



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 62

An Act to amend the Nurses Act

Introduction

1988-12-15

Introduced by
Mr Claude Ryan
Minister responsible for the administration of legislation
respecting the professions

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EXPLANATORY NOTES

The main object of this bill is to relax certain rules governing the election of the members of the Bureau of the Ordre des infirmières et infirmiers du Québec and of the council of the sections which compose the Order and ensure that all the members are qualified to vote and to be elected.

The bill emphasizes the supervisory role of the Bureau with respect to the financial position of the sections and contains amendments to regularize the status of the vice-president and treasurer of the Order and to specify their duties.

The bill also allows nurses to practise their profession under a firm name.

Finally, the bill ensures that the provisions concerning the conditions for obtaining a permit of the Order are consistent with those contained in the Professional Code and that the rules governing the adoption and coming into force of regulations are in harmony with those contained in the Regulations Act and in the Professional Code.

Bill 62

An Act to amend the Nurses Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Nurses Act (R.S.Q., chapter I-8) is amended

(1) by adding the words “, including a vice-president and a treasurer” after the word “directors” in the second line of the first paragraph;

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

“The treasurer shall be the depositary of the moneys and other securities of the Order. He shall perform any other duties imposed on him by the regulations or specially entrusted to him by the Bureau, the Executive Committee or the president.”

2. Section 9 of the said Act is replaced by the following section:

“**9.** For the purpose of the election of the president, where he has not been elected by a general vote of the members of the Order, and of the election of the vice-president, of the treasurer and of two members of the Executive Committee, the secretary of the Order shall call a meeting of the elected and appointed directors which must be held in the ten days preceding the annual general meeting of the Order. The secretary shall act as returning officer and the vote shall be by secret ballot.

The president shall be elected from among the elected directors, by the vote of such directors, the vice-president and the treasurer shall be elected from among the elected directors by the vote of all the directors.

The president, the vice-president and the treasurer are *ex officio* members of the Executive Committee.

One member of the Executive Committee shall be elected from among the elected directors by the vote of such directors and the other member shall be elected from among the directors appointed by the Office des professions by the vote of all the directors."

3. Section 11 of the said Act is replaced by the following section:

"11. In addition to the duties provided in section 86 of the Professional Code (R.S.Q., chapter C-26), the Bureau

(a) shall advise the Minister of Health and Social Services on the quality of nursing care provided in the establishments and on the standards to be followed to improve the quality of such care;

(b) shall cooperate, in accordance with the terms and conditions fixed under subparagraph *b* of the first paragraph of section 184 of the Professional Code, in the elaboration of the curricula leading to a diploma giving access to a permit and in the preparation of the examinations or other means of evaluating the persons pursuing such studies;

(c) shall determine the formalities relating to entry and re-entry on the roll and to applications for special authorization;

(d) shall determine the date and place of the annual general meeting which must be held within nine months from the end of the fiscal year of the Order;

(e) shall organize the keeping of a register of students in nursing and determine the formalities relating to the entry on such register;

(f) may require an annual financial report from any section;

(g) may, by a resolution approved by two-thirds of its members,

i. require from the president of a section which does not have sufficient funds to subsist or does not make suitable and beneficial use of its funds, a report on the use of its funds;

ii. order an inquiry into the affairs of a section which does not have sufficient funds to subsist or does not make suitable and beneficial use of its funds."

4. Section 13 of the said Act is amended by striking out the second paragraph.

5. Section 14 of the said Act is amended

(1) by striking out paragraph *b*;

(2) by striking out the words “require from the officers of such sections a report on the use of their funds and, if necessary, order an inquiry” in the third and fourth lines of paragraph *c*;

(3) by replacing the first three lines of paragraph *d* by the words “impose, on any section which or president who fails to file, within the time fixed by the Bureau, a report required under paragraph *f* or *g* of section 11, or on any section which fails to submit to the disallowance of a by-law effected under section 31, the following penalties: placing under”.

6. Section 17 of the said Act is amended by replacing the words “whose main residence was within the territory of the section on the preceding December 31” in the second, third and fourth lines by the words “who are enrolled in the section”.

7. The said Act is amended by inserting, after section 22, the following section:

“22.1 A person may be enrolled in a section if he is

(1) a member of the Order who has his main residence in the territory of the section and who has informed the secretary of the Order in writing of the place of his residence;

(2) a member of the Order who practises his profession mainly in the territory of the section, who does not have his main residence in the territory of any of the sections of the Order and who has informed the secretary of the Order in writing of the place where he mainly practises his profession and of the place of his main residence.”

8. Section 24 of the said Act is amended by adding the following paragraph:

“The president, the vice-president and the councillors shall take office at the closing of the annual general meeting of the Order immediately following their election and they shall remain in office until they die, until they resign or until they are replaced or struck off the roll.”

9. Section 25 of the said Act is replaced by the following sections:

“25. The election of the members of the council of a section shall be held not later than 30 days before the annual general meeting of the Order, on the date and according to the mode of election fixed by resolution of the council of the section.

The council of the section shall designate a returning officer from among the members of the section.

Voting shall be by secret ballot.

“25.1 Only members of the Order enrolled in the section are eligible and entitled to vote.

“25.2 Following the election of the members of the council of the section and not later than 30 days before the annual general meeting of the Order, the members shall designate by secret ballot, from among their number, a president, a vice-president and the directors who will form part of the Bureau.”

10. The said Act is amended by inserting, after section 31, the following sections:

“31.1 The fiscal year of a section ends on 31 March.

“31.2 At the annual general meeting of a section, the members shall elect the auditors who will be responsible for auditing the books and accounts of the section and the president of the council of the section shall submit a report on the activities of the section together with the financial statements of the section.

The report shall subsequently be transmitted to the secretary of the Order who shall present it to the Bureau at the next meeting after it has been received.

“31.3 The books and accounts of a section shall be audited every year.”

11. Section 38 of the said Act is amended by inserting the words “the Professional Code,” after the word “under” in the second line of subparagraph *c* of the first paragraph.

12. Section 40 of the said Act is amended by adding the following paragraph:

“Nurses may, however, practise their profession under a firm name which is the name of one, several or all of the partners.”

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