

## Draft Regulations

### Draft Regulation

Professional Code  
(chapter C-26)

#### Performance of the activities described in sections 39.7 and 39.8 of the Code

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) that the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code, made by the Office des professions du Québec, is published as a draft and may be submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation determines places, cases and circumstances in which a person may perform the activities described in sections 39.7 and 39.8 of the Professional Code, as well as the conditions and procedures pursuant to which a person may perform those activities.

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

Further information may be obtained by contacting Marie-Christine Corriveau, advisor, physical health, Direction de la veille et des orientations, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; email: marie-christine.corriveau@opq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, secretary, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Higher Education and may also be sent to interested persons, departments and bodies.

ROXANNE GUÉVIN,  
*Secretary of the Office des professions du Québec*

### Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code

Professional Code  
(chapter C-26, s. 39.9)

#### DIVISION I DEFINITIONS

1. For the purposes of this Regulation:

“authorized professional” means any professional authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code; (*professionnel habilité*)

“entity” means any entity, except an institution, on whose behalf a person performs the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26); (*entité*)

“institution” means any institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5); (*établissement*)

“person acting within the framework of a home care program provided by an institution operating a local community service centre” means any person providing home care services on behalf of an institution that operates a local community service centre, in particular, an employee of the institution, an employee of a social economy enterprise within the meaning of the Social Economy Act (chapter E-1.1.1), an employee of a body or a worker hired by mutual agreement; (*personne agissant dans le cadre d'un programme de soutien à domicile fourni par un établissement qui exploite un centre local de services communautaires*)

“person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services” means any person acting within that framework, except for a person acting within the framework of a foster family within the meaning of the Act respecting health services and social services, unless the children entrusted to the foster family have no health problem requiring special

care; (*personne agissant dans le cadre des activités d'une ressource intermédiaire ou de type familial visée à la Loi sur les services de santé et les services sociaux*)

“rules of care” means the clinico-administrative rules governing the performance of the activities described in sections 39.7 and 39.8 of the Professional Code in an institution; (*règles de soins*)

“temporary alternative environment for children” means any childcare establishment, any day camp or vacation camp, or any respite service outside the child's home. (*milieu de vie substitut temporaire pour les enfants*)

## DIVISION II

### PLACES, CASES AND CIRCUMSTANCES IN WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTIONS 39.7 AND 39.8 OF THE PROFESSIONAL CODE

**2.** In addition to the places, cases and circumstances referred to in sections 39.7 and 39.8 of the Professional Code (chapter C-26), a person may perform the activities described in those sections in the following places, cases or circumstances:

(1) where the person is acting on behalf of a private seniors' residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) according to the agreement entered into between that residence and the institution of the territory where it is situated;

(2) where the person is acting on behalf of a religious corporation within the framework of subparagraph *f* of the second paragraph of section 8 of the Religious Corporations Act (chapter C-71);

(3) where the person is acting on behalf of a rehabilitation centre within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and the person provides to a user adjustment or rehabilitation services, social and socio-occupational integration services or support services;

(4) where the person is acting, whether as a volunteer or for remuneration, on behalf of a body that provides respite and adult supervision services outside the user's home;

(5) where the person is acting on behalf of an institution or body that offers social and stimulation activities of the day centre or daytime activities type;

(6) where the person is acting on behalf of a correctional facility attached to an institution for health care management purposes.

**3.** A person may also perform the activities described in section 39.7 of the Code where the person is acting in a school or other temporary alternative environment for children.

## DIVISION III

### CONDITIONS AND PROCEDURES PURSUANT TO WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTIONS 39.7 AND 39.8 OF THE PROFESSIONAL CODE

**4.** This Division applies to

(1) any person acting in the places, cases and circumstances determined in section 2;

(2) any person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2); and

(3) any person acting within the framework of a home care program provided by an institution operating a local community service centre.

**5.** A person referred to in section 4 may perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) where

(1) the following conditions of training are met:

(a) the person has learned the skills related to those activities in a training program that

i. has a minimum duration of 14 hours;

ii. pertains to the standards and the routes of administration of the medications as well as the legislation governing the performance of activities related to invasive care;

iii. is recognized by the Ministère de l'Éducation, du Loisir et du Sport as well as the Ministère de la Santé et des Services sociaux; and

iv. is given by a school service centre or school board, an institution or a training provider accredited by a school service centre or school board;

(b) specifically for the activities described in section 39.7 of the Professional Code, in addition to the training described in subparagraph *a*, the person has

learned the activities related to invasive care with an authorized professional of the institution or entity where they are performed;

(2) the following conditions of performance are met:

(a) the person is supervised, when the person is performing each of those activities for the first time and until the person masters the skills required to perform them, by an authorized professional of the institution or entity where they are performed;

(b) the person is authorized to perform each of those activities by an authorized professional of the institution or entity where they are performed and that professional authorizes the person if the conditions required to perform them are met;

(c) the person complies with the rules of care in force of the institution of the territory where the entity where those activities are performed is situated;

(d) the person has access, for a rapid intervention, to an authorized professional.

**6.** Where an agreement between an entity and the institution of the territory where it is situated so provides, the authorized professionals of that entity are responsible for supervising and authorizing the performance of those activities in accordance with subparagraphs *a* and *b* of paragraph 2 of section 5.

Where that agreement so provides, those professionals are also responsible for the learning of the activities related to invasive care in accordance with subparagraph *b* of paragraph 1 of that section.

#### **DIVISION IV** CONDITIONS AND PROCEDURES PURSUANT TO WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTION 39.7 OF THE PROFESSIONAL CODE IN A SCHOOL OR OTHER TEMPORARY ALTERNATIVE ENVIRONMENT FOR CHILDREN

**7.** A person acting in a school or other temporary alternative environment for children may perform the activities described in section 39.7 of the Professional Code (chapter C-26) where they are required, if the following conditions are met:

(1) an agreement to that effect has been entered into between the school service centre or school board having jurisdiction over that school or the temporary alternative environment for children and the institution of the

territory where they are situated. Where that school is a private educational institution referred to in section 54.1 of the Act respecting private education (chapter E-9.1), the agreement must be entered into with that institution;

(2) the person learned each of those activities with an authorized professional of an institution or school;

(3) the person was supervised, when the person performed each of those activities for the first time and until the person mastered the skills required to perform them, by an authorized professional of an institution or school;

(4) the person was authorized to perform each of those activities by an authorized professional of the institution covered by the agreement or the school and that professional authorizes the person if the conditions required to perform them are met;

(5) the person complies with the rules of care in force in the institution covered by the agreement;

(6) the person has access, for a rapid intervention, to an authorized professional.

#### **DIVISION V** TRANSITIONAL AND FINAL

**8.** A person who was authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) and performed them, during the 2 years preceding (*insert the date of the coming into force of this Regulation*), in a private seniors' residence, rehabilitation centre for physically impaired persons, rehabilitation centre for mentally impaired persons, within the framework of the activities of an intermediate or family-type resource or within the framework of a home care program provided by an institution operating a local community service centre is not required, to continue to perform them, to meet the conditions of training provided for in paragraph 1 of section 5.

**9.** This Regulation replaces the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

**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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