

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 29
AN ACT TO AMEND THE PROFESSIONAL CODE

Bill 22

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

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Assented to 17 June 1988

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Acts amended:

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
Professional Code (R.S.Q., chapter C-26)





CHAPTER 29

An Act to amend the Professional Code

[Assented to 17 June 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-26,
s. 12, am.

1. Section 12 of the Professional Code (R.S.Q., chapter C-26), amended by section 69 of chapter 95 of the statutes of 1986, is again amended

(1) by inserting the words “, in accordance with section 88,” after the word “establishes” in the first line of subparagraph *c* of the third paragraph;

(2) by inserting the words “, in accordance with section 88,” after the word “regulation” in the first line of subparagraph *d* of the third paragraph;

(3) by adding the words “in accordance with section 89” at the end of subparagraph *e* of the third paragraph;

(4) by inserting the words “, in accordance with section 89,” after the word “regulation” in the first line of subparagraph *f* of the third paragraph;

(5) by inserting the words “, in accordance with section 90, the composition, the number of members and” after the word “determines” in the first line of subparagraph *g* of the third paragraph;

(6) by replacing the words “, by regulation,” in the first line of subparagraph *h* of the third paragraph by the words “by regulation, in accordance with section 90, the composition, the number of members

and” and by replacing the words “establish one” in the second line of the said subparagraph by the words “do so”;

(7) by replacing subparagraphs *i* and *j* of the third paragraph by the following subparagraphs:

“(i) see that each of the corporations determines, in accordance with section 91, rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, applicable in the event that he is struck off the roll, he ceases to practice or dies, his right to practice is restricted or suspended or his permit is revoked;

“(j) determine by regulation, in accordance with section 91, rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, applicable in the event that he is struck off the roll, ceases to practise or dies, his right to practice is restricted or suspended, or his permit is revoked, if the corporation fails to do so within the delay fixed by the office;”;

(8) by inserting the words “, in accordance with section 92,” after the word “determines” in the first line of subparagraph *k* of the third paragraph;

(9) by replacing the words “, by regulation” in the first line of subparagraph *l* of the third paragraph by the words “by regulation, in accordance with section 92”;

(10) by replacing the words “the quorum for general meetings of its members” in the first and second lines of subparagraph *m* of the third paragraph by the words “, in accordance with paragraph *a* of section 93, the quorum for general meetings of its members and the manner of calling such meetings”;

(11) by replacing the words “, by regulation, the quorum for general meetings of the members of a corporation where none has” in the first and second lines of subparagraph *n* of the third paragraph by the words “by regulation, in accordance with paragraph *a* of section 93, the quorum for general meetings of the members of a corporation and the manner of calling such meetings where none have”;

(12) by inserting, after subparagraph *n* of the third paragraph, the following subparagraphs:

“(n.1) see that each of the corporations fixes, in accordance with paragraph *b* of section 93, the date of and procedure for the election of the president and the elected directors, the date and the time they take office and their term of office;

“(n.2) fix by regulation, in accordance with paragraph *b* of section 93, the date of and procedure for the election of the president and the elected directors, the date and the time they take office and their term of office, if the corporation fails to adopt a regulation to that effect within the delay fixed by the Office;

“(n.3) see that each of the corporations prescribes, in accordance with paragraph *c* of section 93, standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate;

“(n.4) prescribe by regulation, in accordance with paragraph *c* of section 93, standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate, if the corporation fails to adopt a regulation to that effect within the delay fixed by the Office;”;

(13) by replacing the words “suggest for approval to the Government” in the first line of subparagraph *u* of the third paragraph by the words “adopt by regulation”.

c. C-26,
s. 13,
replaced

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

Approval of
regulation

“**13.** Every regulation adopted by the Office under this Code or under an Act constituting a professional corporation must be submitted to the Government, which may approve it with or without amendment.

Applicable
Act

The Regulations Act (R.S.Q., chapter R-18.1) applies to any regulation adopted by the Office which is not a regulation within the meaning of that Act.”

c. C-26,
s. 33, am.

3. Section 33 of the said Code is amended

(1) by adding the words “and for the period indicated therein” at the end of the first paragraph;

(2) by replacing the word “three” in the first line of the second paragraph by the words “a period not exceeding twelve”.

c. C-26,
s. 36, am.

4. Section 36 of the said Code, amended by section 1 of chapter 17 of the statutes of 1987, is again amended

(1) by replacing the words “comprising such expression or the equivalent” in the second line of paragraph *a* by the words “which may lead to the belief that he is a certified management accountant”;

(2) by replacing the words “comprising such expression or the equivalent” in the second line of paragraph *b* by the words “which may lead to the belief that he is a certified general accountant”;

(3) by replacing the words “comprising any of such expressions or the equivalent” in the second line of paragraph *c* by the words “which may lead to the belief that he is a dietician or a dietitian”;

(4) by replacing the words “comprising such expression or the equivalent” in the first and second lines of paragraph *d* by the words “which may lead to the belief that he is a social worker” and by replacing the word and initials “or “T.S.P.”” in the second and third lines of the said paragraph by the word and initials “, “T.S.P”, “S.W.” or “T.S.””;

(5) by replacing the words “comprising such expression or the equivalent” in the first and second lines of paragraph *e* by the words “which may lead to the belief that he is a psychologist”;

(6) by replacing the words “comprising such expression or the equivalent” in the second line of paragraph *f* by the words “which may lead to the belief that he is an industrial relations counsellor”;

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

“(g) use the title “Vocational Guidance Counsellor” or “Guidance Counsellor” or any other title which may lead to the belief that he is a vocational guidance counsellor or guidance counsellor, or use the initials “G.C.”, “V.G.C.”, “C.O.” or “C.O.P.”, unless he holds a valid permit for that purpose and is entered on the roll of the Corporation professionnelle des conseillers et conseillères d’orientation du Québec”;

(8) by replacing the words “comprising any of such expressions or the equivalent” in the second and third lines of paragraph *h* by the words “which may lead to the belief that he is an urbanist or a town or city planner”;

(9) by replacing the words “comprising such expression or the equivalent” in the second line of paragraph *i* by the words “which may lead to the belief that he is a chartered administrator”;

(10) by replacing the words “comprising one of such expressions or the equivalent” in the second and third lines of paragraph *j* by the words “which may lead to the belief that he is a chartered appraiser or chartered assessor”;

(11) by replacing the words “comprising such expression or the equivalent” in the first and second lines of paragraph *k* by the words “which may lead to the belief that he is a dental hygienist, or use the initials “D.H.” or “H.D.””;

(12) by replacing paragraph *l* by the following paragraph:

“(l) use the title “Dental Technician” or any other title which may lead to the belief that he is a dental technician, unless he holds a valid permit for that purpose and is entered on the roll of the Corporation professionnelle des techniciens et techniciennes dentaires du Québec;”;

(13) by replacing the words “comprising one of such terms or the equivalent” in the second line of paragraph *m* by the words “which may lead to the belief that he is a speech therapist or audiologist”;

(14) by replacing the words “comprising such term or the equivalent” in the first and second lines of paragraph *n* by the words “which may lead to the belief that he is a physiotherapist”;

(15) by replacing the words “comprising such term or the equivalent” in the second line of paragraph *o* by the words “which may lead to the belief that he is an occupational therapist” and by inserting the words “, particularly the abbreviation “erg.”,” after the word “title” in the third line of the said paragraph;

(16) by replacing the words “comprising such expression or the equivalent” in the first and second lines of paragraph *p* by the words “which may lead to the belief that he is a nursing assistant”;

(17) by replacing the words “including such term or the equivalent” in the second line of paragraph *q* by the words “which may lead to the belief that he is a medical technologist”;

(18) by adding, after paragraph *q*, the following paragraphs:

“(r) use the title “Applied Sciences Technologist”, “Professional Technologist” or “Professional Technician” or any other title which may lead to the belief that he is an applied sciences technologist, professional technologist or professional technician, or use the initials

“A.Sc.T.”, “P.T.”, “T.Sc.A.” or “T.P.”, unless he holds a valid permit for that purpose and is entered on the roll of the Corporation professionnelle des technologues des sciences appliquées du Québec;

“(s) use the title “Registered Respiratory Therapist” or “Technician in Inhalation Therapy and Anesthesia” or any other title which may lead to the belief that he is a registered respiratory therapist or technician in inhalation therapy and anesthesia or an abbreviation of such title, particularly the abbreviation “Inh.”, or use the initials “R.R.T.”, unless he holds a valid permit for that purpose and is entered on the roll of the Corporation professionnelle des inhalothérapeutes du Québec.”

c. C-26,
s. 37, am.

5. Section 37 of the said Code, amended by section 546 of chapter 39 of the statutes of 1984 and by section 2 of chapter 17 of the statutes of 1987, is again amended

(1) by replacing, in the English text, the words “and do cost accounting and business organization and management” in the second and third lines of paragraph *a* by the words “, do industrial accounting and organize and manage businesses”;

(2) by inserting the words “et conseillères” after the word “conseillers” in the first line of paragraph *g*;

(3) by inserting the words “et techniciennes” after the word “techniciens” in the first line of paragraph *l*;

(4) by adding, after paragraph *q*, the following paragraphs:

“(r) the Corporation professionnelle des technologues des sciences appliquées du Québec: subject to any Act governing a professional corporation whose members practise an exclusive profession, perform work of a technical nature in the field of applied sciences within his competence, according to procedures, recognized standards and methods or according to plans, estimates or specifications, and use the instruments required for the performance of such work;

“(s) the Corporation professionnelle des inhalothérapeutes du Québec: promote respiratory health, do any act relating to the techniques of anesthesia, diagnosis preparation, treatment, rehabilitation of the breathing function and resuscitation, and to the administration of medication and medicated gases according to prescription, and the monitoring of patient responses during treatment.”

c. C-26,
s. 39, am.

6. Section 39 of the said Code is amended

(1) by adding the words “for the period indicated in the authorization” after the word “corporation” in the fifth line of the first paragraph;

(2) by replacing the word “three” in the first line of the second paragraph by the words “a period not exceeding twelve”.

c. C-26,
s. 49, am.

7. Section 49 of the said Code is amended

(1) by replacing, in the French text, the word “deux” in the second line of the first paragraph by the words “d’eux”;

(2) by inserting the words “their opinions which together constitute” after the word “Bureau” in the first line of the fourth paragraph.

c. C-26,
s. 51, am.

8. Section 51 of the said Code is amended

(1) by inserting the words “or suspend” after the word “restrict” in the second line of paragraph *a*;

(2) by inserting the words “or suspend” after the word “restrict” in the second line of paragraph *b*;

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

Service of
decision

“Every decision under the first paragraph, accompanied, where applicable, with the medical examination report on which it is based, must be served forthwith, in accordance with the Code of Civil Procedure, on the person concerned.”

c. C-26,
ss. 52 and
53, replaced

9. Sections 52 and 53 of the said Code are replaced by the following sections:

Resumption
of right to
practise

52. No person whose right to practise has been restricted or suspended or who has been struck off the roll pursuant to a decision rendered by the Bureau under section 51 may resume his full right to practise or be entered on the roll, unless he applies therefor in writing to the Bureau.

Medical
report

The Bureau shall decide the application on the basis of the medical report furnished to it by the person concerned on the compatibility of his physical or mental condition, as the case may be, with the practice of the profession.

New medical
examination

Where the report does not establish, to the satisfaction of the Bureau, the compatibility of the physical and mental condition of the person concerned with the practice of the profession, the Bureau may order another medical examination, and sections 49 to 51 apply.

Appeal

“53. A decision under section 51 or the second paragraph of section 52 is subject to appeal before the Professions Tribunal. The appeal must be lodged within thirty days of the service of the Bureau’s decision, in accordance with the Code of Civil Procedure, on the person concerned.

Applicable
provisions

The provisions of subdivision 5 of Division VII of Chapter IV apply, adapted as required.”

c. C-26,
s. 55,
replaced
Refresher
training

10. Section 55 of the said Code is replaced by the following section :

“55. The Bureau of a corporation may, on the recommendation of the professional inspection committee or the committee on discipline or in the cases determined by a regulation under paragraph *j* of section 94, require any member of the corporation to serve a period of refresher training or take a refresher course, or require him to do both.

Restriction
or suspen-
sion of right
to practise

Where the Bureau of a corporation requires a member of the corporation to serve a period of refresher training or take a refresher course, or requires him to do both, on the recommendation of the professional inspection committee or the committee on discipline or in the cases determined by a regulation under paragraph *j* of section 94, it may restrict or suspend his right to engage in professional activities for a specified period not exceeding the duration of the training period or course or of both.”

c. C-26,
s. 61, am.

11. Section 61 of the said Code is amended

(1) by replacing the word “huit” in the first line of subparagraph *a* of the first paragraph of the French text by the figure “8”;

(2) by adding the words “, domiciled in Québec; if the president or any director ceases to be domiciled in Québec during his term, he is deemed to have resigned” after the word “citizens” in the first line of the second paragraph.

c. C-26,
s. 63, am.

12. Section 63 of the said Code is amended

(1) by inserting the words “of the first paragraph” after the letter “*b*” in the fourth line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraphs:

Order for an
election

“On the advice of the secretary of a corporation, the Office may order that an election be held on the date it fixes, where

(1) an election has not been held in accordance with the first and second paragraphs; or

(2) the Bureau does not have a quorum by reason of a vacancy.

Vacant
office

The Office may again order that an election be held on the date it fixes or may appoint an eligible person to a vacant office for the unexpired portion of the term of the director whom he replaces where

(1) the election ordered by the Office under the third paragraph has not been held; or

(2) the Bureau does not have a quorum despite the holding of the election ordered under the third paragraph.

Appoint-
ment

The Office may appoint an eligible person to a vacant office for the unexpired portion of the term of the director whom he replaces, where

(1) the election ordered by the Office under the fourth paragraph has not been held; or

(2) the Bureau does not have a quorum despite the holding of the election ordered under the fourth paragraph.”

c. C-26,
s. 64, am.

13. Section 64 of the said Code is amended by adding, after the second paragraph, the following paragraph:

Restriction

“No member may be a candidate, at the same time, for the office of president and for the office of director.”

c. C-26,
s. 65, am.

14. Section 65 of the said Code is amended

(1) by inserting the words “by regulation and” after the word “Government,” in the second line of the first paragraph;

(2) by replacing the word “order” in the third line of the second paragraph by the words “prescribe by regulation”.

c. C-26,
s. 67, am.

15. Section 67 of the said Code is amended

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

Nomination
of candi-
dates

67. Candidates for the office of director shall be proposed by way of a nomination paper signed by the candidate and delivered to the secretary of the corporation at least thirty days before the date fixed for the closing of the poll. The nomination paper must also be signed by five members of the corporation or by the number of members prescribed by regulation of the corporation.”;

(2) by striking out the words “however, he shall enter into office only on the date of the closing of the poll” in the second and third lines of the third paragraph.

c. C-26,
s. 69, am.

16. Section 69 of the said Code is amended

(1) by adding the words “and an envelope in which to insert the ballot paper, bearing the words “BALLOT PAPER DIRECTOR” and the name of the corporation” at the end of paragraph *a*;

(2) by adding the words “and an envelope in which to insert the ballot paper, bearing the words “BALLOT PAPER PRESIDENT” and the name of the corporation” at the end of paragraph *b*;

(3) by replacing the words “on which the word “ELECTION” is written” in the first and second lines of paragraph *c* by the words “bearing the word “ELECTION”, the name of the voter, his address and the name of the region in which he may exercise his right to vote”.

c. C-26,
s. 72, am.

17. Section 72 of the said Code is amended by inserting the words “referred to in paragraph *c* of section 69” after the word “envelope” in the third line.

c. C-26,
s. 76, am.

18. Section 76 of the said Code is amended by replacing the words “assume office upon their election and remain there” in the first line of the second paragraph by the words “enter into office on the date and at the time fixed under paragraph *b* of section 93 and remain in office”.

c. C-26,
s. 79, am.

19. Section 79 of the said Code is amended by inserting the words “or to express his opinion through a means of communication and subject to the conditions prescribed by regulation under paragraph *b* of section 94” before the word “shall” in the second line of the fourth paragraph.

c. C-26,
s. 84, am.

20. Section 84 of the said Code is amended

(1) by replacing the words “decisions shall be taken by a majority vote of the members present” in the second and third lines of the first paragraph by the words “every decision shall be taken by a majority

of the members present or of those members who express their opinion on the decision through a means of communication and subject to the conditions prescribed by regulation under paragraph *b* of section 94”;

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

Voting

“The members must vote or express their opinion in accordance with a regulation under paragraph *b* of section 94, except where there is an impediment thereto under a regulation or a ground for recusation considered sufficient by the president.”

c. C-26,
s. 86, am.

21. Section 86 of the said Code, amended by section 33 of chapter 54 of the statutes of 1987, is again amended

(1) by replacing the words and figure “fixed under paragraph *f* of section 94” in the first and second lines of subparagraph *g* of the first paragraph by the words and figure “prescribed under paragraph *c* of section 93”;

(2) by inserting the words “or certain classes of members” after the word “members” in the second line of subparagraph *k* of the first paragraph;

(3) by adding, after the third paragraph of subparagraph *p* of the first paragraph, the following subparagraphs:

“(q) designate, for the purposes of the regulation under the second paragraph of section 91, a provisional custodian and fix his remuneration, his responsibilities and powers and the conditions of the recovery of expenses incurred in his capacity as custodian from a professional or his assigns;

“(r) fix the duration, content, objectives, terms and conditions of a period of refresher training or a refresher course imposed on a professional under this Code.”

c. C-26,
s. 88,
replaced

22. Section 88 of the said Code is replaced by the following section:

Conciliation
and arbitra-
tion of
accounts

“**88.** The Bureau must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the corporation which may be used by persons having recourse to the services of the members.

Regulation

The regulation shall include

(1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part, provided the application for conciliation is made within 45 days after the day

he receives the account. The Bureau may extend the time limit up to a maximum of one year. Where the member has withdrawn or withheld sums from funds he holds or has received for or on behalf of the person, the time limit runs from the time the person becomes aware that such sums have been withdrawn or withheld;

(2) provisions for the setting up of a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;

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

Written agreement

The regulation may provide that where the fees or the specific terms and conditions allowing to determine the fees are fixed in a written agreement between the member and the person, the procedure may be used only to ensure that the services rendered are in conformity with the said agreement.”

c. C-26, s. 89, am.

23. Section 89 of the said Code is amended

(1) by adding the words “and of investment of the sums of money making up the fund” after the word “administration” in the seventh line;

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

Regulation

“The regulation shall also

(1) prescribe the terms and conditions for the presentation of claims to the indemnity fund and for payment of indemnities;

(2) fix the maximum amount of indemnities payable out of the indemnity fund in respect of the same claim.”

c. C-26, s. 90, am.

24. Section 90 of the said Code is amended by inserting the words “the composition, the number of members and” after the word “regulation,” in the first line.

c. C-26, s. 91, replaced
Rules for preservation of records

25. Section 91 of the said Code is replaced by the following section:

“**91.** The Bureau must determine, by regulation, rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional,

applicable in the event he is struck off the roll, ceases to practise or dies, his right to practise is restricted or suspended or his permit is revoked.

Provisional
custodian The regulation may prescribe the appointment of a provisional
custodian.”

c. C-26,
s. 93,
replaced
Regulations

26. Section 93 of the said Code is replaced by the following section:

“**93.** The Bureau must, by regulation,

(a) fix the quorum for general meetings of the members of the corporation and the manner of calling such meetings;

(b) fix the date of and procedure for the election of the president and the elected directors, the date and the time they take office and their term of office;

(c) prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate.”

c. C-26,
s. 94, am.

27. Section 94 of the said Code, amended by section 35 of chapter 54 of the statutes of 1987, is again amended

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

“(b) determine the means of communication through which members of the Bureau or the administrative committee who are not present or physically in attendance at the place where a meeting or sitting of the Bureau or committee, as the case may be, is being held may express their opinion for the purpose of making a decision, prescribe 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;”;

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

“(c) prescribe the standards for the keeping, holding or maintenance of records, books, registers, medications, poisons, products, substances, apparatus and equipment by a professional in the practice of his profession;”;

(3) by striking out paragraph *f*;

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

“(j) determine cases where a professional may be required to serve a period of refresher training or take a refresher course, or required to do both;”.

c. C-26,
s. 95, am.

28. Section 95 of the said Code is amended by replacing the first, second and third paragraphs by the following paragraphs:

Examination
and
approval

“**95.** Every regulation made by the Bureau under this Code or an Act constituting a professional corporation shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment.

Applicable
Act

The Regulations Act applies to any regulation adopted by the Bureau which is not a regulation within the meaning of that Act.”

c. C-26,
s. 96, am.

29. Section 96 of the said Code is amended by replacing the words “, except those which the latter must exercise by regulation” in the fourth and fifth lines of the first paragraph by the words “; however, the Bureau cannot delegate to it the power to make regulations”.

c. C-26,
s. 99, am.

30. Section 99 of the said Code is amended by inserting the words “or fails to express his opinion through a means of communication and subject to the conditions prescribed by regulation under paragraph *b* of section 94” after the word “sittings” in the second line of the second paragraph.

c. C-26,
s. 100, am.

31. Section 100 of the said Code is amended by adding, after the second paragraph, the following paragraph:

Decisions

“Every decision shall be taken by a majority of the members present or of those members who express their opinion through a means of communication and subject to the conditions prescribed by regulation under paragraph *b* of section 94.”

c. C-26,
s. 102, am.

32. Section 102 of the said Code is amended by replacing the first paragraph by the following paragraph:

General
meetings

“**102.** Every general meeting of the members of a corporation shall be called by the secretary of the corporation in the manner prescribed by a regulation under paragraph *a* of section 93.”

c. C-26,
s. 103, am.

33. Section 103 of the said Code is amended by replacing the word “three” in the second line by the word “six”.

c. C-26,
s. 105, am. **34.** Section 105 of the said Code is amended by inserting the words “paragraph *a* of” after the word “with” in the second line.

c. C-26,
s. 112, am. **35.** Section 112 of the said Code is amended by replacing the words “and registers” in the third line of the first paragraph by the words “, registers, medications, poisons, products, substances, apparatus and equipment”.

c. C-26,
s. 113,
replaced **36.** Section 113 of the said Code is replaced by the following section:

Refresher
training **“113.** The professional inspection committee may recommend to the Bureau of a corporation that it require a member of the corporation to serve a period of refresher training or take a refresher course, or require him to do both and that it restrict or suspend his right to engage in professional activities during the training period or course, or both, for the reason indicated by the committee.”

c. C-26,
Chap. IV,
Div. VII,
heading,
am. **37.** The heading of Division VII of Chapter IV of the said Code is amended by adding the words “, APPEAL AND PUBLICATION OF DECISIONS” after the word “DISCIPLINE”.

c. C-26,
s. 123, am. **38.** Section 123 of the said Code is amended by adding the following paragraph:

Decision of
committee
on discipline **“Where a complaint is lodged, the syndic or the assistant syndic shall, on the request of the person who requested the holding of an inquiry, transmit or make known to him the decision of the committee on discipline; the person is bound by any order banning publication or release that may be included in the decision by the committee.”**

c. C-26,
s. 125, am. **39.** Section 125 of the said Code is amended by replacing the words “shall be fixed by the Gouvernement” in the second line by the words “and of the persons chosen by the chairman in accordance with the second paragraph of section 138 shall be fixed by the Government”.

c. C-26,
s. 156, am. **40.** Section 156 of the said Code is amended

(1) by adding the words “in respect of each count contained in the complaint” after the word “penalties” in the line immediately preceding subparagraph *a* of the first paragraph;

(2) by adding the words “, even if he has not been entered thereon from the date of the offence” at the end of subparagraph *b* of the first paragraph;

(3) by replacing the words “two hundred dollars” in subparagraph *c* of the first paragraph by the figure “\$500”;

(4) by adding, after subparagraph *f* of the first paragraph, the following subparagraph:

“(g) restriction or suspension of his right to engage in professional activities.”;

(5) by adding, at the end of the third paragraph and after the word “imposes”, the words “, particularly the publication of a notice of the decision in a newspaper having general circulation in the locality where the professional principally practises his profession and a consequent exemption from publication of the notice provided for in the second paragraph of section 180.”

c. C-26,
s. 160,
replaced

41. Section 160 of the said Code is replaced by the following section:

Recommen-
dation for
refresher
training

“**160.** The decision of the committee on discipline may include a recommendation to the Bureau of the corporation that it require the professional to serve a period of refresher training or take a refresher course or require him to do both and that it restrict or suspend his right to engage in professional activities during the training period or course, or both, for the reason indicated by the committee.”

c. C-26,
s. 161, am.

42. Section 161 of the said Code is amended

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

Re-entry on
roll

“**161.** A professional struck off the roll or whose right to engage in professional activities has been restricted or suspended by the committee on discipline may request by way of a petition to the committee on discipline filed with the secretary before the expiry of the penalty, that he be entered on the roll, in the case of a striking off the roll, or that he be allowed to resume his full right to practise, in the case of a restriction or suspension.”;

(2) by adding, at the end of the second paragraph, the following sentences: “If the committee dismisses the petition, no new petition may be submitted before the expiry of the penalty unless the committee so authorizes. The decisions of the committee are not subject to appeal.”

c. C-26,
s. 162, am.

43. Section 162 of the said Code is amended

(1) by replacing the word “six” in the first line of the first paragraph by the word “eleven” and by replacing the words “a chairman among

them” in the third line of the said paragraph by the words “among them a chairman and a vice-chairman to replace him if he is absent or unable to act”;

(2) by striking out the second paragraph.

c. C-26,
s. 163, am.

44. Section 163 of the said Code is amended by striking out the second paragraph.

c. C-26,
s. 164, am.

45. Section 164 of the said Code is amended

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

Appeal

“**164.** An appeal lies to the Professions Tribunal from

(1) a decision of the committee on discipline ordering a provisional striking off the roll, allowing or dismissing a complaint, or imposing a penalty;

(2) any other decision of the committee on discipline, with the leave of the tribunal.

Service of
petition

Every appeal from a decision referred to in subparagraph 1 of the first paragraph shall be brought by way of a petition served on the parties and on the secretary of the committee on discipline. The petition must be filed at the office of the Provincial Court of the chief place of the judicial district where the respondent in first instance principally practises his profession, within thirty days of the service of the decision in accordance with the Code of Civil Procedure. However, no appeal from a decision allowing a complaint may be brought later than thirty days after the date of the decision imposing a penalty.

Leave to
appeal

A petition for leave to appeal must be filed at the office of the Provincial Court of the chief place of the judicial district where the respondent in first instance principally practises his profession, within thirty days of the date of the decision referred to in subparagraph 2 of the first paragraph. The petition must be served, in accordance with the Code of Civil Procedure, on the parties and on the secretary of the committee on discipline and must set out in detail the grounds for appeal.”;

(2) by inserting the words “or the decision granting leave to appeal” after the word “appeal” in the first line of the second paragraph;

(3) by replacing the words “A judge of the tribunal” in the line which precedes subparagraph *a* of the fourth paragraph by the words

“The chairman of the tribunal or one of the judges designated by him” and by replacing the word “second” in the third line of subparagraph *a* of the said paragraph by the word “fourth”;

(4) by replacing the word “second” in the third line of subparagraph *b* of the fourth paragraph by the word “fourth”.

c. C-26,
s. 167, am.

46. Section 167 of the said Code is amended by inserting the words “under the second paragraph of section 164 or within fifteen days of the decision granting leave to appeal in the case provided for in the third paragraph of the said section” after the word “petition” in the first line of the first paragraph.

c. C-26,
s. 177.1,
added

47. The said Code is amended by inserting, after section 177, the following section:

Corrections

“177.1 The tribunal may correct any decision it has rendered; article 475 of the Code of Civil Procedure applies, adapted as required.

Revision

Moreover, the tribunal may revise any decision it has rendered

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a substantive or procedural defect is likely to invalidate the decision;

(3) where the decision contains an error in writing or calculation or any other clerical error.”

c. C-26,
s. 178, am.

48. Section 178 of the said Code is amended

(1) by replacing the figure “177” in the second line by the figure “177.1”;

(2) by replacing the second sentence by the following sentence: “The rules of practice must be submitted to the Government, which may approve them with or without amendment.”

c. C-26,
s. 179, am.

49. Section 179 of the said Code is amended by replacing the words “appeal tribunal” in the first and second lines by the words “Professions Tribunal on an appeal from a decision of that committee”.

c. C-26,
s. 180,
replaced

50. Section 180 of the said Code is replaced by the following sections:

Notice to
members

“180. The secretary of the committee on discipline must send to each member of the corporation to which a professional belongs who is struck off the roll, whose right to practise is restricted or suspended or whose permit or specialist’s certificate is revoked, a notice of the final decision of the committee on discipline or the Professions Tribunal, as the case may be, imposing the striking off, restriction, suspension or revocation and, where applicable, a notice of any decision of the tribunal correcting or revising such a decision. The notice shall contain the name of the convicted professional, his principal place of practice and the address thereof, the name of the corporation of which he is a member, his specialty, if any, the nature and the date of the offence committed and a summary and the date of the decision.

Publication

In addition, the secretary of the committee on discipline must publish the notice in a newspaper having general circulation in the place where the professional principally practised his profession, unless he is exempted therefrom by the committee.

Notice to
members

“180.1 The secretary of the corporation to which a professional belongs who is struck off the roll or whose right to practise is restricted or suspended must send to each of its members a notice of the final decision of the Bureau or the Professions Tribunal, as the case may be, imposing the striking off, restriction or suspension and, where applicable, a notice of any decision of the tribunal correcting or revising such a decision. The notice shall contain the name of the professional, his principal place of practice and the address thereof, the name of the corporation of which he is a member, his specialty, if any, and a summary and the date of the decision.

Transmis-
sion of final
decision

In addition, the secretary of the corporation must transmit to the Office every final decision of the Bureau or the Professions Tribunal, as the case may be, imposing a permanent striking off the roll or a permanent restriction or suspension of a professional’s right to practise, and, where applicable, any decision correcting or revising such a decision.

Publication

“180.2 The notices provided for in the first paragraphs of sections 180 and 180.1 may be published or inserted in an official or regular publication of the corporation sent to each of its members. If they are published, the notices must be laid out in a box not less than two columns wide, under the title “NOTICE OF RESTRICTION AND SUSPENSION OF RIGHT TO PRACTISE, STRIKING OFF THE ROLL OR REVOCATION”.”

c. C-26,
s. 182, am.

51. Section 182 of the said Code is amended

(1) by replacing the words “or to revoke his permit” in the second line of the first paragraph by the words “, restrict or suspend a professional’s right to practise or revoke the permit or specialist’s certificate of a professional and a notice of every decision correcting or revising such a decision”;

(2) by replacing the words “had been permanently struck off the roll” in the second and third lines of the second paragraph by the words “has been permanently struck off the roll or whose permit has been revoked”.

c. C-26,
s. 183, am. **52.** Section 183 of the said Code is amended by replacing the second paragraph by the following paragraph:

Coming into
force “Regulations made under this section shall come into force fifteen days after the date of their publication in the *Gazette officielle du Québec* or on any later date fixed in the regulations.”

c. C-26,
s. 184, am. **53.** Section 184 of the said Code is amended by replacing the second paragraph by the following paragraph:

Applicable
Act “The Regulations Act applies to any regulation made by the Government which is not a regulation within the meaning of that Act.”

c. C-26,
s. 186, am. **54.** Section 186 of the said Code is amended

(1) by inserting the words “, by regulation,” after the word “fix” in the first line of the first paragraph;

(2) by striking out the second paragraph.

c. C-26,
s. 188, am. **55.** Section 188 of the said Code is amended

(1) by replacing the words “two hundred dollars nor more than two thousand dollars” in the fourth line of the first paragraph by the words and figures “\$500 nor more than \$5 000”;

(2) by striking out the second paragraph.

c. C-26,
ss. 188.1 to
188.3,
added **56.** The said Code is amended by inserting, after section 188, the following sections:

Offence “**188.1** Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in section 188 who

(1) is not a member of a professional corporation and knowingly allows himself to be announced or designated by a title, an abbreviation

of a title or initials reserved to members of such a corporation or by any other title that may lead to the belief that he is a member of such a corporation;

(2) knowingly announces or designates a person who is not a member of a professional corporation by a title, an abbreviation of a title or initials reserved to members of such a corporation, or by any other title that may lead to the belief that he is a member of such a corporation;

(3) knowingly leads, by his authorization, advice, order or encouragement, but otherwise than by soliciting or receiving professional services from a person who is not a member of a professional corporation whose members practise an exclusive profession, a person who is not a member of such a corporation to

(a) engage in a professional activity reserved to members of such a corporation;

(b) use a title or an abbreviation of a title reserved to members of such a corporation or any other title which may lead to the belief that he is a member of such a corporation;

(c) use initials reserved to members of such a corporation;

(4) knowingly leads, by his authorization, advice, order or encouragement, but otherwise than by soliciting or receiving professional services from a person who is not a member of a professional corporation whose members practise a profession with a reserved title, a person who is not a member of such a corporation to

(a) use a title or an abbreviation of a title reserved to members of such a corporation, or any other title which may lead to the belief that he is a member of such a corporation;

(b) use initials reserved to members of such a corporation.

Offence

“**188.2** Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in section 188 who

(1) is not the holder of a specialist’s certificate and knowingly allows himself to be announced or designated by a specialist’s title or a title which may lead to the belief that he may act as a specialist;

(2) knowingly announces or designates a person who is not the holder of a specialist’s certificate by a specialist’s title or a title which may lead to the belief that he may act as a specialist;

(3) knowingly leads, by his authorization, advice, order or encouragement, but otherwise than by soliciting or receiving professional services from a person who is not the holder of a specialist's certificate, a person who is not the holder of such a certificate to

(a) use a specialist's title or a title which may lead to the belief that he is a specialist;

(b) act in such a way as to lead to the belief that he is a specialist.

Legal
person

"188.3 Where a legal person is guilty of an offence under section 188.1 or 188.2, every director, executive, officer, representative, attorney or employee of the legal person who knowingly authorized, encouraged, ordered or advised the commission of the offence is guilty of an offence and is liable to the fine prescribed in section 188."

c. C-26,
s. 191, am.

57. Section 191 of the said Code is amended by replacing the word and figure "section 188" in the first line of the first paragraph by the words and figures "any of sections 188, 188.1, 188.2 and 188.3".

c. C-26,
s. 192, am.

58. Section 192 of the said Code, amended by section 78 of chapter 95 of the statutes of 1986, is again amended by inserting the words ", or a judge of that tribunal," after the word "tribunal" in the third line of the first paragraph and by inserting the words "or by a Bureau" after the word "discipline" in the fourth line of the said paragraph.

c. C-26,
s. 193, am.

59. Section 193 of the said Code is amended by inserting the words "or by a Bureau" after the word "discipline" in the sixth line.

c. C-26,
Schedule I,
am.

60. Schedule I to the said Code, amended by section 3 of chapter 17 of the statutes of 1987, is again amended

(1) by inserting the words "et conseillères" after the word "conseillers" in the first line of paragraph 28;

(2) by inserting the words "et techniciennes" after the word "techniciens" in the first line of paragraph 33;

(3) by adding, after paragraph 38, the following paragraphs:

"39. The Corporation professionnelle des technologues des sciences appliquées du Québec;

"40. The Corporation professionnelle des inhalothérapeutes du Québec."

TRANSITIONAL AND FINAL PROVISIONS

- 61.** The amendment by paragraphs 1 and 2 of section 60 of the names of the professional corporations appearing in paragraphs 28 and 33 of Schedule I to the Professional Code in no way affects the rights or the obligations of the corporations.
- 62.** In every proclamation, resolution, regulation, by-law, order-in-council, order, contract or other document, the names "Corporation professionnelle des conseillers d'orientation du Québec" and "Corporation professionnelle des techniciens dentaires du Québec" shall be replaced, respectively, by the names "Corporation professionnelle des conseillers et conseillères d'orientation du Québec" and "Corporation professionnelle des techniciens et techniciennes dentaires du Québec", with the required adaptations.
- 63.** Until the coming into force of a regulation made under paragraph *b* of section 93 of the Professional Code as amended by section 26 of this Act, the president and directors elected to the Bureau of a corporation shall take office on the date of their election.
- 64.** Until the coming into force of a regulation made under paragraph *a* of section 93 of the Professional Code as amended by section 26 of this Act, every general meeting of the members of a corporation shall be called by the secretary of the corporation by means of a notice sent by mail to each member, at least thirty days before the date of the meeting, along with the agenda of the meeting.
- 65.** The amendments to section 37 of the Professional Code, enacted by paragraph 1 of section 5, have effect from 15 April 1987. The second paragraph of section 95 of the said Code, enacted by section 28, has effect from 1 September 1986. The provisions of subparagraphs 2 and 3 of the second paragraph of section 88 of the said Code, enacted by section 22, and the amendments to section 125 of the said Code, enacted by section 39, have effect from 6 July 1973.
- 66.** Matters pending before a committee on discipline or the Professions Tribunal on 17 June 1988 shall be continued and decided pursuant to the provisions of the Professional Code as they read before that date.
- 67.** Section 44 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the words "paragraph *f*," in the second line by the words "paragraph *c* of section 93 and paragraphs".
- 68.** This Act comes into force on 17 June 1988.