



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 56

**An Act to amend the Professional Code
and other legislative provisions**

Introduction

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

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EXPLANATORY NOTES

This bill proposes various amendments to the Professional Code.

With respect to the governance of professional orders, the bill changes the composition and mode of operation of the Bureau, among other things by permitting certain decisions to be delegated to committees created for that purpose. It also changes the composition of the administrative committee, clarifies the rules governing elections, in particular as concerns the qualifications required to be a candidate and to vote, reviews the appointment process for directors appointed by the Office des professions du Québec and extends the time within which the general meeting is to be held. The bill facilitates the sharing of information within an order, in particular between the syndic and the professional inspection committee for the protection of the public, and revises the rules for the dismissal of certain employees of an order.

With respect to verifying the competence of candidates for admission to a profession and members of an order, the bill allows certain supervisory mechanisms to be applied in a larger number of situations. These include a criminal record check, or the examination of a person to make sure his or her physical or mental condition is compatible with the practice of a profession. The bill also makes it possible, in some cases, to verify a candidate's competence to practise a profession before the issue of a permit or entry on the roll, or to ascertain whether a member who was provisionally struck off the roll of an order has met all applicable conditions before he or she is again entered on the roll. The bill simplifies the rules for issuing a special authorization and allows an order to restrict the professional activities of a member who consents to it.

With respect to regulations, the bill amends the approval process for regulations adopted by professional orders and removes the obligation for orders to adopt regulations in certain internal management matters. The bill clarifies the regulatory powers under which orders may set standards for their members' professional liability insurance, the authorization of activities, ethics, account conciliation and arbitration, the holding of funds on behalf of a client and compensation of an aggrieved client, refresher courses or training periods, record keeping and the operation of consulting rooms. It also confers more flexibility on professional orders as regards the determination of assessments.

With respect to discipline, the bill changes the rules relating to the organization of the office of the syndic while preserving the independence of that office so that the persons who form it may exercise their functions. It provides for the appointment of syndics ad hoc, extends the syndic's capacity to intervene, and sets out new rules regarding information sent by the syndic to a complainant or to the Bureau. The bill better defines the powers of the review committee. It also clarifies the jurisdiction of committees on discipline in certain situations and reviews their operating rules. It changes certain rules governing appeals to the Professions Tribunal, determines or changes certain deadlines in disciplinary matters and modifies the standards regarding the publication of disciplinary notices.

The bill also proposes certain amendments to provisions pertaining to the Office des professions du Québec. Thus, it confers on the Office a regulatory power with respect to the code of ethics governing members and the chairmen of committees on discipline, allows it to adopt rules of practice for committees on discipline, and grants it new powers with respect to professional orders. The bill also simplifies the Office's funding formula.

Lastly, the bill changes the names of the Bureau, the administrative committee, Administrative Committee or Executive Committee, and the committee on discipline or Committee on Discipline of a professional order to board of directors, executive committee and disciplinary council, respectively.

LEGISLATION AMENDED BY THIS BILL:

- Agrologists Act (R.S.Q., chapter A-12);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Chemists Act (R.S.Q., chapter C-15);
- Professional Code (R.S.Q., chapter C-26);
- Chartered Accountants Act (R.S.Q., chapter C-48);
- Dental Act (R.S.Q., chapter D-3);

- Geologists Act (R.S.Q., chapter G-1.01);
- Court Bailiffs Act (R.S.Q., chapter H-4.1);
- Taxation Act (R.S.Q., chapter I-3);
- Nurses Act (R.S.Q., chapter I-8);
- Veterinary Surgeons Act (R.S.Q., chapter M-8);
- Medical Act (R.S.Q., chapter M-9);
- Notaries Act (R.S.Q., chapter N-3);
- Optometry Act (R.S.Q., chapter O-7);
- Pharmacy Act (R.S.Q., chapter P-10);
- Midwives Act (R.S.Q., chapter S-0.1).

Bill 56

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The Professional Code (R.S.Q., chapter C-26) is amended by replacing
 - (1) “Bureau”, where it designates the Bureau of a professional order, by “board of directors”, with the necessary modifications;
 - (2) “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, by “executive committee”, with the necessary modifications; and
 - (3) “committee on discipline”, where it designates a body of a professional order, by “disciplinary council”, with the necessary modifications.
- 2.** Section 12 of the Code is amended
 - (1) by replacing “the syndic or assistant syndic” in subparagraph 9 of the third paragraph by “a syndic”;
 - (2) by adding the following subparagraph at the end of the third paragraph:

“(12) in situations in which it considers it necessary for the protection of the public, propose a course of action or measures to be taken by an order.”
- 3.** Section 15 of the Code is amended by replacing “any document or” by “, within the time and in the manner it specifies, any document, report or”.
- 4.** Section 19.1 of the Code is amended by replacing “196.4” in subparagraph 4 of the first paragraph by “196.2”.
- 5.** The Code is amended by inserting the following section after section 30:

30.1. No entity may act in such a way as to lead to the belief that it is an order if that is not the case.”
- 6.** Section 33 of the Code is repealed.
- 7.** Sections 39 and 39.1 of the Code are repealed.

8. Section 39.8 of the Code is amended by replacing “or rectal” in the next to last line by “, rectal or vaginal”.

9. Section 40 of the Code is amended by inserting “or a specialist’s certificate” after “permit”.

10. The Code is amended by inserting the following section after section 42.3:

“42.4. Despite sections 32, 36 and 37.2, the board of directors may issue a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of the order in Québec or to engage in Québec in professional activities reserved to them in Québec.

A special authorization is valid only for the activities or the title it specifies. Moreover, it must specify the person or group of persons for whom the activities may be engaged in, as well as any other applicable condition or restriction. It is valid for a period not exceeding one year and is renewable.

The board of directors may delegate to the president of the order the power to issue or renew a special authorization, in accordance with the conditions it determines.”

11. Section 45 of the Code is amended

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

“45. The board of directors may refuse to issue a permit or to enter an applicant on the roll, or refuse any other application preceding admission to the profession, if the applicant”;

(2) by replacing “of an order, imposing the revocation of a permit” in subparagraph 3 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of a permit or a striking off the roll, including a provisional striking off the roll”;

(3) by inserting “or a striking off the roll, including a provisional striking off the roll” after “permit” in subparagraph 4 of the first paragraph;

(4) by adding the following subparagraphs at the end of the first paragraph:

“(5) has been the subject of a decision made in Québec finding the applicant guilty of an offence under section 188 or an offence under a provision of an Act of Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics; or

(6) has been the subject of a decision made outside Québec finding the applicant guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics;”;

(5) by striking out the second paragraph ;

(6) by replacing the last paragraph by the following paragraphs:

“Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit written observations.

A decision refusing to issue a permit or to enter an applicant on the roll, or refusing any other application preceding admission to the profession shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

Within three years after a decision is made under this section, no new application for a permit or for entry on the roll or new application preceding admission to the profession may be presented to the board of directors that made the decision unless there are new facts that may warrant a different decision.”

12. Section 45.1 of the Code is amended

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

“**45.1.** The board of directors may, after giving an applicant an opportunity to submit written observations, enter the applicant on the roll, but restrict or suspend his right to engage in professional activities if the applicant”;

(2) by replacing “of an order” in subparagraph 1 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council”;

(3) by striking out “of the Bureau” in the last paragraph.

13. Section 45.2 of the Code is replaced by the following section:

“**45.2.** A person must, in an application for a permit or for entry on the roll or in any other document that is filled out for the purpose of admission to a profession, inform the board of directors that the person is or has been the subject of a judicial or disciplinary decision described in section 45 or 45.1.

A certified copy of a judicial or disciplinary decision described in section 45 or 45.1 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the person to provide any information or document it considers necessary for the purposes of section 45 or 45.1. The board of directors may refuse to examine the application until the information or document is provided to it.”

14. The Code is amended by inserting the following section after section 45.2:

“**45.3.** The board of directors may assess the competence of an applicant for a permit described in section 42 when the applicant has satisfied the conditions set out in that section for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.

The board of directors may also assess the competence of an applicant for entry on the roll when the applicant has held a permit without being entered on the roll for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.

Based on the results of an assessment under the first or the second paragraph, the board of directors may

(1) refuse to issue a permit to or enter on the roll an applicant whose knowledge or skills are not equivalent to those of the members of the order;

(2) enter an applicant on the roll but limit or restrict his right to engage in professional activities until successful completion of a period of refresher training or a refresher course, or both; in the case of repeated failure to successfully complete a required period of refresher training or a required course, the third paragraph of section 55 applies.

A decision under the third paragraph shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

No new application may be presented to the board of directors after it has made a decision under this section unless there are new facts that may warrant a different decision.”

15. Section 46 of the Code is amended by replacing paragraphs 2 to 5 by the following paragraphs:

“(2) within the period specified, he pays the assessments he owes to the order as well as the amount of the contribution he owes under Chapter VIII.1;

“(2.1) within the period specified, he pays the other amounts he owes to the order in connection with an activity related to the supervision of the practice of the profession;

“(3) within the period specified, he furnishes security to cover his professional liability and, if applicable, the liability of the partnership or the company, in accordance with paragraph *d* or *g* of section 93, or pays the amount determined under section 85.2;

“(4) he has paid any costs awarded against him by the disciplinary council, the Professions Tribunal or the accounts arbitration council as well as any fine or amount imposed by any of those bodies that he owes, or he complies with the payment agreement that has been reached;

“(4.1) he has repaid the compensation paid by the order under a regulation under section 89.1 or he complies with the payment agreement that has been reached;

“(5) he has completed the formalities and paid the fees for entry on the roll determined under paragraph 8 of section 86.01;”.

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

“**46.0.1.** A professional who has been struck off the roll of an order must, even on the expiry of a provisional striking off the roll, comply with the conditions and formalities set out in section 46 in order to be again entered on the roll.

Unless the board of directors decides otherwise, entry on the roll entails the resumption of any supervision measure to which the professional was subject on ceasing to be a member of the order and which therefore ceased to be applied at that time.”

17. Section 46.1 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “or 55.1” in subparagraph 7 of the first paragraph by “, 55.1 or 55.2”.

18. Section 46.2 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “section 33, 39 or 39.1” in the second paragraph by “section 42.4”.

19. Section 48 of the Code is amended by replacing “or who applies for entry on the roll” by “, who applies for entry on the roll or who makes another application preceding admission to the profession”.

20. Section 49 of the Code is amended by adding the following sentence at the end of the fourth paragraph: “On receiving the opinions, the board of directors shall send them to the person concerned.”

21. The Code is amended by inserting the following section after section 49:

“**49.1.** Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.

In such a case, the fourth paragraph of section 49 applies with the necessary modifications and the expert's fees shall be borne in equal shares."

22. Section 51 of the Code is amended

(1) by inserting “, after giving him an opportunity to submit written observations,” after “may” in the fourth line of the first paragraph;

(2) by replacing “, or allow his entry on the roll and restrict or suspend his right to engage in professional activities” in subparagraph *b* of the first paragraph by “, allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession”;

(3) by striking out “, accompanied, where applicable, with the medical examination report on which it is based,” in the second paragraph.

23. Section 52 of the Code is amended by replacing the first paragraph by the following paragraph:

“**52.** The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person.”

24. Section 52.2 of the Code is replaced by the following section:

“**52.2.** When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee.”

25. Section 55 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “It may also impose on the member any other requirement provided for in a regulation under section 90 that is recommended by the professional inspection committee.”;

(2) by replacing “requires a member of the order to successfully complete a period of refresher training or a refresher course, or both” in the second paragraph by “imposes a requirement described in the first paragraph on a member of the order”;

(3) by replacing “repeated failure to successfully complete a period of refresher training or a refresher course involving” in the third paragraph by “repeated failure to meet a requirement imposed under the first paragraph accompanied by”.

26. The Code is amended by inserting the following section after section 55:

“55.0.1. In addition to the other cases provided for in this Code or the Act constituting the order, the board of directors may restrict a member’s right to engage in professional activities if the member consents to it.

The board of directors may reassess the situation of the member concerned on an application in writing by the member, after obtaining the recommendations of the professional inspection committee.”

27. Section 55.1 of the Code is replaced by the following sections:

“55.1. The board of directors may, after giving the professional concerned an opportunity to submit written observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.

The board of directors shall inform a syndic of any decision, which serves as a request under section 128.

The decision is valid

- (1) until a syndic decides not to lodge a complaint;
- (2) until the disciplinary council or the Professions Tribunal renders a final, enforceable decision on a complaint lodged by a syndic; or
- (3) until the decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45 is quashed in appeal, if applicable.

“55.2. The board of directors may, after giving the professional an opportunity to submit written observations, apply the disciplinary penalty handed down

- (1) in Québec by a disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of the professional’s permit or specialist certificate, a striking off the roll, including a provisional striking off the roll, a restriction, including a provisional restriction, or a suspension of the right to engage in professional activities; or
- (2) outside Québec which, if handed down in Québec, would have had the effect of a penalty described in subparagraph 1, with the necessary modifications.

The penalty imposed by the council ends on the expiry date of the disciplinary penalty described in subparagraph 1 or 2 of the first paragraph.

“55.3. A certified copy of a judicial or disciplinary decision described in section 55.1 or 55.2 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the professional to provide any information or document it considers necessary for the purposes of section 55.1 or 55.2. The board of directors may strike the professional off the roll until the information or document is provided to it.

“55.4. A decision made by the board of directors under section 55.1, 55.2 or 55.3 must be served on the professional immediately, in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.”

28. Section 58 of the Code is replaced by the following section:

“58. No person may use a specialist’s title corresponding to a class of specialization defined in a regulation under paragraph *e* of section 94 or act in such a way as to lead to the belief that he is a specialist in that class of specialization unless he holds the appropriate specialist’s certificate.

A professional may not designate himself as a specialist unless he holds a specialist’s certificate.”

29. Section 59.3 of the Code is amended by adding “or 55.2” at the end.

30. Section 60 of the Code is amended

- (1) by replacing “so chooses” in the first paragraph by “does not practise”;
- (2) by inserting “or principal place of employment” after “residence” in that paragraph;
- (3) by replacing “the places” in that paragraph by “the other places”.

31. Section 60.2 of the Code is amended by striking out “to a person having recourse to his services”.

32. Section 60.4 of the Code is amended by inserting “or expressly authorized” after “ordered” in the second paragraph.

33. The Code is amended by inserting the following section after section 60.6:

“60.7. Every professional must furnish and at all times maintain security to cover any liability he may incur because of any fault committed in the practice of his profession. A professional who complies with a regulation of the order under paragraph *d* of section 93 fulfils this obligation.”

34. Section 61 of the Code is amended by replacing the first paragraph by the following paragraphs:

“61. An order shall be administered by a board of directors consisting of a president and a number of directors to be determined in a regulation under paragraph *e* of section 93. That number must be

- (1) at least 8 if the order has fewer than 5,000 members; and
- (2) at least 12 if the order has 5,000 members or more.”

35. Section 62 of the Code is amended

(1) by adding the following sentence at the end: “Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.”;

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

“The board of directors shall, in particular,

- (1) appoint the secretary of the order;
- (2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (3) make sure that activities, refresher courses or training periods are offered to the members of the order;
- (4) give any advice it considers expedient to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit;
- (5) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions set under the second paragraph of section 184, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist’s certificate, of the standards that the board of directors must prescribe by a regulation under paragraph *c* of section 93 and, where applicable, of the other terms and conditions that the board of directors may determine by a regulation under paragraph *i* of section 94, together with standards of equivalence for those terms and conditions that the board of directors may prescribe in that regulation.”

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

“62.1. The board of directors may

(1) delegate to a committee it creates for that purpose the power to decide any application preceding admission to the profession as well as its powers under sections 45 to 45.3, 46.0.1, 48 to 52.1 and 55 to 55.3; the members of

such a committee shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(2) establish rules for the carrying on of its business, including the number of meetings and the intervals at which they are to be held, and rules concerning the administration of the order's property;

(3) determine the means of communication through which members of the board of directors or the executive committee who are not present or physically in attendance at the place where a meeting of the board or the committee is being held may express their opinion with a view to the making of a decision, determine conditions for the use of such means of communication and, for the purposes of the fourth paragraph of section 79, the second paragraph of section 84 and the second paragraph of section 99, determine what constitutes a failure to express one's opinion or an impediment, as the case may be.

“62.2. A professional must, within 10 days from the day on which he becomes aware of it, inform the secretary of the order of any professional liability claim against him filed with his insurer.

A professional must also inform the secretary without delay of any notice of claim he files with his insurer with respect to his professional liability.”

37. Section 63 of the Code is amended

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

“63. The president and the directors, except those appointed by the Office under section 78, shall be elected in accordance with a regulation under section 65. They shall be elected on the dates and for the terms not exceeding four years determined in a regulation under paragraph *b* of section 93; they are reeligible unless they have served the maximum number of consecutive terms that may be determined by the Order in the regulation.”;

(2) by replacing “first and second” in subparagraph 1 of the third paragraph by “first”;

(3) by replacing “third” wherever it appears in the fourth paragraph by “second”;

(4) by replacing “fourth” wherever it appears in the last paragraph by “third”.

38. Section 66 of the Code is repealed.

39. Section 66.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“66.1. Only those members of the order who are entered on the roll and whose right to engage in professional activities is not restricted or suspended at least 45 days before the date set for the closing of the poll may be candidates. However, the board of directors may, in a regulation under paragraph *b* of section 93, set a longer period of up to 60 days. A candidate who is struck off the roll or whose right to engage in professional activities is restricted or suspended before the election is no longer eligible for the election in progress.”

40. Section 71 of the Code is amended by inserting “and still are” after “poll” in the first paragraph.

41. Section 76 of the Code is amended by replacing “, replacement or” in the second paragraph by “or replacement, the restriction or suspension of their right to engage in professional activities or their”.

42. Section 78 of the Code is amended by replacing the first three paragraphs by the following paragraphs:

“78. If the board of directors consists of eight or nine directors, two directors, of whom at least one is not a member of a professional order, shall be appointed by the Office.

If the board of directors consists of 10 to 12 directors, three directors, of whom at least two are not members of a professional order, shall be appointed by the Office.

If the board of directors consists of 13 or more directors, four directors, of whom at least two are not members of a professional order, shall be appointed by the Office.

The directors appointed by the Office under this Code or the Act constituting an order shall be appointed from a list drawn up by the Office after consultation with the Interprofessional Council and different socio-economic organizations. The Office may also consult the order concerned before appointing one of its directors.”

43. Section 79 of the Code is amended

(1) by replacing “Bureau” in the first paragraph by “board of directors or according to another mode of election determined by a regulation under paragraph *b* of section 93”;

(2) by adding “unless there is no candidate from that region or those regions to fill the vacancy” at the end of the second paragraph;

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

“Any director who, without a reason considered valid by the board of directors, fails to attend three consecutive meetings of the board of directors or to express an opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1, shall be replaced in accordance with the provisions applicable in the case of a vacancy.”

44. Section 80 of the Code is amended by replacing the first paragraph by the following paragraphs:

“30. The president exercises a right of general supervision over the affairs of the order. To that end, the president may require information from a member of a committee created by the board of directors, an employee of the order or any person exercising a function within the order as provided for in this Code or the Act constituting the order, including a syndic in regard to the conduct, or the progress, of an inquiry.

The president shall preside at the meetings of the board of directors and over the proceedings of the general meeting of members of the order; the president is responsible for the administration of the affairs of the board and the carrying out of its decisions and the decisions of the general meeting; the president shall co-ordinate the work of the board and of the general meeting and ensure continuity.”

45. Section 81 of the Code is amended

(1) by replacing “resolution of the Bureau” by “the board of directors or in another way determined by regulation under paragraph *b* of section 93”;

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

“If the president is unable to act, the board of directors may designate an elected director to exercise the president’s functions for the duration of the inability to act.”

46. Section 82 of the Code is replaced by the following section:

“32. The members of the board of directors shall hold the number of meetings required to fulfill the responsibilities and exercise all the rights, powers and prerogatives that section 62 confers on the board of directors. However, they must meet at least three times a year.”

47. Section 83 of the Code is amended by replacing “réunions” in the French text by “séances”.

48. Section 84 of the Code is amended

(1) by replacing “prescribed by regulation under paragraph *b* of section 94” in the first paragraph by “determined by the board of directors under paragraph 3 of section 62.1”;

(2) by replacing “in accordance with a regulation under paragraph *b* of section 94, except where there is an impediment thereto under a regulation” in the second paragraph by “as determined by the board of directors under paragraph 3 of section 62.1, except if there is an impediment determined by the board of directors”.

49. Section 85 of the Code is replaced by the following section:

“85. Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order, a syndic or a person to whom a regulation under paragraph *a* of section 94 applies.

The board of directors may dismiss a syndic only if a written notice to attend is sent to him at least 30 days before the date of the meeting of the board of directors at which the resolution proposing the dismissal is to be presented. The notice shall set out the reasons for the proposed dismissal and inform the syndic of his right to be heard by the board of directors.

The board of directors shall notify the Office of the reasons for the dismissal of a syndic within 30 days of its decision.

The order’s power to dismiss a person under this section may not be limited by a contract of employment or a collective agreement.”

50. The Code is amended by inserting the following sections after section 85:

“85.1. The board of directors shall determine the annual assessment and any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph must be approved by a majority of the members of the order who vote on the matter, except in the case of a resolution proposing a supplementary assessment that has become necessary for the order to satisfy its obligations under a regulation of the Office under subparagraph 6 of the third paragraph of section 12 or a regulation of the Government under section 184, to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long

as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

“85.2. The board of directors shall compute, in accordance with the regulations made under paragraphs *d* and *g* of section 93, the amount required to defray the operating cost of the group plan or the professional liability insurance fund, apportion that amount among all the members of the order or certain classes of them or, if so provided by the regulation under paragraph *g* of section 93, solely among the members who carry on their professional activities within a partnership or a company in accordance with section 187.11, and determine when and where that amount must be paid, the whole in accordance with the conditions and procedures it determines; for that purpose, the board of directors may determine the amount payable by a member on the basis of the risk represented by the class to which he belongs and in view of the claims filed under the group plan or the professional liability insurance fund for any fault committed by that member in the practice of his profession.

The amount required to defray the operating cost of the group plan or the professional liability insurance fund includes premiums, administration costs, contributions to the group plan or professional liability insurance fund and any other expenses inherent in the operation of such a plan or fund.

“85.3. The board of directors shall strike off the roll a member who

(1) fails to pay the assessments and the contribution referred to in paragraph 2 of section 46 within the period specified;

(2) fails to furnish the security or pay the amount referred to in paragraph 3 of section 46 within the period specified;

(3) fails to comply with the terms of the agreement referred to in paragraphs 4 and 4.1 of section 46; or

(4) fails to pay the fees referred to in paragraph 5 of section 46.”

51. Section 86 of the Code is repealed.

52. Section 86.0.1 of the Code is amended

(1) by striking out “, by resolution” in the first line;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) enter into an agreement with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;

“(8) prescribe the formalities and administration costs payable for requests addressed to the order by the members or by applicants for admission to the profession;”.

53. Section 86.1 of the Code is amended

(1) by striking out “, by resolution,” in the first paragraph;

(2) by replacing “The resolution” at the beginning of the second paragraph by “The resolution creating the fund”;

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

“Professional liability claims for any professional fault committed, by persons who have ceased being members of the order for five years or less, while they were still members and were contributing to the fund must be paid out of the equity of the fund and according to the limits and the conditions and procedures determined by the board of directors.”;

(4) by striking out “or negligence” in the fourth paragraph;

(5) by striking out the last paragraph.

54. Section 87 of the Code is amended

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

“(1) provisions to prevent conflict of interest situations;”;

(2) by adding “, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4, communicate the information described in that paragraph and the procedure applicable” at the end of subparagraph 3 of the first paragraph;

(3) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) provisions identifying offences, if any, for the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 or of the first paragraph of section 55.1.”;

(4) by striking out the last paragraph.

55. Section 88 of the Code is amended

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

“88. The board of directors of an order whose members charge fees must establish, by regulation, an accounts conciliation and arbitration procedure that may be used by persons to whom fees are charged.”;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) provisions allowing a person to use the procedure if the account has already been paid in whole or in part, provided the application for conciliation is made within 45 days after the day the person received the account or within a longer time prescribed by the regulation. If two or more accounts were issued for the same professional service or if an account is payable in instalments, the time to apply for conciliation runs from the date on which the most recent account or the most recent payment was received, and the application may cover all the accounts issued or payments due in the year preceding the application. If the member has withdrawn or withheld sums from funds held or received for or on behalf of the person, the time runs from the time the person became aware that the sums were withdrawn or withheld;”;

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

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

(4) by inserting the following paragraphs after the fourth paragraph:

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

Despite any provision of a regulation under subparagraph 1 of the second paragraph, account conciliation may be applied for within 45 days after a decision of the disciplinary council that expressly calls into question the quality or the relevance of a professional act that is charged for in the account, except if the account has already been referred to conciliation or arbitration.”

56. Section 89 of the Code is replaced by the following sections:

“89. The members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation.

If it authorizes the members of the order to hold such funds or property, the board of directors must, subject to the Public Curator Act (chapter C-81), determine by regulation

(1) procedures and standards for holding and disposing of such funds or property; and

(2) procedures and standards for keeping and auditing members' books and registers and, if applicable, for holding and auditing a trust account.

“89.1. A board of directors that makes a regulation under section 89 authorizing the members of the order to hold funds or property must compensate a claimant if a member uses such funds or property for purposes other than those for which they were entrusted to the member in the practice of his profession. The board of directors may not, however, compensate a claimant who entrusted funds or property to a member for illicit purposes or who knew or ought to have known that the funds or property would be used inappropriately.

The board of directors must determine by regulation

(1) the compensation procedure; and

(2) if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund.

The regulation may prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to a claimant in respect of a member and the maximum amount that may be paid to all claimants who have filed a claim in respect of a member.

If two or more claims are filed in respect of a member and the total amount claimed, after application of the limit prescribed for each claimant, exceeds the limit prescribed for all claimants, the amount of compensation is set by the board of directors and paid in proportion to the amount of each claim.

A person, a committee or a committee member designated by the board of directors for the purposes of this section may conduct an inquiry and report to the board of directors on any claim. The board of directors may also delegate the power to decide a claim to such a committee.

The person or the committee members referred to in the fourth paragraph shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public.

If it compensates a claimant, the board of directors is subrogated to the claimant's rights, and prescription only runs from the day the compensation is paid.”

57. Section 90 of the Code is amended by replacing the second sentence by the following paragraph:

“The board of directors may, in the regulation, determine a procedure for appointing inspectors or experts to assist the committee, and determine the requirements the committee may recommend in addition to the recommendations regarding refresher courses or periods of refresher training

it may make under the first paragraph of section 113. The board of directors may also, in the regulation, provide for the appointment by the board of directors of a person to be responsible for professional inspection, delegate the powers of the committee or the committee members under sections 55, 112 and 113 to that person, and then delegate the powers of the board of directors under those sections to the committee.”

58. Section 91 of the Code is amended

(1) by replacing “, and determine standards concerning the keeping by a professional of a consulting room and other offices” in the first paragraph by “or another person”;

(2) by inserting “or another person” after “entrusted to him by a client” in the second paragraph;

(3) by replacing the last paragraph by the following paragraphs:

“The board of directors may, in the regulation, determine standards for the operation of a consulting room and other offices by a professional.

In cases described in the second paragraph, the board of directors may take possession of the records and the property held by the professional or require their delivery to an assignee or provisional custodian. In such a case, the board of directors shall determine by resolution the remuneration and the responsibilities and powers of the assignee or the custodian and the procedure for the recovery, from the professional or his successors, of expenses incurred or fees paid by the board of directors, the assignee or the custodian.”

59. Section 93 of the Code, amended by section 4 of chapter 20 of the statutes of 2006, is again amended

(1) by adding the following at the end of paragraph *b*: “the regulation may set a limit on the number of consecutive terms for which they may be appointed;”;

(2) by striking out “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” in paragraph *c.1*;

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

“(d) impose on the members of the order the obligation to furnish and maintain security, by means of an insurance contract or a surety bond or by any other means determined by the regulation, to cover liability for any fault committed in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1. The coverage must extend to any claim filed against a member

during the five years following the year he ceases to be a member of the order or during a longer period determined by the order in the regulation. The regulation must prescribe the minimum amount of coverage and may prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent;”;

(4) by striking out “or negligence” in the sixth line of paragraph *g*;

(5) by replacing “security” wherever it appears in paragraph *g* by “coverage” and by adding the following at the end of that paragraph: “the coverage must extend to any claim filed against the partnership or company during the five years following the year the members cease to maintain the coverage, or during a longer period determined by the board of directors in the regulation;”;

(6) by replacing “and, as appropriate, any fees applicable” in paragraph *h* by “applicable”.

60. Section 94 of the Code is amended

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

“(a) establish rules for the remuneration of elected directors, determine the positions within the order whose incumbents may not be dismissed except in accordance with section 85, and the procedure applicable to such a dismissal, and to the dismissal of a syndic or of the secretary of the order, in addition to what is provided in section 85;”;

(2) by striking out paragraph *b*;

(3) by adding the following at the end of paragraph *h*: “the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;”;

(4) in paragraph *i*,

(a) by replacing “, specialist’s certificates or special authorizations” by “or specialist certificates”;

(b) by adding the following at the end: “if it requires periods of professional training, the board of directors may in addition determine, from among the regulatory standards applicable to members, those that are applicable to persons who serve those periods of training, provide for special supervisory procedures for those persons, including inquiry and complaint procedures,

and determine the penalties that may be imposed by the board of directors in the case of non-compliance;”;

(5) by replacing paragraph *j* by the following paragraph:

“(j) determine cases in which section 55 may apply; the regulation may also determine a number of years for the purposes of section 45.3;”;

(6) by replacing paragraph *o* by the following paragraph:

“(o) determine the continuing education requirements, or the framework for those requirements, with which the members or a class of members of the order must comply, in accordance with the conditions set by resolution of the board of directors; the regulation must include the methods for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply with them and, if applicable, possible exemptions from the requirements;”.

61. Section 95 of the Code is amended by replacing “sections 95.1 and 95.2” by “section 95.2”.

62. Section 95.1 of the Code is repealed.

63. Section 95.2 of the Code is amended by replacing the first paragraph by the following paragraph:

“**95.2.** A regulation adopted by the board of directors under section 65, 88, 89, 90 or 91, paragraph *a, b, d, e, f, g* or *h* of section 93, or paragraph *a, j, n* or *o* of section 94 shall be transmitted for examination to the Office, which may approve it with or without amendment. The same applies to any regulation under paragraph *p* of section 94 if it is not the first regulation adopted by the board of directors under that paragraph.”

64. Section 95.4 of the Code is replaced by the following section:

“**95.4.** All regulations made by the board of directors or made by the Government under section 183 and that are in force shall be distributed to the members of the order and the appointed directors by the secretary of the order.”

65. Section 96 of the Code is replaced by the following sections:

“**96.** When a board consists of 12 or more directors, an executive committee shall be formed. In other cases, an executive committee may be formed.

“**96.1.** The executive committee shall see to the day-to-day administration of the order’s affairs and may exercise all the powers delegated to it by the board of directors.

However, the power to make regulations, to establish operating rules for the board of directors or the executive committee, to appoint a syndic or to designate the members of the disciplinary council, or the powers conferred by section 85.2 and the first and third paragraphs of section 86.1 may not be delegated to the executive committee by the board of directors.”

66. Section 97 of the Code is replaced by the following section:

“97. The board of directors shall determine the number of members of the executive committee. That number must be at least five when the forming of a committee is compulsory, and at least three when the forming of a committee is optional, but in all cases, less than half the number of directors on the board.

The president of the order shall be a member *ex officio* and the chairman of the committee. One member of the committee when the forming of a committee is optional or three members of the committee when the forming of a committee is compulsory shall be designated by an annual vote of the elected directors from among those directors. One other committee member shall be designated by an annual vote of the directors from among the directors appointed by the Office and shall be a member of the committee as of the designation. Any other committee member shall be designated by an annual vote by and from among the directors determined by the board.

The voting provided for in the second paragraph shall be held each year at the time determined by the board of directors.”

67. Section 99 of the Code is amended by replacing “prescribed by regulation under paragraph *b* of section 94” in the second paragraph by “determined by the board of directors under paragraph 3 of section 62.1”.

68. Section 100 of the Code is amended by replacing the first three paragraphs by the following paragraphs:

“100. The board of directors shall establish operating rules for the executive committee, including rules for the holding of meetings and quorum rules, and the procedure for keeping the board of directors informed of the activities of the executive committee.

The operating rules for the executive committee must allow the committee to see to the day-to-day administration of the order’s business and exercise the powers delegated to it by the board of directors.

Decisions of the executive committee shall be made by a majority vote of the members present or of the members who express their opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1.”

69. Section 101 of the Code is repealed.

70. Section 103 of the Code is amended

- (1) by replacing “six” by “eight”;
- (2) by adding the following paragraph at the end:

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

71. Section 104 of the Code is amended by inserting “is public upon its submission at the general meeting of the members of the order. It” after “report” in the first line of the second paragraph.

72. Section 108.6 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended by replacing “, assistant secretary, syndic, assistant syndic, corresponding syndics, secretary” in paragraph 1 by “and assistant secretary, a syndic, and the secretary”.

73. Section 108.7 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended

(1) by striking out “of the Bureau or administrative committee of an order” in subparagraph 1 of the first paragraph;

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

“(2) a resolution made under a power conferred on the order by section 159 or following a recommendation under section 158.1 or 160;”;

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

“(3) a resolution designating an assignee or a provisional custodian under section 91, and the description of the mandate.”

74. Section 111 of the Code is amended

(1) by striking out “, investigator”;

(2) by adding the following sentence at the end: “However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

75. Section 112 of the Code is replaced by the following section:

“112. The committee shall supervise the professional practice of the members of the order. Its functions include inspecting their records, books, registers, medications, poisons, products, substances, apparatus and equipment

relating to their professional practice, and inspecting the property entrusted to them by their clients or other persons.

At the request of the board of directors, the committee or a committee member shall inspect the professional competence of a member of the order; the committee or a committee member may also act on its or his own initiative in this regard.

The committee or a committee member may be assisted by inspectors or experts appointed as determined in a regulation under section 90. The inspectors must be members of the order.

The committee shall send the board of directors

(1) any inspection report the board requests that is the basis for recommendations for a decision of the board;

(2) any report following a specific request by the board to carry out an inspection;

(3) any other inspection report the board requires.

On its own initiative or at the request of the board of directors, the committee shall report to the board on its activities, and make any recommendations it considers appropriate.

In addition, the committee shall inform a syndic if it has reasonable grounds to believe that a professional has committed an offence referred to in the second paragraph of section 116.

On its own initiative or at the request of a syndic, the committee may also, when it considers it relevant, disclose information to that syndic for the protection of the public.”

76. Section 113 of the Code is amended by replacing “and that it restrict or suspend the member’s right to engage in professional activities until that requirement is met” by “, or it may recommend that any other requirement determined in a regulation under section 90 be imposed. The committee may also recommend to the board that it restrict or suspend the right of the member concerned to engage in professional activities until he has met the requirements or fulfilled the conditions imposed.”

77. Section 114 of the Code is amended

(1) by striking out “, an investigator” in the third line;

(2) by replacing “inspection or inquiry” by “inspection” in the sixth line;

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

“Moreover, it is forbidden for a professional to urge a person holding information about the professional not to cooperate with a person mentioned in the first paragraph, or not to authorize that person, when so requested, to disclose information about the professional.”

78. Section 115 of the Code is amended

- (1) by replacing “make a general report of its activities” by “report annually”;
- (2) by replacing “each year” by “on its activities”.

79. Section 116 of the Code is amended by adding the following paragraph at the end:

“A complaint lodged against a person who exercises a function provided for in this Code or the Act constituting the order, including a syndic or a member of a disciplinary council, by reason of acts performed in the exercise of that function is inadmissible.”

80. Section 117 of the Code is amended

- (1) by adding “, which must be at least three years” at the end of the first sentence of the first paragraph;
- (2) by adding “, which must be at least three years” at the end of the first paragraph.

81. Section 118 of the Code is amended

- (1) by adding the following at the end of the first paragraph: “, which must be at least three years. The chairmen of the disciplinary councils are automatically placed on the list.”;
- (2) by adding the following paragraphs at the end:

“Among the persons who can act as substitute chairmen but are not chairmen of a council, the Government shall designate a replacement chairman to exercise the functions of a disciplinary council chairman who is unable to act.

The replacement chairman shall enter into office as soon as the Office notes the inability to act. The replacement chairman shall remain in office until the Office notes the end of the inability to act or the Government designates a new chairman.”

82. Section 118.3 of the Code is amended

- (1) by replacing “of which they have been seized” in the first sentence by “they had begun to hear”;

(2) by striking out the second sentence.

83. Section 119 of the Code is amended

(1) by replacing “of which he was seized” in the third paragraph by “he had begun to hear”;

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

“However, if the appointment is made after the council has handed down the conviction and the person appointed does not avail himself of the third paragraph, another division shall be formed without delay to hear the parties in relation to the penalty and to impose it. The new division shall impose the penalty within 90 days after being formed. Interlocutory decisions rendered by another division before continuance of suit remain valid.”

84. Section 121 of the Code is replaced by the following sections:

“**121.** The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.

The assistant syndics and corresponding syndics are under the syndic’s authority as regards the exercise of their functions of syndic. They have the same rights, powers and obligations as the syndic. However, a corresponding syndic may not hold an inquiry except under the direction of the syndic and may not propose conciliation, lodge a complaint with the disciplinary council or appeal a decision to the Professions Tribunal.

“**121.1.** The board of directors must take steps to preserve the independence of the office of the syndic at all times so that the persons who form the office of the syndic may exercise their functions.

“**121.2.** A syndic may not exercise any other functions assigned under this Code or the Act constituting the professional order of which he is a member.

A syndic may, however, conciliate accounts in accordance with a regulation under section 88 and conduct inquiries relating to matters covered in Chapter VII.

A syndic may retain the services of an expert or of any other person to assist him in the exercise of his inquiry functions.

“**121.3.** The board of directors may appoint a syndic ad hoc on the suggestion of the review committee, at the request of the syndic or, in exceptional circumstances that it must set out in the resolution of appointment, on its own initiative.

A syndic ad hoc has the rights, powers and obligations of a syndic except that he does not have authority over an assistant syndic and may not be assisted by a corresponding syndic.

The board must take steps to preserve the independence of a syndic ad hoc at all times.”

85. Section 122 of the Code is amended by replacing the first two paragraphs by the following paragraph:

“**122.** A syndic may, following information to the effect that a professional has committed an offence referred to in section 116, inquire into the matter and require any information or document relating to the inquiry. He may not refuse to hold an inquiry on the sole ground that the request for an inquiry was not made using the form proposed under subparagraph 9 of the third paragraph of section 12.”

86. Section 122.1 of the Code is amended

- (1) by replacing “The syndic or assistant syndic” by “A syndic”;
- (2) by replacing “of an inspection or inquiry, as the case may be,” by “of an inspection”;
- (3) by adding the following paragraph at the end:

“On his own initiative or at the request of the professional inspection committee, a syndic may also, if he considers it relevant, disclose any information to the committee for the protection of the public.”

87. Section 122.2 of the Code is amended by striking out “the first and second paragraphs of”.

88. Section 123 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic” and “the syndic or assistant syndic” in the second and third paragraphs by “the syndic”.

89. Section 123.1 of the Code is amended by replacing “the syndic or an assistant syndic” wherever it appears by “a syndic”.

90. Section 123.2 of the Code is replaced by the following section:

“**123.2.** Where a complaint has been lodged with the disciplinary council, a syndic must notify the person who requested the inquiry of the date, time and place of the hearing. He must also send that person the decision of the disciplinary council dismissing the complaint or imposing one or more of the penalties prescribed in the first paragraph of section 156. If the decision of the disciplinary council includes an order banning the disclosure, publication or

release of information, he must, at the same time, inform the person that the person is bound by that order.”

91. Section 123.3 of the Code is amended

(1) by replacing “of the syndic or assistant syndic” in the second paragraph by “of a syndic”;

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

“The board of directors shall appoint three or more persons to the committee and designate the committee chairman from among their number.”

92. Sections 123.4 to 123.6 of the Code are replaced by the following sections:

“123.4. Within 30 days after the date of receipt of a syndic’s decision not to lodge a complaint with the disciplinary council, the person who requested an inquiry may request an opinion from the review committee.

On receiving a request for an opinion, the review committee must inform the person who requested an inquiry of his right to submit written observations at any time before the opinion is given.

Within 90 days after the date of receipt of the request for an opinion, the review committee shall give its opinion in writing after examining the record and the documents that a syndic is required to send the review committee, and after hearing the syndic and the person who requested an inquiry, if it decides to hear them.

“123.5. In its opinion, the review committee must either

(1) find that there is no cause to lodge a complaint with the disciplinary council;

(2) suggest that the syndic complete the inquiry and subsequently render a new decision as to whether or not to lodge a complaint; or

(3) find that there is cause to lodge a complaint with the disciplinary council and suggest that a syndic ad hoc be appointed who, after an inquiry, if he decides to hold one, will decide whether or not to lodge a complaint.

The review committee may also suggest that a syndic refer the record to the professional inspection committee.

If the review committee suggests that a syndic complete the inquiry or finds that there is cause to lodge a complaint with the disciplinary council, the order must reimburse any fees the person who requested an inquiry may have been charged under paragraph 2 of section 12.3.

The review committee must send its opinion to the person who requested an inquiry and the syndic without delay.

“123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.

If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.

Before proposing conciliation, a syndic must consider such factors as the gravity of the prejudice sustained and any previous conviction of the professional under this division for an offence in connection with facts similar to those alleged in support of the request for an inquiry.

However, a syndic may not propose conciliation if he considers that the facts alleged in support of the request for an inquiry

(1) are such that the public could be at risk or public trust in the members of the order could be compromised if the disciplinary council were not seized of the complaint; or

(2) indicate that the professional may have engaged in a derogatory act within the meaning of section 59.1.”

93. Section 123.7 of the Code is amended

(1) by replacing “or assistant syndic” by “who acted as conciliator”;

(2) by striking out “thereupon”;

(3) by adding “once the settlement is completed” at the end.

94. Section 123.8 of the Code is amended by replacing “judicial or quasi-judicial proceedings” by “adjudicative proceedings”.

95. Section 124 of the Code is replaced by the following section:

“124. The members and the secretary of the disciplinary council, a syndic, any expert whose services are retained by a syndic, any other person assisting a syndic under section 121.1 and the members of the review committee must take the oath set out in Schedule II. However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

96. Section 125.1 of the Code is replaced by the following section:

“**125.1.** The syndic shall submit to the board of directors an annual report on the activities of the office of the syndic and, at the request of the board, any other activities report.”

97. Section 126 of the Code is amended by adding the following paragraph at the end:

“The disciplinary council is seized of a complaint on the date of its receipt by the secretary.”

98. Section 128 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic”.

99. Section 130 of the Code is amended by adding the following paragraph after paragraph 3:

“(4) where the respondent is charged with having contravened section 114 or the second paragraph of section 122.”

100. Section 133 of the Code is amended

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

“**133.** The request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities must be heard and decided by preference after notice is served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25) at least one clear juridical day before the hearing and not later than 10 days after service of the complaint.”;

(2) by replacing “such hearing” in the second paragraph by “the hearing”;

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

“The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

(4) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.

101. Section 134 of the Code is amended

(1) by replacing “The appearance shall be accompanied with a declaration by which” at the beginning of the second paragraph by “The written appearance may state that”;

(2) by replacing “appearance is not accompanied with such a declaration” in the second paragraph by “written appearance contains no such statement”;

(3) by replacing “The appearance may be accompanied or followed within ten days by a written contestation” in the third paragraph by “A written contestation is to be enclosed with the written appearance or filed within 10 days”.

102. Section 135 of the Code is amended by adding the following paragraph at the end:

“Subject to sections 132 and 139, any document that must be sent to a party under Divisions VII and VIII of this chapter is validly sent to the party if sent to the party’s advocate.”

103. Section 138 of the Code is amended

(1) by inserting “two or more” before “divisions” in the first paragraph;

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

“If the disciplinary council consists of more than three members, the secretary of the council shall, without delay, choose from among the council members the other two members who are to sit with the chairman or substitute chairman in each division.”

104. Section 139 of the Code is amended by inserting the following paragraph at the beginning:

“The secretary of the disciplinary council must make sure that the hearing begins within a reasonable time. Barring particular circumstances, the hearing must begin within 120 days after service of the complaint.”

105. Section 142 of the Code is amended

(1) by replacing “access to or the publication” in the second paragraph by “the disclosure, publication”;

(2) by replacing “access” in the third paragraph by “disclosure”.

106. Section 143 of the Code is replaced by the following sections:

“143. The disciplinary council has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.

It may use all legal means to ascertain the facts alleged in a complaint.

“143.1. The chairman of the council may, on a motion, dismiss a complaint he considers abusive, frivolous or clearly unfounded or subject it to certain conditions.

“143.2. If the circumstances of a complaint justify it given such factors as its complexity or the foreseeable duration of the hearing, the chairman of the council may, on his own initiative or at the request of a party, convene the parties to a case management conference in order to, among other things,

(1) reach an agreement with the parties on the conduct of the complaint proceeding, specifying the undertakings of the parties and determining the timetable to be complied with;

(2) if the parties fail to agree on a timetable, determine one which the parties must comply with;

(3) determine how the conduct of the complaint proceeding may be simplified, facilitated or accelerated and the hearing shortened, among other things by better defining the questions at issue or taking note of admissions concerning any fact or document.

“143.3. The minutes of the conference are drawn up by the secretary of the council and signed by the chairman.

“143.4. If the parties fail to comply with the agreement or the timetable, the chairman of the council may make the appropriate decisions, including foreclosure of a right set out in the agreement. The chairman may, on request, relieve a defaulting party from default if required in the interest of justice.

“143.5. On the basis of a failure to appear at the conference as recorded in the minutes, the council shall make the decisions it considers appropriate as regards the management of the case.”

107. Section 147 of the Code is amended by inserting “, except the power to order imprisonment” after “refusal”.

108. Section 149 of the Code is amended by replacing “judicial or quasi-judicial proceedings” in the first paragraph by “adjudicative proceedings”.

109. Section 149.1 of the Code is amended

(1) by replacing “The syndic or assistant syndic” at the beginning by “A syndic” and “the syndic or assistant syndic” by “that syndic”;

(2) by replacing “commission” in the fifth line in the French text by “perpétration”.

110. Section 150 of the Code is amended

(1) by replacing “serve a notice of such conviction upon such party by registered or certified mail within ten days” in the second paragraph by “notify a notice of the conviction to that party within 10 days, in accordance with the Code of Civil Procedure”;

(2) by replacing “thirty” in the third paragraph by “90”.

111. Section 151 of the Code is amended

(1) by inserting “abusive, frivolous or” before “clearly unfounded” in the second paragraph;

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

“If the chairman of the council dismisses a complaint under section 143.1, he may condemn the complainant to pay the costs.”

112. Section 154 of the Code is amended

(1) by replacing “access to or the” by “the disclosure,”;

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

“Despite the first paragraph, if a member refuses or neglects to give reasons, a decision may be rendered by two members on behalf of the majority, provided one of the two is the chairman or substitute chairman.”

113. Section 156 of the Code is amended

(1) by inserting “or should be” before “holding” in subparagraph *d* of the first paragraph;

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

“The disciplinary council shall, on rendering a decision imposing provisional striking off the roll or a provisional restriction or suspension of a professional’s right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

(3) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.

114. Section 157 of the Code is amended by replacing “publication of the notice required” in the first paragraph by “the publication of a notice”.

115. Section 158 of the Code is amended

(1) by inserting “, on the complainant’s request,” before “orders provisional execution” in the first paragraph;

(2) by adding “despite an appeal” at the end of the first paragraph.

116. Section 159 of the Code is amended by replacing the first two paragraphs by the following paragraphs:

“**159.** When a decision of the disciplinary council requires the professional to remit a sum of money in accordance with subparagraph *d* of the first paragraph of section 156, the secretary of the council shall inform the person entitled to that sum without delay.

Within 10 days after an appeal is dismissed or, if none is lodged, within 10 days after the time limit for appeal expires, the order may pay the sum fixed by the council to the person entitled to it. In such a case, the order is subrogated to the rights of the person entitled to the sum and may then recover the sum from the offending professional by having the council’s decision homologated by the Superior Court or the Court of Québec, depending on which court has jurisdiction given the amount involved, in the judicial district in which the professional has his professional domicile. Once homologated, the council’s decision becomes enforceable as any judgment of the court. Prescription runs against the order from the date the sum is paid.”

117. Section 161 of the Code is amended

(1) by replacing “request by way of a petition to the committee on discipline filed with the secretary before the expiry of the penalty,” in the first paragraph by “, as long as one of those penalties is in force, request, by way of a petition to the disciplinary council filed with the secretary,”;

(2) by adding the following sentence at the end of the first paragraph: “At least 10 days before the petition is filed, it must be served on the syndic in accordance with the Code of Civil Procedure; the syndic may contest the request.”

118. Section 164 of the Code is amended

(1) by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) a decision of the disciplinary council on the publication of a notice under the fifth paragraph of section 133 or the fifth paragraph of section 156 and, for the professional or, on a resolution of the board of directors of the order, for a syndic, from a decision on the payment of publication expenses in accordance with those paragraphs;”;

(2) by inserting “or of its chairman” after “discipline” in subparagraph 2 of the first paragraph;

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

“The record shall include the complaint, the subsequent written proceedings, the exhibits produced, the minutes of the proceeding, the decision of the council and the petition. The record shall also include a transcript of the hearing if it has been recorded, where the complainant in first instance is a person having lodged a complaint under the second paragraph of section 128.”

119. Section 166 of the Code is amended

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

“**166.** Subject to the second paragraph, an appeal shall suspend the execution of the decision of the disciplinary council, unless the tribunal or the council itself, under section 158, orders provisional execution of the decision. The tribunal may, however, terminate the provisional execution ordered by the council.”;

(2) by striking out “However,” at the beginning of the second paragraph;

(3) by replacing “access to or” in subparagraph 2 of the second paragraph by “the disclosure,”.

120. Section 167 of the Code is amended by inserting the following paragraph after the first paragraph:

“Unless the record includes a transcript of the hearing, each party’s factum must include the extracts from the evidence that are necessary to determine the questions at issue.”

121. Section 171 of the Code is amended

(1) by replacing “date d’audition de l’appel” in the first paragraph in the French text by “date de l’audience d’appel”;

(2) by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the second paragraph.

122. Section 172 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the first line of the second paragraph.

123. Section 173 of the Code is amended

(1) by replacing “the publication” in the second paragraph by “the disclosure, publication”;

(2) by inserting “disclosure,” after “banning” in the third paragraph.

124. Section 175 of the Code is amended by inserting “abusive, frivolous or” before “clearly unfounded” in the last two lines of the second paragraph.

125. Section 176 of the Code is amended by replacing “publication” by “disclosure, publication”.

126. Section 177.0.1 of the Code is amended

(1) by inserting “, in accordance with the Code of Civil Procedure,” after “served” in the first paragraph;

(2) by inserting “in accordance with the Code of Civil Procedure” after “party” in the second paragraph.

127. Section 180 of the Code is amended

(1) by adding the following sentences at the end of the second paragraph: “The secretary of the council may also have a notice published in a newspaper having general circulation in any other place where the professional has practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

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

“The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”

128. Section 180.2 of the Code is amended by replacing the second sentence by the following sentence: “If published, a notice must be presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member’s right to practise, a member’s being struck off the roll or the revocation of a member’s permit.”

129. Section 182 of the Code is amended by inserting “disclosure,” before “publication” in the first paragraph.

130. Section 182.1 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) a decision of the board of directors under section 45 or 45.1, the third paragraph of section 45.3, section 51, the second paragraph of section 52, section 52.1, the third paragraph of section 55, sections 55.1 to 55.3, the second paragraph of section 187, the second paragraph of section 187.4 or the second or third paragraph of section 187.9 of this Code;”.

131. Section 182.2 of the Code is amended

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

“The record relating to an appeal from a decision made under section 45, 45.1, 55.1 or 55.2 of this Code shall include the decision made under that section, the judicial or disciplinary decision referred to in that section, the opinion, with reasons, of the board of directors that the offence committed is related to the practice of the profession, and the motion for appeal.”;

(2) by inserting “the third paragraph of section 45.3, the third paragraph of section 55, section 55.3” after “made under” in the sixth paragraph.

132. Section 182.3 of the Code is amended by replacing “or subparagraph 1 or 2 of the first paragraph of section 55.1” in the second paragraph by “the first paragraph of section 55.1 or section 55.2 or 55.3”.

133. Section 182.5 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “parties” in the second paragraph.

134. Section 182.9 of the Code is amended

(1) by inserting “, whose permit or specialist certificate is revoked” after “roll” in the second line of the first paragraph;

(2) by replacing “striking off the roll or” in the fourth line of the first paragraph by “the striking off the roll, revocation”;

(3) by replacing “The notice” in the first paragraph by “The secretary of the order may also have a notice published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele. The notice”;

(4) by replacing “laid out in a box not less than two columns wide, under the title “NOTICE OF STRIKING OFF THE ROLL OR RESTRICTION AND SUSPENSION OF THE RIGHT TO PRACTISE”” in the third paragraph by “presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member’s right to practise, a member’s being struck off the roll or the revocation of a member’s permit or specialist certificate”;

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

“The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”

135. The Code is amended by inserting the following section after section 184.2:

“184.3. The Office may, by regulation and after consultation with the chairmen and substitute chairmen of the disciplinary councils and the Interprofessional Council,

(1) adopt rules of practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils;

(2) adopt a code of ethics for the chairmen, substitute chairmen and other members of the disciplinary councils, prescribe the applicable procedure, determine the authorities responsible for the enforcement of the code and prescribe the penalties to be imposed for breaches.”

136. Section 187.9 of the Code is amended by replacing “in a resolution of the Bureau” at the end of the first paragraph by “by the Bureau”.

137. Sections 187.14 and 187.17 of the Code are amended by striking out “or negligence”.

138. Section 190.1 of the Code is replaced by the following section:

“190.1. No search may be carried out on behalf of a professional order unless authorized by a warrant. Only the secretary of the order, a syndic, an inspector of the professional inspection committee or an investigator charged with investigating cases of unlawful practice or unauthorized use of a title may, if specifically designated by name in each case by the board of directors or the executive committee, apply for a search warrant on behalf of the order.”

139. Section 191 of the Code is amended by replacing “the commission of the offences charged” in the second to last line of the first paragraph by “committing the alleged offences”.

140. Section 192 of the Code is amended

(1) by replacing “and make a copy of such record or document” in the portion before subparagraph 1 of the first paragraph by “, make a copy of such a record or document, and require any information”;

(2) by striking out “, investigator” in subparagraph 1 of the first paragraph;

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

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(4) by replacing “or a member of such committee” in subparagraph 6 of the first paragraph by “, a member of such a committee or an investigator of the order”;

(5) by replacing “for the purposes of section 89” in subparagraph 8 of the first paragraph by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(6) by striking out subparagraph 9 of the first paragraph;

(7) by inserting “and provide such information,” after “document” in the second paragraph.

141. Section 193 of the Code is amended

(1) by striking out “investigator,” in paragraph 1;

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

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(3) by replacing “or a member of such committee” in paragraph 7 by “, a member of such a committee or an investigator of the order”;

(4) by replacing “for the purposes of section 89” in paragraph 10 by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(5) by striking out paragraph 11.

142. Section 194 of the Code is amended by replacing “in articles 834 to 850 of the Code” by “in the Code”.

143. Section 196.1 of the Code is repealed.

144. Section 196.2 of the Code is amended by adding the following paragraphs at the end:

“To that effect, for each fiscal year of the Office, the members of the orders shall be required to pay a contribution determined by the Government as follows.

Each fiscal year, the surplus of the Office for the preceding fiscal year shall be added to, or its deficit for the preceding fiscal year shall be deducted from, the expenditures determined by the Office in its budget estimates for the

following fiscal year. The resulting amount shall then be divided by the number of members in all the orders on 31 March of the calendar year in progress. The quotient is the amount of the annual contribution of each member.”

145. Section 196.3 of the Code is repealed.

146. Section 196.4 of the Code is amended by striking out the first and third paragraphs.

147. Section 196.5 of the Code is repealed.

148. Sections 196.6 and 196.7 of the Code are amended by replacing “in the second paragraph of section” by “in section”.

149. Section 196.8 of the Code is amended by adding the following paragraph at the end:

“The charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2.”

150. Section 198.1 of the Code is repealed.

151. Schedule II to the Code is amended by inserting “, 62.1, 89.1” after “14.1” in the reference to the sections of the Code between parentheses.

AGROLOGISTS ACT

152. Section 7 of the Agrolologists Act (R.S.Q., chapter A-12) is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

153. Section 10 of the Act is amended by striking out “by resolution:” in the first line.

154. Sections 10.1 and 11 of the Act are amended by replacing “95.1” in the last paragraph by “95.2”.

155. Section 15 of the Act is amended by striking out “by resolution” in the second paragraph.

LAND SURVEYORS ACT

156. Section 9 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing “réunion” in the French text by “séance”.

157. Section 15 of the Act is amended by replacing “101” by “100”.

158. Sections 38, 60, 62, 67 and 68 of the Act are amended by striking out “resolution of”.

ACT RESPECTING INSURANCE

159. Section 174.12 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing “subparagraph *p* of the first paragraph of section 86” by “section 85.2”.

ACT RESPECTING THE BARREAU DU QUÉBEC

160. Section 12 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing “95.1” in the second paragraph of subsection 1 by “95.2”.

161. Section 13 of the Act is amended by striking out “by resolution” in subsection 2.

162. Section 15 of the Act is amended

- (1) by striking out “, by resolution,” in the first line of subsection 1;
- (2) by striking out “, by such resolution,” in paragraph *l* of subsection 1;
- (3) by replacing paragraph *o* of subsection 1 by the following paragraph:

“(o) delegate to the Committee on applications the powers conferred on the board of directors by sections 55.1 to 55.3 of the Professional Code.”

163. Section 16 of the Act is amended by replacing “95.1” by “95.2”.

164. Section 22.1 of the Act is amended by striking out “, by resolution,” in the second paragraph.

165. Sections 23 and 30 of the Act are amended by striking out “resolution of”.

166. Section 32 of the Act is amended by striking out “, by resolution,” in subsection 2.

167. Section 44 of the Act is amended by striking out “by resolution”.

168. Section 64.1 of the Act is amended by replacing subsection 3 by the following subsection:

“(3) Subsections 1 and 2 also apply in the case of a disbarment imposed by the board of directors under section 55.1 or 55.2 of the Professional Code.”

169. Sections 65 and 66 of the Act are amended by striking out “by resolution passed”.

170. Section 68 of the Act is amended

- (1) by striking out “by resolution and” in subsection 1;
- (2) by replacing “as determined in the resolution” at the end of subsection 1 by “as they may determine”;
- (3) by striking out “resolution of” in subsection 2;
- (4) by striking out “, by by-law,” in subsection 2 and “, by resolution,” in subsection 3;
- (5) by striking out “by resolution passed” in subsection 8.

171. Section 70 of the Act is amended by striking out “by resolution passed” in subsection 1.

172. Sections 71 and 72 of the Act are amended by striking out “by resolution passed”.

173. Section 131 of the Act is amended by inserting “or expressly authorized” after “so ordered” in subsection 2.

174. Section 140 of the Act is amended by striking out “, upon a resolution of the Executive Committee,”.

175. Section 140.3 of the Act is amended by striking out “a resolution of” wherever it appears.

PROFESSIONAL CHEMISTS ACT

176. Section 15 of the Professional Chemists Act (R.S.Q., chapter C-15) is amended by replacing “96” by “96.1”.

CHARTERED ACCOUNTANTS ACT

177. Section 6 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by replacing “réunion” in the French text by “séance”.

DENTAL ACT

178. Sections 9 and 13 of the Dental Act (R.S.Q., chapter D-3) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

179. Section 15 of the Act is amended by striking out “section 86 of” in the first line.

180. Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

GEOLOGISTS ACT

181. Section 4 of the Geologists Act (R.S.Q., chapter G-1.01) is amended by replacing “95.1” in the second paragraph by “95.2”.

182. Section 24 of the Act is amended by striking out “section 33 of” in the second paragraph.

COURT BAILIFFS ACT

183. Section 7 of the Court Bailiffs Act (R.S.Q., chapter H-4.1) is amended by replacing “95.1” by “95.2”.

TAXATION ACT

184. Sections 134.1, 134.2 and 752.0.18.3 of the Taxation Act (R.S.Q., chapter I-3) are amended by replacing “196.3” by “196.2”.

185. Section 1159.3 of the Act is amended by replacing “subparagraph *p* of the first paragraph of section 86” in subparagraph *d.1* of the first paragraph by “section 85.2”.

NURSES ACT

186. Section 9 of the Nurses Act (R.S.Q., chapter I-8) is amended by replacing “réunion” in the first paragraph in the French text by “séance”.

187. Section 11 of the Act is amended

(1) by striking out “sections 86 and 86.0.1 of” in the first line of the first paragraph;

(2) by striking out “subparagraph *k* of the first paragraph of” in the third paragraph;

(3) by replacing “86” wherever it appears in the third paragraph by “85.1”.

188. Sections 15 and 21 of the Act are amended by replacing “95.1” by “95.2”.

189. Section 25 of the Act is amended by striking out “resolution of” in the first paragraph.

190. Section 31.2 of the Act is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

191. Section 38 of the 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 whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

VETERINARY SURGEONS ACT

192. Section 29 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by striking out “resolution of” in the second paragraph.

MEDICAL ACT

193. Sections 9 and 13 of the Medical Act (R.S.Q., chapter M-9) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

194. Section 15 of the Act is amended by striking out “section 86 of” in the first line.

195. Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

196. Section 33 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

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

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

197. Section 37 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

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

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

NOTARIES ACT

198. Section 5 of the Notaries Act (R.S.Q., chapter N-3) is amended by replacing “95.1” in the second paragraph by “95.2”.

199. Section 6 of the Act is amended

(1) by striking out “by resolution” in subparagraph 4 of the first paragraph;

(2) by replacing “95.1” in the second paragraph by “95.2”.

200. Section 12 of the Act is amended by replacing “, 45.1, 48 to 52, 55, 55.1,” in the fourth paragraph by “to 45.3, 46.0.1, 48 to”.

201. Section 14.1 of the Act is amended by inserting “or expressly provided” after “so ordered” in the second paragraph.

202. Sections 50 and 62 of the Act are amended by striking out “a resolution of” and “resolution of”, respectively.

203. Section 77 of the Act is amended by replacing “the syndic of the Order or the subject of a complaint filed with the committee on discipline” in subparagraph 2 of the first paragraph by “a syndic of the Order or the subject of a complaint filed with the disciplinary council.”

204. Section 96 of the Act is amended by striking out “resolution of” in the third paragraph.

205. Sections 97 and 105 of the Act are amended by replacing “95.1” by “95.2”.

OPTOMETRY ACT

206. Section 7 of the Optometry Act (R.S.Q., chapter O-7) is amended by striking out “section 86 of” in the first line.

PHARMACY ACT

207. Section 8 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by striking out “section 86 of” in the first line.

208. Section 8.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

209. Section 19 of the 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 whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

MIDWIVES ACT

210. Section 76 of the Midwives Act (R.S.Q., chapter S-0.1) is amended by striking out “resolution of” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

211. In any Act other than the Professional Code and in any regulation, unless the context indicates otherwise, the following replacements must be made, with the necessary modifications:

(1) the word “Bureau”, where it designates the Bureau of a professional order, is to be replaced by “board of directors”;

(2) the words “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, are to be replaced by “executive committee”; and

(3) the words “committee on discipline”, “Committee on Discipline” and “committee”, where they designate the committee on discipline of a professional order, are to be replaced by “disciplinary council” or “council”.

In any order, resolution, contract or other document, unless the context indicates otherwise,

(1) a reference to the Bureau of a professional order is a reference to its board of directors;

(2) a reference to the administrative committee, Administrative Committee or Executive Committee of a professional order is a reference to its executive committee; and

(3) a reference to the committee on discipline or Committee on Discipline of a professional order is a reference to its disciplinary council.

212. Special authorizations issued under sections 33, 39 and 39.1 of the Professional Code and still valid on the date of coming into force of section 42.4 of that Code are deemed to have been issued under that section.

213. The new provisions of sections 45, 45.1, 45.2 and 48 of the Professional Code apply to applications submitted before the date of coming into force of the new provisions for which a decision has not yet been made.

An applicant who has been convicted of an offence referred to in the new provisions has 60 days after that date to inform the board of directors.

214. The new provisions of sections 49 to 51 of the Professional Code apply to medical examinations ordered before the date of coming into force of the new provisions for which a decision under former section 51 has not yet been made.

215. Sections 55.1 to 55.4 of the Professional Code, enacted by this Act, apply to judicial or disciplinary decisions made before the date of coming into force of those sections.

A member of an order who has been the subject of a decision referred to in the new provisions of section 55.1 or 55.2 has 60 days after the date of coming into force of that section to inform the executive committee.

216. Any professional who is not practising on the date of coming into force of the new provisions of section 60 of the Professional Code must, within 60 days after that date, inform the secretary of the order of his or her place of residence or principal place of employment.

217. Until the first election of directors to the board of directors after the date of coming into force of the first regulation made under the new provisions of section 61 of the Professional Code, the board of directors and the executive committee of an order are to be formed in accordance with the former provisions of that section and of sections 78 and 79 or 96 and 97 of the Professional Code.

218. The new provisions of section 66.1 of the Professional Code apply to elections in progress on the date of coming into force of those provisions.

219. A professional who, in the practice of his or her profession, holds funds or property, including advances on fees, on behalf of a client or another

person must comply with the new provisions of section 89 within 90 days of the date of their coming into force.

220. A regulation under the former provisions of paragraph *f* of section 93 or paragraph *a* or *b* of section 94 of the Professional Code remains in force until the date of coming into force of a resolution on the same subject adopted under the new provisions or to the extent provided for in the regulation.

221. A regulation in force on the date of coming into force of the new provisions of sections 95 and 95.2 of the Professional Code is deemed to have been approved in accordance with those provisions.

The new provisions also apply to regulations made before that date that have not yet been approved by the Government or the Office des professions du Québec.

222. The new provisions of section 113 of the Professional Code apply to inspections in progress on the date of coming into force of those provisions.

223. The new provisions of sections 117 and 118 of the Professional Code do not apply to terms of office in progress on the date of coming into force of those provisions.

224. The new provisions of sections 143 and 143.1 of the Professional Code apply to complaints received, in accordance with section 126 of that Code, on the date of coming into force of those provisions.

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

