.

The first paragraph does not apply to a person who meets the conditions for the issue of a permit by one of the professional orders whose members may assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional.

**2.** When the employment of a person referred to in the first paragraph of section 1 ends and the person is no longer registered on a valid qualifications list or in a bank of qualified persons for employment as a probation officer or correctional counsellor, the person must inform the Ordre professionnel des criminologues du Québec not later than 15 days after the person's employment or registration ends.

### DIVISION II TRAINING REQUIREMENT

**3.** A person authorized in accordance with the first paragraph of section 1 must complete at least 6 hours of eligible training activities in each 2-year reference period.

The following activities may, when in connection with the activity referred to in the first paragraph of section 1, in particular, constitute eligible training activities:

(1) participation in courses, seminars, workshops, symposiums, conferences or congresses offered in particular by a professional order, university level educational institution or specialized institution;

(2) participation in structured training activities offered in the workplace;

(3) supervision of the professional activity referred to in the first paragraph of section 1 by a criminologist who engages in that professional activity.

**4.** An authorized person must send to the Order, not later than 45 days after the end of each reference period, the documents showing the hours of training completed, along with the fee prescribed by the board of directors.

**5.** An authorized person who is unable to comply with the training requirement may, for a given reference period, be exempted from training by the Order. The person must request exemption from the Order and give reasons in support of the request. At the request of the Order, the person also provides the required documents.

Before refusing a request for exemption, the Order must notify the person in writing and inform the person of the person's right to present written observations within 15 days of receiving the notification. The Order must send its decision to the person not later than 60 days after the request for exemption is received and inform the person of the person's right to apply for a review of the decision, in accordance with section 7.

**6.** The Order must send a written notice to an authorized person who fails to comply with the requirements of section 3 or section 4, setting out the requirements that the person has failed to meet and informing the person that the person has no more than 30 days from receipt of the notice to correct the failure.

A person who has not corrected the failure stated in the notice within 45 days from the date of the notice is no longer authorized to engage in the professional activity referred to in first paragraph of section 1.

The Order must inform the person of the person's right to apply for a review of the suspension of authorization, in accordance with section 7.

The suspension of authorization to engage in the professional activity referred to in the first paragraph of section 1 remains in effect until the person provides the Order with evidence that the person has met the requirements of section 3 and until the Order confirms to the person that the person is once again authorized to engage in the professional activity.

**7.** A person subject to a negative decision under section 5 or a suspension of authorization under section 6 may apply for a review to the board of directors not later than 15 days from the date on which the person is notified of the decision.

The application for review must be in writing and sent to the secretary of the Order. It must briefly state the reasons on which it is based.

**8.** The secretary must inform the applicant in writing of the place and time of the meeting of the board of directors during which the person's application for review will be examined, at least 5 days before the date of the meeting.

An applicant who wishes to be heard at the meeting must inform the secretary at least 2 days before the scheduled date of the meeting; an applicant who wishes to present written observations must forward them to the secretary at any time prior to the scheduled date of the meeting.

**9.** The board of directors must render a written and substantiated decision not later than 60 days after receiving the application for review.

The decision by the board of directors is final. It is forwarded in writing to the applicant not later than 30 days after the date on which it is rendered.

### DIVISION III TRANSITIONAL AND FINAL

**10.** Persons authorized in accordance with the first paragraph of section 1 must, not later than 60 days after the coming into force of this Regulation, inform the Order, in the manner determined by the board of directors, that they engage in the reserved professional activity referred to in that section.

**11.** Despite section 3, the first reference period begins on the date of coming into force of this Regulation and ends on 31 March 2022.

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