



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-THIRD LEGISLATURE

Bill 15

**An Act to amend the Professional Code
and other provisions mainly
to streamline the regulatory processes
of the professional system and broaden
certain professional practices in the field
of health and social services**

Introduction

**Introduced by
Mr. Jean Boulet
Minister of Labour**

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EXPLANATORY NOTES

The first purpose of this bill is to streamline the regulatory processes of the professional system.

To that end, the bill allows the professional orders to adopt certain regulations without the approval of the Office des professions du Québec or of the Government, to the extent that they take into account the guidelines established by the Office. It provides that, from now on, the Office, and no longer the Government, will be entrusted with responsibility for approving certain regulations of the professional orders, including the codes of ethics and the regulations concerning authorization for non-members to engage in professional activities. It allows the professional orders to give themselves, in the latter regulations, the power to establish, by resolution, conditions according to which the activities may be engaged in. The bill transfers to the Office the power to determine, in a regulation subject to government approval, the diplomas that give access to a permit or a specialist's certificate. It also provides that the Office must adopt a regulation applicable to all professional orders as regards accounts conciliation and arbitration and gives the Office the power to adopt, in any matter that may be the subject of a regulation of a professional order, a regulation that is binding on one or more professional orders or their members, after consultation with the orders concerned.

The bill provides that the Office alone is responsible for determining the standards of ethics and professional conduct applicable to members of the boards of directors of the professional orders, and adds to its functions those of making inquiries concerning conduct that may contravene those standards and of imposing the appropriate penalties. It also adds certain information to that which the rolls of the professional orders must contain and entrusts the latter with the power to determine by resolution any other information their rolls are to contain.

A further purpose of this bill is to broaden professional practices in the field of health and social services.

To that end, the bill amends the Nurses Act to allow nurses to initiate examinations and tests in the situations determined by regulation, and no longer only as part of activities under the Public Health Act. It also allows nurses to prescribe, in the cases and on the conditions determined by regulation, examinations and tests,

medications and other substances as well as products and dressings. The bill broadens the cases in which midwives may prescribe and administer contraceptives, and screen for sexually transmitted and blood-borne infections, and allows them to treat such infections in any asymptomatic person having received a positive test result from screening. In addition, it eliminates certain restrictions relating to the medications optometrists may prescribe and administer as well as to the care they may provide, updates the field of practice of dietician-nutritionists and allows the latter to engage in professional activities reserved to them without a medical prescription being required.

The bill puts an end to the activities of the Conseil consultatif interdisciplinaire sur l'exercice de la psychothérapie. It authorizes marriage and family therapists to practise psychotherapy without holding a specific permit for that purpose, just as psychologists and physicians are allowed to do. It confers on the Office the power to authorize the persons it indicates to engage in certain activities, during their training, from among the activities that a holder of a psychotherapist's permit may engage in. It also confers on the Office the power to make regulations governing the issue of a psychotherapist's permit to holders of legal authorizations issued elsewhere in Canada and amends the Professional Code to allow persons having obtained the permit in accordance with those regulations to practise psychotherapy in Québec.

Other amendments are made to the Professional Code and to certain Acts relating to professions. In particular, the bill changes the minimum number of signatures of members of an order that is required to call a special general meeting. It removes from the Nurses Act the rule whereby only delegates from the sections are entitled to vote in general meetings and removes from the definition of what constitutes the practice of the profession of agrologist the condition that an act must be performed for remuneration. It also makes amendments to the rules respecting the governance of certain orders.

The bill provides for certain adaptations to the standards relating to relations between pharmacists, medication manufacturers, medication wholesalers, and pharmacy banners and chains. To that end, it amends the Pharmacy Act to grant the Government the power to determine the cases in which and conditions on which a pharmacist may prescribe or substitute for a prescribed medication a medication manufactured by an undertaking in which the pharmacist has an interest, and it enacts a regulation providing for such cases and conditions. It also enacts, for the purposes of the Act respecting prescription drug insurance, a regulation authorizing a manufacturer

of medications to grant certain benefits to an intermediary, including a pharmacy banner or chain, and it amends the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications to, in particular, allow the same benefits to be paid by a manufacturer to a wholesaler.

Lastly, the bill contains consequential provisions as well as various transitional and final measures.

LEGISLATION AMENDED BY THIS BILL:

- Agrologists Act (chapter A-12);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Land Surveyors Act (chapter A-23);
- Act respecting the Barreau du Québec (chapter B-1);
- Charter of the French language (chapter C-11);
- Professional Code (chapter C-26);
- Denturologists Act (chapter D-4);
- Nurses Act (chapter I-8);
- Notaries Act (chapter N-3);
- Optometry Act (chapter O-7);
- Pharmacy Act (chapter P-10);
- Midwives Act (chapter S-0.1);
- Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists (chapter T-5).

REGULATIONS ENACTED BY THIS BILL:

- Regulation respecting the prescription, and the substitution for a prescribed medication, of a medication manufactured by an undertaking

in which the pharmacist has an interest (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Regulation respecting the prescription, and the substitution for a prescribed medication, of a medication manufactured by an undertaking in which the pharmacist has an interest*);

– Regulation respecting benefits authorized for intermediaries (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Regulation respecting benefits authorized for intermediaries*).

REGULATIONS AMENDED BY THIS BILL:

– Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications (chapter A-29.01, r. 2);

– Regulation respecting the psychotherapist's permit (chapter C-26, r. 222.1);

– Letters patent constituting the Ordre professionnel des sexologues du Québec (chapter C-26, r. 222.2);

– Regulation respecting the professional activities which may be performed by persons other than nurses (chapter I-8, r. 2);

– Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses (chapter I-8, r. 4.1);

– Regulation respecting certain professional activities that may be engaged in by respiratory therapists (chapter M-9, r. 6);

– Code of ethics of midwives (chapter S-0.1, r. 5);

– Règlement sur les dossiers et le cabinet de consultation d'une sage-femme (chapter S-0.1, r. 9, French only);

– Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery (chapter S-0.1, r. 11);

– Règlement sur les normes relatives à la forme et au contenu des ordonnances verbales ou écrites faites par une sage-femme (chapter S-0.1, r. 15, French only).

REGULATION REPEALED BY THIS BILL:

- Regulation respecting certain professional activities that may be engaged in by a nurse (chapter M-9, r. 12.001).

Bill 15

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER PROVISIONS MAINLY TO STREAMLINE THE REGULATORY PROCESSES OF THE PROFESSIONAL SYSTEM AND BROADEN CERTAIN PROFESSIONAL PRACTICES IN THE FIELD OF HEALTH AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 12 of the Professional Code (chapter C-26) is amended

(1) in the fourth paragraph,

(a) by striking out subparagraph *a* of subparagraph 6;

(b) by striking out subparagraph 7;

(2) by replacing “subparagraphs *a* and” in the last paragraph by “subparagraph”.

2. Section 12.0.1 of the Code is amended

(1) in the second paragraph,

(a) by striking out subparagraph 4;

(b) by replacing subparagraph 5 by the following subparagraph:

“(5) establish the examination and inquiry procedure that the Office must apply concerning conduct that may contravene the standards of ethics and professional conduct and prescribe the appropriate penalties it may impose;”;

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

“Sections 14.1 to 14.3 apply to an inquiry carried out by the Office in accordance with that regulation.”

3. The Code is amended by inserting the following sections after section 12.0.1:

“12.0.1.1. The Office may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate.

The Office may also, by regulation, fix the terms and conditions of cooperation between an order and the authorities of the educational institutions referred to in a regulation made under the first paragraph, in particular in the development and review of the programs of study leading to a diploma giving access to a permit or specialist’s certificate, the standards that the board of directors is required to establish by a regulation made under paragraph *c* of section 93 and, where applicable, the other terms and conditions that the board of directors may determine by a regulation made under subparagraph *i* of the first paragraph of section 94, as well as the standards of equivalence of such terms and conditions that the board of directors may determine under that regulation.

The regulation referred to in the second paragraph may prescribe the terms of cooperation, between the order and the educational institutions, applicable to a program of study leading to a diploma that leads to a training certificate issued pursuant to a regulation made under subparagraph *o.1* of the first paragraph of section 94 or under an Act constituting a professional order.

The Office must, before making a regulation referred to in this section, consult

- (1) the educational institutions and the order concerned;
- (2) the Bureau de coopération interuniversitaire in the case of a university-level diploma;
- (3) the Fédération des cégeps in the case of a college-level diploma; and
- (4) the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology.

“12.0.1.2. The Office must establish, by regulation and after consultation with the orders, an accounts conciliation and arbitration procedure that may be used by persons who pay or must pay fees.

The regulation must include

- (1) provisions allowing a person to use the procedure if the account has already been paid in whole or in part;
- (2) provisions for the setting up, within each order, of a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled; and

(3) provisions for the arbitration of accounts by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation.

The regulation may specify the fees payable to the order on applying for arbitration. In such a case, the arbitration council must rule on the reimbursement of such fees.

The regulation may also contain provisions which, when all or part of the account in dispute is maintained or when a reimbursement is granted, enable the council of arbitration to add interest and an indemnity, computed in accordance with articles 1618 and 1619 of the Civil Code, from the date of the application for conciliation.

The arbitration council may, in particular, consider the quality of the services rendered in relation to the fees charged.

A member may not institute proceedings in respect of an account until the time allowed to apply for conciliation has expired. However, the member may institute proceedings before that time has expired, with the authorization of the person indicated by regulation of the board of directors, where there is a risk that recovery of the fees will be imperilled unless proceedings are instituted.

“12.0.1.3. The Office may, in any matter that may be the subject of a regulation of an order under this Code or under an Act constituting a professional order and after consultation with the orders concerned, adopt a regulation that is binding, as the case may be, on one or more professional orders or their members.

The Office may, in such a regulation, prescribe the repeal of any regulation of an order referred to in the first paragraph or of any provision of such a regulation.

The Office must, before making a regulation relating to a matter referred to in paragraph *c.2* of section 93, subparagraph *h* of the first paragraph of section 94 or the second paragraph of section 95.0.1, conduct the consultations provided for in those provisions.”

4. Section 37 of the Code is amended by replacing “a response strategy designed to tailor diet to needs in order to maintain or restore health” in paragraph *c* by “a treatment and intervention plan designed to tailor diet to needs in order to maintain, improve or restore the health of a person in interaction with his environment or provide appropriate symptom relief”.

5. Section 37.1 of the Code is amended

(1) by replacing “where an individual prescription indicates that nutrition is a determining factor in” in subparagraph *a* of paragraph 1 by “with a view to contributing to”;

(2) by replacing all occurrences of “paragraph *o*” and “subparagraph *o*” by “subparagraph *o.1* of the first paragraph” and “subparagraph *o.1*”, respectively.

6. Section 42 of the Code is amended by replacing “of the Government” and “184” in paragraph 1 by “of the Office” and “12.0.1.1”, respectively.

7. Section 46.1 of the Code is amended

(1) in the first paragraph,

(a) by inserting “and keep it up to date by entering all modifications as and when the secretary is informed of them” after “roll of the order” in the introductory clause;

(b) by inserting the following subparagraph after subparagraph 5:

“(5.1) the person’s membership number;”;

(c) by inserting the following subparagraphs after subparagraph 6:

“(6.1) the sector of practice in which the person principally practices his profession;

“(6.2) the professional activities the person’s special permit issued under the second and third paragraphs of section 42.2 allows the person to engage in as well as the conditions the person must meet to engage in those activities and, if applicable, the title, abbreviation and initials the person may use;

“(6.3) a note to the effect that the person’s permit has been revoked in the past;”;

(d) by replacing “by regulation of the Office” in subparagraph 9 by “by resolution of the board of directors”;

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

“The roll of the professional orders mentioned in the first paragraph of section 187.1 shall contain, with respect to each of their members who hold a psychotherapist’s permit, the following information:

(1) the date of issue of the permit;

(2) a note to the effect that the permit is or has been suspended or revoked in the past; or

(3) a note to the effect that the right of the holder of the permit to practise psychotherapy is restricted or suspended, or has been restricted or suspended in the past.

For the purposes of this section, “sector of practice” means a sector of activity or the area of practice, or a combination of the two.”

8. Section 58.1 of the Code is amended by replacing “government regulation” and “184” in subparagraph 1 of the first paragraph by “regulation of the Office” and “12.0.1.1”, respectively.

9. Section 62.0.1 of the Code is amended, in paragraph 8,

(1) by striking out “concerned in Québec”;

(2) by replacing “184” by “12.0.1.1”.

10. Section 62.0.1.1 of the Code is amended by replacing “draw on those guidelines” in the third paragraph by “take those guidelines into account”.

11. Section 67 of the Code is amended by replacing “draw on the guidelines set by the Office” in the third paragraph by “take the guidelines set by the Office into account”.

12. Section 79.1 of the Code is amended

(1) by striking out “and to those in the code of ethics and professional conduct established by the board of directors under subparagraph 4 of the second paragraph of that section” in the first paragraph;

(2) by replacing “ensure public access to the code, including on its website, and publish it in its annual report” in the second paragraph by “those standards, in particular on its website”;

(3) by striking out the third paragraph.

13. Section 85.1 of the Code is amended by replacing “a regulation of the Government under section 184” in the fourth paragraph by “12.0.1.1”.

14. Section 86.2 of the Code is amended by striking out “, and publish them in its annual report” in the third paragraph.

15. Section 88 of the Code is repealed.

16. Section 94 of the Code is amended, in the first paragraph,

(1) in subparagraph *h*,

(a) by inserting “it may also authorize the board of directors to establish, by resolution, terms and conditions according to which the activities described in the regulation or resolution may be engaged in;” after “members of an order;”;

(b) by inserting “or resolution” after “a regulation”;

(2) by inserting the following subparagraph after subparagraph *o*:

“(o.1) determine the training activities giving access to a training certificate issued by an order and required by this Code, an Act constituting an order or a regulation made under that Act for the purpose of exercising a reserved activity, as well as the content of those training activities and the conditions giving access to such a certificate; that regulation must include penalties for a failure to comply with it and, if applicable, possible exemptions from it;”.

17. Section 95 of the Code is amended by replacing “95.0.1 and 95.2” by “95.0.1 to 95.2”.

18. The Code is amended by inserting the following section after section 95.0.1:

“**95.1.** A regulation adopted by the board of directors under section 63.1, 65 or 90, paragraph *a, b, e* or *f* of section 93 or subparagraph *a, j* or *o* of the first paragraph of section 94 must take into account the guidelines established by the Office after consultation with the professional orders. It shall be transmitted to the Office and published on the order’s website.

The regulation comes into force on the fifteenth day after its publication or on any later date indicated in the regulation.

Every regulation adopted in accordance with the first paragraph is considered public law and does not need to be specially pleaded.”

19. Section 95.2 of the Code is amended by replacing “section 65, 86.3, 88, 89, 90 or 91, paragraph *a, b, c.2, d, e* or *f* of section 93 or subparagraph *a, j, n, o* or *p* of the first paragraph of section 94” in the first paragraph by “any of sections 86.3, 87 to 89.1 or 91, paragraph *c.2* or *d* of section 93 or subparagraph *h, m, n, o.1* or *p* of the first paragraph of section 94”.

20. Section 106 of the Code is amended by inserting “or of 10% of the members of the order, whichever is higher” after “such a meeting”.

21. Section 123.7 of the Code is amended by replacing “withdrawn” by “closed”.

22. Section 149 of the Code is amended by inserting “litigation privilege or” after “invoke” in the first paragraph.

23. Section 184 of the Code is repealed.

24. Section 187.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing “and psychologists, no person shall practise psychotherapy” by “, psychologists and marriage and family therapists, no person shall practise psychotherapy, claim to have the right to do so or act in such a way as to lead to the belief that the person is authorized to do so,”;

(b) by replacing “holds a psychotherapist’s permit and is a member of the Ordre professionnel des conseillers et conseillères d’orientation 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 or the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec” by “is a member of the Ordre professionnel des conseillers et conseillères d’orientation 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 or the Ordre professionnel des sexologues du Québec or is a social worker and unless he holds a psychotherapist’s certificate”;

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

“Despite the first paragraph, a person may practise psychotherapy and use the title of “Psychotherapist” or any other title or abbreviation which may lead to the belief that he is a psychotherapist if he holds a psychotherapist’s permit issued in accordance with a regulation made under section 187.3.1.1.”

25. Section 187.2 of the Code is amended by inserting “, marriage and family therapist” after “psychologist” in the introductory clause.

26. Section 187.3.1 of the Code is amended

(1) by inserting “, marriage and family therapist” after “psychologist” in paragraph 1;

(2) in paragraph 3,

(a) by replacing “or psychologist” by “, psychologist or marriage and family therapist”;

(b) by replacing “and the Ordre professionnel des psychologues du Québec” by “, the Ordre professionnel des psychologues du Québec and the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec”.

27. The Code is amended by inserting the following sections after section 187.3.1:

“187.3.1.1. The Office may, by regulation, determine which legal authorizations to practise psychotherapy issued in another province or a territory of Canada give access to a psychotherapist’s permit as well as the standards for the issue of that permit to the holders of the legal authorizations.

The regulation provided for in the first paragraph must determine the provisions of this Code and of the regulations made under it by the board of directors of the Ordre professionnel des psychologues du Québec that apply to such a holder of a psychotherapist’s permit.

“187.3.1.2. Section 187.3.1.1 applies subject to sections 35, 37 and 38 of the Charter of the French language (chapter C-11).”

28. The Code is amended by inserting the following section after section 187.3.2:

“187.3.3. The Office may, by regulation, determine, from among the activities the holder of a psychotherapist’s permit may engage in, those that may be engaged in by the persons and categories of persons indicated in the regulation, in particular those that are required in order to complete a period of training determined pursuant to paragraph 2 of section 187.3.1, as well as the terms and conditions according to which they may engage in those activities; the regulation may determine, from among the regulatory standards applicable to holders of a psychotherapist’s permit, those that are applicable to persons who are not holders of a psychotherapist’s permit.”

29. Section 187.4 of the Code is amended by inserting “concerning a holder of a psychotherapist’s permit” after “inquiry” in the first paragraph.

30. Section 187.4.3 of the Code is replaced by the following section:

“187.4.3. Any penal proceedings for the unlawful practice of psychotherapy are instituted by the Ordre professionnel des psychologues du Québec or, where the activity is engaged in with a couple or a family, by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, on a resolution of the board of directors or the executive committee.

Any penal proceedings for the unauthorized use of the title of “Psychotherapist” are instituted by the Ordre professionnel des psychologues du Québec on a resolution of the board of directors or the executive committee.”

31. Sections 187.5 to 187.5.6 of the Code are repealed.

32. Section 192 of the Code is amended by inserting “litigation privilege or” after “invoke” in the second paragraph.

33. Section 197 of the Code is amended by striking out “162 to 177.1,” in the second paragraph.

AGROLOGISTS ACT

34. Sections 4 to 8 of the Agrologists Act (chapter A-12) are replaced by the following sections:

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

“**5.** A vice-president shall be elected by the directors, by secret ballot, from among the elected directors.”

35. Section 9 of the Act is amended by adding the following paragraph at the end:

“The vice-president shall also assume the other responsibilities assigned by the board but may not act as an officer.”

36. Sections 10 and 10.1 and Divisions III.1 and IV of the Act, comprising sections 10.2 to 23, are repealed.

37. Section 24 of the Act is amended by striking out “performed for remuneration,”.

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

38. Section 92 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by replacing “section 88” by “the regulation made under section 12.0.1.2”.

LAND SURVEYORS ACT

39. Section 16 of the Land Surveyors Act (chapter A-23) is repealed.

ACT RESPECTING THE BARREAU DU QUÉBEC

40. Section 16 of the Act respecting the Barreau du Québec (chapter B-1) is amended by replacing “, 95.0.1 and” in the first paragraph by “to”.

41. Section 56 of the Act is amended, in subsection 1,

(1) by replacing “the Government pursuant to section 184” in the introductory clause by “the Office des professions du Québec pursuant to section 12.0.1.1”;

(2) by replacing “184” in subparagraph *a* by “12.0.1.1”.

CHARTER OF THE FRENCH LANGUAGE

42. Section 37 of Charter of the French language (chapter C-11) is amended by inserting “and 187.3.1.1” after “42.2” in the introductory clause of the first paragraph.

43. The Charter is amended by inserting the following section after section 40.2:

“**40.2.1.** For the purposes of sections 30, 30.1, 32 and 35 to 40.2 and with the necessary modifications, a permit includes a psychotherapist’s permit referred to in the second paragraph of section 187.1 of the Professional Code (chapter C-26) and a member of a professional order includes a holder of such a permit.”

DENTUROLOGISTS ACT

44. Section 6 of the Denturologists Act (chapter D-4) is amended by replacing both occurrences of “subparagraph *o*” by “subparagraph *o.1*”.

NURSES ACT

45. Section 14 of the Nurses Act (chapter I-8) is amended by adding the following subparagraphs at the end of the first paragraph:

“(h) determine the situations in which the activities referred to in subparagraph 4 of the second paragraph of section 36 may be engaged in;

“(i) determine the cases in which and conditions on which the activities referred to in subparagraphs 18 and 19 of the second paragraph of section 36 may be engaged in and the content of the training required to engage in those activities.”

46. Section 15 of the Act is amended by striking out “under section 7 and”.

47. Sections 16 and 17 of the Act are repealed.

48. Section 21 of the Act is amended by replacing “95.2” in the third paragraph by “95.1”.

49. Section 36 of the Act is amended, in the second paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) initiating examinations and tests in the situations determined by a regulation made under paragraph *h* of section 14;”;

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

“(18) prescribing medications, other substances, products and dressings in the cases and on the conditions determined by a regulation made under paragraph *i* of section 14; and

“(19) prescribing examinations and tests in the cases and on the conditions determined by a regulation made under paragraph *i* of section 14.”

NOTARIES ACT

50. Section 5 of the Notaries Act (chapter N-3) is amended by replacing “95.2” by “95.1”.

51. Section 6 of the Act is amended by replacing the second paragraph by the following paragraph:

“Section 95.2 of the Professional Code (chapter C-26) applies to a regulation made under subparagraph 2 of the first paragraph. Section 95.1 of the Code applies to a regulation made under subparagraph 4 of the first paragraph.”

OPTOMETRY ACT

52. Sections 19.1 to 19.4 of the Optometry Act (chapter O-7) are replaced by the following section:

“19.1. Notwithstanding section 16, an optometrist may administer and prescribe medication and provide care for the purpose of examining the eyes and treating a condition of the eye and adnexa, in either of the following cases:

(1) in a context of primary care; or

(2) for the carrying out of a treatment plan determined by an ophthalmologist physician where the follow-up of a patient is ensured by that physician.”

PHARMACY ACT

53. Section 10 of the Pharmacy Act (chapter P-10) is amended by replacing “subparagraph *o*” in subparagraph iii of subparagraph *h* of the first paragraph by “subparagraph *o.1*”.

54. Section 17 of the Act is amended by replacing “paragraph *o*” in the fourth paragraph by “subparagraph *o.1* of the first paragraph”.

55. Section 24 of the Act is amended by inserting “, except in the cases, on the conditions and according to the terms determined by government regulation” at the end.

MIDWIVES ACT

56. Section 6 of the Midwives Act (chapter S-0.1) is amended by adding the following paragraph at the end:

“A midwife may also, for any person and irrespective of pregnancy, labour, delivery or postnatal period,

- (1) prescribe and administer a contraceptive;
- (2) initiate measures for screening sexually transmitted and blood-borne infections as part of an operation under the Public Health Act (chapter S-2.2);
- (3) prescribe and administer medication, at the primary level of care, for the treatment of sexually transmitted and blood-borne infections to an asymptomatic person having received a positive test result from screening.”

57. Section 8 of the Act is amended by replacing “referred to in section 6” in the first paragraph by “referred to in the first and second paragraphs of section 6”.

ACT RESPECTING MEDICAL IMAGING TECHNOLOGISTS, RADIATION ONCOLOGY TECHNOLOGISTS AND MEDICAL ELECTROPHYSIOLOGY TECHNOLOGISTS

58. Section 11.1 of the Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists (chapter T-5) is amended by replacing all occurrences of “paragraph o” in the second paragraph by “subparagraph o.1 of the first paragraph”.

REGULATION RESPECTING THE PRESCRIPTION, AND THE SUBSTITUTION FOR A PRESCRIBED MEDICATION, OF A MEDICATION MANUFACTURED BY AN UNDERTAKING IN WHICH THE PHARMACIST HAS AN INTEREST

59. The Regulation respecting the prescription, and the substitution for a prescribed medication, of a medication manufactured by an undertaking in which the pharmacist has an interest, appearing below, is enacted.

“REGULATION RESPECTING THE PRESCRIPTION,
AND THE SUBSTITUTION FOR A PRESCRIBED MEDICATION,
OF A MEDICATION MANUFACTURED BY AN UNDERTAKING
IN WHICH THE PHARMACIST HAS AN INTEREST

“1. A pharmacist may prescribe or substitute for a prescribed medication a medication manufactured by an undertaking in which the pharmacist has an interest due to the undertaking being operated by a corporation in which the pharmacist holds shares or by a corporation controlled by a corporation in which the pharmacist holds shares where the following conditions are met:

(1) the medication prescribed or used as a substitute by the pharmacist is a generic or biosimilar medication;

(2) the pharmacist is not a holder of a significant interest in that corporation within the meaning of sections 7 to 9 of the Trust Companies and Savings Companies Act (chapter S-29.02);

(3) the pharmacist does not receive from or grant to that corporation any benefit in contravention of the provisions of the Act respecting prescription drug insurance (chapter A-29.01); and

(4) the pharmacist has no other interest in the undertaking that manufactures the medication.

For the purposes of the first paragraph, a corporation is controlled by another corporation where the latter is the holder of control of the former under sections 6 to 8 and 10 of the Trust Companies and Savings Companies Act.”

REGULATION RESPECTING BENEFITS AUTHORIZED
FOR INTERMEDIARIES

60. The Regulation respecting benefits authorized for intermediaries, appearing below, is enacted.

“REGULATION RESPECTING BENEFITS AUTHORIZED
FOR INTERMEDIARIES

“1. An intermediary within the meaning of section 80.1 of the Act respecting prescription drug insurance (chapter A-29.01) may receive from an accredited manufacturer the declared dividend that the shares issued by the manufacturer and held by the intermediary entitle it to.”

REGULATION RESPECTING THE CONDITIONS GOVERNING
THE ACCREDITATION OF MANUFACTURERS
AND WHOLESALERS OF MEDICATIONS

61. Section 2 of Schedule I to the Regulation respecting the conditions governing the accreditation of manufacturers and wholesalers of medications (chapter A-29.01, r. 2) is amended by adding the following paragraph at the end:

“The first paragraph does not prevent the manufacturer from paying to a wholesaler or to an intermediary within the meaning of section 80.1 of the Act respecting prescription drug insurance (chapter A-29.01) the declared dividend that the shares issued by the manufacturer and held by the intermediary or wholesaler entitle it to.”

REGULATION RESPECTING THE PSYCHOTHERAPIST’S PERMIT

62. Section 1 of the Regulation respecting the psychotherapist’s permit (chapter C-26, r. 222.1) is amended

(1) in the introductory clause,

(a) by inserting “, the Ordre professionnel des criminologues du Québec” after “d’orientation du Québec”;

(b) by replacing “the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec” by “the Ordre professionnel des sexologues du Québec or to a social worker”;

(2) by replacing “a member of a professional order whose members may practise psychotherapy” in subparagraph i of the second paragraph of paragraph 2 by “a physician, psychologist or marriage and family therapist”;

(3) by replacing “or psychologist” in subparagraph i of the second paragraph of paragraph 3 by “, psychologist or marriage and family therapist”.

63. Section 2 of the Regulation is amended by replacing “or psychologists” in the first paragraph by “, psychologists or marriage and family therapists”.

64. Section 3 of the Regulation is amended

(1) by replacing “or psychologists” in the first paragraph by “, psychologists or marriage and family therapists”;

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

“Marriage and family therapists must choose continuing education activities from among the continuing education activities in psychotherapy adopted by the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec.”

65. Section 4 of the Regulation is amended by inserting “, marriage and family therapists” after “psychologists”.

66. Section 5 of the Regulation is amended by inserting the following paragraph after the second paragraph:

“The Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec restricts the right to practise psychotherapy of a marriage and family therapist who has not fulfilled his or her obligation regarding continuing education until the marriage and family therapist provides the Order with proof that the obligation has been fulfilled.”

LETTERS PATENT CONSTITUTING THE ORDRE PROFESSIONNEL DES SEXOLOGUES DU QUÉBEC

67. Section 2 of the Letters patent constituting the Ordre professionnel des sexologues du Québec (chapter C-26, r. 222.2) is amended by replacing “paragraph *o*” in subparagraph 1 of the second paragraph by “subparagraph *o.1* of the first paragraph”.

REGULATION RESPECTING THE PROFESSIONAL ACTIVITIES WHICH MAY BE PERFORMED BY PERSONS OTHER THAN NURSES

68. Section 10 of the Regulation respecting the professional activities which may be performed by persons other than nurses (chapter I-8, r. 2) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraphs:

“(5) initiating examinations and tests in the situations determined by a regulation made under paragraph *h* of section 14 of the Nurses Act (chapter I-8);

“(5.1) prescribing medications, other substances, products and dressings and prescribing examinations and tests in the cases and on the conditions determined by a regulation made under paragraph *i* of section 14 of the Nurses Act;”.

REGULATION RESPECTING CERTAIN PROFESSIONAL ACTIVITIES RELATING TO VACCINATION AND SCREENING WHICH MAY BE PERFORMED BY PERSONS OTHER THAN NURSES

69. Section 5 of the Regulation respecting certain professional activities relating to vaccination and screening which may be performed by persons other than nurses (chapter I-8, r. 4.1) is amended by replacing “of the Public Health Act (chapter S-2.2)” by “of a regulation made under paragraph *h* of section 14 of the Nurses Act (chapter I-8)”.

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

70. Section 3.1 of the Regulation respecting certain professional activities that may be engaged in by respiratory therapists (chapter M-9, r. 6) is amended by replacing “paragraph *o*” in the introductory clause by “subparagraph *o.1* of the first paragraph”.

REGULATION RESPECTING CERTAIN PROFESSIONAL
ACTIVITIES THAT MAY BE ENGAGED IN BY A NURSE

71. The Regulation respecting certain professional activities that may be engaged in by a nurse (chapter M-9, r. 12.001) is repealed.

CODE OF ETHICS OF MIDWIVES

72. Section 1 of the Code of ethics of midwives (chapter S-0.1, r. 5) is amended by adding the following paragraph at the end:

“In this Code, unless the context indicates otherwise, a reference to a woman includes any person to whom midwives provide professional services.”

RÈGLEMENT SUR LES DOSSIERS
ET LE CABINET DE CONSULTATION D’UNE SAGE-FEMME

73. The Règlement sur les dossiers et le cabinet de consultation d’une sage-femme (chapter S-0.1, r. 9, French only) is amended by inserting the following section after section 35:

“35.1. Dans le présent règlement, à moins que le contexte ne s’y oppose, une référence à une femme comprend toute personne à qui la sage-femme rend des services professionnels.”

REGULATION RESPECTING THE EXAMINATIONS
AND ANALYSES THAT A MIDWIFE MAY PRESCRIBE,
CONDUCT OR INTERPRET IN THE PRACTICE OF MIDWIFERY

74. Section 1 of the Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery (chapter S-0.1, r. 11) is amended by inserting “, in addition to those that could be required under subparagraphs 2 and 3 of the third paragraph of section 6 of the Midwives Act (chapter S-0.1),” after “interpret” in the introductory clause of the first paragraph.

RÈGLEMENT SUR LES NORMES RELATIVES À LA FORME ET AU CONTENU DES ORDONNANCES VERBALES OU ÉCRITES FAITES PAR UNE SAGE-FEMME

75. Section 1 of the Règlement sur les normes relatives à la forme et au contenu des ordonnances verbales ou écrites faites par une sage-femme (chapter S-0.1, r. 15, French only) is amended, in the first paragraph,

(1) by striking out “sans toutefois que la date prévue pour le dernier renouvellement dépasse la période de 6 semaines après l’accouchement” in subparagraph g of subparagraph 4;

(2) by replacing “de la femme ou de son enfant consignée au dossier, sans toutefois que la date de l’ordonnance dépasse la période de 6 semaines après l’accouchement” in subparagraph 7 by “consignée au dossier”.

TRANSITIONAL AND FINAL PROVISIONS

76. The first regulation made under section 12.0.1 of the Professional Code (chapter C-26), as amended by section 2 of this Act, may prescribe any transitional measure applicable to the examinations and inquiries in progress on the date of its coming into force.

77. Any regulation made by the Government under section 184 of the Professional Code (chapter C-26) is deemed to have been made by the Office des professions du Québec under section 12.0.1.1 of that Code, enacted by section 3 of this Act.

78. The information contained in the roll of a professional order under the Regulation respecting the roll of professional orders (chapter C-26, r. 9) is deemed to be contained in that roll under a resolution of the board of directors of that order passed in accordance with section 46.1 of that Code, as amended by section 7 of this Act.

79. The following regulations are deemed to have been made under subparagraph o.1 of the first paragraph of section 94 of the Professional Code (chapter C-26), enacted by paragraph 2 of section 16 of this Act:

(1) the Règlement sur une activité de formation des conseillers d’orientation pour le diagnostic des troubles mentaux (chapter C-26, r. 65.1, French only);

(2) the Règlement sur les activités de formation des inhalothérapeutes pour opérer et assurer le fonctionnement de l’équipement d’assistance pulmonaire ou circulatoire par membrane extracorporelle et de l’équipement d’autotransfusion (chapter C-26, r. 162.1, French only);

(3) the Règlement sur une activité de formation des physiothérapeutes pour l’utilisation des aiguilles sous le derme pour atténuer l’inflammation en complément de l’utilisation d’autres moyens (chapter C-26, r. 192, French only);

(4) the Règlement sur des activités de formation des physiothérapeutes pour procéder à des manipulations vertébrales et articulaires (chapter C-26, r. 192.1, French only);

(5) the Règlement sur une activité de formation des psychologues pour le diagnostic des troubles neuropsychologiques (chapter C-26, r. 208.3, French only);

(6) the Règlement sur une activité de formation des sexologues pour le diagnostic des troubles sexuels (chapter C-26, r. 221.1.001, French only);

(7) the Règlement sur une activité de formation des technologistes médicaux (chapter C-26, r. 236, French only);

(8) the Règlement sur l'activité de formation des pharmaciens pour l'administration d'un médicament (chapter P-10, r. 1.1, French only); and

(9) the Règlement sur les activités de formation des technologues en électrophysiologie médicale pour l'exercice de certaines activités (chapter T-5, r. 0.1, French only).

80. Section 123.7 of the Professional Code (chapter C-26), amended by section 21 of this Act, continues to apply as it read on (*insert the date preceding the date of assent to this Act*) if the conciliation was proposed by the syndic before (*insert the date of assent to this Act*).

81. The right to practise psychotherapy of a marriage and family therapist who, on (*insert the date of assent to this Act*), does not hold a psychotherapist's permit or a diploma referred to in subparagraph *a* of paragraph 2 of section 1.15 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is restricted until the therapist shows to the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec that the therapist meets the conditions for obtaining the psychotherapist's certificate that are set out in section 1 of the Regulation respecting the psychotherapist's permit (chapter C-26, r. 222.1), amended by section 62 of this Act.

The right to practice psychotherapy of a marriage and family therapist who, on (*insert the date of assent to this Act*), does not hold a psychotherapist's permit but who obtained the diploma referred to in subparagraph *a* of paragraph 2 of section 1.15 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders before 21 June 2022 is restricted until the therapist provides the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec with proof that the therapist has fulfilled the therapist's continuing education obligation under section 3 of the Regulation respecting the psychotherapist's permit, amended by section 64 of this Act, unless the therapist is exempted from that obligation in accordance with section 4 of that Regulation, amended by section 65 of this Act.

82. For the reference period that began on 21 June 2022, the continuing education activities provided for in the program of continuing education activities in psychotherapy adopted by the Ordre professionnel des psychologues du Québec in accordance with section 3 of the Regulation respecting the psychotherapist's permit (chapter C-26, r. 222.1) are deemed to have been adopted by the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec in accordance with that section, as amended by section 64 of this Act.

83. The records and documents that relate to the continuing education of marriage and family therapists who hold a psychotherapist's permit and to applications for a psychotherapist's permit made by a marriage and family therapist and that are held by the Ordre professionnel des psychologues du Québec become, without further formality, those of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec.

84. The examination of applications for equivalence of a diploma or training that are made in accordance with the Règlement sur les normes d'équivalence pour la délivrance d'un permis de l'Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 293.1, French only) to obtain a marriage and family therapist's permit includes the examination of the conditions for the issue of a psychotherapist's permit set out in section 1 of the Regulation respecting the psychotherapist's permit (chapter C-26, r. 222.1), amended by section 62 of this Act, until the standards for equivalence of diplomas issued by educational establishments situated outside Québec for the purposes of issuing a permit authorizing the practice of the profession of marriage and family therapist are amended to take into account the coming into force of this Act.

85. The sections of the Ordre des agronomes du Québec, which are legal persons under the Agrologists Act (chapter A-12), are dissolved on 1 April 2027. The Ordre des agronomes du Québec acquires their rights and assumes their obligations as of that date. The records and other documents of a section become those of the Order.

86. The term of office of a member of the board of directors of a section of the Ordre des agronomes du Québec ends on 1 April 2027.

87. The members of the board of directors who are delegates from each of the sections of the Ordre des agronomes du Québec in office on 31 March 2027 are deemed to be directors elected in accordance with the Professional Code (chapter C-26). They remain in office until an election is held, which must take place not later than 18 May 2028. Until that date, the board of directors of the Ordre des agronomes du Québec is deemed to be constituted in accordance with the Professional Code and the provisions of the Agrologists Act (chapter A-12).

Despite the preceding paragraph, the term of office of a director appointed by the Office des professions du Québec ends when the term expires.

88. An optometrist who, on (*insert the date preceding the date of assent to this Act*) does not hold both permits referred to in section 19.2 of the Optometry Act (chapter O-7) must, before engaging in the activities referred to in section 19.1 of that Act, enacted by section 52 of this Act, complete the training program approved by the board of directors, which must include at least 145 hours of theoretical and clinical courses related to eye health and to the pharmacological treatment of certain eye diseases, offered by École d'optométrie de l'Université de Montréal or by another educational institution whose program complies with the standards of the Accreditation Council on Optometric Education.

Until the optometrist has completed the training referred to in the first paragraph, the optometrist may, if he or she holds one of the permits referred to in section 19.2 of the Optometry Act, continue to engage in the activities covered by that permit in the cases provided for in section 19.1 of that Act.

89. Despite the third paragraph of section 9 of the Dental Act (chapter D-3), the term of office of the president of the Ordre des dentistes du Québec in office on (*insert the date of assent to this Act*) is five years.

90. Unless the context indicates otherwise and with the necessary modifications, in any regulation made under the Professional Code (chapter C-26) or under an Act constituting a professional order,

(1) “Government”, where it designates the authority empowered to make a regulation under section 184 of the Professional Code, is replaced by “Office des professions du Québec”; and

(2) “184 of the Code” and “184 of that Code” are replaced by “12.0.1.1 of the Code” and “12.0.1.1 of that Code”, respectively.

91. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) the provisions of sections 2 and 12, which come into force on the date determined by the Government;

(2) the provisions of section 3 insofar as it enacts section 12.0.1.2 of the Professional Code (chapter C-26), and section 15, which come into force on the date of coming into force of the first regulation made under section 12.0.1.2 of the Professional Code, enacted by section 3 of this Act;

(3) the provisions of sections 10, 11, 17 and 18, section 19 except insofar as it concerns a regulation made under subparagraph *o.1* of the first paragraph of section 94 of the Professional Code, and sections 40, 48, 50 and 51, which come into force on (*insert the date that is 18 months after the date of assent to this Act*) or on any earlier date or dates set by the Government;

(4) the provisions of sections 34 to 36, which come into force on 1 April 2027;

(5) the provisions of section 45 insofar as it enacts paragraph *h* of section 14 of the Nurses Act (chapter I-8), paragraph 1 of section 49, section 68 insofar as it enacts paragraph 5 of section 10 of the Regulation respecting the professional activities which may be performed by persons other than nurses (chapter I-8, r. 2), and section 69, which come into force on the date of coming into force of the first regulation made under paragraph *h* of section 14 of the Nurses Act, enacted by section 45 of this Act; and

(6) the provisions of section 45 insofar as it enacts paragraph *i* of section 14 of the Nurses Act, paragraph 2 of section 49, section 68 insofar as it enacts paragraph 5.1 of section 10 of the Regulation respecting the professional activities which may be performed by persons other than nurses, and section 71, which come into force on the date of coming into force of the first regulation made under paragraph *i* of section 14 of the Nurses Act, enacted by section 45 of this Act.

