



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 14

An Act to amend the Professional Code as regards the issue of permits

Introduction

Introduced by
Mr. Yvon Marcoux
Minister responsible for the administration of legislation
respecting the professions

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Professional Code to allow for the issue of a permit or a specialist's certificate to a person who holds a legal authorization to practise a profession outside Québec and who meets the conditions determined by regulation of the professional order that supervises the practice of that profession in Québec.

The bill also provides for the issue of a temporary restrictive permit, on the conditions the order determines, to a person seeking admission to a profession or applying for a specialist's certificate, and for the issue of a special permit for certain professional activities to a person who holds a legal authorization to practise the profession outside Québec, if that person meets the conditions determined by regulation of the order.

Lastly, the bill provides that an order must determine by regulation a procedure for recognizing an equivalence, standards for which are established by regulation. It also determines that the procedure must stipulate that a decision must be reviewed by persons other than those who made it.

Bill 14

AN ACT TO AMEND THE PROFESSIONAL CODE AS REGARDS THE ISSUE OF PERMITS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 41 of the Professional Code (R.S.Q., chapter C-26) is amended by striking out “Subject to sections 35, 37 and 38 of the Charter of the French language (chapter C-11),” at the beginning.

2. Section 42 of the Code is replaced by the following section:

“**42.** To obtain a permit or a specialist’s certificate, a person must

(1) hold a diploma recognized as valid for that purpose by regulation of the Government under the first paragraph of section 184;

(2) obtain equivalence of his diploma or training in accordance with a regulation under paragraph *c* of section 93; or

(3) hold a legal authorization to practise his profession outside Québec under paragraph *q* of section 94 and meet the conditions for the issue of a permit or certificate determined in that paragraph.”

3. The Code is amended by inserting the following sections after section 42:

“**42.1.** The Bureau of an order may issue a temporary restrictive permit to a person seeking admission to a profession who is in either of the following situations:

(1) after examining an application for equivalence submitted under a regulation made under paragraph *c* of section 93 or paragraph *i* of section 94, the order informed the person of the training needed to obtain the equivalence; or

(2) the person must meet one of the conditions set out in a regulation under paragraph *q* or *r* of section 94 to obtain a permit issued under paragraph 3 of section 42 or section 42.2.

The Bureau must determine, from among the professional activities the members of the order may engage in, those that may be engaged in by the holder of the permit, and the conditions the holder must meet to engage in those activities.

The permit is valid for one year and may be renewed.

“42.2. The Bureau of an order may issue a special permit for certain professional activities to a person who holds a legal authorization to practise the profession outside Québec, in accordance with a regulation under paragraph *r* of section 94.

“42.3. Sections 40 to 42.2 apply subject to sections 35, 37 and 38 of the Charter of the French language (chapter C-11).”

4. Section 93 of the Code is amended by inserting the following paragraph after paragraph *c*:

“(c.1) determine a procedure for recognizing an equivalence, standards for which are established in a regulation under paragraph *c* of this section or paragraph *i* of section 94, stipulating that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1;”.

5. Section 94 of the Code is amended by adding the following paragraphs at the end:

“(q) determine which legal authorizations to practise a profession outside Québec give access to a permit or a specialist’s certificate, and the conditions for the issue of the permit or the specialist’s certificate that are applicable to the holders of the legal authorizations;

“(r) establish special permits; the regulation must contain the reasons justifying the issue of a special permit, the conditions for the issue of the permit, the title, abbreviation and initials its holder may use, the activities the holder may engage in and the conditions the holder must meet to engage in those activities.”

6. The Code is amended by inserting the following section after section 198.1:

“198.2. At the expiry of a period of two years after the date of coming into force of paragraphs *q* and *r* of section 94, the Bureau of each professional order must report to the Office des professions on the implementation of those provisions within the order. The Bureau of an order that did not adopt a regulation under one of those paragraphs must set out the reasons it decided not to do so.

The Minister must, at the expiry of a period of not more than six months after the date of expiry set out in the first paragraph, present a report to the Government on the implementation by the orders of the provisions referred to in the first paragraph, together with the reports presented under that paragraph.

The Minister must table the report in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.”

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

