

Regulations and other Acts

Gouvernement du Québec

O.C. 1160-2022, 22 June 2022

Act respecting the sharing of certain health information
(chapter P-9.0001)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information

WHEREAS, under paragraph 20 of section 4 of the Act respecting the sharing of certain health information (chapter P-9.0001), the Government may make regulations to determine any other person or partnership to which, in the performance of any act under the Act, the specific information management rules defined by the health and social services network information officer and approved by the Minister of Cybersecurity and Digital Technology in accordance with section 10.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03), apply;

WHEREAS, under paragraph 16 of section 69 of the Act respecting the sharing of certain health information, the Government may make regulations to determine any other health and social service provider to whom an access authorization for a health information bank in a clinical domain or an electronic prescription management system for medication may be assigned;

WHEREAS, under paragraph 4 of section 120 of the Act, the Government may make regulations to determine the providers, in addition to those listed in section 69 of the Act, who may act as authorized providers;

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 application of the Act respecting the sharing of certain health information was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister for Health and Social Services and the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information

Act respecting the sharing of certain health information (chapter P-9.0001, s. 4, par. 20, s. 69, par. 16, and s. 120, par. 4)

1. The Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1) is amended in section 1

(1) by replacing paragraph 1 by the following:

“(1) a person or a partnership that operates a private health facility;”;

(2) by adding the following at the end:

“(4) a person or a partnership that operates a private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2);

(5) a palliative care hospice within the meaning of the Act respecting end-of-life care (chapter S-32.0001);

(6) Corporation d’urgences-santé;

(7) a holder of an ambulance service permit issued in accordance with the Act respecting pre-hospital emergency services (chapter S-6.2).”

2. Section 2 is replaced by the following:

“2. Within the meaning of this Regulation, a private health facility means a consulting room or office, situated elsewhere than in a facility maintained by an institution, in which one or more of the professionals listed below, individually or as a group, regularly practise their profession, privately and solely on their own account, without directly or indirectly providing their patients with lodging:

- (1) a dentist;
- (2) a dental hygienist;
- (3) a dietitian or a nutritionist;
- (4) a physiotherapist;
- (5) a respiratory therapist;
- (6) an occupational therapist;
- (7) a social worker;
- (8) a nurse;
- (9) a podiatrist;
- (10) a psychologist;
- (11) a psychoeducator;
- (12) a chiropractor;
- (13) an optometrist;
- (14) an audiologist or a speech language pathologist.”.

3. Section 6 is amended

(1) by replacing “private dental office” in paragraph 1 by “private health facility”;

(2) by inserting the following after paragraph 1:

“(1.1) a dental medicine resident practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(1.2) a dental hygienist practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;”;

(3) by inserting “in a private health facility,” after “practising” in paragraph 2;

(4) by inserting “in a private health facility,” after “practising” in paragraph 3;

(5) by inserting “in a private health facility,” after “practising” in paragraph 4;

(6) by inserting “in a private health facility,” after “practising” in paragraph 5;

(7) by inserting “in a private health facility,” after “practising” in paragraph 6;

(8) by inserting “in a private health facility,” after “practising” in paragraph 9;

(9) by inserting “in a private health facility, in a community pharmacy, in a private seniors’ residence, in a palliative care hospice,” after “practising” in paragraph 10;

(10) by inserting the following after paragraph 10:

“(10.1) a nursing assistant practising in a private health facility, in a private seniors’ residence or a palliative care hospice;”;

(11) by replacing “or a specialized medical centre” in paragraph 11 by “, in a specialized medical centre or a palliative care hospice”;

(12) by inserting the following after paragraph 12:

“(12.1) the holder of a medical registration certificate practising in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(12.2) the holder of a training card issued by the secretary of the Collège des médecins du Québec practising in a palliative care hospice;”;

(13) by adding the following at the end:

“(14) a podiatrist practising in a private health facility, in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(15) a professional technologist carrying on professional activities in the field of orthotics or prosthetics in a centre operated by an institution, in a private physician’s office or a specialized medical centre;

(16) a psychologist practising in a private health facility, in a centre operated by an institution, in a private physician’s office, in a specialized medical centre, in a private seniors’ residence or a palliative care hospice;

(17) a psychoeducator practising in a private health facility, in a centre operated by an institution, in a private physician's office, in a specialized medical centre or a private seniors' residence;

(18) an ambulance technician practising at Corporation d'urgences-santé or on behalf of a holder of an ambulance service permit;

(19) a chiropractor practising in a private health facility, in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(20) an optometrist practising in a private health facility, in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(21) an audiologist or a speech language pathologist practising in a private health facility, in a centre operated by an institution, in a private physician's office or a specialized medical centre.”

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

105857

Gouvernement du Québec

O.C. 1203-2022, 22 June 2022

Professional Code
(chapter C-26)

Opticiens d'ordonnances

— Professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec

Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec

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 Code, the board of directors of the Ordre des opticiens d'ordonnances du Québec consulted the Ordre des optométristes du Québec before adopting, on 24 October 2021, the Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec;

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), the draft Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec was published in Part 2 of the *Gazette officielle du Québec* of 8 December 2021 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 18 March 2022 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 the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif
