

To obtain a payment, the specialized nurse practitioner or, where the specialized nurse practitioner is an employee of an employer, the employer, must send an account to the Commission within 180 days after the service is provided.

4. The Commission publishes on its website the agreement respecting the cost of services that may be provided by specialized nurse practitioners.

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

106160

Draft Regulation

Professional Code
(chapter C-26)

Dentists

—Indemnity fund of the Ordre des dentistes du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the compensation fund of the Ordre des dentistes du Québec, made by the board of directors of the Ordre des dentistes du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation establishes a compensation fund to compensate a claimant, in accordance with the compensation procedure of the Order, following the use of sums by a dentist for purposes other than those for which they were entrusted to the dentist in the practice of his or her profession.

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

Further information on the draft Regulation may be obtained by contacting Caroline Daoust, Director General and Secretary, Ordre des dentistes du Québec, 800, boulevard René-Lévesque Ouest, bureau 1640, Montréal (Québec) H3B 1X9; telephone: 514 875-8511 or 1 800 361-4887; email: Caroline.Daoust@odq.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Adam, Acting Secretary, Office des professions du Québec, 800, place D'Youville,

10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des dentistes du Québec and to interested persons, departments and bodies.

JULIE ADAM

Acting Secretary, Office des professions du Québec

Regulation respecting the indemnity fund of the Ordre des dentistes du Québec

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

DIVISION I

SETTING UP OF A COMPENSATION FUND

1. The board of directors of the Ordre des dentistes du Québec sets up a compensation fund to be used to compensate a claimant following the use by a dentist of funds for purposes other than those for which the claimant had entrusted them to the dentist under a regulation of the Order made under section 89 of the Professional Code (chapter C-26).

2. The compensation fund is maintained at a minimum amount of \$200,000.

It consists of

- (1) sums allocated to the fund by the board of directors;
- (2) assessments fixed for that purpose by the board of directors;
- (3) sums recovered from a dentist by subrogation pursuant to section 89.1 or 159 of the Professional Code (chapter C-26) following a payment made from the fund; and
- (4) income earned on the sums constituting the fund.

DIVISION II

RULES FOR THE ADMINISTRATION AND INVESTMENT OF THE COMPENSATION FUND

3. The accounting for the fund must be kept separate from the accounting of the other funds of the Order.

4. The board of directors of the Order administers the fund and withdraws therefrom administration fees.

The sums constituting the fund are invested by the Order as follows:

(1) the portion of the sums the Order intends to use on a short-term basis is deposited in a financial institution governed by the Trust Companies and Savings Companies Act (chapter S-29.02), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45) and whose deposits are covered by deposit insurance pursuant to the Canada Deposit Insurance Corporation Act (R.S.C. 1985, c. C-3) or guaranteed under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2);

(2) the other portion is constituted of investments presumed sound, within the meaning of article 1339 of the Civil Code.

DIVISION III COMPENSATION FUND COMMITTEE

5. The board of directors forms a committee charged with examining and deciding claims.

The committee is composed of at least 3 members, including 1 elected director and 1 director appointed by the Office des professions du Québec.

The board of directors designates the committee's chair, secretary, and, if necessary, an assistant secretary who performs the same duties as the secretary. The secretary and the assistant secretary are not members of the committee.

The quorum of the committee is a majority of its members.

6. Committee members remain in office at the end of their mandates until they are reappointed or replaced by the board of directors.

DIVISION IV COMPENSATION PROCEDURE

7. To be admissible, a claim must

(1) be sent by means of a sworn declaration signed by the claimant and addressed to the Order within 12 months of the claimant becoming aware that the funds have been used by the dentist for purposes other than those for which they were entrusted to the dentist;

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

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

(4) indicate the amount claimed.

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

8. 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 7.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 7 are met.

9. The secretary of the Order sends every admissible claim to the committee and the dentist within 15 days following the date on which the claim becomes admissible.

10. Within 15 days preceding the date of the meeting during which the claim will be examined, the secretary of the Order notifies a notice to the dentist and the claimant informing them of the date of the meeting and of their right to make representations.

11. Within 90 days from the date on which the claim was sent to the committee, the committee decides whether it is expedient to accept the claim, in whole or in part. Where applicable, the committee determines the amount of the compensation.

The committee's substantiated decision is final. It is notified to the claimant and the dentist without delay.

12. The maximum compensation payable from the fund that may be paid for the period covering the fiscal year of the Order is

- (1) \$10,000 for a claim concerning a dentist;
- (2) \$50,000 for all claims concerning a dentist; and
- (3) \$200,000 for all claims.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$200,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

13. Where the board of directors believes that a number of claims may be filed in respect of a dentist and that the total of the claims may exceed \$50,000, the board of directors must suspend the payment of compensations until it has reviewed all claims in respect of the dentist.

If the circumstances allow it, the board of directors must draw an inventory of the sums received by the dentist and notify in writing the persons likely to file a claim of the possibility of doing so.

14. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, fix a compensation amount greater than that provided for in section 12.

DIVISION V FINAL

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

106144

Draft Regulation

Act respecting the protection of personal information in the private sector
(chapter P-39.1)

Act to modernize legislative provisions as regards the protection of personal information
(2021, chapter 25)

Payment of a recovery charge for a monetary administrative penalty

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the payment of a recovery charge for a monetary administrative penalty, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25), assented to on 22 September 2021, introduces subdivision 4.1 entitled Monetary administrative penalties in Division VII of the Act respecting the protection of personal information in the private sector (chapter P-39.1). That subdivision, which comes into force on 22 September 2023, provides for the possibility to impose monetary administrative penalties and sets out the terms for recovering and claiming the amounts owing. The draft Regulation determines the cases in which and the con-

ditions under which a debtor of a monetary administrative penalty imposed under the Act respecting the protection of personal information in the private sector is required to pay a recovery charge. The draft Regulation also sets the amount of the charges.

The draft Regulation has no financial impact on enterprises. Only enterprises that do not pay their monetary administrative penalty following non-compliance with a requirement of the Act respecting the protection of personal information in the private sector could have to pay the recovery charges provided for in the Regulation. The draft Regulation has no impact on the public.

Further information on the draft Regulation may be obtained by contacting Christian Duquette, lawyer, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875, Grande Allée Est, bureau 3.263, Québec (Québec) G1R 4Y8; email: christian.duquette@mce.gouv.qc.ca; telephone: 418 528-8024, extension 5140.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuël, Director, Direction de l'accès à l'information et de la protection des renseignements personnels, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875 Grande Allée Est, bureau 3.265, Québec (Québec) G1R 4Y8; email: daiprp@mce.gouv.qc.ca; telephone: 418 528-8024, extension 1241.

JEAN-FRANÇOIS ROBERGE

Minister Responsible for Access to Information and the Protection of Personal Information

Regulation respecting the payment of a recovery charge for a monetary administrative penalty

Act respecting the protection of personal information in the private sector
(chapter P-39.1, s. 90, 1st par., subpar. 3.3)

Act to modernize legislative provisions as regards the protection of personal information
(2021, chapter 25, s. 158)

DIVISION I SCOPE

1. This Regulation applies to a debtor who, following an enforceable decision that states the debtor's debt pursuant to section 90.16 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), is required, in accordance with section 90.17 of the Act, to pay a recovery charge for a monetary administrative penalty.