



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 29

**An Act to amend the Professional
Code and other provisions in
particular in the oral health and the
applied sciences sectors**

Introduction

**Introduced by
Madam Sonia LeBel
Minister of Justice**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

This bill amends various provisions of the Professional Code in order to modernize it, in particular as concerns reserved titles and descriptions of the scopes of practice of certain reserved-title professions. It also includes professional orders constituted by letters patent in the Professional Code.

The bill specifies the minimum information required to be provided on an order's website, and confers on the Office des professions du Québec the power to determine by regulation certain standards applicable to such a website. It provides that a general meeting of the members of a professional order may be held by a technological means. In addition, it extends the time limit for filing a factum with the Professions Tribunal.

The bill amends the Architects Act and the Engineers Act to introduce descriptions of the respective scopes of practice of architects and engineers and redefine the professional activities reserved to them.

The bill revises the duty imposed on the Ordre des architectes du Québec to determine, by regulation, the activities reserved to architects that may be engaged in by certain other persons, specifying that the regulation must determine the activities that may be engaged in by professional technologists whose competency is in architectural technology. It imposes on the Ordre des ingénieurs du Québec a duty to determine, by regulation, the activities reserved to engineers that may be engaged in by professional technologists whose competency is in engineering technology.

The bill amends the Civil Code to broaden the application of the provisions governing the responsibilities of persons who direct or supervise work, in particular architects and engineers, to cover professional technologists.

The bill also amends the Professional Code, the Dental Act and the Denturologists Act to redefine, in the oral health sector, the scopes of professional practice for the professions of dentist, denturologist, dental hygienist, and dental prosthesis and appliance technologist, which title replaces that of "dental technician".

Under the bill, aesthetic activities in the oral health sector that entail risks of injury are now reserved to dentists.

Lastly, the bill contains consequential and harmonization provisions as well as technical provisions.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Architects Act (chapter A-21);
- Professional Code (chapter C-26);
- Chartered Professional Accountants Act (chapter C-48.1);
- Dental Act (chapter D-3);
- Denturologists Act (chapter D-4);
- Engineers Act (chapter I-9).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the categories of permits issued by the Ordre professionnel de la physiothérapie du Québec (chapter C-26, r. 196.1);
- Code of ethics of the members of the Ordre des techniciens et techniciennes dentaires du Québec (chapter C-26, r. 226);
- Règlement sur les stages de perfectionnement des techniciens dentaires (chapter C-26, r. 234, French only);
- Regulation respecting certain professional activities that may be engaged in by respiratory therapists (chapter M-9, r. 6).

REGULATION REPEALED BY THIS BILL:

- Regulation respecting certain acts that may be performed by dental hygienists (chapter D-3, r. 3).

Bill 29

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER PROVISIONS IN PARTICULAR IN THE ORAL HEALTH AND THE APPLIED SCIENCES SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 12.3 of the Professional Code (chapter C-26) is amended by adding the following paragraph at the end:

“(3) determine, by regulation and after consultation with the Interprofessional Council, the standards relating to the site map, minimum content and updating of an order’s website.”

2. Section 24 of the Code is replaced by the following section:

“**24.** The professional orders mentioned in the first paragraph of Schedule I are constituted by a special Act.

Those mentioned in the second paragraph of that Schedule are constituted in accordance with this Code.”

3. Section 31 of the Code is amended by replacing “in paragraphs 1 to 21.5” by “in the first paragraph”.

4. Section 35 of the Code is amended by replacing “in paragraphs 22 to 38” by “in the second paragraph”.

5. Section 36 of the Code is amended

(1) by inserting the following subparagraphs before subparagraph *c* of the first paragraph:

“(a) use the title “Vocational Guidance Counsellor”, “Guidance Counsellor”, “Vocational Counsellor” or any title or abbreviation which may lead to the belief that he is such a counsellor, or use initials which may lead to the belief that he is such a counsellor, or use the initials “V.G.C.”, “G.C.” or “V.C.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des conseillers et conseillères d’orientation du Québec;

“(b) use the title “Criminologist” or any title or abbreviation which may lead to the belief that he is a criminologist, or use initials which may lead to the belief that he is a criminologist, or use the abbreviation “Criminol.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des criminologues du Québec;”;

(2) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) use the title “Psychoeducator” or any title or abbreviation which may lead to the belief that he is a psychoeducator, or use initials which may lead to the belief that he is a psychoeducator, or use the abbreviation “Ps. Ed.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec;”;

(3) by replacing subparagraph *l* of the first paragraph by the following subparagraph:

“(l) use the title “Dental Prosthesis and Appliance Technologist” or any title or abbreviation which may lead to the belief that he is a dental prosthesis and appliance technologist, or initials which may lead to the belief that he is a dental prosthesis and appliance technologist, or the initials “D.P.T.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des technologues en prothèses et appareils dentaires du Québec;”;

(4) by replacing subparagraph *n* of the first paragraph by the following subparagraph:

“(n) use the title “Physiotherapist” or “Physiotherapy Technologist”, the abbreviation “pht” or “Phys. T.” or any title, abbreviation or initials which may lead to the belief that he is a physiotherapist or a physiotherapy technologist, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel de la physiothérapie du Québec;”;

(5) by adding the following subparagraph at the end of the first paragraph:

“(u) use the title “Sexologist” or any title, abbreviation or initials which may lead to the belief that he is a sexologist, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des sexologues du Québec.”

6. Section 37 of the Code is amended

(1) by inserting the following paragraphs before paragraph *c*:

“(a) the Ordre professionnel des conseillers et conseillères d’orientation du Québec: assess psychological functioning, personal resources and conditions in the milieu, respond to needs with regard to identity, and develop and maintain

proactive adjustment strategies with a view to helping a person make personal and vocational choices throughout life, regain socio-vocational autonomy and carry out career projects in interaction with his environment;

“(b) the Ordre des criminologues du Québec: assess a person’s criminogenic factors and offending behaviour as well as the effects of crime on the victim, determine an intervention plan and ensure that it is implemented, support and restore the social skills of the offender and the victim with a view to fostering their social integration in interaction with their environment;”;

(2) by replacing paragraph *g* by the following paragraph:

“(g) the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec: assess a person’s adjustment problems and capacity to adjust, determine an intervention plan and ensure that it is implemented, restore and develop the person’s capacity to adjust, and contribute to the development of conditions in the milieu with a view to fostering the person’s optimal adjustment in interaction with his environment;”;

(3) by replacing paragraphs *k* and *l* by the following paragraphs:

“(k) the Ordre professionnel des hygiénistes dentaires du Québec: assess a person’s oral health, teach the principles of oral hygiene, determine a dental hygiene care plan and ensure that it is carried out, and provide care and treatment in order to prevent oral disease and maintain and restore the person’s oral health;

“(l) the Ordre professionnel des technologues en prothèses et appareils dentaires du Québec: produce dental appliances or dental prostheses and advise the dentist, denturologist or physician on their technical aspects in order to replace a person’s missing teeth or to correct an oral abnormality;”;

(4) by replacing paragraph *s* by the following paragraph:

“(s) the Ordre professionnel des inhalothérapeutes du Québec: assess a person’s cardiopulmonary condition, participate in the administration of anesthesia and sedation analgesia, and treat problems affecting the cardiopulmonary system in order to restore and maintain the person’s cardiopulmonary health;”;

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

“(u) the Ordre professionnel des sexologues du Québec: assess a person’s sexual behaviour and development, determine, recommend and carry on interventions and treatment in order to foster a better sexual balance in the person in interaction with the person’s environment.”

7. Section 37.1 of the Code is amended

(1) by replacing paragraphs 1.3 to 1.3.2 by the following paragraphs:

“(1.3) the Ordre professionnel des conseillers et conseillères d’orientation du Québec:

(a) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional;

(b) assess mental disorders, provided a continuing education certificate has been issued to the member by the Order pursuant to a regulation under subparagraph *o* of the first paragraph of section 94;

(c) assess mental retardation; and

(d) assess a handicapped student or a student with a social maladjustment with a view to formulating an individualized education plan in accordance with the Education Act;

“(1.4) the Ordre professionnel des hygiénistes dentaires du Québec:

(a) assess a person’s oral condition in order to determine a dental hygiene care plan;

(b) topically apply an anaesthetic, anticariogenic or desensitizing agent;

(c) seal pits and grooves;

(d) polish teeth;

(e) place a temporary filling without preparing a cavity;

(f) carry out supra and subgingival scaling;

(g) design, fabricate and sell mouth guards;

(h) perform diagnostic tests according to a prescription;

(i) perform periodontal debridement, including teeth scaling, root debridement, the disinfection of periodontal pockets and the application of antimicrobial agents, according to a prescription;

(j) take precision impressions according to a prescription;

(k) insert and sculpt filling material according to a prescription;

(l) fabricate and cement temporary restorations on natural teeth and remove them according to a prescription;

- (m) place and remove periodontal dressings according to a prescription;
 - (n) remove sutures according to a prescription;
 - (o) place and remove orthodontic brackets, bands, wires and ligatures according to a prescription;
 - (p) place, cement and remove banded appliances according to a prescription; and
 - (q) apply teeth whitening techniques according to a prescription;
- “(1.5) the Ordre professionnel des technologues en prothèses et appareils dentaires du Québec: design, fabricate and repair dental appliances and dental prostheses according to a prescription;”;
- (2) by adding the following subparagraph at the end of paragraph 7:
- “(h) assess the cardiopulmonary condition of a symptomatic person;”;
- (3) by adding the following paragraphs at the end:
- “(8) the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec:
- (a) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional;
 - (b) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act;
 - (c) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act;
 - (d) determine the intervention plan for a person who suffers from a mental disorder or exhibits suicidal tendencies and who resides in a facility run by an institution operating a rehabilitation centre for young persons with adjustment problems;
 - (e) assess a handicapped student or a student with a social maladjustment with a view to formulating an individualized education plan in accordance with the Education Act;
 - (f) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the appropriate adjustment and rehabilitation services to meet the child’s needs;
 - (g) make decisions as to the use of restraint measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons; and

(h) make decisions as to the use of isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons;

“(9) the Ordre professionnel des criminologues du Québec:

(a) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional;

(b) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act;

(c) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act;

(d) make decisions as to the use of restraint measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons;

(e) make decisions as to the use of isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons; and

(f) determine the intervention plan for a person who suffers from a mental disorder or exhibits suicidal tendencies and who resides in a facility run by an institution operating a rehabilitation centre for young persons with adjustment problems;

“(10) the Ordre professionnel des sexologues du Québec:

(a) assess sexual disorders, provided a continuing education certificate has been issued to the member by the Order pursuant to a regulation under subparagraph *o* of the first paragraph of section 94;

(b) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional; and

(c) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act.”

8. Section 39.2 of the Code is amended by replacing “paragraphs 3, 5, 15, 21, 24 to 26, 28, 34 to 38 and 40 of Schedule I” by “subparagraphs 14, 17, 22 and 25 of the first paragraph of Schedule I and subparagraphs 2, 5, 6, 9 to 12, 14, 16 and 20 of the second paragraph of that Schedule”.

9. Section 39.3 of the Code is amended by inserting “, the second paragraph of section 6 of the Denturologists Act (chapter D-4)” after “Code” in the first paragraph.

10. The Code is amended by inserting the following section after section 39.10:

“**39.11.** The sale of mouth guards does not constitute an activity reserved to members of a professional order where their fabrication does not require an impression to be taken.”

11. Sections 43 and 57 of the Code are repealed.

12. The Code is amended by inserting the following section after section 62.0.1:

“**62.0.1.1.** An order’s website shall include information about the order’s organization, admission to the profession, the roll of the order, the mechanisms in place to protect the public, and the laws and regulations governing the order and its members.

Standards relating to the site map, minimum content and updating of an order’s website may be determined by regulation of the Office.”

13. Section 102 of the Code is amended by adding the following paragraphs at the end:

“A general assembly shall be held in person, using a technological means or simultaneously in both manners.

The board of directors shall set the date and time of the meeting and, if necessary, the place.”

14. Section 103 of the Code is amended by striking out the second paragraph.

15. Section 167 of the Code is amended by replacing both occurrences of “30” in the first paragraph by “60”.

16. Section 187.1 of the Code is amended by replacing “et des psychoéducateurs et psychoéducatrices du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des infirmières et infirmiers du Québec” in the first paragraph by “du Québec, the Ordre professionnel des criminologues du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des infirmières et infirmiers du Québec, the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, the Ordre professionnel des sexologues du Québec”.

17. The heading of Chapter VI.2 of the Code is amended by inserting “AND DENTAL APPLIANCE” after “PROSTHESIS”.

18. Section 187.6 of the Code is amended

(1) by inserting “and dental appliances” after “dental prostheses”;

- (2) by inserting “and dental appliance” after “dental prosthesis”;
- (3) by replacing “manufacture” by “fabricate”.

19. Section 187.7 of the Code is amended

- (1) by inserting “and dental appliance” after “prosthesis” in paragraph 1;
- (2) by inserting “and dental appliances” after “prostheses” in paragraph 2;
- (3) by replacing “manufacture” in paragraph 2 by “fabricate”.

20. Section 187.8 of the Code is amended

- (1) by replacing “the Ordre professionnel des techniciens et techniciennes dentaires” in the first paragraph by “the Ordre professionnel des technologues en prothèses et appareils dentaires”;
- (2) by striking out the second paragraph.

21. Section 187.10 of the Code is replaced by the following section:

“187.10. This chapter does not apply

(1) to a member of the Ordre professionnel des dentistes du Québec who fabricates or repairs a dental prosthesis or a dental appliance for a natural person having direct recourse to the member’s services in the practice of the member’s profession;

(2) to a member of the Ordre professionnel des denturologistes du Québec who fabricates or repairs a dental prosthesis or a dental appliance or fabricates a mouth guard for a natural person having direct recourse to the member’s services in the practice of the member’s profession; or

(3) to a member of the Ordre professionnel des hygiénistes dentaires du Québec who fabricates a mouth guard for a natural person having direct recourse to the member’s services in the practice of the member’s profession.”

22. Schedule I to the Code is replaced by the following schedule:

“SCHEDULE I
(Sections 1, 24, 31, 35 and 39.2)

The following professional orders are constituted by a special Act:

- (1) the Ordre professionnel des acupuncteurs du Québec;
- (2) the Ordre professionnel des agronomes du Québec;

- (3) the Ordre professionnel des architectes du Québec;
- (4) the Ordre professionnel des arpenteurs-géomètres du Québec;
- (5) the Ordre professionnel des audioprothésistes du Québec;
- (6) the Ordre professionnel des avocats du Québec;
- (7) the Ordre professionnel des chimistes du Québec;
- (8) the Ordre professionnel des chiropraticiens du Québec;
- (9) the Ordre professionnel des comptables professionnels agréés du Québec;
- (10) the Ordre professionnel des dentistes du Québec;
- (11) the Ordre professionnel des denturologistes du Québec;
- (12) the Ordre professionnel des géologues du Québec;
- (13) the Ordre professionnel des huissiers de justice du Québec;
- (14) the Ordre professionnel des infirmières et infirmiers du Québec;
- (15) the Ordre professionnel des ingénieurs du Québec;
- (16) the Ordre professionnel des ingénieurs forestiers du Québec;
- (17) the Ordre professionnel des médecins du Québec;
- (18) the Ordre professionnel des médecins vétérinaires du Québec;
- (19) the Ordre professionnel des notaires du Québec;
- (20) the Ordre professionnel des opticiens d'ordonnances du Québec;
- (21) the Ordre professionnel des optométristes du Québec;
- (22) the Ordre professionnel des pharmaciens du Québec;
- (23) the Ordre professionnel des podiatres du Québec;
- (24) the Ordre professionnel des sages-femmes du Québec; and
- (25) the Ordre professionnel des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec.

The following professional orders are constituted in accordance with this Code:

- (1) the Ordre professionnel des administrateurs agréés du Québec;
- (2) the Ordre professionnel des conseillers et conseillères d'orientation du Québec;
- (3) the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec;
- (4) the Ordre professionnel des criminologues du Québec;
- (5) the Ordre professionnel des diététistes du Québec;
- (6) the Ordre professionnel des ergothérapeutes du Québec;
- (7) the Ordre professionnel des évaluateurs agréés du Québec;
- (8) the Ordre professionnel des hygiénistes dentaires du Québec;
- (9) the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec;
- (10) the Ordre professionnel des inhalothérapeutes du Québec;
- (11) the Ordre professionnel des orthophonistes et audiologistes du Québec;
- (12) the Ordre professionnel de la physiothérapie du Québec;
- (13) the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec;
- (14) the Ordre professionnel des psychologues du Québec;
- (15) the Ordre professionnel des sexologues du Québec;
- (16) the Ordre professionnel des technologistes médicaux du Québec;
- (17) the Ordre professionnel des technologues professionnels du Québec;
- (18) the Ordre professionnel des technologues en prothèses et appareils dentaires du Québec;
- (19) the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec;
- (20) the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec; and

(21) the Ordre professionnel des urbanistes du Québec.”

ARCHITECTS ACT

23. Section 1 of the Architects Act (chapter A-21) is amended by replacing paragraph *c* by the following paragraph:

“(c) “architect” or “member of the Order”: any person who holds a permit issued by the Order and is entered on the roll;”.

24. Section 5.1 of the Act is replaced by the following section:

“5.1. The board of directors shall make a regulation pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26) to determine, from among the professional activities reserved to architects, those that may be engaged in by professional technologists whose competency is in architectural technology.”

25. The heading of Division V of the Act is replaced by the following heading:

“PRACTICE OF ARCHITECTURE”.

26. Sections 15 to 16.1 of the Act are replaced by the following sections:

“14. No one who is not an architect may

(1) engage in a professional activity referred to in the first paragraph of section 16;

(2) assume the title of architect;

(3) use any title, designation or abbreviation which may lead to the belief that the person is authorized to practise the profession of architect, or advertise himself as such; or

(4) act as an architect or in such a way as to lead to the belief that the person is authorized to act as such.

Nothing in this section prevents

(1) a person who is a landscape architect from bearing that title; or

(2) a person from engaging in a professional activity referred to in the first paragraph of section 16 in accordance with a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

“15. The practice of architecture consists in engaging in analysis, design or advisory activities applied to the construction, enlargement or alteration of a building with regard to its siting, envelope and interior layout as well as to the materials and methods used, in order to ensure that the building is durable, functional and harmonious.

The practice of architecture also consists in coordinating the work of persons who, as part of architectural work, participate in the construction, enlargement or alteration of a building.

Respect for the environment and for life, the protection of property, heritage preservation and economic efficiency are part of the practice of architecture to the extent that they are related to the architect’s professional activities.

“16. The following professional activities in the practice of architecture are reserved to architects:

(1) preparing, modifying, signing and sealing plans, estimates, specifications, completion certificates, expert reports or supervision reports relating to the construction, enlargement or alteration of a building;

(2) supervising work relating to the construction, enlargement or alteration of a building, particularly for the purpose of producing a certificate of conformity required under an Act; and

(3) as part of a professional activity referred to in subparagraph 1 or 2, giving opinions and signing and sealing written opinions.

For the purposes of this Act, the configuration of the interior layout of a building or of part of a building is considered to be the construction, enlargement or alteration of a building, as applicable, if it results in a change in the building’s use or affects the building’s structural integrity, walls or firewalls, envelope or exits or access to the building’s exits.

“16.1. Section 16 does not apply to the construction, enlargement or alteration of the following buildings:

(1) a detached single-family dwelling unit having, after the work is completed, no more than one basement storey, a building height not exceeding two storeys and a building area of less than

(a) 600 m² if the building height is one storey; or

(b) 300 m² if the building height is two storeys;

(2) a semi-detached or attached single-family dwelling unit, a multi-family dwelling that contains no more than four units, a mercantile occupancy, a business occupancy, an industrial occupancy or a combination of such dwellings

or occupancies having, after the work is completed, no more than one basement storey, a building height not exceeding two storeys and a building area of less than

- (a) 300 m² if the building height is one storey; or
- (b) 150 m² if the building height is two storeys; or
- (3) a silo, manure storage structure or feed storage platform.

Nor does that section apply to

(1) the construction of an agricultural occupancy having, after the work is completed, no more than one storey and a building area of less than 750 m², or to the enlargement or alteration of such an occupancy having, after the work is completed, no more than one storey and a building area of less than 1,050 m²; or

(2) the construction, enlargement or alteration of an agricultural occupancy not intended for breeding and having, after the work is completed, two storeys and a building area of less than 150 m².

“16.1.1. An architect must sign all plans and specifications referred to in subparagraph 1 of the first paragraph of section 16 that he has prepared. In the case of final plans and specifications, the architect must also seal them.”

27. Section 16.2 of the Act is amended

- (1) by inserting the following definitions in alphabetical order:

““agricultural occupancy” means the occupancy or use, or the intended occupancy or use, of a building or of part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

““building area” means the largest horizontal surface of the building above average ground level, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of firewalls;”;

- (2) by striking out the definition of “gross area”;

(3) by replacing “who are involuntarily detained” in the definition of “dwelling unit” by “for the involuntary detention of persons”.

28. Sections 17 and 18 of the Act are replaced by the following sections:

“16.3. The Government may, by regulation, exclude a building from the application of section 16, in the cases and on the conditions it determines.

Before making such a regulation, the Government shall consult the Office des professions du Québec and the Order.

“17. No one may, for the construction, enlargement or alteration of a building to which section 16 applies, use or allow the use of plans or specifications that are not signed by an architect, or final plans or specifications that are not signed and sealed by an architect.

Nothing in the first paragraph prevents the use of plans or specifications signed and, as applicable, sealed in accordance with the provisions of a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

“17.1. Anyone who contravenes section 14 or 17 is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).

Penal proceedings for such an offence are prescribed three years after the date on which the prosecutor becomes aware of its commission.

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

A certificate from the secretary of the 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.

“18. Any inspector designated by the board of directors may

(1) enter, at any reasonable hour, a place where the construction, enlargement or alteration of a building to which section 16 applies is planned or in progress or has ended, in order to verify compliance with this Act;

(2) take photographs of the place and of the property located there;

(3) require any information or document enabling the investigator to verify compliance with this Act; and

(4) require any person who is on the premises to provide reasonable assistance.

An inspector must, on request, provide identification and produce a certificate of authority signed by the secretary of the Order.

“19. Any inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act.

“19.1. An inspector designated by the board of directors cannot be prosecuted for acts performed in good faith in the exercise of the inspector's functions.

“19.2. Anyone who in any way hinders or attempts to hinder an inspector in the exercise of the inspector’s functions, in particular by concealment or misrepresentation, by refusing to provide information or a document, by concealing or destroying a document the inspector is entitled to require or by refusing to give the inspector reasonable assistance is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).”

29. Section 20 of the Act is amended by replacing “15” by “14”.

30. Division V.1 of the Act, comprising section 22.1, is repealed.

CHARTERED PROFESSIONAL ACCOUNTANTS ACT

31. Section 4 of the Chartered Professional Accountants Act (chapter C-48.1) is amended by replacing “de vérification” in subparagraphs 1 and 2 of the third paragraph in the French text by “d’audit”.

DENTAL ACT

32. Section 2 of the Dental Act (chapter D-3) is amended by replacing “l’art dentaire” in the French text by “la médecine dentaire”.

33. Section 19 of the Act is amended by replacing “acts contemplated in sections 26 and 27 those which, under certain prescribed conditions, may be performed” in subparagraph *a* of the first paragraph by “activities contemplated in section 26 those which, under certain prescribed conditions, may be engaged in”.

34. The heading of Division V of the Act is amended by replacing “L’ART DENTAIRE” in the French text by “LA MÉDECINE DENTAIRE”.

35. Section 26 of the Act is replaced by the following section:

“26. The practice of dentistry consists in assessing and diagnosing any deficiency affecting the health of the teeth, mouth and jaws and of adjacent tissue and in preventing and treating diseases of the same in order to maintain or restore oral health in human beings.

The following activities in the practice of dentistry are reserved to dentists:

- (1) diagnosing oral health deficiencies and oral diseases;
- (2) prescribing diagnostic examinations;
- (3) using diagnostic techniques that are invasive or entail risks of injury;
- (4) determining an oral treatment plan;

- (5) prescribing medications or other substances;
- (6) prescribing procedures or treatments;
- (7) using techniques or applying treatments that are invasive or entail risks of injury, including aesthetic procedures;
- (8) prescribing the fabrication or repair of a dental prosthesis or a dental appliance; and
- (9) selling dental prostheses or dental appliances.”

36. Sections 27 and 28 of the Act are repealed.

37. Section 31 of the Act is amended by replacing “perform professional acts other than those specifically authorized” in the second paragraph by “engage in professional activities other than those specifically authorized”.

38. Section 35 of the Act is amended

(1) by replacing “any dental prosthesis” in the first paragraph by “dental prostheses or dental appliances”;

(2) by replacing “manufacture” in the first paragraph by “fabricate”;

(3) by replacing “dental technician” in the second paragraph by “dental prosthesis and appliance technologist”.

39. The heading of Division VI of the Act is amended by replacing “L’ART DENTAIRE” in the French text by “LA MÉDECINE DENTAIRE”.

40. Section 38 of the Act is amended

(1) by replacing “perform one of the acts described in sections 26 and 27” in the first paragraph by “engage in any of the activities referred to in section 26”;

(2) by replacing “acts performed” in the introductory clause of the second paragraph by “activities engaged in”;

(3) by replacing “performs” in subparagraph *b* of the second paragraph by “engages in”;

(4) by replacing “perform” in subparagraph *c* of the second paragraph by “engage in”.

DENTUROLOGISTS ACT

41. Section 6 of the Denturologists Act (chapter D-4) is replaced by the following section:

“6. The practice of denturology consists in assessing a person’s prosthetic needs and designing, fabricating, installing, adjusting and repairing dental prostheses and appliances in order to replace a person’s missing teeth.

The following activities in the practice of denturology are reserved to denturologists:

(1) determining the appropriate type of removable dental prostheses and appliances other than implant-borne prostheses;

(2) performing the non-invasive procedures required to design, install and adjust dental prostheses and appliances, other than implant-borne prostheses and bridges and crowns on natural teeth;

(3) contributing to the determination of an implantology treatment plan;

(4) performing the non-invasive procedures required to design, install and adjust implant-borne dental prostheses and appliances, other than sealed dental prostheses and appliances, according to a prescription and provided a continuing education certificate has been issued to them by the Order pursuant to a regulation adopted under subparagraph *o* of the first paragraph of section 94 of the Professional Code (chapter C-26);

(5) removing and replacing a healing cap and placing an abutment on an implant head, according to a prescription and provided a continuing education certificate has been issued to them by the Order pursuant to a regulation adopted under subparagraph *o* of the first paragraph of section 94 of the Professional Code;

(6) prescribing the fabrication and repair of dental prostheses and appliances other than sealed dental prostheses and appliances;

(7) selling dental prostheses and appliances other than sealed dental prostheses and appliances; and

(8) designing, fabricating and selling mouth guards.”

42. Sections 7 and 8 of the Act are repealed.

43. Section 13 of the Act is amended

(1) by replacing “perform any of the acts described” in the first paragraph by “engage in any of the activities described”;

(2) by replacing “acts performed” in the second paragraph by “activities engaged in”.

44. Section 15 of the Act is amended by inserting “or mouth guards” after “dental prostheses”.

45. Section 16 of the Act is amended

(1) by inserting “or mouth guards” after “prostheses” in the first paragraph;

(2) by inserting “or mouth guards” after “prostheses” in the second paragraph;

(3) by replacing “manufacture” in the second paragraph by “fabrication”.

ENGINEERS ACT

46. Section 1 of the Engineers Act (chapter I-9) is amended

(1) by replacing paragraph *c* by the following paragraph:

“(c) “member”: any person who holds a permit issued by the Order and is entered on the roll;”;

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

“(f) “structure”: an assembly of components arranged to support a load.”

47. The heading of Division II of the Act is replaced by the following heading:

“PRACTICE OF ENGINEERING”.

48. Sections 2 to 5 of the Act are replaced by the following sections:

“1.1. The practice of engineering consists, regardless of life cycle phase of works, in engaging in scientific analysis, design, execution, alteration, operation or advisory activities applied to structures and materials as well as to processes and systems that extract, use, exchange, transform, transport or store energy, information or matter in order to produce a reliable, safe and durable environment.

The practice of engineering also consists in coordinating the work of persons who participate in the execution of engineering works.

Respect for the environment and for life, the protection of property, heritage preservation and economic efficiency are part of the practice of engineering to the extent that they are related to the engineer’s professional activities.

“2. The following professional activities in the practice of engineering are reserved to engineers when they relate to works referred to in section 3:

(1) determining the concepts, parameters, equations or models that, on the basis of models derived from engineering principles, make it possible to anticipate the behaviour of structures, materials, processes or systems;

(2) performing tests or calculations that require using models derived from engineering principles;

(3) supervising work, particularly for the purpose of producing a certificate of compliance required under an Act;

(4) inspecting works; and

(5) preparing, modifying, signing and sealing plans, estimates, reports, calculations, studies, drawings, operations or maintenance manuals, decommissioning plans or specifications.

The following professional activities are also reserved to engineers:

(1) certifying the validity of results generated by computer systems or design assistance software whose fundamental algorithms require the use of concepts or models derived from engineering principles, during the design of such systems or software;

(2) certifying the compliance of plans, estimates, specifications and operation or maintenance manuals with any mandatory standard based on concepts or models derived from engineering principles where that standard applies

(a) to a mobile structure that requires using studies on the properties of the materials composing or supporting the structure; or

(b) to a mobile system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form; and

(3) as part of the practice of a professional activity referred to in the first paragraph or in subparagraph 1 of this paragraph, giving opinions and signing and sealing written opinions.

“3. The activities reserved to engineers under the first paragraph of section 2 relate to the following works:

(1) structural components and mechanical, thermal or electrical systems of buildings, except

(a) a building, other than an industrial occupancy, regarding which complete acceptable solutions provided for in Part 9 of the National Building Code, as incorporated into Chapter I of the Construction Code (chapter B-1.1, r. 2), are applied; and

(b) an agricultural occupancy, other than a silo or a manure pit, in which no agri-food process is used and that, after the work is completed,

i. has only one storey and does not exceed 600 m² of building area and 5 metres in height; or

ii. has only two storeys, does not exceed 150 m² of building area and is not intended for breeding;

(2) a temporary or permanent fixed structure that requires studies on the properties of the materials composing or supporting it, in particular a structure used

(a) for the transportation of persons, material or information, such as a bridge, road, crane, pipeline or tower or the structural components of a sewer; or

(b) for the control or use of waters, such as a dam or retention basin or the structural components of waterworks;

(3) a fixed system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form, such as industrial equipment or a pumping system used to treat water, excluding a system whose malfunction does not present a risk for the safety of persons and a system intended for use by a single dwelling unit; and

(4) an autonomous electronic or computer system for the operation of works referred to in this paragraph, including software.

Such professional activities also relate to the dependencies of a road.

For the purposes of the first paragraph, industrial-scale transformation or extraction processes, excluding a process to extract a forest resource, are considered to be works.

For the purposes of subparagraphs 2 and 3 of the first paragraph, a structure or system is fixed when, in the course of the operations of the works, the structure's or system's centre of mass is confined to a restricted space area.

A system for the discharge, collection or treatment of waste water from an isolated dwelling referred to in a regulation made under the Environment Quality Act (chapter Q-2), as well as a private waterworks system and a private system for the treatment, disposal or reclamation of residual materials intended for use by a single dwelling unit having not more than six bedrooms, are excluded from the first paragraph.

“3.1. For the purposes of section 3,

“agricultural occupancy” means the occupancy or use, or the intended occupancy or use, of a building or of part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

“building area” means the largest horizontal surface of the building above average ground level, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of firewalls;

“dwelling unit” means a building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require medical care or for the involuntary detention of persons; and

“industrial occupancy” means the occupancy or use of a building or of part of a building for assembling, fabricating, manufacturing, processing, repairing or storing products, goods or materials.

“3.2. The Government may, by regulation,

(1) exclude works from the application of section 3, in the cases and on the conditions it determines; and

(2) determine any other works to which the professional activities referred to in the first paragraph of section 2 relate, in the cases and on the conditions it determines.

The Government shall, before making such a regulation, consult the Office des professions du Québec and the Order.

“3.3. An engineer must sign and seal all plans and specifications that he has prepared in relation to works referred to in section 3.

“4. For works referred to in subparagraph 1 of the first paragraph of section 3, an engineer may not take measurements, design layouts or prepare or modify plans, estimates, reports, calculations, studies, designs or specifications without the collaboration of an architect, unless the activity is related to an existing building and does not alter its form.

“5. Nothing in this Act shall

(1) infringe on the rights granted by law to architects, provided that they have the collaboration of an engineer for works referred to in subparagraph 1 of the first paragraph of section 3, or prevent them from collaborating with an engineer who retains their services for works referred to in that section;

(2) infringe on the rights granted by law to another professional;

(3) infringe on the rights granted by law to members of the Corporation of Master Pipe-Mechanics of Québec or the Corporation of Master Electricians of Québec;

(4) prevent an owner, contractor, superintendent, foreman or inspector from acting in that capacity, as applicable;

(5) prevent a person from engaging in an activity reserved to engineers, provided that the person does so in accordance with a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26);

(6) prevent bacteriologists or physicists from engaging in their activities;

(7) prevent a person from engaging in an activity relating to ore prospecting;

(8) restrict the normal practice of the art or trade of artisans or skilled tradespersons;

(9) prevent a municipality from supervising work it carries out itself insofar as the work is for minor repairs that do not alter the original design of the works; or

(10) prevent a person from engaging in his activities in an educational institution, in particular activities related to teaching and research.”

49. The Act is amended by inserting the following section after section 9:

“**10.** The board of directors shall make a regulation pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26) to determine, from among the professional activities reserved to engineers, those that may be engaged in by professional technologists whose competency is in an engineering technology.”

50. Section 18 of the Act is replaced by the following section:

“**18.** The board of directors may, on the conditions it determines, issue a temporary permit, valid for a renewable period of not more than one year, for specific work in connection with a specific project, to a person who is

(1) the holder of a diploma in engineering, a bachelor’s degree in applied sciences or an equivalent diploma issued by an educational institution recognized by the board of directors; or

(2) a member of an association of engineers recognized by the board of directors.”

51. Sections 19 and 20 of the Act are repealed.

52. Section 22 of the Act is replaced by the following section:

“22. No one who is not an engineer may

(1) engage in a professional activity referred to in section 2;

(2) assume the title of engineer alone or qualified;

(3) use any title, designation or abbreviation which may lead to the belief that the person is authorized to practise the profession of engineer, or advertise himself as such; or

(4) act as an engineer or in such a way as to lead to the belief that the person is authorized to act as such.”

53. The Act is amended by striking out the following before section 24:

“DIVISION VI

“MISCELLANEOUS PROVISIONS”.

54. Sections 24 and 25 of the Act are replaced by the following:

“24. No one may, for the carrying out of works referred to in section 3, use or allow the use of plans or specifications not signed and sealed by an engineer.

Despite the first paragraph, plans or specifications prepared outside Québec may be used for the carrying out of works provided they are related to a component integrated into other works and were specified and included in a document prepared by an engineer.

Nothing in the first paragraph prevents the use of plans or specifications signed and sealed in accordance with the provisions of a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

“24.1. Anyone who contravenes section 22 or 24 is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).

Penal proceedings for such an offence are prescribed three years after the date on which the prosecutor becomes aware of its commission.

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

A certificate from the secretary of the Order attesting to 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.

“25. Any inspector designated by the board of directors may

(1) enter, at any reasonable hour, a place where works referred to in section 3 are located, including works in the process of being carried out, and a place where the carrying out of such works is planned, in order to verify compliance with this Act;

(2) take photographs of the place and of the property located there;

(3) require any information or document enabling the investigator to verify compliance with this Act; and

(4) require any person who is on the premises to provide reasonable assistance.

An inspector must, on request, provide identification and produce a certificate of authority signed by the secretary of the Order.

“25.1. Any inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act.

“25.2. An inspector designated by the board of directors cannot be prosecuted for acts performed in good faith in the course of the inspector’s duties.

“25.3. Anyone who in any way hinders or attempts to hinder an inspector in the course of the inspector’s duties, in particular by concealment or misrepresentation, by refusing to provide information or a document, by concealing or destroying a document the inspector is entitled to require or by refusing to give the inspector reasonable assistance is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).

“DIVISION VI

“MISCELLANEOUS PROVISIONS”.

CIVIL CODE OF QUÉBEC

55. Article 2118 of the Civil Code of Québec is amended by replacing “and the engineer” by “, the engineer and the professional technologist”.

56. Article 2119 of the Code is amended

(1) by replacing “or the engineer” in the first paragraph by “, engineer or professional technologist”;

(2) by replacing both occurrences of “or engineer” in the second paragraph by “, engineer or professional technologist”.

57 Article 2120 of the Code is amended by replacing “and the engineer” by “, the engineer and the professional technologist”.

58. Article 2121 of the Code is amended by replacing “or an engineer” by “, engineer or professional technologist”.

REGULATION RESPECTING THE CATEGORIES OF PERMITS ISSUED BY THE ORDRE PROFESSIONNEL DE LA PHYSIOTHÉRAPIE DU QUÉBEC

59. Section 3 of the Regulation respecting the categories of permits issued by the Ordre professionnel de la physiothérapie du Québec (chapter C-26, r. 196.1) is amended

(1) by replacing “physical rehabilitation therapist” in the first paragraph by “physiotherapy technologist”;

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

“The holder of such a permit may only use the title “Physiotherapy Technologist” and the abbreviation “Phys. T.”.

CODE OF ETHICS OF THE MEMBERS OF THE ORDRE DES TECHNICIENS ET TECHNICIENNES DENTAIRES DU QUÉBEC

60. Section 1.01 of the Code of ethics of the members of the Ordre des techniciens et techniciennes dentaires du Québec (chapter C-26, r. 226) is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) “Order” means the Ordre professionnel des technologues en prothèses et appareils dentaires du Québec;”;

(2) by striking out paragraph *b*;

(3) by replacing “making” in paragraph *c* by “fabrication”.

61. Section 2.01 of the Code is amended by replacing “making” by “fabrication”.

62. Section 4.02.01 of the Code is amended

(1) by replacing “manufacturing” and “manufactured” in paragraph *c* by “fabricating” and “fabricated”, respectively;

(2) by replacing “manufacture” in paragraph *d* by “fabrication”.

63. Section 5.01.07 of the Code is replaced by the following section:

“**5.01.07.** A technologist must indicate his name and title in any advertising.”

RÈGLEMENT SUR LES STAGES DE PERFECTIONNEMENT DES TECHNICIENS DENTAIRES

64. Section 1.01 of the Règlement sur les stages de perfectionnement des techniciens dentaires (chapter C-26, r. 234, French only) is amended

(1) by striking out paragraphs *a* and *b*;

(2) by replacing paragraph *d* by the following paragraph:

“*d* « stagiaire » : un technologue en prothèses et appareils dentaires tenu de compléter un stage;”;

(3) by replacing “technicien dentaire” in paragraph *e* by “technologue en prothèses et appareils dentaires”.

65. The Regulation is amended by replacing all occurrences of “technicien dentaire stagiaire” by “stagiaire”.

REGULATION RESPECTING CERTAIN ACTS THAT MAY BE PERFORMED BY DENTAL HYGIENISTS

66. The Regulation respecting certain acts that may be performed by dental hygienists (chapter D-3, r. 3) is repealed.

REGULATION RESPECTING CERTAIN PROFESSIONAL ACTIVITIES THAT MAY BE ENGAGED IN BY RESPIRATORY THERAPISTS

67. Section 1.1 of the Regulation respecting certain professional activities that may be engaged in by respiratory therapists (chapter M-9, r. 6) is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

68. Unless the context indicates otherwise, in any Act other than the Professional Code (chapter C-26) and the Dental Act (chapter D-3) and in any regulation and any other document,

(1) “Ordre professionnel des techniciens et techniciennes dentaires du Québec”, “Ordre professionnels des techniciennes et techniciens dentaires du Québec”, “Ordre des techniciens et techniciennes dentaires du Québec” and “Ordre des techniciennes et techniciens dentaires du Québec” are replaced by “Ordre professionnel des technologues en prothèses et appareils dentaires du Québec”; and

(2) “dental technician”, “dental technicians” and any similar expression are replaced by “dental prosthesis and appliance technologist”, with the necessary modifications.

However, if “dental technician” occurs more than once in a regulation, only the first occurrence is replaced by “dental prosthesis and appliance technologist”, the other occurrences being replaced by “technologist”.

69. Unless the context indicates otherwise, in any Act other than the Dental Act and in any regulation and any other document, “art dentaire” in the French text is replaced by “médecine dentaire”, with the necessary modifications.

70. Unless the context indicates otherwise, in any Act other than the Professional Code and in any regulation and any other document, “physical rehabilitation therapist” and “physical rehabilitation therapists” are replaced by “physiotherapy technologist” and “physiotherapy technologists”, respectively, with the necessary modifications.

71. A member of the Ordre professionnel des techniciens dentaires du Québec who holds a dental technician permit becomes the holder of a dental prosthesis and appliance technologist permit.

Such a person may, until (*insert the date that is five years after the date of assent to this Act*), use the title “dental prosthesis and appliance technologist, dental technician” or the initials that refer to that title, in particular the initials “D.P.T., D.T.”.

Until that date, anyone who uses the title “Dental Technician” or the initials “D.T.” is guilty of an offence and is liable to the penalty prescribed by section 188 of the Professional Code, unless they do so in a manner compliant with the second paragraph.

72. A member of the Ordre professionnel de la physiothérapie du Québec who holds a physical rehabilitation therapist permit becomes the holder of a physiotherapy technologist permit.

Such a person may, until (*insert the date that is five years after the date of assent to this Act*), use the title “physiotherapy technologist, physical rehabilitation therapist” or the abbreviations or initials that refer to that title, in particular “Phys. T., P.R.T.”.

Until that date, anyone who uses the title “physical rehabilitation therapist” or the initials “P.R.T.” is guilty of an offence and is liable to the penalty prescribed by section 188 of the Professional Code, unless they do so in a manner compliant with the second paragraph.

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