



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 50

**An Act to amend the Professional Code
and other legislative provisions in the
field of mental health and human
relations**

Introduction

**Introduced by
Mr. Jacques P. Dupuis
Minister responsible for the administration of legislation
respecting the professions**

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EXPLANATORY NOTES

This bill amends the Professional Code to provide a new delineation of professional activities in the field of mental health and human relations for psychologists, social workers, marriage and family therapists, vocational guidance counsellors and psychoeducators.

Under the bill, members of these professions will also engage in the educational, promotional and prevention activities common in certain health professions. The bill specifies suicide prevention as a prevention activity.

The bill reserves activities where there is a risk of prejudice in the field of mental health and human relations to the members of certain professional orders.

Finally, the bill provides a framework for the practice of psychotherapy. It gives a definition of psychotherapy, restricts the right to practice psychotherapy and use the title of psychotherapist to physicians, psychologists and members of professional orders whose members may hold a psychotherapist's permit, provides for the administration of such permits by the Ordre professionnel des psychologues du Québec, and provides for the creation of an interdisciplinary advisory council on the practice of psychotherapy.

LEGISLATION AMENDED BY THIS BILL:

- Professional Code (R.S.Q., chapter C-26);
- Nurses Act (R.S.Q., chapter I-8);
- Medical Act (R.S.Q., chapter M-9).

Bill 50

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS IN THE FIELD OF MENTAL HEALTH AND HUMAN RELATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 27 of the Professional Code (R.S.Q., chapter C-26) is amended by inserting “and a description of any reserved activities they may engage in” after “law” in the fourth line of the third paragraph.

2. Section 27.2 of the Code is amended by inserting “and a description of any reserved activities they may engage in” after “law” in the fourth line of the fourth paragraph.

3. Section 36 of the Code is amended

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

“(d) use the title “Social Worker” or any other title or abbreviation which may lead to the belief that he is a social worker, or use initials which may lead to the belief that he is a social worker or the initials “P.S.W.”, “T.S.P.”, “S.W.” or “T.S.”, or use the title “Marriage and Family Therapist”, “Marriage Therapist”, “Family Therapist”, or a title or abbreviation which may lead to the belief that he is such a therapist, or use the initials “M.F.T.”, “T.C.F.”, “M.T.”, “T.C.”, “F.T.” or “T.F.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des travailleurs sociaux du Québec;”;

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

“(g) use the title “Vocational Guidance Counsellor”, “Guidance Counsellor”, “Vocational Counsellor” or any other title or abbreviation which may lead to the belief that he is such a counsellor, or use initials which may lead to the belief that he is such a counsellor, or use the initials “V.G.C.”, “G.C.”, “V.C.”, “C.O.P.”, “C.O.” or “O.P.”, or use the title “Psychoeducator” or any other title or abbreviation which may lead to the belief that he is a psychoeducator, or use initials which may lead to the belief that he is a psychoeducator, or use the abbreviations “Ps. Ed.” or “ps. éd.”, unless he holds a valid permit for that

purpose and is entered on the roll of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec;”.

4. Section 37 of the Code is amended

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

“(d) the Ordre professionnel des travailleurs sociaux du Québec:

“i. if practicing the profession of social worker: assess social functioning, determine an intervention plan and see to its implementation, and support and restore social functioning in relation to a person’s milieu with a view to fostering the optimal development of the person in interaction with his environment;

“ii. if practicing the profession of marriage and family therapist: assess the relationship dynamics of couples and families, determine a treatment and intervention plan, and restore and improve a couple’s or a family’s lines of communication with a view to fostering better relations among spouses or family members in interaction with their environment;”;

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

“(e) the Ordre professionnel des psychologues du Québec: assess psychological and mental functioning, and determine, recommend and carry out interventions or treatments with a view to fostering the psychological health and restoring the mental health of a person in interaction with his environment;”;

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

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

“i. if practicing the profession of vocational guidance counsellor: assess psychological functioning, personal resources and the conditions of the milieu, respond to needs with regard to identity, and develop and maintain pro-active adjustment strategies with a view to helping a person make personal and vocational choices throughout life, regain socio-vocational autonomy and carry out career projects in interaction with his environment;

“ii. if practicing the profession of psychoeducator: assess adjustment problems and the capacity to adjust, determine an intervention plan and see to its implementation, restore and develop a person’s capacity to adjust, and contribute to the development of the conditions in the milieu with a view to fostering the optimal adjustment of the person in interaction with his environment;”;

(4) by replacing “the functional abilities of a person” in the first and second lines of paragraph *o* by “functional abilities”;

(5) by replacing “skills” in the third line of paragraph *o* by “a person’s skills”, and by replacing “in order to foster optimal autonomy” in the fifth line of that paragraph by “with a view to fostering the optimal autonomy of the person in interaction with his environment”.

5. Section 37.1 of the Code is amended

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

“(1.1) the Ordre professionnel des travailleurs sociaux du Québec:

“ (1.1.1) if practicing the profession of social worker:

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

“(b) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (chapter P-34.1);

“(c) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1);

“(d) assess a person with regard to child custody and access rights;

“(e) assess a person who wishes to adopt a child;

“(f) assess a person with regard to protective supervision of persons of full age or with regard to a mandate given in anticipation of the mandator’s incapacity;

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

“(h) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required; and

“(i) make decisions as to the use of restraint or isolation measures in accordance with the Act respecting health services and social services (chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (chapter S-5);

“(1.1.2) if practicing the profession of marriage and family therapist:

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

“(b) assess a person with regard to child custody and access rights; and

“(c) assess a person who wishes to adopt a child;

“(1.2) the Ordre professionnel des psychologues du Québec:

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

“(b) assess mental disorders;

“(c) assess neuropsychological disorders, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94;

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

“(e) assess a person with regard to child custody and access rights;

“(f) assess a person who wishes to adopt a child;

“(g) assess a handicapped student or a student with a social maladjustment with a view to formulating an intervention plan in accordance with the Education Act (chapter I-13.3);

“(h) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required; and

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

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

“(1.3.1) if practicing the profession of vocational guidance counsellor:

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

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

“(c) assess mental retardation;

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

“(e) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required;

“(1.3.2) if practicing the profession of psychoeducator:

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

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

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

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

“(e) assess a handicapped student or a student with a social maladjustment with a view to formulating an intervention plan in accordance with the Education Act;

“(f) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required; and

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

(2) by adding the following subparagraphs after subparagraph *d* of paragraph 2:

“(e) assess a handicapped student or a student with a social maladjustment with a view to formulating an intervention plan in accordance with the Education Act; and

“(f) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required;”;

(3) by adding “in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons” after “restraint measures” in subparagraph *g* of paragraph 3;

(4) by replacing “restraint measures” in subparagraph *d* of paragraph 4 by “restraint or isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons”;

(5) by adding the following subparagraphs after subparagraph *d* of paragraph 4;

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

“(f) assess a handicapped student or a student with a social maladjustment with a view to formulating an intervention plan in accordance with the Education Act; and

“(g) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required;”.

6. Section 39.2 of the Code is amended by inserting “to 26, 28” after “24” in the second line.

7. Section 39.4 of the Code is amended

(1) by inserting “suicide,” after “preventing” in the second line;

(2) by replacing “The field of practice of the members of an order” in the first line by “The practice of the profession of the members of an order also”.

8. Section 182.1 of the Code is amended by replacing “the second paragraph of section 187.4” in the third line of subparagraph 1 of the first paragraph by “the first paragraph of section 187.4.1”.

9. Section 182.2 of the Code is amended by replacing “the second paragraph of section 187.4” in the second line of the sixth paragraph by “the first paragraph of section 187.4.1”.

10. Chapter VI.1 of the Code, comprising sections 187.1 to 187.5, is replaced by the following chapter:

“CHAPTER VI.1

“PSYCHOTHERAPIST’S PERMIT

“**187.1.** With the exception of physicians and psychologists, no person shall practice psychotherapy or use the title “Psychotherapist” or any other title or abbreviation which may lead to the belief that he is a psychotherapist, unless he holds a psychotherapist’s permit and is a member of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, the Ordre professionnel des ergothérapeutes du Québec, the Ordre professionnel des infirmières et infirmiers du Québec or the Ordre professionnel des travailleurs sociaux du Québec.

Psychotherapy is psychological treatment for a mental disorder, behavioural disturbance or other problem resulting in psychological suffering or distress, and has as its purpose to foster significant changes in the client’s cognitive, emotional or behavioural functioning, his interpersonal relations, his personality or his health. Such treatment goes beyond help aimed at dealing with everyday difficulties and beyond a support or counselling role.

The Office shall establish by regulation a list of actions which relate to psychotherapy but do not constitute psychotherapy within the meaning of the second paragraph, and shall define those actions.

“**187.2.** Every physician, psychologist or holder of a psychotherapist’s permit shall practice psychotherapy in accordance with the laws and regulations governing the physician, psychologist or permit holder, and with the following rules:

- (1) establish a structured process of interaction with the client;
- (2) do a thorough initial evaluation;
- (3) apply therapeutic procedures based on communication; and
- (4) use scientifically recognized theoretical models and proven intervention methods that respect human dignity.

“**187.3.** To obtain a psychotherapist’s permit, a person shall apply to the Bureau of the Ordre professionnel des psychologues du Québec and pay the annual fees set by resolution of the Bureau.

“**187.3.1.** The Office shall determine, by regulation,

- (1) the conditions to be met for a physician, psychologist or holder of a psychotherapist’s permit to use the title of “Psychotherapist”;

(2) the standards for the issue of a psychotherapist's permit; and

(3) the framework for continuing education activities to be taken by a physician or psychologist practicing psychotherapy, or by a holder of a psychotherapist's permit in accordance with the terms and conditions set by resolution of the Bureau of the Collège des médecins du Québec and the Ordre professionnel des psychologues du Québec, the penalties for failing to take part in such activities and, where applicable, the cases in which a member may be exempted from taking part in them.

“187.3.2. In exercising the regulatory power conferred by section 187.3.1, the Office is authorized to take transitional measures during the first six years following (*insert the date of coming into force of section 187.1 enacted by section 10 of this Act*). These measures may have effect, in whole or in part, from any date not prior to that date.

The Office is also authorized, for the period specified in the first paragraph and under the conditions it determines, to allow a psychotherapist's permit to be issued by the Bureau of the Ordre professionnel des psychologues du Québec to persons who do not satisfy the conditions of issue respecting a permit of one of the professional orders whose members may practice psychotherapy, and to determine the provisions of the Professional Code and the regulations made under it by the Bureau of the Ordre professionnel des psychologues du Québec that will apply to such a holder of a psychotherapist's permit.

“187.4. When exercising their powers of inquiry, the professional inspection committee and the syndic of the professional order to which the holder of a psychotherapist's permit belongs must retain the services of an expert who is a member of the Ordre professionnel des psychologues du Québec.

The Bureau of the professional order to which the holder of a psychotherapist's permit belongs must inform the Bureau of the Ordre professionnel des psychologues du Québec of any recommendation or decision made by the professional inspection committee or the committee on discipline and of any decision of the Bureau further to that recommendation concerning a member of the same order who holds a psychotherapist's permit.

“187.4.1. The Bureau of the Ordre professionnel des psychologues du Québec may suspend or revoke the psychotherapist's permit of any person who fails to maintain his membership in a professional order, pay the annual fees, meet the conditions relating to the use of the title of “Psychotherapist”, or satisfy the standards for the issue of a psychotherapist's permit.

A decision made under the first paragraph may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

“187.4.2. The Bureau of the Ordre professionnel des psychologues du Québec shall suspend or revoke a psychotherapist’s permit if the holder has been the subject of a decision by the Bureau of the professional order of which he is a member or of a final decision by the committee on discipline of that order or by the Professions Tribunal, imposing a suspension or a full restriction on the right to practice psychotherapy. The permit is suspended for the duration specified in the decision of the Bureau, the committee on discipline or the Professions Tribunal.

If the holder of a psychotherapist’s permit has been the subject of a decision by the Bureau of the professional order of which he is a member or of a final decision by the committee on discipline of that order or by the Professions Tribunal, imposing a partial restriction on the right to practice psychotherapy, the Bureau shall restrict, under the same conditions, the right to practice psychotherapy.

The Bureau of the Ordre professionnel des psychologues du Québec shall inform the Bureau of the professional order of which the holder of the psychotherapist’s permit is a member of any suspension or revocation of the permit.

“187.4.3. Any penal proceedings for the unlawful practice of psychotherapy or the unauthorized use of the title of “Psychotherapist” is initiated by the Ordre professionnel des psychologues du Québec on a resolution of the Bureau or the administrative committee.

“187.5. An interdisciplinary advisory council on the practice of psychotherapy is hereby established within the Ordre professionnel des psychologues du Québec for a ten-year term renewable by the Government.

“187.5.1. The mandate of the interdisciplinary advisory council is to give advisory opinions and make recommendations to the Office des professions du Québec on the draft regulations made by the Office under this chapter, before their adoption by the Office, and on any other matter concerning the practice of psychotherapy that the Office considers expedient to submit to it.

It is also the mandate of the interdisciplinary advisory council to give advisory opinions and make recommendations to the Bureau of the professional orders whose members may practice psychotherapy on the draft regulations on the practice of psychotherapy made by those orders, before their adoption by the order in question, and on any other matter concerning the practice of psychotherapy that the Bureau considers expedient to submit to it.

The interdisciplinary advisory council must also, through the agency of the Office, give advisory opinions and make recommendations to the Minister responsible for the administration of legislation respecting the professions, on any matter concerning the practice of psychotherapy that the Minister considers expedient to submit to it.

“187.5.2. The interdisciplinary advisory council consists of the following members appointed by the Government for their knowledge, experience or professional expertise in the field of psychotherapy:

(1) two psychologists, one of whom is the chair of the council, after consultation with the Ordre professionnel des psychologues du Québec;

(2) two physicians, one of whom is the vice-chair of the council, after consultation with the Collège des médecins du Québec;

(3) a member from each professional order whose members may hold a psychotherapist’s permit and, if applicable, a holder of each class of permit issued by that professional order, after consultation with the order concerned.

The interdisciplinary advisory council may consult any person whose expertise is required or who represents a body concerned in a matter under consideration, and authorize him to participate in its meetings.

“187.5.3. The interdisciplinary advisory council may adopt rules for the conduct of its affairs.

“187.5.4. The advisory opinions and recommendations submitted by the interdisciplinary advisory council must, if applicable, include the position of each member.

The advisory opinions and recommendations must be filed with the Office des professions du Québec or with the Minister responsible for the administration of legislation respecting the professions.

“187.5.5. The Ordre professionnel des psychologues du Québec shall provide the necessary administrative support to the interdisciplinary advisory council, see to the preparation and conservation of its minutes, advisory opinions and recommendations, and convene its meetings when requested.

The operating costs of the interdisciplinary advisory council shall be assumed jointly by the Ordre professionnel des psychologues du Québec and the professional orders whose members may practice psychotherapy.

“187.5.6. At the expiry of a period of five years after (*insert the date of coming into force of section 187.5, enacted by section 10 of this Act*) and every five years thereafter, the interdisciplinary advisory council shall report to the Office des professions du Québec on the implementation of the provisions of Chapter VI.1 and in particular of the transitional measures set out in section 187.3.2.

The Minister responsible for the administration of legislation respecting the professions shall, not later than six months after the expiry of any period set out in the first paragraph, present a report to the Government on the implementation of the provisions of Chapter VI.1.

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

11. Schedule I to the Code is amended by replacing paragraph 28 by the following paragraph:

“28. The *Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec*;”.

NURSES ACT

12. Section 36 of the Nurses Act (R.S.Q., chapter I-8) is amended

(1) by replacing “a person’s state of health, determining and carrying out of the” in the first line of the first paragraph by “health, determining and carrying out the”;

(2) by replacing “or restore health and” in the third and fourth lines of the first paragraph by “and restore the health of a person in interaction with his environment and”;

(3) by replacing “measures” in subparagraph 14 of the second paragraph by “or isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons”;

(4) by adding the following subparagraphs after subparagraph 14 of the second paragraph:

“(15) assess mental disorders and mental retardation, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94 of the Professional Code;

“(16) assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required.”

MEDICAL ACT

13. Section 31 of the Medical Act (R.S.Q., chapter M-9) is amended

(1) by replacing “in the health of human beings” in the first paragraph by “in health”;

(2) by replacing “restore health” at the end of the first paragraph by “restore the health of a person in interaction with his environment”;

(3) by replacing “measures” in subparagraph 10 of the second paragraph by “or isolation measures in accordance with the Act respecting health services

and social services and the Act respecting health services and social services for Cree Native persons”.

TRANSITIONAL AND FINAL PROVISIONS

14. Holders of a social worker’s permit or a marriage and family therapist’s permit issued by the Bureau of the Ordre professionnel des travailleurs sociaux du Québec may practice the activities reserved for their respective professions under paragraph 1.1 of section 37.1, enacted by paragraph 1 of section 5, within the framework of the activities that paragraph *d* of section 37, enacted by paragraph 1 of section 4, allows them to practice, until the date of coming into force of a regulation made by the Bureau of the Ordre professionnel des travailleurs sociaux du Québec under paragraph *m* of section 94 of the Professional Code.

15. Holders of a vocational guidance counsellor’s permit or a psychoeducator’s permit issued by the Bureau of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec may practice the activities reserved for their respective professions under paragraph 1.3 of section 37.1, enacted by paragraph 1 of section 5, within the framework of the activities that paragraph *g* of section 37, enacted by paragraph 3 of section 4, allows them to practice, until the date of coming into force of a regulation made by the Bureau of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec under paragraph *m* of section 94 of the Professional Code.

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

