



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 87

An Act to amend the Professional Code and other legislative provisions

Introduction

**Introduced by
Madam Linda Goupil
Minister responsible for the administration
of legislation respecting the professions**

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EXPLANATORY NOTES

This bill amends the Professional Code and other legislative provisions to facilitate the administration of the legislation governing the professions in Québec.

The bill modifies various rules concerning certain professional titles, the issuance of licences, remedies under the Professional Code and other legislation respecting the professions, the procedure applicable to professionals under certain regulations, inquiries relating to the indemnity fund, the procedure before the committee on discipline and the Professions Tribunal, professional inspections and the composition of the review committee.

The bill grants supplemental powers to the Bureau of a professional order as regards continuous education, refresher courses and refresher training, and expressly prohibits a person from holding the position of president and the position of secretary of a professional order simultaneously.

The bill amends the rules applicable to the exercise of certain activities. It authorizes the sale of ready-to-wear reading glasses under certain conditions, clarifies the right of podiatrists to make, transform, alter or sell podiatric orthoses and defines the conditions governing the operation of a dental prosthesis laboratory.

Lastly, the bill contains provisions to ensure the harmonization, coherence and concordance of certain provisions of the Professional Code and the Acts governing the professions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting acupuncture (R.S.Q., chapter A-5.1);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Hearing-aid Acousticians Act (R.S.Q., chapter A-33);
- Chiropractic Act (R.S.Q., chapter C-16);
- Professional Code (R.S.Q., chapter C-26);
- Dental Act (R.S.Q., chapter D-3);

- Denturologists Act (R.S.Q., chapter D-4);
- Nurses Act (R.S.Q., chapter I-8);
- Engineers Act (R.S.Q., chapter I-9);
- Veterinary Surgeons Act (R.S.Q., chapter M-8);
- Medical Act (R.S.Q., chapter M-9);
- Notarial Act (R.S.Q., chapter N-2);
- Dispensing Opticians Act (R.S.Q., chapter O-6);
- Optometry Act (R.S.Q., chapter O-7);
- Pharmacy Act (R.S.Q., chapter P-10);
- Podiatry Act (R.S.Q., chapter P-12);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Midwives Act (1999, chapter 24).

Bill 87

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 32 of the Professional Code (R.S.Q., chapter C-26), amended by section 17 of chapter 24 of the statutes of 1999, is again amended

(1) by replacing “technician” in the fourth line of the English text by “technologist”;

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

“The prohibition relating to the use of any titles, abbreviations or initials mentioned in the first paragraph or in an Act constituting a professional order extends to the use of such titles, abbreviations and initials in a feminine form.”

2. Section 36 of the said Code is amended

(1) by inserting “Certified” before “Management” in the first line of paragraph *i* and by inserting “certified” before “management” in the third and in the fourth lines of the said paragraph ;

(2) by inserting “, terminologues” after “traducteurs” in the last line of paragraph *t* ;

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

“The prohibition relating to the use of any titles, abbreviations or initials mentioned in the first paragraph extends to the use of such titles, abbreviations and initials in a feminine form.”

3. Section 37 of the said Code is amended by inserting “, terminologues” after “traducteurs” in the first line of paragraph *t*.

4. Section 44 of the said Code is repealed.

5. Section 45 of the said Code is amended by adding the following paragraph at the end :

“A decision by the Bureau to refuse to issue a permit or enter an applicant on the roll shall be served on the applicant in accordance with the Code of

Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.”

6. Section 45.1 of the said Code is amended by adding the following paragraph at the end:

“A decision of the Bureau to restrict or suspend the right to engage in professional activities shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.”

7. Section 55 of the said Code is amended

(1) by replacing “serve a period of refresher training or take a refresher course, or require him to do both” in the fourth and fifth lines of the first paragraph by “successfully complete a period of refresher training or a refresher course, or both such training and course”;

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

“Where the Bureau of an order requires a member of the order to successfully complete a period of refresher training or a refresher course, or both, the Bureau may, on the recommendation of the professional inspection committee or the committee on discipline or in the cases determined by a regulation under paragraph *j* of section 94, restrict or suspend the member’s right to engage in professional activities until that requirement is met.”

8. The said Code is amended by inserting the following section after section 58:

“58.1. No professional may use the title of “Doctor” or an abbreviation of that title unless the title or abbreviation is placed

(1) immediately before the professional’s name, where the professional holds a doctoral diploma recognized as a valid diploma for the issue of the permit or specialist’s certificate held by the professional pursuant to a government regulation under the first paragraph of section 184 or a doctoral diploma recognized as equivalent by the Bureau of the order that issued the permit or certificate, and unless the professional’s name is followed by a title reserved for the members of the order; or

(2) after the professional’s name, and the title or abbreviation is followed by the name of the discipline in which the doctoral diploma is held.

This section does not apply to the members of the Ordre professionnel des dentistes du Québec, the Collège des médecins du Québec or the Ordre professionnel des médecins vétérinaires du Québec.”

9. Section 59 of the said Code is amended by replacing “or 58” in the first line by “, 58 or 58.1”.

10. Section 63 of the said Code is amended by replacing “by the regulations of the order” in the second line of the second paragraph by “in a regulation under paragraph *b* of section 93”.

11. Section 66.1 of the said Code is amended by adding the following sentence at the end of the first paragraph: “However, the Bureau may, in a regulation under paragraph *b* of section 93, fix a longer period of up to 60 days.”

12. Section 67 of the said Code, amended by section 58 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting the following sentence after “poll.” in the third line of the first paragraph “However, the Bureau may, in a regulation under paragraph *b* of section 93, fix a longer period of up to 45 days.”;

(2) by replacing “the number of members prescribed by regulation of the order” in the fourth and fifth lines of the first paragraph by “such number of members as may be determined by the Bureau in the regulation”.

13. Section 69 of the said Code is amended by replacing “prescribed by regulation of the Bureau, where applicable” in paragraph *d* by “that may be prescribed by the Bureau in a regulation under paragraph *b* of section 93”.

14. Section 71 of the said Code is amended by adding the following sentence at the end of the first paragraph: “However, the Bureau may, in a regulation under paragraph *b* of section 93, fix a longer period of up to 60 days.”

15. Section 74 of the said Code is amended by replacing “by regulation” in the fourth line of the first paragraph by “in a regulation under paragraph *b* of section 93”.

16. Section 80 of the said Code is amended by adding the following paragraph at the end:

“The president may not act as the secretary of the order, or exercise the functions assigned to the secretary by this Code or the Act constituting the professional order of which he is a member.”

17. Section 86 of the said Code, amended by section 58 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting the following subparagraph after subparagraph *g* of the first paragraph:

“(g.1) recognize, in accordance with the standards prescribed under paragraph *i* of section 94, equivalence of terms and conditions for the issue of permits, specialist’s certificates and special authorizations determined in a regulation under the said paragraph;”;

(2) by adding the following subparagraph after subparagraph *t* of the first paragraph :

“(u) impose on any member who fails to take part in the training activities determined pursuant to a regulation made under paragraph *o* of section 94 the penalties prescribed in the regulation.”

18. Section 89 of the said Code is amended by adding the following paragraphs at the end :

“A person, a committee or a member of a committee designated by the Bureau for the purposes of this section may conduct an inquiry and report to the Bureau on any claim filed with an indemnity fund.

The person or the committee members mentioned in the fifth paragraph shall take the oath set out in Schedule II.

Section 114 applies to any inquiry conducted pursuant to the fifth paragraph.”

19. Section 90 of the said Code is amended by adding the following sentence at the end: “The Bureau may, in the regulation, provide for the appointment by the Bureau of a person responsible for professional inspection, delegate to that person the powers exercised by the committee or one of its members under sections 55, 112 and 113, and delegate to the professional inspection committee the powers exercised by the Bureau under those sections.”

20. Section 94 of the said Code is amended

(1) by replacing “serve a period of refresher training or take a refresher course, or required to do both” in the first and second lines of paragraph *j* by “successfully complete a period of refresher training or a refresher course, or both such training and course”;

(2) by adding the following paragraphs after paragraph *m* :

“(n) determine what is acceptable in lieu of a document required for the purposes of section 42 or paragraph *i* of section 94 of this Code, and the conditions applicable;

“(o) determine a framework for the continuing education activities in which the members or a class of members of the order are required to take part, in accordance with the terms and conditions fixed by resolution of the Bureau; the regulation must contain the reasons for justifying the continuing education activities, the methods for monitoring, supervising or evaluating the

activities, the penalties resulting from a failure to take part in the activities and, where applicable, the cases in which a member may be exempted from taking part in continuing education activities.”

21. Section 95.2 of the said Code is amended by replacing “paragraph *j*” in the second line of the first paragraph by “paragraph *j, n* or *o*”.

22. Section 95.3 of the said Code is amended by replacing “paragraph *j*” in the second line by “paragraph *j* or *o*”.

23. Section 111 of the said Code, amended by section 58 of chapter 40 of the statutes of 1999, is again amended by adding the following sentence at the end: “The same requirement applies to a person appointed as the person responsible for professional inspections pursuant to section 90.”

24. Section 113 of the said Code is replaced by the following section :

“113. The professional inspection committee may, for the reason it indicates, recommend to the Bureau of an order that it require a member of the order to successfully complete a period of refresher training or a refresher course, or require the member to do both and that it restrict or suspend the member’s right to engage in professional activities until that requirement is met.”

25. Section 114 of the said Code is amended by inserting “the person responsible for professional inspection appointed pursuant to section 90,” after “committee,” in the first line.

26. Section 123.3 of the said Code is amended by replacing the third and fourth paragraphs by the following paragraphs :

“The committee shall be composed of three persons appointed by the Bureau of the order, or of a greater number of persons fixed by resolution of the Bureau.

At least one of the persons appointed by the Bureau shall be chosen from among the directors appointed by the Office under section 78 or from among the persons whose names appear on a list that may be compiled by the Office for that purpose. A person appointed in accordance with this paragraph shall be entitled, to the extent and on the conditions determined by the Government, to an attendance allowance and the reimbursement of reasonable expenses incurred by the person in the exercise of the function of committee member. The allowance and the reimbursement shall be payable by the Office.”

27. Section 123.6 of the said Code is amended by inserting “or assistant syndic” after “syndic” in the first line of the first paragraph, the second line of the second paragraph and the first and fifth lines of the third paragraph.

28. Section 123.7 of the said Code is amended by inserting “or assistant syndic” after “syndic” in the second line.

29. Section 151 of the said Code is amended by replacing the third paragraph by the following paragraphs :

“The costs are those related to the processing of the complaint. They include, in particular, service costs, registration fees, the cost of expert opinion admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r.2). If the respondent is found guilty, the costs also include the travel and lodging expenses of the committee members referred to in section 138.

The secretary of the committee on discipline shall draw up a list of costs. If there is no appeal, the secretary shall have the list served in accordance with the Code of Civil Procedure. The list may be revised by the chairman of the committee on discipline on a motion filed within thirty days of the date of service. At least five days’ notice in writing of the filing must be given to the parties. A motion for revision does not prevent or suspend the execution of the decision. The decision of the chairman of the committee on discipline concerning the revision of the list is final.”

30. The said Code is amended by inserting the following section after section 162 :

“162.1. The chairman of the tribunal shall receive the same additional remuneration as the additional remuneration to which the associate chief judge of the Court of Québec is entitled, and shall be entitled to the same allowance for official expenses.”

31. Section 163 of the said Code is replaced by the following section :

“163. The hearing of the appeal on the merits shall be conducted before three judges of the tribunal. For all other matters, the tribunal shall consist of the chairman or the judge designated by the chairman. However, the judge hearing a motion may refer it to a panel of three judges, except in the case of a motion made under the second paragraph of section 171 or pursuant to the second paragraph of section 172.

Where the tribunal consists of a panel of three judges and one of their number ceases to act, whatever the cause, the hearing may be continued and a decision may be made by the two remaining judges.”

32. Section 172 of the said Code is replaced by the following section :

“172. The tribunal shall sit in the judicial district of Québec or Montréal, depending on whether the respondent in first instance has his professional domicile in a district that is under the appellate jurisdiction of Québec or Montréal pursuant to article 30 of the Code of Civil Procedure.

However, upon a motion of a party served on the other parties, the tribunal may decide that the appeal will be heard in the judicial district in which the respondent in first instance has his professional domicile or, where the complainant in first instance is a person having lodged a complaint under the second paragraph of section 128, in the judicial district of the domicile of the complainant. The motion may be filed in any district referred to in this section. The hearing of the motion shall take place in the district in which the motion is filed.”

33. Section 175 of the said Code is amended by inserting the following sentence after “them.” in the second line of the second paragraph: “The costs are costs arising from the hearing and include the cost of preparing and forwarding the record of the appeal, the service costs, registration fees and, where applicable, the cost of expert opinion admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r.2) and, where applicable, the costs referred to in section 151.”

34. The said Code is amended by inserting the following section after section 177:

“177.0.1. The clerk shall draw up a list of costs including, where applicable, the costs appearing on the list drawn up by the secretary in accordance with the fourth paragraph of section 151 and shall serve it upon the party who owes the costs. The list may be revised by the tribunal on a motion filed within thirty days of the date of service. At least five days’ notice in writing of the filing must be given to the parties. A motion for revision does not prevent or suspend the execution of the decision.”

35. Section 177.1 of the said Code is amended by adding the following paragraph at the end:

“The motion for revision must be filed within fifteen days counting, according to circumstances, from the day on which the party became aware of the decision, the new fact or the substantive or procedural defect likely to invalidate the decision. The time limit of fifteen days is peremptory; however, the tribunal may, on a motion, and provided that no more than six months have elapsed since the decision, relieve a party of the consequences of a failure to comply with the time limit if the party shows that it was, in fact, impossible to act sooner.”

36. Section 182 of the said Code is replaced by the following section:

“182. The Office shall see to it that certain decisions under this division are made public, subject to any order banning the publication or release of information or documents issued by the committee on discipline or the Professions Tribunal under section 142 or 173.

A decision made public must, however, indicate the name of the order concerned.”

37. Section 182.1 of the said Code, amended by section 1 of chapter 18 of the statutes of 1998, is again amended

(1) by inserting “45, 45.1 or” after “section” in the first line of subparagraph 1 of the first paragraph;

(2) by replacing “or the second paragraph of section 187.4” in the second line of subparagraph 1 of the first paragraph by “, the second paragraph of section 187, the second paragraph of section 187.4 or the second or third paragraph of section 187.9”;

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

“(3) a decision of the Bureau under section 16 of the Engineers Act (chapter I-9);

“(4) a decision of the Bureau under the second paragraph of subsection 2 of section 27 of the Veterinary Surgeons Act (chapter M-8);

“(5) a decision of the Administrative Committee under subsection 3 of section 121, subsection 1 of section 122 or section 162 of the Notarial Act (chapter N-2).”;

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

“Sections 163, 165, 168, 169, 170, 171, 173, 174 and 176 and the third and fourth paragraphs of section 177.1 apply to appeals from decisions referred to in the first paragraph. However, the reference in section 172 to section 163 shall be read as a reference to section 182.5.”;

(5) by striking out the third, fourth and fifth paragraphs.

38. Section 182.2 of the said Code, amended by section 2 of chapter 18 of the statutes of 1998, is again amended

(1) by inserting “45, 45.1 or” after “section” in the first line of the fourth paragraph;

(2) by inserting “, subsection 3 of section 121, subsection 1 of section 122 or section 162 of the Notarial Act (chapter N-2)” after “Québec” in the fifth line of the fifth paragraph;

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

“The record relating to an appeal from a decision made under the second paragraph of section 187, the second paragraph of section 187.4 or the second or third paragraph of section 187.9 or under section 16 of the Engineers Act (chapter I-9) or the second paragraph of subsection 2 of section 27 of the Veterinary Surgeons Act (chapter M-8) shall include, in particular, the record and decision of the Bureau and the motion for appeal.”

39. Section 182.3 of the said Code is amended by inserting “the first paragraph of section 51 or” after “to” in the second line of the second paragraph.

40. Section 182.5 of the said Code is replaced by the following section :

“182.5. The tribunal shall sit in the judicial district of Québec or Montréal, depending on whether the judicial district in which the professional has his professional domicile or the judicial district in which an appellant who is not a member of an order has his domicile is under the appellate jurisdiction of Québec or Montréal pursuant to article 30 of the Code of Civil Procedure.

However, upon a motion of a party served on the other parties, the tribunal may decide that the appeal will be heard in the judicial district in which the professional has his professional domicile or in the judicial district in which the appellant who is not a member of an order has his domicile. The motion may be filed in any district referred to in this section. The hearing of the motion shall take place in the district in which the motion is filed.”

41. Section 182.6 of the said Code is amended by adding the following at the end of the second paragraph : “Where such an order is made, the clerk of the Court of Québec of the judicial district in which the tribunal sat shall draw up a list of costs and serve it, in accordance with the Code of Civil Procedure, on the party required to pay them. The costs are costs arising from the hearing and include the cost of preparing and forwarding the record of the appeal, the service costs, registration fees and, where applicable, the cost of new expert opinions admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r.2).”

42. The said Code is amended by inserting the following section after section 182.7 :

“182.7.1. The list of costs may be revised by the tribunal on a motion filed within thirty days of the date of service. At least five days’ notice in writing of the filing must be served on the parties. A motion for revision does not prevent or suspend the execution of the decision.”

43. Section 182.10 of the said Code is repealed.

44. Section 187 of the said Code is amended by adding the following sentence at the end of the second paragraph: “A decision under this paragraph may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.”

45. The said Code is amended by inserting the following chapter after section 187.5:

“CHAPTER VI.2

“DENTAL PROSTHESIS LABORATORY MANAGEMENT PERMIT

“187.6. No person may operate a laboratory equipped to manufacture or repair dental prostheses unless such activities are under the direction of a person holding a dental prosthesis laboratory management permit.

“187.7. The Office shall make regulations fixing standards concerning

(1) the issue and holding of dental prosthesis laboratory management permits;

(2) the operation of laboratories equipped to manufacture or repair dental prostheses.

“187.8. A member of the Ordre professionnel des denturologistes du Québec or of the Ordre professionnel des techniciens et techniciennes dentaires du Québec who wishes to obtain a permit referred to in section 187.6 must apply in writing to the secretary of the professional order of which the person is a member.

Any other person who, on *(insert here the date of introduction of Bill 87 of 1999)*, directs the activities of a laboratory equipped to manufacture or repair dental prostheses may obtain a permit referred to in section 187.6 if the person applies in writing to the secretary of the Ordre professionnel des techniciens et techniciennes dentaires du Québec on or before *(insert here the date occurring 90 days after the date of coming into force of this section)*.

“187.9. The Bureau of a professional order referred to in the first paragraph of section 187.8 shall issue a permit to every person who meets the standards fixed by the Office and pays the fees prescribed in a resolution of the Bureau.

A decision to refuse to issue a permit to a person who applies therefor under the second paragraph of section 187.8 may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

In accordance with the standards fixed by the Office, a permit may be suspended or cancelled at any time by the Bureau of the professional order that issued the permit. A decision under this paragraph may be appealed from

to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

“187.10. This chapter does not apply to a member of the Ordre professionnel des dentistes du Québec or the Ordre professionnel des denturologistes du Québec who manufactures or repairs a dental prosthesis for a natural person who has direct recourse to the member’s services in the practice of his profession.”

46. Section 190.1 of the said Code is amended by replacing “or an inspector or investigator of the professional inspection committee” in the third and fourth lines by “, an inspector, an investigator of the professional inspection committee or the employee of the order responsible for investigations into the matters referred to in section 189”.

47. Section 192 of the said Code is amended

(1) by adding “, or the person responsible for professional inspections appointed under section 90” at the end of subparagraph 1 of the first paragraph ;

(2) by adding the following subparagraph after subparagraph 7 of the first paragraph :

“(8) a person, committee or member of a committee designated by the Bureau for the purposes of section 89.”

48. Section 193 of the said Code is amended

(1) by adding “, or the person responsible for professional inspections appointed under section 90” at the end of paragraph 1 ;

(2) by adding the following paragraph after paragraph 9 :

“(10) a person, committee or member of a committee designated by the Bureau for the purposes of section 89.”

49. Section 196.7 of the said Code is amended by replacing “following the date of the request for remittance” in the fifth line by “of the fiscal year during which they are collected”.

50. Schedule I to the said Code, amended by section 18 of chapter 24 of the statutes of 1999, is again amended by inserting “, terminologues” after “traducteurs” in the first line of paragraph 41.

ACT RESPECTING ACUPUNCTURE

51. Section 28 of the Act respecting acupuncture (R.S.Q., chapter A-5.1) is amended by inserting “to any person enrolled in the program leading to that diploma” after “techniques” in the second line of paragraph 1.

52. Section 33 of the said Act is amended by replacing the part preceding paragraph 1 by the following :

“33. Every person who, after 30 June 1995, obtains the diploma recognized as valid under paragraph 1 of section 28 or in respect of whom the Bureau recognizes a diploma or training equivalence as regards that diploma may obtain a permit if the person meets either of the following conditions :”.

LAND SURVEYORS ACT

53. Section 13 of the Land Surveyors Act (R.S.Q., chapter A-23), amended by section 208 of chapter 40 of the statutes of 1994, is again amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the second paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

54. Section 38 of the said Act is amended by striking out subparagraph *a* of the first paragraph.

HEARING-AID ACOUSTICIANS ACT

55. Section 12 of the Hearing-aid Acousticians Act (R.S.Q., chapter A-33) is amended by striking out the second sentence of the second paragraph.

CHIROPRACTIC ACT

56. Section 12 of the Chiropractic Act (R.S.Q., chapter C-16) is amended by striking out the second sentence of the second paragraph.

DENTAL ACT

57. Section 19 of the Dental Act (R.S.Q., chapter D-3) is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the third paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

DENTUROLOGISTS ACT

58. Section 12 of the Denturologists Act (R.S.Q., chapter D-4) is amended by striking out the second sentence of the second paragraph.

NURSES ACT

59. Section 12 of the Nurses Act (R.S.Q., chapter I-8) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph :

“(b) determine the conditions and formalities applicable to the issue of a registration certificate to a student in nursing, and the causes for and the conditions and formalities applicable to the revocation of such a certificate.”

60. Section 23 of the said Act is replaced by the following section :

“23. A section shall be designated under the name of “Ordre régional des infirmières et infirmiers de (*insert here the appropriate region name or number*).”

61. Section 34 of the said Act is amended by replacing paragraph *b* by the following paragraph :

“(b) has fulfilled the conditions and formalities determined by regulation under subparagraph *b* of the first paragraph of section 12.”

62. Section 38 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec and whose equivalence has been recognized pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized pursuant to the said subparagraph, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period pursuant to a regulation made under paragraph *c* of section 93 of the Professional Code.”

ENGINEERS ACT

63. Section 16 of the Engineers Act (R.S.Q., chapter I-9) is amended by adding the following paragraph at the end :

“A decision by the Bureau to refuse admission on the ground provided for in the first paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).”

64. Section 20 of the said Act is amended by striking out “Notwithstanding section 44 of the Professional Code (chapter C-26),” in the first line.

65. Section 21 of the said Act is repealed.

VETERINARY SURGEONS ACT

66. Section 6.1 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the second paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

67. Section 27 of the said Act is amended by adding the following paragraph after the second paragraph of subsection 2:

“A decision by the Bureau to object to re-entry on the roll shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).”

MEDICAL ACT

68. Section 15 of the Medical Act (R.S.Q., chapter M-9) is amended, in the French text, by replacing “immatriculation” in the fourth line of paragraph *c* by “inscription”.

69. Section 19 of the said Act, amended by section 19 of chapter 24 of the statutes of 1999, is again amended

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

“(c) determine the conditions and formalities applicable to the issue of a registration certificate to a medical student or a person serving a professional training period or pursuing specialized studies, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;”;

(2) by replacing “Section 95.2 of the Professional Code applies” in the first line of the third paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

70. Section 29 of the said Act is amended

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

“(c) has fulfilled the conditions and formalities determined by regulation under subparagraph *c* of the first paragraph of section 19.”;

(2) by replacing “formalities determined by the Bureau” in the second line of the second paragraph by “conditions and formalities determined by regulation under subparagraph *c* of the first paragraph of section 19”.

71. Section 33 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Subparagraph *a* of the first paragraph does not apply to an applicant

(1) holding a diploma awarded by an educational institution situated outside Québec and whose equivalence has been recognized pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period, pursuant to a regulation made under paragraph *c* of section 93 of the Professional Code ;

(2) having obtained recognition of an equivalence from the Bureau under subparagraph *g.1* of the first paragraph of section 86 of the Professional Code, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period pursuant to a regulation made under paragraph *i* of section 94 of the Professional Code.”

72. Section 37 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Subparagraph *a* of the first paragraph does not apply to an applicant

(1) holding a diploma awarded by an educational institution situated outside Québec and whose equivalence has been recognized pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period pursuant to a regulation made under paragraph *c* of section 93 of the Professional Code ;

(2) having obtained recognition of an equivalence from the Bureau under subparagraph *g.1* of the first paragraph of section 86 of the Professional Code, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period pursuant to a regulation made under paragraph *i* of section 94 of the Professional Code.”

73. Section 43 of the said Act, amended by section 20 of chapter 24 of the statutes of 1999, is again amended by striking out “or under section 22” in the second line of subparagraph *f* of the second paragraph.

NOTARIAL ACT

74. Section 121 of the Notarial Act (R.S.Q., chapter N-2) is amended by adding the following subsection after subsection 2 :

“(3) In a case to which subsection 1 applies and upon an application to the secretary of the Order, the Administrative Committee may, on being satisfied that the protection of the public will not be compromised, declare the notary qualified to practise and, where applicable, restrict the notary’s right to practise. The notary shall recover the full right to practise after obtaining a discharge under the Bankruptcy and Insolvency Act.

A decision by the Administrative Committee to refuse to declare a notary qualified to practise or to restrict the notary’s right to practise shall be served

on the notary in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code.”

75. Section 122 of the said Act is amended by adding the following paragraph at the end of subsection 1 :

“A decision by the Administrative Committee to refuse a notary consent to resume the practice of his profession shall be served on the notary in accordance with the Code of Civil Procedure (chapter C-25) ; the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).”

76. Section 162 of the said Act is amended by adding the following paragraph at the end :

“A decision by the Administrative Committee to refuse a notary consent to resume the practice of his profession shall be served on the notary in accordance with the Code of Civil Procedure (chapter C-25) ; the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).”

DISPENSING OPTICIANS ACT

77. Section 14 of the Dispensing Opticians Act (R.S.Q., chapter O-6) is amended by striking out the second sentence of the second paragraph.

78. Section 15 of the said Act, amended by section 199 of chapter 40 of the statutes of 1999, is again amended

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

“Nothing in the first paragraph shall prevent a person from selling ready-to-wear reading glasses with identical spherical strength in both lenses of between + 0.50 and + 3.25 dioptries.” ;

(2) by replacing “This section” in the first line of the last paragraph by “The first paragraph”.

OPTOMETRY ACT

79. Section 10 of the Optometry Act (R.S.Q., chapter O-7) is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the third paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

80. Section 24 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence : “However, notwithstanding section 58.1 of the Professional Code, every optometrist who is a member of

the Ordre des optométristes du Québec on *(insert here the date of coming into force of this section)* may add the title of doctor in optometry to his name.”

81. Section 25 of the said Act, amended by section 200 of chapter 40 of the statutes of 1999, is again amended by inserting the following paragraph after the third paragraph :

“Nothing in this section shall prevent a person from selling ready-to-wear reading glasses with identical spherical strength in both lenses of between + 0.50 and + 3.25 dioptries.”

PHARMACY ACT

82. Section 8 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by inserting “shall” before “provide” in the first line of paragraph *b* and by replacing, in the French text, “immatriculation” in the second line of that paragraph by “inscription”.

83. Section 10 of the said Act, amended by section 3 of chapter 75 of the statutes of 1990, is again amended

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

“(b) determine the other conditions and formalities applicable to the issue of a registration certificate to a student in pharmacy, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate ;” ;

(2) by replacing “Section 95.2 of the Professional Code applies” in the first line of the third paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

84. Section 12 of the said Act is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the second paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

85. Section 15 of the said Act is amended by replacing paragraph *c* by the following paragraph :

“(c) has fulfilled the conditions and formalities determined by regulation under subparagraph *b* of the first paragraph of section 10.”

86. Section 19 of the said Act is amended by replacing the third paragraph by the following paragraph :

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec and whose equivalence has been recognized pursuant to subparagraph

g of the first paragraph of section 86 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized pursuant to the said subparagraph, except where, in order to obtain recognition of the equivalence, the applicant was required to successfully complete a course or training period pursuant to a regulation made under paragraph c of section 93 of the Professional Code.”

87. Section 26 of the said Act is amended by striking out the second paragraph.

PODIATRY ACT

88. Section 6 of the Podiatry Act (R.S.Q., chapter P-12) is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the third paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

89. Section 15 of the said Act is amended by striking out the second sentence of the second paragraph.

PUBLIC HEALTH PROTECTION ACT

90. Section 31 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 46 of chapter 42 of the statutes of 1999, is again amended by adding the following paragraph at the end:

“A podiatrist who manufactures, converts, modifies or sells a podiatric orthosis in a consulting room as part of a treatment administered to a client who has direct recourse to the podiatrist’s services in the practice of the podiatrist’s profession is not deemed to operate a laboratory.”

MIDWIVES ACT

91. Section 5 of the Midwives Act (1999, chapter 24) is amended by replacing “Section 95.2 of the Professional Code applies” in the first line of the second paragraph by “Sections 95.2 and 95.3 of the Professional Code apply”.

FINAL PROVISION

92. The provisions of this Act come into force on the date or dates to be fixed by the Government.