

Regulations and other Acts

Gouvernement du Québec

O.C. 1389-2023, 30 August 2023

Professional Code
(chapter C-26)

Dentistes

— Indemnity fund of the Ordre des dentistes du Québec

Regulation respecting the indemnity fund of the Ordre des dentistes 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, a 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 dentistes du Québec, in the Règlement sur la détention de sommes par les dentistes, approved by the Office des professions du Québec on 20 February 2023, authorizes its members to hold funds;

WHEREAS the board of directors of the Ordre des dentistes du Québec made the Regulation respecting the indemnity fund of the Ordre des dentistes du Québec on 27 January 2023;

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 Regulation respecting the indemnity fund of the Ordre des dentistes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2023 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 16 June 2023 and subsequently submitted it to the Government with its recommendation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the indemnity fund of the Ordre des dentistes du Québec, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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

Professional Code
(chapter C-26, s. 89.1, 1st and 2nd par.)

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 the seventh paragraph of 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 board of directors of the Order as follows:

- (1) the portion of the sums the board of directors of 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 one elected director and one 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 a dentist for purposes other than those for which they were entrusted to the dentist by the claimant;

- (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, pay a compensation amount greater than those 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*.

106452

Gouvernement du Québec

O.C. 1417-2023, 30 August 2023

Act respecting municipal taxation
(chapter F-2.1)

Municipal tax for 9-1-1 —Amendment

Regulation to amend the Regulation governing the municipal tax for 9-1-1

WHEREAS, under subparagraph 13 of the first paragraph of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Government may notably by regulation, for the purposes of section 244.68 of the Act, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax, and determine the date from which any amendment to the by-law is to take effect;

WHEREAS, under the third paragraph of section 262 of the Act, a regulation concerning a matter referred to in subparagraph 13 of the first paragraph may only be adopted by the Government after consultation by the Minister of Municipal Affairs with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators;

WHEREAS that consultation has taken place;

WHEREAS, under the first paragraph of section 244.70 of the Act, if the Government amends the regulation made under subparagraph 13 of the first paragraph of section 262 of the Act, the local municipality must pass a by-law to amend the by-law in force as required to bring it into conformity with the government regulation and send a copy of the amending by-law to the Minister before the expiry of the time limit determined by the Government;

WHEREAS it is expedient to determine 10 November 2023 as the time limit before which a local municipality must pass an amending by-law and send it to the Minister to bring its by-law into conformity with the government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation governing the municipal tax for 9-1-1 was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;