



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 98

**An Act to amend various legislation
mainly with respect to admission to
professions and the governance of the
professional system**

Introduction

**Introduced by
Madam Stéphanie Vallée
Minister of Justice**

**Québec Official Publisher
2016**

EXPLANATORY NOTES

This bill makes various amendments to the Professional Code with respect to admission to professions and the governance of the professional system. It also makes consequential amendments to other Acts constituting certain professional orders.

As regards admission to professions, the bill broadens the powers of the Commissioner for complaints concerning mechanisms for the recognition of professional competence and proposes renaming the office Admission to Professions Commissioner. It also establishes the Pôle de coordination pour l'accès à la formation (Access to Training Coordination Hub) and assigns it specific functions.

Lastly, as part of the implementation of arrangements for the mutual recognition of professional competence, it simplifies the procedure for updating professional competence requirements.

As regards governance of the professional system, the changes introduced relate to the governance and functions of the Office des professions du Québec, the governance of the Québec Interprofessional Council and the organization and governance of the professional orders.

More specifically, amendments are made to

(1) strengthen the powers of the Office, in particular by enabling it to conduct inquiries on its own initiative, to adopt standards of ethics and professional conduct applicable to directors on an order's board of directors and to require an order to take the corrective measures it deems appropriate;

(2) make ethics and professional conduct training mandatory for applicants who are seeking admission to a profession and require the professional orders to offer such training to their members;

(3) require directors on the board of directors of an order to receive training on the role of an order's board of directors, including training on governance and ethics;

(4) provide, for certain offences, a prescriptive period of three years for instituting penal proceedings from the time the order

becomes aware of the commission of the offence but within seven years since the commission of the offence; and

(5) allow, under certain circumstances, a syndic to grant immunity from any complaint before the disciplinary council to a person who has sent information to the syndic to the effect that a professional has committed an offence, but who is himself or herself a professional and party to the offence.

The bill also empowers the syndic, when proceedings are instituted against a professional for an offence punishable by five or more years of imprisonment, to request a disciplinary council to impose either a suspension or provisional restriction of the professional's right to practise or to use a reserved title.

Lastly, the bill amends the Notaries Act and the Act respecting registry offices in order to update provisions concerning notaries' official signature.

LEGISLATION AMENDED BY THIS BILL:

- Agrologists Act (chapter A-12);
- Architects Act (chapter A-21);
- Land Surveyors Act (chapter A-23);
- Act respecting the Barreau du Québec (chapter B-1);
- Act respecting registry offices (chapter B-9);
- Professional Code (chapter C-26);
- Dental Act (chapter D-3);
- Nurses Act (chapter I-8);
- Engineers Act (chapter I-9);
- Medical Act (chapter M-9);
- Notaries Act (chapter N-3);
- Pharmacy Act (chapter P-10).

Bill 98

AN ACT TO AMEND VARIOUS LEGISLATION MAINLY WITH RESPECT TO ADMISSION TO PROFESSIONS AND THE GOVERNANCE OF THE PROFESSIONAL SYSTEM

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 4 of the Professional Code (chapter C-26) is amended

(1) by replacing “five” in the first paragraph by “seven”;

(2) by replacing the second paragraph by the following paragraph:

“Five of the members, including the chair and the vice-chair, must be professionals. Four among their number, including the chair or the vice-chair, shall be chosen from a list of at least seven names provided to the Government by the Interprofessional Council.”;

(3) by replacing “The fifth member shall be a non-professional. He shall be selected on the basis of his” in the third paragraph by “The other two members must be non-professionals. They shall be selected on the basis of their”;

(4) by replacing “10” in the fourth paragraph by “five”.

2. Section 5 of the Code is amended by replacing “Commissioner for complaints concerning mechanisms for the recognition of professional competence” by “Admission to Professions Commissioner”.

3. Section 6 of the Code is amended by replacing “Three” in the first paragraph by “Five”.

4. Section 12 of the Code is amended

(1) by replacing “in collaboration with each order, monitor the operation of the various mechanisms established within the order” in the first paragraph by “monitor the operation of the various mechanisms established within an order”;

(2) by adding the following sentence at the end of the first paragraph: “Each order must collaborate with the Office in the exercise of that function.”;

(3) by inserting the following paragraph after the first paragraph:

“The Office may, if it considers it necessary for the protection of the public, require an order to take corrective and appropriate follow-up measures and to comply with any other measure determined by the Office, including supervisory or monitoring measures.”;

(4) by striking out “which is a regulation or by-law the board of directors is required to adopt under this Code or, as the case may be, under the Act constituting the professional order” in subparagraphs 3 and 4 of the third paragraph;

(5) by replacing “the Conférence des recteurs et des principaux des universités du Québec” in subparagraph *b* of subparagraph 7 of the third paragraph by “the Bureau de coopération interuniversitaire”;

(6) by striking out subparagraphs 7.1, 7.2 and 12 of the third paragraph;

(7) by replacing “third” in the fourth paragraph by “fourth”.

5. The Code is amended by inserting the following section after section 12:

“12.0.1. The Office must, by regulation, determine the standards of ethics and professional conduct applicable to directors on a professional order’s board of directors. The regulation must

(1) state the ethics- and integrity-based values and principles that must guide directors in understanding the standards of ethics and professional conduct applicable to them;

(2) determine the duties and obligations of directors, including those they must comply with after leaving office, and the time for which they are bound by those duties and obligations;

(3) regulate or prohibit practices related to the remuneration of directors;

(4) establish the procedure governing examinations of and inquiries into conduct that may be in contravention of the standards of ethics and professional conduct determined by the Office and by the board of directors of a professional order under section 87.1, prescribe appropriate penalties and designate the authorities that are to determine or impose such penalties; and

(5) determine the cases in and procedure according to which directors may be temporarily relieved of their duties.

The Office may, by regulation and on the conditions it determines, extend the jurisdiction of an existing authority or of its members to include the jurisdiction under subparagraph 4 of the first paragraph.”

6. Section 12.3 of the Code is amended by replacing “various socioeconomic groupings” in paragraph 1 by “various socio-economic groups”.

7. Section 14 of the Code is amended

(1) by replacing “after obtaining the authorization of the Minister or at the Minister’s request” in the first paragraph by “on its own initiative or at the Minister’s request”;

(2) by replacing the second paragraph by the following paragraph:

“The Office informs the order’s board of directors of the inquiry and the reasons for it. If the Office is conducting an inquiry on its own initiative, it also informs the Minister.”

8. Section 15 of the Code is amended by adding the following paragraph at the end:

“The Office may obtain information from departments, bodies, educational institutions and other persons on any training a professional order requires a person to acquire under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *j*, *q* or *r* of that section.”

9. Section 16.1 of the Code is amended by replacing “June” in the first paragraph by “September”.

10. The heading of Division II of Chapter II before section 16.9 of the Code is replaced by “ADMISSION TO PROFESSIONS COMMISSIONER”.

11. Section 16.9 of the Code is amended by replacing “Commissioner for complaints concerning mechanisms for the recognition of professional competence” by “Admission to Professions Commissioner”.

12. Section 16.10 of the Code is replaced by the following sections:

“16.10. The functions of the Commissioner are

(1) to receive and examine any complaint lodged by a person about admission to a profession;

(2) to monitor the operation of any process or activity relating to admission to a profession; and

(3) to follow the activities of the Pôle de coordination pour l’accès à la formation (Access to Training Coordination Hub) and, if necessary, to make the recommendations the Commissioner considers appropriate to it regarding such matters as the time and intervals at which training is offered.

For the purposes of this division, admission to a profession, in the case of a profession whose practice is supervised by a professional order, includes

(1) any process adopted by a professional order, the Office or the Government in relation to

(a) the issue of any permit or specialist's certificate;

(b) a person's entry on the roll for the first time;

(c) a decision under section 45.3;

(d) the issue of a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of that professional order in Québec or to engage in Québec in professional activities reserved to them in Québec; or

(e) any other application filed preceding admission to the profession; and

(2) any process or activity of a professional order, department, body, educational institution or other person in relation to the training, the demonstration of the competence or the assessment of the training or competence of an applicant for admission to a profession or a person who is the subject of a decision made under section 45.3, except

(a) programs of study established by the Minister responsible for Education or the Minister responsible for Higher Education which give access to permits issued by the professional orders;

(b) degree programs established by a university-level educational institution under paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) which give access to permits issued by the professional orders;

(c) the basic vocational training regulation established by the Government under section 448 of the Education Act (chapter I-13.3);

(d) the College Education Regulations established by the Government under section 18 of the General and Vocational Colleges Act (chapter C-29), except programs under subparagraph *c* of the third paragraph of that section.

“16.10.1. The Commissioner may

(1) submit advisory opinions or make recommendations to any professional order, department, body, educational institution or other person on any matter relating to admission to a profession;

(2) solicit or receive advice and suggestions from professional orders or interested groups and from the general public on any matter relating to admission to a profession; and

(3) conduct or commission studies and research that the Commissioner considers useful or necessary for the exercise of the Commissioner's functions.

“16.10.2. The Commissioner may designate one or more persons under the Commissioner's authority to exercise a function essential to the carrying out of any of the Commissioner's responsibilities under section 16.10.”

13. Section 16.11 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“The Commissioner may designate a person to conduct the inquiry on the Commissioner's behalf. The person so designated is vested with the same powers and immunity as the Commissioner and, if the person does not work for the Office, is required to take the oath set out in Schedule II.”;

(2) by inserting “or on the Commissioner's behalf” after “Commissioner” in the second paragraph.

14. Section 16.13 of the Code is amended by adding the following subparagraph at the end of the second paragraph:

“(4) if the Commissioner is of the opinion, given the nature of the complaint, that the Commissioner must refer the plaintiff to another authority.”

15. Section 16.15 of the Code is amended

(1) by inserting “, department, body, educational institution or person” after “professional order” in the first paragraph;

(2) by replacing “the mechanisms for the recognition of professional competence” in the first paragraph by “any process or activity relating to admission to a profession”;

(3) by inserting the following paragraph after the first paragraph:

“The Commissioner may do the same after monitoring the operation of a process or activity under subparagraph 2 of the first paragraph of section 16.10.”;

(4) by inserting “, department, body, educational institution or person” after “professional order” and “, he or she” after both occurrences of “it” in the second paragraph.

16. Section 16.16 of the Code is amended by replacing “of the operation of the mechanisms for the recognition of professional competence” by “of any process or activity relating to admission to a profession”.

17. Section 16.17 of the Code is amended by replacing “in a record relating to the monitoring of the operation of the mechanisms for the recognition of

professional competence” by “in a record on the monitoring of the operation of any process or activity relating to admission to a profession”.

18. Section 16.18 of the Code is amended by inserting “, department, body, educational institution or person” after “professional order”.

19. Section 16.19 of the Code is amended by replacing “to monitor the operation of the mechanisms for the recognition of professional competence” in the second paragraph by “to monitor the operation of any process or activity relating to admission to a profession”.

20. Section 16.21 of the Code is amended by inserting “, department, body, educational institution or person” after “professional order”.

21. The Code is amended by inserting the following after section 16.21:

“**16.22.** The Commissioner does not have jurisdiction over matters referred to in sections 45 to 45.2, paragraphs 2 to 4.1 of section 46 and sections 46.0.1 and 48 to 53.

“**16.23.** The Commissioner shall refuse or cease to examine a complaint if the person whose interests are affected by the complaint enters into a private dispute prevention and resolution process or if the dispute is brought before any court referred to in section 1 of the Courts of Justice Act (chapter T-16).

“CHAPTER II.1

“ACCESS TO TRAINING COORDINATION HUB

“**16.24.** The Access to Training Coordination Hub is established. Its function is to draw up a status report on access to training, identify problems and issues related to training, identify statistics data collection needs, ensure collaboration between the professional orders, educational institutions and departments concerned, and propose solutions to the problems identified.

In this chapter, “training” means any training a professional order requires a person to acquire under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *j*, *q* or *r* of that section.

“**16.25.** The Access to Training Coordination Hub is chaired by the chair of the Office and is composed of the other members designated by the Government after consultation with the Office.

The Hub may also appoint temporary members to participate in its proceedings.

“16.26. The Access to Training Coordination Hub shall file an activity report with the Government annually. The report must also be published on the Office’s website.

“16.27. The Office may make recommendations on access to training to a department, body, professional order, educational institution or any other person.

Within 60 days after receiving a recommendation, the department, body, professional order, educational institution or person concerned shall inform the Office in writing of the actions it, he or she intends to take as a result of the recommendation or, if it, he or she has decided not to act upon the recommendation, of the reasons for that decision.

The Office shall, in its activity report, include the recommendations and an account of the follow-up given to them pursuant to this section.”

22. Section 19.1 of the Code is amended by adding the following subparagraph at the end of the first paragraph:

“(5) the budget estimates of the Office.”

23. Section 20 of the Code is amended

(1) by replacing the second paragraph by the following paragraphs:

“The chair of the Council shall be elected by the members of the Council in the manner determined by a by-law adopted under the seventh paragraph. Unless a by-law adopted under the seventh paragraph provides otherwise, any member of a professional order may run for the office of chair of the Council.

The chair of the Council may not hold that office concurrently with the office of president of a professional order or any other function determined in a by-law adopted under the seventh paragraph. Neither may he act as a member designated by the board of directors pursuant to the first paragraph.

If the chair of the Council represented a professional order pursuant to the first paragraph, the professional order of which he is a member shall designate a substitute for him.”;

(2) by adding the following paragraphs at the end:

“The Council shall adopt a by-law determining the term of office of the chair of the Council and the manner in which he is to be elected. The by-law may prescribe other eligibility criteria for the office of chair of the Council and determine other functions that are incompatible with that office.

The by-law comes into force on the fifteenth day following the date of its adoption.”

24. Section 22 of the Code is amended by replacing “June” in the first paragraph by “September”.

25. Section 46.1 of the Code is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.1) a business email address established in the person’s name;”.

26. Section 59.3 of the Code is amended by replacing “55.2” by “55.2 or a proceeding for an offence punishable by a term of imprisonment of five years or more”.

27. Section 61 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“An order shall be administered by a board of directors consisting of a president and other directors whose number is to be determined by a regulation under paragraph *e* of section 93. That number must be at least 8 and not more than 15.”;

(2) by inserting “other” after “all the” in the second paragraph.

28. Section 62 of the Code is amended

(1) by replacing “shall have the general administration of the affairs of the order and shall” in the first paragraph by “shall have the general supervision of the order and the management and supervision of the conduct of its affairs. It is responsible for carrying out the decisions of the order and those of the general meeting, and ensures the related follow-up. The board of directors shall also”;

(2) by inserting the following paragraph after the second paragraph:

“The board of directors shall, in particular,

(1) see to the pursuit of the order’s mission;

(2) determine the order’s strategic directions;

(3) rule on the order’s strategic choices;

(4) adopt the order’s budget; and

(5) adopt effective, efficient and transparent governance policies and practices.”;

(3) by striking out the second paragraph.

29. The Code is amended by inserting the following section after section 62:

“**62.0.1.** The board of directors shall, in particular,

(1) appoint the secretary and the executive director of the order;

(2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath may not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(3) make sure that continuing education activities, courses or periods on such subjects as ethics and professional conduct are offered to the members of the order and report on this in its annual report;

(4) require its members to receive training on the role of a professional order’s board of directors as regards such matters as governance and ethics and make sure that such training is offered;

(5) give any advice it considers useful to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit; and

(6) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions fixed under the second paragraph of section 184, in the development and review of the programs of study leading to diplomas giving access to a permit or a specialist’s certificate, the standards that the board of directors must prescribe by regulation under paragraph *c* of section 93, any other terms and conditions that the board of directors may determine by regulation under paragraph *i* of section 94, and the standards of equivalence applicable to those terms and conditions that the board of directors may prescribe under that regulation.”

30. Section 63 of the Code is amended by replacing the first paragraph by the following paragraph:

“The president and the other directors shall be elected on the dates set and for a term of at least two years but not more than four years determined by a regulation under paragraph *b* of section 93; they are eligible for re-election unless they have served the maximum number of consecutive terms that may be determined by the Order in the regulation. The president may not, however, serve more than three terms in that capacity.”

31. Section 64 of the Code is amended by replacing the first paragraph by the following paragraph:

“The president shall be elected, as determined by the board of directors,

(a) by a general vote of the members of the order, by secret ballot; or

(b) by a vote of the elected directors and appointed directors, who shall elect the president from among the directors elected by secret ballot.”

32. Section 65 of the Code is amended by adding the following sentences at the end of the first paragraph: “Regional representation is established for the purpose of ensuring regional diversity on the board of directors. The elected directors do not represent the professionals of the region the elected directors come from.”

33. Section 66.1 of the Code is amended

(1) by inserting “or who does not comply with rules of conduct applicable to the candidate established in a regulation under paragraph *a* of section 94” after “before the election” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “A candidate for the office of director cannot be a member of the board of directors or an officer of a group of members of the order, a professional association in the field of the profession or an organization affiliated with the order.”

34. Section 67 of the Code is amended by adding the following sentences at the end of the first paragraph: “The nomination paper must contain only the information determined by the board of directors in the regulation. The nomination paper constitutes the only means of communication between the candidate and the members of the order; the board of directors may, however, in the regulation, establish other means of communication.”

35. Section 76 of the Code is amended by adding the following paragraph at the end:

“An elected director shall be deemed to have resigned from the time the elected director no longer satisfies the eligibility rules applicable to candidates.”

36. The Code is amended by inserting the following section after section 76:

“76.1. If none of the elected directors are members who have been on the roll for 10 years or less, the board of directors shall appoint an additional director from among those members, following an invitation for applications within 30 days of the election. The director so appointed is deemed an elected director of the board of directors, holds office for a one-year term and cannot be reappointed in that capacity.

In such a case, the board of directors shall be deemed to be regularly formed, although the number of directors is increased by one.”

37. Section 78 of the Code is amended

(1) by striking out “or nine” in the first paragraph;

(2) by replacing “10” in the second paragraph by “9”;

(3) by replacing “13 or more directors” in the third paragraph by “13 to 17 directors”;

(4) by replacing “different socio-economic organizations” in the fourth paragraph by “various socio-economic groups”;

(5) by adding the following sentences at the end of the fourth paragraph: “The Office cannot appoint a director who is a member of the board of directors or an officer of a group of members of the order, a professional association in the field of the profession or an organization affiliated with the order. An appointed director shall be deemed to have resigned from the time the appointed director no longer satisfies that condition.”

38. Section 79 of the Code is amended by replacing “the elected members of the board of directors or according to another mode of election” in the first paragraph by “the members of the board of directors or according to a mode of election, other than an election among the members of the board of directors.”

39. The Code is amended by inserting the following section after section 79:

“**79.1.** The directors on the board of directors of a professional order shall be subject to the standards of ethics and professional conduct determined by the Office under section 12.0.1 and to those set out in the code of ethics and professional conduct adopted by the order under section 87.1.”

40. Section 80 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“The president exercises a right of general supervision over the affairs of the board of directors. The president acts as the order’s spokesperson and representative.”;

(2) by replacing “and the carrying out of its decisions and the decisions of the general meeting; the president shall co-ordinate the work of the board and of the general meeting and ensure continuity” in the second paragraph by “; the president shall see to the proper performance of the board; the president shall coordinate the work of the board and of the general meeting; the president shall see that the directors on the board comply with the standards of ethics and professional conduct determined by regulation of the Office and those set out in the code of ethics and professional conduct adopted by the professional order of which he is a member”;

(3) by inserting the following paragraphs after the second paragraph:

“The president may require information from a member of a committee created by the board of directors, from an employee of the order or from any person exercising, within the order, a function provided for in this Code or the Act constituting the order, including a syndic in regard to the conduct or progress of an inquiry.

The president is a director of the board of directors and has the right to vote.”;

(4) by replacing the third paragraph by the following paragraph:

“The president may not exercise any other functions assigned under this Code or the Act constituting the order of which he is a member.”

41. Section 81 of the Code is amended by replacing “in another way” in the first paragraph by “according to a mode of designation, other than designation by the board,”.

42. Section 82 of the Code is amended by replacing “section 62 confers” by “sections 62 and 62.0.1 confer”.

43. Section 85 of the Code is amended by inserting “the executive director,” after “the order,” in the first paragraph.

44. Section 85.1 of the Code is amended by striking out the second paragraph.

45. Section 87 of the Code is amended by inserting the following paragraphs after paragraph 1:

“(1.1) provisions expressly stating that any act involving collusion, corruption, malfeasance, breach of trust or influence peddling is forbidden;

“(1.2) provisions requiring a member of an order to inform the syndic if the member has reason to believe that a situation likely to affect the competence or integrity of another member of the order has arisen;”.

46. The Code is amended by inserting the following section after section 87:

87.1. The board of directors must, in a manner consistent with the standards set out in a regulation of the Office, adopt by regulation a code of ethics and professional conduct applicable to directors on the order’s board of directors that takes into account the mission of the order, the values underlying its actions and its general management principles. The code must

(1) state the ethics- and integrity-based values and principles that must guide directors in understanding the code of ethics and professional conduct applicable to them;

(2) determine the duties and obligations of directors, including those they must comply with after leaving office, and the time for which they are bound by those duties and obligations;

(3) regulate or prohibit practices related to the remuneration of directors;

(4) identify conflict of interest situations; and

(5) include preventive measures, in particular, rules for the disclosure of interests.

Each professional order must take the necessary measures to ensure the confidentiality of information provided by directors under such a regulation.

Each professional order must ensure public access to the code and publish it in its annual report.

Each professional order's annual report shall, in addition, give an account of the number of cases dealt with and the follow-up given to them, the breaches of the ethics and professional conduct standards noted during the year, and the decisions rendered and penalties imposed."

47. Section 93 of the Code is amended

(1) by inserting "other" after "president and the" in paragraph *b*;

(2) by replacing "for which they may be appointed" in paragraph *b* by "for the other directors";

(3) by replacing "the number of directors of" in paragraph *e* by "the number of directors, other than the president, on".

48. Section 94 of the Code is amended

(1) by inserting "rules of conduct applicable to any candidate for the office of director and" after "establish" in paragraph *a*;

(2) by inserting ", of the executive director" after "of a syndic" in paragraph *a*;

(3) by adding "when the program of study leading to a diploma giving access to a permit issued by the order does not include learning activities on ethics and professional conduct, the board of directors must adopt a regulation under this paragraph making successful completion of training on ethics and professional conduct mandatory;" at the end of paragraph *i*.

49. Section 95.0.1 of the Code is amended by adding the following paragraph at the end:

“A regulation amending a regulation adopted by the board of directors under paragraph c.2 of section 93 is not subject to the consultation required under the second paragraph or the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) if the purpose of the amending regulation is to update the professional competence requirements in the regulation it amends.”

50. Section 95.2 of the Code is amended by inserting “87.1,” after “65,” in the first paragraph.

51. Section 96.1 of the Code is amended by striking out “shall see to the day-to-day administration of the order’s affairs and” in the first paragraph.

52. Section 97 of the Code is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “That number must be at least three, but less than half the number of directors on the board of directors.”;

(2) by replacing the second paragraph by the following paragraph:

“The president of the order is, by virtue of office, a member and the chair of the committee, and is entitled to vote. One member of the committee shall be designated by a vote of the members of the board of directors from among the elected directors. One other committee member shall be designated by a vote of the members of the board of directors from among the directors appointed by the Office and shall be a member of the committee as of the designation. Any other committee member shall be designated by a vote of the members of the board of directors from among the directors determined by the board.”;

(3) by inserting “or every two years,” after “year” in the third paragraph.

53. The Code is amended by inserting the following subdivision after section 100:

“§2.1. — *The executive director*

“101.1. The executive director is responsible for the general and day-to-day administration of the order’s affairs. He shall see to the conduct of the order’s affairs and follow up on decisions of the board of directors. He shall plan, organize, direct, supervise and coordinate the order’s human, financial, physical and information resources.

“101.2. The executive director may not exercise any other functions assigned under this Code or the Act constituting the professional order of which he is the executive director other than that of secretary of the order.”

54. Section 104 of the Code is amended by replacing “third” in the first paragraph by “fourth”.

55. Section 106 of the Code is amended by replacing “at least five days before the date fixed for the meeting” by “at least 10 days before the date fixed for the meeting. The meeting must be held within 30 days of the request”.

56. Section 108.6 of the Code is amended by replacing “secretary and” in paragraph 1 by “secretary, executive director and”.

57. Section 108.7 of the Code is amended by replacing the second paragraph by the following paragraph:

“The name of a member against whom a complaint or a request under section 122.0.1 is made and the subject of the complaint or request is also public information as of its service on the member by the secretary of the disciplinary council.”

58. Section 108.8 of the Code is amended by inserting “, except the information referred to in subparagraph 4.1 of the first paragraph of section 46.1” after “46.2” in subparagraph 1 of the first paragraph.

59. Section 116 of the Code is amended

(1) by inserting “and any request made under section 122.0.1” at the end of the second paragraph;

(2) by adding the following paragraph at the end:

“A complaint made against a professional in connection with facts for which the syndic has granted him immunity under section 123.9 is also inadmissible.”

60. Section 122 of the Code is amended by replacing “third” in the first paragraph by “fourth”.

61. The Code is amended by inserting the following sections after section 122:

“122.0.1. A syndic may, when proceedings are instituted against a professional for an offence punishable by a term of imprisonment of five years or more, request that a disciplinary council immediately impose on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order.

“122.0.2. The syndic’s request shall be received by the secretary of the disciplinary council, who must send a copy to the senior chair as soon as possible.

The request must be heard and decided by preference after notice is served on the professional and the Director of Criminal and Penal Prosecutions, or any other authority responsible for the proceedings on which the request is based, by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01) at least two clear working days before the beginning of the hearing. The hearing must begin not later than 10 days after service of the request and a decision must be rendered not later than 7 days following the end of the hearing.

The rules for the hearing of a complaint apply to the request, with the necessary modifications.

“122.0.3. Following the hearing, the disciplinary council may, if it considers that the protection of the public requires it, make an order immediately imposing on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order. In rendering its decision, the disciplinary council considers how the alleged offence is related to the practice of the profession or how it affects the honour or dignity of the profession.

The order becomes enforceable on being served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01). However, where the order is rendered in the presence of one of the parties, it is deemed to have been served on that party on being so rendered; the secretary shall indicate in the minutes the presence or absence of the parties when the council renders the order.

The fifth, sixth and seventh paragraphs of section 133 apply to the publication of a notice of the decision.

“122.0.4. The order under section 122.0.3 remains in force until the earliest of the following events:

(1) the decision of the prosecutor to stay or withdraw all charges in the proceedings on which the request was based;

(2) the decision to acquit the respondent or to stay all charges in the proceedings on which the request was based;

(3) the decision of a syndic not to lodge a complaint with the disciplinary council in connection with the facts referred to in the charges in the proceedings on which the request was based;

(4) the final and enforceable decision of the disciplinary council or the Professions Tribunal, as the case may be, on the request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities filed under section 130 in respect of the complaint lodged

by the syndic in connection with the facts referred to in the charges in the proceedings on which the request made under section 122.0.1 was based; and

(5) the expiry of a period of 120 days from the date on which the order was made under section 122.0.3, if no complaint by the syndic or application for the renewal of an order is filed within that period.

The syndic's decision under subparagraph 3 of the first paragraph shall be served on the disciplinary council by way of a notice to the secretary of the council, who must send a copy to the senior chair and the professional.

“122.0.5. Sections 122.0.2 and 122.0.3 apply, with the necessary modifications, to the application for the renewal of an order under section 122.0.3.”

62. The Code is amended by inserting the following section after section 123.8:

“123.9. Where the person who has sent information to the syndic to the effect that a professional has committed an offence is a professional who is himself a party to the offence, a syndic may, if the syndic considers it warranted by the circumstances, grant that person immunity from any complaint with the disciplinary council in connection with the facts related to the commission of the offence.

A syndic must, before granting immunity, consider such factors as the protection of the public, the importance of maintaining public trust in the members of the order, the nature and seriousness of the offence, the importance of the alleged facts for the conduct of the inquiry and their reliability, the professional's collaboration during the inquiry and the extent of the professional's participation in the offence.”

63. Section 124 of the Code is amended by adding the following paragraphs at the end:

“Neither shall the oath be construed as prohibiting the sharing of useful information or documents between the syndics of different professional orders for the same purpose.

The second paragraph shall not however operate to authorize a syndic to disclose information that is protected by professional secrecy between an advocate or a notary and a client.”

64. Section 127 of the Code is amended by replacing “third” by “fourth” in the second paragraph.

65. Section 151 of the Code is amended by inserting “and the expenses incurred by the order to conduct an inquiry” after “the order” in the fourth paragraph.

66. Section 156 of the Code is amended by replacing “\$1,000 nor more than \$12,500” in subparagraph *c* of the first paragraph by “\$2,000 nor more than \$25,000”.

67. Section 164 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) a decision of the disciplinary council ordering either a provisional striking off the roll or a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, setting conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order, allowing or dismissing a complaint or imposing a penalty;”.

68. Section 166 of the Code is amended by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) an order under section 122.0.3 imposing immediately on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order;”.

69. Section 183 of the Code is amended by replacing “third” by “fourth”.

70. Section 184 of the Code is amended by replacing “third” in the first and second paragraphs by “fourth”.

71. Section 184.3 of the Code is amended by replacing “lodged” by “and requests submitted to”.

72. Section 188 of the Code is amended by replacing “\$1,500 nor more than \$20,000 or, in the case of a legal person, of not less than \$3,000 nor more than \$40,000” in the first paragraph by “\$2,500 nor more than \$62,500 or, in other cases, of not less than \$5,000 nor more than \$125,000”.

73. Section 188.2.1 of the Code is amended by striking out “knowingly”.

74. Section 189.1 of the Code is amended by adding the following paragraphs at the end:

“The proceedings are prescribed three years after the date on which the prosecutor becomes aware of the commission of the offence.

However, no proceedings may be brought if more than seven years have elapsed since the commission of the offence.

A certificate from the secretary of an order attesting the date on which the order became aware of the commission of the offence constitutes, in the absence of any evidence to the contrary, sufficient proof of that fact.”

75. Section 193 of the Code is amended by replacing “or the secretary of the order” in paragraph 6 by “, the secretary of the order or the executive director”.

AMENDING PROVISIONS CONCERNING OTHER ACTS CONSTITUTING PROFESSIONAL ORDERS

AGROLOGISTS ACT

76. Section 5 of the Agrologists Act (chapter A-12) is amended by replacing “three” by “four”.

77. Section 6 of the Act is amended by striking out “, for a term which shall be determined by regulation of the board of directors”.

78. Section 10.2 of the Act is replaced by the following section:

“**10.2.** Where an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president of the Order shall be members of the committee by virtue of office.

Another member of the executive committee shall be designated by a vote of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by a vote of the members of the board of directors from among the elected members.”

ARCHITECTS ACT

79. Section 5 of the Architects Act (chapter A-21) is replaced by the following section:

“**5.** The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

LAND SURVEYORS ACT

80. Section 7 of the Land Surveyors Act (chapter A-23) is replaced by the following section:

“**7.** The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

81. Section 8 of the Act is repealed.

82. Section 9 of the Act is amended by replacing “elected directors shall designate from among their number” by “directors shall designate from among the elected directors”.

83. Section 15 of the Act is replaced by the following section:

“**15.** If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president of the Order shall be members of the committee by virtue of office.

Another member of the executive committee shall be designated by a vote of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by a vote of the members of the board of directors from among the elected members.”

ACT RESPECTING THE BARREAU DU QUÉBEC

84. Section 10.1 of the Act respecting the Barreau du Québec (chapter B-1) is amended by inserting “or an officer” after “directors” in the third paragraph.

85. Section 11 of the Act is amended by replacing “over the affairs of the Bar” in subsection 1 by “over the affairs of the Bar’s board of directors”.

DENTAL ACT

86. Section 6 of the Dental Act (chapter D-3) is replaced by the following section:

“**6.** The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

87. Section 7 of the Act is repealed.

88. Section 9 of the Act is amended by replacing “elected directors” in the first and second paragraphs by “directors”.

89. Section 13 of the Act is amended

(1) by replacing “elective members of the board of directors shall by secret ballot designate from among their number a vice-president and two members who shall be members of the executive committee” in the first paragraph by “members of the board of directors shall by secret ballot designate a vice-president from among the elected members”;

(2) by replacing the second paragraph by the following paragraph:

“If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president shall be members of the committee by virtue of office.”;

(3) by inserting “and two other members shall be designated by secret ballot by the members of the board of directors from among the elected members” after “Office” in the third paragraph.

NURSES ACT

90. Section 5 of the Nurses Act (chapter I-8) is amended by replacing “28” in the first paragraph by “15 other”.

91. Section 6 of the Act is amended by replacing “Twenty-four” in the first paragraph by “Eleven”.

92. Section 8 of the Act is amended by striking out the second occurrence of “elected”.

93. Section 9 of the Act is amended

(1) by replacing “, of the treasurer and of two members of the executive committee” in the first paragraph by “and the treasurer”;

(2) by striking out “shall be elected from among the elected directors, by the vote of such directors” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president, vice-president and treasurer are members of the committee by virtue of office.”;

(4) by striking out “by the vote of such directors” in the fourth paragraph.

94. Section 11 of the Act is amended by striking out the third paragraph.

95. Section 21 of the Act is amended by replacing “at least” in the first paragraph by “not more than”.

ENGINEERS ACT

96. Section 9 of the Engineers Act (chapter I-9) is amended by replacing the second paragraph by the following paragraph:

“The board of directors shall be constituted as prescribed in the Professional Code (chapter C-26).”

97. Section 10 of the Act is repealed.

MEDICAL ACT

98. Section 6 of the Medical Act (chapter M-9) is replaced by the following section:

“**6.** The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

99. Section 7 of the Act is repealed.

100. Section 9 of the Act is amended by striking out “elective” in the first and second paragraphs.

101. Section 11 of the Act is amended by striking out “and the faculties of medicine” in the first paragraph.

102. Section 13 of the Act is amended

(1) by replacing “elective members of the board of directors shall by secret ballot designate from among their number a vice-president and two members who shall be members of the executive committee” in the first paragraph by “members of the board of directors shall by secret ballot designate a vice-president from among the elected members”;

(2) by replacing the second paragraph by the following paragraph:

“If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president shall be members of the committee by virtue of office.”;

(3) by inserting “and two other members shall be designated by secret ballot by the members of the board of directors from among the elected members” after “Office” in the third paragraph.

NOTARIES ACT

103. Section 5 of the Notaries Act (chapter N-3) is amended by striking out the first paragraph.

104. Section 6 of the Act is amended by striking out “, and establish rules governing the election or appointment of a substitute member to fill a vacancy” in subparagraph 5 of the first paragraph.

105. Sections 20 to 24 of the Act are replaced by the following sections:

“**20.** A notary shall practise under his or her name.

“**21.** A notary’s official signature shall be written or affixed by means of a technological process.

The official written signature shall consist of the notary's signature followed by the title "notary" or "notaire".

A notary must obtain the authorization of the secretary of the Order to use the notary's official signature affixed by means of a technological process.

"22. A notary must use his or her official signature when signing notarial acts.

A notary may also affix his or her official signature on any document that he or she is to sign in the practice of his or her profession.

"23. Before being entered on the roll for the first time or resuming the right to practise, a person must file with the Order a specimen of his or her official written signature and written initials executed before a notary who has verified the person's identity.

A notary cannot change his or her official written signature or written initials without first having filed a specimen of his or her new official written signature or new written initials with the Order.

The board of directors fixes the procedure according to which a notary's official written signature and written initials must be filed.

"24. The secretary of the Order is the person authorized to certify the official signature of a notary and his or her membership in the Order."

106. Section 98 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) prescribing the conditions and procedure for authorizing the use of an official signature affixed by means of a technological process and those for revoking such authorization, and determining the technological process that must be used to affix it and the minimal conditions a certification service provider must meet;";

(2) by inserting the following paragraph after the first paragraph:

"Regulations under subparagraph 1 of the first paragraph shall be submitted to the Government, which may approve them with or without amendment, on the recommendation of the ministers responsible for the Act respecting registry offices (chapter B-9) made after consultation with the Office des professions.";

(3) by replacing "1" in the second paragraph by "2".

PHARMACY ACT

107. Section 5 of the Pharmacy Act (chapter P-10) is repealed.

AMENDING PROVISION CONCERNING ANOTHER ACT ACT RESPECTING REGISTRY OFFICES

108. Section 5.1 of the Act respecting registry offices (chapter B-9) is amended

(1) by replacing “the secretaries of the Ordre des notaires du Québec and the Ordre des arpenteurs-géomètres du Québec shall assign to all notaries and” by “the secretary of the Ordre des arpenteurs-géomètres du Québec shall assign to all”;

(2) by adding the following paragraph at the end:

“For the purposes of the laws respecting the publication of rights, the secretary of the Ordre des notaires du Québec shall authorize, in accordance with the Notaries Act (chapter N-3), all notaries who apply therefor to use their official signature affixed by means of a technological process allowing them to transmit, in an electronic medium, applications for registration and other documents bearing their signature for presentation to the Land Registrar.”

MISCELLANEOUS AND FINAL PROVISIONS

109. Until such time as the Government designates the members of the Pôle de coordination pour l'accès à la formation under section 16.25 of the Professional Code (chapter C-26), enacted by section 21, the Pôle shall be constituted of the respective representatives of

- (1) the Minister of Education, Recreation and Sports;
- (2) the Minister of Employment and Social Solidarity;
- (3) the Minister responsible for Higher Education;
- (4) the Minister of Immigration, Diversity and Inclusiveness;
- (5) the Minister of International Relations and La Francophonie;
- (6) the Minister of Health and Social Services;
- (7) the Bureau de coopération interuniversitaire;
- (8) the Québec Interprofessional Council; and
- (9) the Fédération des cégeps.

110. The board of directors of an order must, not later than (*insert the date that is four years after the date of assent to this Act*), be established in accordance with the provisions of this Act.

111. Proceedings instituted before (*insert the date of assent to this Act*) may serve as grounds for a request referred to in section 122.0.1 of the Professional Code, enacted by section 61.

112. This Act comes into force on (*insert the date of assent to this Act*).

